

DAVID BRILEY  
MAYOR



# METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission  
Sunnyside in Sevier Park

## METRO HISTORIC ZONING COMMISSION (MHZC) MINUTES April 17, 2019

**Commissioners Present:** Chairman Bell, LaDonna Boyd, Leigh Fitts, Kaitlyn Jones, Elizabeth Mayhall, Ben Mosley, David Price

**Zoning Staff:** Sean Alexander, Melissa Baldock, Paul Hoffman, Melissa Sajid, Jenny Warren, Robin Zeigler (historic zoning administrator), Susan Jones

**Applicants:** Adam LaFevor, Ken Renner and Jack Marnhout, Curtis Deckman, Wesley Weeks, Rob Riley, Ben Kelly, Will Jenner, Doug and Sherri Lackey, Clay Adkisson, Van Pond

**Councilmembers:** Colby Sledge

**Public:** Barry Walker, David Craig, Ronald Smith, Jr., Ellis Galyon, Ken Browning, Carol Ashworth, Jeff Meltesen, Mary Ann McCready, Pete Prosser

Chairman Bell called the meeting to order at 2:12 p.m.

Chairman Bell read information about the amount of time people have to speak, the process of the consent agenda and the process for appeals.

### I. ADOPTION OF AGENDA

**NOTICE TO THE PUBLIC:** Items on the agenda may be removed or moved at this time.

Staff member, Robin Zeigler noted that 229 Chapel Ave and 300 Broadway requested a deferral.

#### **Motion:**

**Commissioner Mosley moved to approve the revised agenda with the requested deferrals. Commissioner Boyd seconded and the motion passed unanimously.**

### II. RECOGNITION OF COUNCILMEMBERS

Councilmember Sledge chose to waive his right to speak until the case came up on the agenda.

### III. APPROVAL OF MINUTES

a. March 20, 2019

#### **Motion:**

**Commissioner Jones moved to accept the minutes as presented. Commissioner Boyd seconded and the motion passed unanimously.**

### IV. CONSENT AGENDA

Staff member, Jenny Warren, presented the cases for the consent agenda.

#### **b. 1303 STRATTON AVE**

Application: New Construction—Addition; Demolition--Partial  
Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Baldock [Melissa.Baldock@nashville.gov](mailto:Melissa.Baldock@nashville.gov)  
PermitID#: T2019019616

**c. 108 ROSEBANK AVE**

Application: New Construction—Addition; Demolition--Partial  
Council District: 06  
Overlay: Eastwood Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Baldock [Melissa.Baldock@nashville.gov](mailto:Melissa.Baldock@nashville.gov)  
PermitID#: T2019019627

**d. 1519 FORREST AVE**

Application: New Construction—Addition; Demolition-Partial  
Council District: 06  
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Baldock [Melissa.Baldock@nashville.gov](mailto:Melissa.Baldock@nashville.gov)  
PermitID#: T2019019636

**e. 144 2ND AVE N**

Application: Signage  
Council District: 19  
Overlay: Second Avenue Historic Preservation Zoning Overlay  
Project Lead: Jenny Warren [Jenny.Warren@nashville.gov](mailto:Jenny.Warren@nashville.gov)  
PermitID#: T2019019653

**f. 1307 GREENFIELD AVE**

Application: New Construction—Addition and Outbuilding  
Council District: 07  
Overlay: Inglewood Place Neighborhood Conservation Zoning Overlay  
Project Lead: Sean Alexander, [sean.alexander@nashville.gov](mailto:sean.alexander@nashville.gov)  
PermitID#: T2019020182, T2019020184

**g. 2129 BELMONT BLVD**

Application: New Construction - Addition; Setback Determination  
Council District: 18  
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay  
Project Lead: Jenny Warren, [jenny.warren@nashville.gov](mailto:jenny.warren@nashville.gov)  
PermitID#: T2019020225

**Motion:**

**Commissioner Tibbs moved to approve all items on consent with their applicable conditions. Commissioner Boyd seconded and the motion passed unanimously.**

**V. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTIONS**

Staff member, Robin Zeigler, noted that the Councilmember wished to be present for the Marathon case and asked if the item could be moved down the agenda.

**h. MARATHON HISTORIC PRESERVATION ZONING OVERLAY**

Application: Historic Preservation Zoning Overlay and Design Guidelines  
Council District: 19  
Project Lead: Robin Zeigler [robin.zeigler@nashville.gov](mailto:robin.zeigler@nashville.gov)

Councilmember O'Connell has filed for a historic preservation zoning overlay for Marathon Village. The proposed district includes two complexes listed in the National Register of Historic Places, industrial buildings associated with the manufacturing industry, and the area that included the residential "village" which was associated with the industries that were located in this area.

The two buildings listed in the National Register of Historic Places are the Mill building (1200-1310 Clinton Street) and the Administrative building (1305 Clinton Street). In 1995, the National Park Service found the district eligible for the National Register of Historic Places under Criterion A of the National Register's criteria for its significance to the industrialization of Nashville and Tennessee between 1881 and 1914. Marathon Village represents Nashville's and the state's industrial and economic history, reflected in the changing uses of the buildings from Nashville Cotton Mills to Marathon Motor Works. Although the building underwent modifications in the period between serving as a cotton mill and an automobile manufacturing plant, few changes have occurred since 1912.

The overlay also includes areas beyond the industrial buildings themselves to capture a portion of the "village" associated with the manufacturing industry in this section of the city. The industrial strip at 1404 Clinton Street, as well as two additional buildings: George M. Fly & Sons located at 1419 Clinton Street and the Seigh Brothers Grocery located at 1314 Jo Johnston Avenue. They are contributing buildings to the overlay because of their association with the industrialization of Nashville Tennessee.

Additional historical information is available in the draft design guidelines.

The proposed district meets section 17.36.120.A.5 as a portion of the district is listed in the National Register of Historic Places. The areas outside of the National Register district meets section 17.36.120A.1 due to its association with the Werthan Industrial complex and its contribution to the understanding of the history of the industrialization of Nashville.

Councilmember O'Connell, was not present.

Barry Walker, a primary property owner within the proposed district, stated the reasons he was interested in the overlay was to protect the historic character of the area. It is a way to give back to Nashville. The most expensive properties now in Nashville are on lower Broadway and now Marathon is the #2 tourist destination of Nashville so he is not concerned about a loss in value because of the overlay.

David Craig, speaking on behalf of his sister, Mary Rucker who owns 1414 Jo Johnston and other lots, said he does not understand the changes being asked for and does not think the area is historic. They have plans for their property and do not want to be limited in what they can do. He opposes the overlay.

Ronald Smith, Jr., speaking for himself and his aunt, Sandra Graves who own 1402-1412 Jo Johnston Street, said they would like to have their properties removed. They are not sure what is going on, but just received a letter informing them of the pending overlay. They want to take their properties out of the overlay. In response to Commissioner Mosley's question, Mr. Smith indicated that there are buildings on his property.

Ellis Galyon, owner of 1200-1214 Jo Johnston Avenues, has owned it since 1985. His bank has notified him it is a problem for the business if his properties comes under the overlay, because appraisers told him the value would be reduced by 30%. They have tried to do with the least amount of signage possible. They are a new car dealership and need signage as required by the state. He recognizes the value of Marathon Village but requests removal of his property, and says that will not affect Marathon.

Ken Browning, owner of 607 14<sup>th</sup> Ave N, echoed the sentiments of others: his property has no historic significance and he has no interest in being included in the overlay, though it is fine for Marathon to have an overlay.

Commissioner Tibbs said that he would not disagree with some of the properties being excluded and wondered the reasoning in including some of these seemingly non-contributing properties. Ms. Zeigler responded that the purpose in including some of these properties was to maintain historic view sheds.

Ms. Zeigler further explained that the Commission's charge today is to recommend/not recommend approval to City Council. Further meetings must be held and the property owners would have ample time to meet with the Councilperson to discuss boundary revisions, if that was desired.

Commissioner Tibbs stated that their role is to determine if the area qualifies, which it does. He encouraged the property owners to talk to the Councilperson about changing the boundaries.

Commissioner Boyd asked if it was prudent to take a vote now, as she would prefer to see a potential boundary revision first.

Legal Counsel was consulted and Ms. Jones stated that the Commission could defer the item if they would like. Discussion ensued on the details of the deferral.

Commissioner Price and Tibbs agreed that they would like to defer, to allow the property owners to talk with the Councilperson further. Commissioner Fitts asked questions about the public process that had taken place.

**Motion:**

**Commissioner Tibbs moved to defer. Commissioner Price seconded and the motion passed unanimously.**

**VI. PREVIOUSLY DEFERRED ITEMS**

The items below were deferred at a previous MHZC meeting at the request of the applicant.

**i. 200 ENSWORTH AVE (3964 WOODLAWN DR)**

Application: New Construction—Infill

Council District: 24

Overlay: Woodlawn West Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock [Melissa.Baldock@nashville.gov](mailto:Melissa.Baldock@nashville.gov)

PermitID#: T2019019663

Staff member, Melissa Baldock, presented the case for new construction at 200 Ensworth. The lot is a portion of what was, until recently, a larger lot. The non-contributing house on the lot was demolished in 2018. Three lots were established in its place. For background, at the July 2018 MHZC public hearing, The Commission considered the designs for infill and outbuildings on the three lots. MHZC approved the infill and outbuildings for 145 Montgomery Bell and 3960 Woodlawn, and these two houses are currently under construction. At that July hearing, the applicant deferred the application for the infill and outbuilding at 200 Ensworth. The Commission is considering a revised design today for that lot.

200 Ensworth has a slip lane that bisects the lot, creating a triangular piece that is still part of the lot at 200 Ensworth. This street condition was created in 1929-1930. The applicant may be working with Metro Public Works to close the slip lane portion of Ensworth to make the lot at 200 Ensworth square at two hundred feet by two hundred feet (200' X 200').

Typically, the MHZC requires houses to be oriented towards the narrow end of the lot. In this case, 200 Ensworth will be a square-shaped lot, and orientation towards Ensworth or Woodlawn could be appropriate. The infills approved at 3960 Woodlawn and 145 Montgomery Bell Avenue are oriented towards Woodlawn, although they are the only properties within the Woodlawn-West district to face Woodlawn. The applicant has designed the infill so that there are entrances facing both Ensworth and Woodlawn, which staff finds to be appropriate.

The infill has a deep front setback from Ensworth Avenue, so as to better line up with the house at 148 Ensworth. Staff finds that all of its setbacks are appropriate. The infill does have an attached garage at the first floor level. The design guidelines currently state that garages should be detached, unless they can be located fully at the basement level. At the request of the neighborhood, MHZC looked at the context for garages in the different parts of the Woodlawn-West Neighborhood Conservation Zoning Overlay. Staff concluded that outbuildings along Kimpalong and Wilson Boulevard were typically detached and located at the rear of the lot, as seen on the 1951 Sanborn Map. Future garages should therefore be detached on these streets.

Because the lots facing Ensworth Avenue are deep, historically, garages were either attached or were detached but located at the center of the lot, closer to the house. Staff therefore concluded that garages for infills facing Ensworth Avenue and Woodlawn could either be attached or detached. The full analysis of this conclusion was included in the staff recommendation. If the Commission approves the attached garage for the infill at 200 Ensworth Avenue, then it will also be adopting the attached outbuilding policy for the Woodlawn-West Neighborhood Conservation Zoning Overlay.

The infill's attached garage will be accessed via a driveway on Ensworth Avenue, towards the back of the lot. The garage doors will face the rear of the lot, not the street, which is appropriate. The Ensworth façade will contain the primary entrance to the house. The proposed infill is one-and-a-half stories in height, which meets the historic context. The maximum ridge height of the infill is thirty-six feet, eight inches (36'8"). Staff finds this to be appropriate, as the historic houses along Ensworth Avenue range in height from nineteen to thirty-six feet (19'-36'). The eave height of the infill is approximately nine feet, six inches (9'6").

The infill will also address Woodlawn with an entry facing that street, which staff finds to be appropriate. Staff finds that the infill's height, scale, roof forms, materials, fenestration pattern, and overall design meet the design guidelines.

Staff recommends approval of the infill with the following conditions:

1. The finished floor height be consistent with the finished floor heights of the adjacent houses, to be verified by MHZC staff in the field;
2. The cedar siding be smooth;
3. The stairs and floor of the front and side stoops be wood or concrete;
4. Staff approve a brick sample, the roof shingle color and texture, and all windows and doors prior to purchase and installation;
5. The HVAC be located behind the house or on either side, beyond the mid-point of the house.

With these conditions, staff finds that the proposed infill meets Section II.B. of the design guidelines for the Woodlawn-West Neighborhood Conservation Zoning Overlay.

Chris Goldbeck, architect for the project, said they agreed with all conditions.

There were no requests to speak.

Commissioner Mosley noted that the easement and other constraints as well as the uniqueness of the development of Ensworth were all valid reasons for treating this property differently than typical. Commissioner Tibbs noted that originally they requested the house be oriented to both Ensworth and Woodlawn, which this design does successfully.

**Motion:**

**Commissioner Mosley moved to approve the infill with the following conditions:**

- 1. The finished floor height be consistent with the finished floor heights of the adjacent houses, to be verified by MHZC staff in the field;**
  - 2. The cedar siding be smooth;**
  - 3. The stairs and floor of the front and side stoops be wood or concrete;**
  - 4. Staff approve a brick sample, the roof shingle color and texture, and all windows and doors prior to purchase and installation;**
  - 5. The HVAC be located behind the house or on either side, beyond the mid-point of the house;**
- finding that with these conditions the proposed infill and outbuilding meet Section II.B. of the design guidelines for the Woodlawn-West Neighborhood Conservation Zoning Overlay. Commissioner Tibbs seconded and the motion passed unanimously.**

**j. 2020 10TH AVE S**

Application: Demolition

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Sajid [Melissa.Sajid@nashville.gov](mailto:Melissa.Sajid@nashville.gov)

PermitID#: T2019019571

[Public comment was received via email and shared with Commissioners via email.]

Staff member, Melissa Baldock, presented the case for demolition of 2020 10<sup>th</sup> Avenue South. 2020 10<sup>th</sup> Avenue South is a c. 1880s, one-story frame house. It is one of the oldest houses in the Waverly-Belmont Neighborhood Conservation Zoning Overlay, if not the oldest. If the address seems familiar, it has appeared on MHZC agendas several times over the last year. The applicant has previously applied for demolition four times, from July through October last year, but each time, the applicant requested a deferral prior to the hearing. Applications for additions have previously appeared on three MHZC agendas in 2019, but again, each time, the applicant requested a deferral.

This month, the applicant has submitted two applications, one for full demolition of the entire house and one for an addition and partial demolition. We will present and discuss the two applications separately, starting with the application for demolition.

2020 10<sup>th</sup> Avenue South is one of the oldest houses in the Waverly-Belmont neighborhood. The black and white photo here is from c. 1968, and you can see that the house's form, and defining historic features have not changed in the last 50 years. Historically, the house was known as the Spillman House for former owners of the house and likely the original owners. Casper Spillman was a gardener and both he and his wife emigrated from Switzerland. The couple purchased the land from the W.L.B. Lawrence in 1874 and likely built the house, although the exact date of construction is not known.

The National Register nomination for the Waverly Place National Register Historic District lists the structure as contributing and describes it as c. 1880 building that is "1-story, frame, Italianate cottage, aluminum siding, recessed corner porch, gable roof, 4-bay." The exact date of construction for the house has not been determined. From examining the interior of the house and the house's Italianate details, staff finds that the estimated date of 1880 makes sense. The Italianate design is more prevalent in areas developed before the building boom of this district, which also supports the early date of construction.

If the c. 1880 date of construction is correct, and staff believes that it is a good estimate, then the house at 2020 10<sup>th</sup> Avenue South predates the platting of the Waverly-Belmont Neighborhood for development in 1888. This 1888 map shows the platting of development of the Waverly-Place Neighborhood. While most of the area is divided up into smaller lots, the land where 2020 10<sup>th</sup> Avenue South is located is not shown as subdivided but rather is part of Casper Spillman's land.

The c. 1888 map of the platting of the Waverly Place neighborhood does not show any building footprints, but it is assumed that the house at 2020 10<sup>th</sup> Avenue South was constructed prior to this 1888 map. As mentioned earlier, Spillman had purchased this property in 1874, 14 years before Waverly Place was platted. Casper Spillman died in 1892, but members of his family continued to live in the house. Members of the Spillman family are listed as living here in the 1898 City Directory. The Spillmans began to sell off the property beginning around 1903.

The earliest insurance maps to include this part of Nashville are the 1908 Hopkins map. This is the 1908 Hopkins map for the former Spillman property. You can see 2020 10<sup>th</sup> Avenue South in its existing location, and you can also see that much of the property that was formerly the Spillman land had yet to be developed, although the neighborhood has a whole was beginning to build up. The 1914 Sanborn Map also shows 2020 10<sup>th</sup> Avenue South and the neighborhood beginning to grow up around it.

Until 2018, the house sat on a larger, wider lot. In 2018, Metro subdivided the lot into two parcels. As a result, the lot at 2020 10<sup>th</sup> Avenue South became narrower than typical lots in the area at approximately forty-five feet (45') wide at the front. MHZC approved new infill construction, with conditions, for the newly created parcel at 2018 10<sup>th</sup> Avenue South in July 2018. MHZC staff never received revised drawings meeting the Commission's

conditions for approval, so MHZC staff has not issued yet the preservation permit for that infill.

The applicant proposes to demolish this contributing home to the Waverly-Belmont National Register district and the Waverly Belmont Neighborhood Conservation Zoning Overlay. MHZC's staff has inspected the interior and the exterior of the house and has not identified major structural issues that would prevent the house from being rehabilitated as a residence. The applicant is arguing that the house can be demolished because it is non-contributing due to the fact that it is earlier than the period of significance identified in the Waverly-Belmont Neighborhood Conservation Zoning Overlay Design Guidelines.

The boundaries of the Waverly-Place National Register nomination are smaller than those of the Waverly-Place Neighborhood Conservation Zoning Overlay. On this map, the grey is the Conservation Zoning Overlay and the pink is the National Register District. 2020 10<sup>th</sup> Avenue South is located within both districts. The period of significance for the National Register district is 1880-1935. That report specifically states that 2020 10<sup>th</sup> Avenue South is contributing.

The design guidelines for the Waverly-Belmont Neighborhood Conservation Zoning Overlay state that the development of the neighborhood began in the 1890s and lists its period of significance as 1890-1955. We know that the Spillman house at 2020 10<sup>th</sup> Avenue South likely predates the platting of the neighborhood for development and was constructed prior to the major wave of development in the area. Hence it is outside of the major era of development, because it predates it. That, however, does not make the house any less significant or any less contributing to the area's historic character. The house helps to tell the story of the neighborhood, as it is a remnant of a time prior to the major development boom of the area.

The applicant did not provide any information such as evidence of a later construction date than currently believed or evidence that the building no longer has historic integrity. The request for demolition is based on "home not built in the period of significance for the Waverly-Belmont overlay."

"Period of significance" is a term developed by the National Park Service to identify a time period in which a building or site experienced its most important, or "significant," history. For local districts, the period of significance is the period of greatest growth and development. Neither the National Register nor local design guidelines attempt to use the term to define the overall historic dates of a district.

The National Parks Service describes: *Period of significance refers to the span of time during which significant events and activities occurred. Events and associations with historic properties are finite; most properties have a clearly definable period of significance.*

The period of significance for a district is not related to "contributory status" or whether or not a building is historic. For instance, one building can have multiple periods of significance that might be specific dates or date ranges. Those dates may or may not correspond to the building's date of construction. Contributory status is determined based on the date of construction, historic integrity and how the building fits into, or does not fit into, the overall character and development of the district.

The building has not irretrievably lost its integrity and removal of the building will result in a loss of an important part of the district's story since the building was constructed prior to the majority of development in the area. This may be the only building, or among a small number of buildings, that speak to this early time period of the district. The applicant did not submit any information with which to review Section V.B.2.c for economic hardship of the design guidelines. Staff therefore finds that 2020 10<sup>th</sup> Avenue South contributes to the historic and architectural character of the Waverly-Belmont conservation overlay and further finds that its demolition does not meet the design guidelines.

Although the staff and the Commission spend a lot of time reviewing additions, outbuilding, and infill houses in our overlays, the single most important thing that we are tasked to do is to prevent the demolition of historic houses and buildings within our historic, conservation, and landmark overlays.

Staff recommends disapproval of full-demolition, finding the request meets Section V.B.1 of the design guidelines for inappropriate demolition and does not meet Section V.B.2 of the design guidelines for appropriate demolition.

Adam LaFevor, counsel for applicant, said they will not tear the building down. He stated that there is no mechanism to apply and make the argument that the building is non-contributing. They are willing to enter into a deed restriction stating that the building not be demolished if the Commission determines that the building is non-contributing and could be demolished. Their goal is to have the building deemed non-contributing, as this would give the owner more leeway regarding the addition. Mr. LaFevor made the argument that this property should not be considered contributing, because it was constructed prior to the period of significance for the overlay, which is from 1890 to 1955. They will discuss the addition they would like to construct next, but for this application, they are asking the Commission to approve demolition, subject to a deed restriction, which would forever prohibit this house from being torn down.

Commissioner Tibbs asked legal to weigh in on the request. Ms. Jones said that while it was unusual, the request is a demolition request and that the Commission has authority to impose conditions on any of its rulings, and that from a legal standpoint, this could be characterized as a demolition request with a condition not to demolish.

Ms. Zeigler added some clarification about the period of significance, which she said is intended to identify the most important historic period of a district or a building, but that properties constructed outside of a period of significance can also be historic.

Ms. Jones added that while the Commission ultimately needs to decide if the property should be demolished or not, in doing so, they must determine whether it is significant or not. The Commission must make that decision and then decide whether to grant demolition or not, based on that.

Carol Ashworth, 919 Caruthers Avenue, representing 232 people who have signed a petition asked that the historic house not be demolished. The first guiding principle of the overlay is to protect historic buildings. If there ever was a house that contributes to the history of the neighborhood, it is this house. She hopes the developers can see the unique value of this property and treat it with a sensitive and respectful renovation.

Jeff Meltesen, 2026 10<sup>th</sup> Avenue South, said he doesn't want the house demolished or deemed non-contributing as it is an important house in the neighborhood. The contributory status was known when the purchase was made, and it seems a little preposterous that the owner is suggesting that this house is not historic. This is the 4<sup>th</sup> time he has come to a meeting because of all the deferrals.

Councilman Sledge said this is the most frustrating experience he has had before the Commission. When conversations began regarding the overlay, he and the neighbors said that they would all work together to do what is best for the neighborhood. His position about the former subdivision process was that he wanted the issue to be heard, and subdivision would be a way to come to a compromise and do what is best for both the applicant and the neighborhood. The subdivision was granted, and due to the wide lot, he felt that this was the right decision as it would allow for both new construction and the preservation of the historic house. He stated that shortly after, when a demolition request was filed, the neighborhood felt betrayed. He has been by multiple times and seen that all the doors were wide open to the elements and he would close each door to try and protect the property. It is a profoundly contributing property. He said that we can talk about the addition under the next item, because that is where a compromise can be found, but he does not believe that the applicant recognizes that the structure is in fact contributing. He does not have the trust that the applicant will uphold their request for approval of demolition with a deed restriction. He asked that the Commission not approve the request.

Adam LaFevor, alleged that they are following the plain language of the overlay.

Commissioner Jones said that in her opinion, the Commission had already spent too long talking about the demolition of this property. It is the most significant historic building in the neighborhood, if not one of the most in all of Nashville. The way the applicant has tried to circumvent the process is semi-insulting. She disagrees with the applicant that the property is not historic. Their primary charge is to keep historic homes. She also acknowledged Mr. Meltesen's comment regarding the repeated deferrals and mentioned how this concern was heard loud and clear and that the Commission recently changed the process, making repeated deferrals more difficult.

Commissioner Tibbs noted that a survey is done at the time of designation, contributory status is a decision made



with research. He does not support demolition or calling it non-contributing.

Commissioner Mosley asked if the survey is published.

Ms. Zeigler explained that contributory status is not posted on the MHZC website, as contributory status can change, but it is something that people can call and ask, and that in this case, staff did inform the ownership multiple times that the property is contributing.

Commissioner Price said the house is clearly contributing and that the request is absurd and attempting to get away with demolition in a historic neighborhood based on a wording technicality that doesn't have any grounding in reality.

Commissioner Mosley moved to disapprove full-demolition finding the request meets section V.B.1 of the design guidelines for inappropriate demolition and does not meet section V.B.2 of the design guidelines for appropriate demolition. Commissioner Boyd seconded and the motion passed unanimously.

**k. 2020 10TH AVE S**

Application: New Construction—Addition; Demolition-Partial

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock [Melissa.Baldock@nashville.gov](mailto:Melissa.Baldock@nashville.gov)

PermitID#: T2019001466

[Public comment was received via email and shared with Commissioners via email.]

Staff member, Melissa Baldock, presented the case for an addition at 2020 10<sup>th</sup> Avenue South. The applicant proposes some partial demolition as part of this application for an addition. The applicant intends to demolish an existing one-story extension, a garage at the alley, and a carport near the house. Staff finds the removal of these features to be appropriate, as none of them appear on the 1957 Sanborn map and they do not contribute to the historic character of the house.

The applicant is also proposing to alter window and door openings on the right and left facades towards the back. Alteration to window openings on the historic house is considered to be partial demolition. On the right elevation, the applicant intends to remove the existing window opening and replace it with three, shorter windows. The window removed from the right elevation will be relocated to this left elevation. The existing window will be shifted slightly and the window from the right elevation installed here. Because these window alterations are happening towards the back of the historic house and because the applicant intends to use the same casings and windows, staff finds these alterations to be appropriate.

The applicant is showing the removal of several, character-defining features of the historic house at the front. These Italianate features include the doorway and transom and the dentil cornice and intricate brackets. They are not shown on the drawings, but staff finds that they are significant, character-defining features of the house that should not be removed.

On the left façade, staff has concerns about the proposed design of the side porch enclosure. Sanborn maps do show this area as being a covered or enclosed porch, but one that was likely still open in nature. The Commission has approved the enclosure of side porches in the past, but has required that their design remain as transparent as possible. Although the plans show that the exterior wall will remain, staff finds that the design of the enclosure lacks the transparency and openness required to indicate that this was once an open porch. Staff finds the side porch configuration is a significant part of this historic house's form and should be preserved. Staff therefore recommends that the side porch element be designed to be more open in nature so – for instance all glass or screened – so that the exterior wall can still be read through the enclosed porch. The addition of posts to the enclosure would further help to make the element read more as an enclosed porch rather than a new wall.

Until 2018, the house sat on a larger, wider lot. In 2018, Metro subdivided the lot into two parcels. As a result, the lot at 2020 10<sup>th</sup> Avenue South became narrower than typical lots in the area at approximately forty-five feet (45') wide at the front. MHZC approved new infill construction, with conditions, for the newly created parcel at 2018 10<sup>th</sup> Avenue South in July 2018. MHZC staff never received revised drawings meeting the Commission's conditions for approval, so MHZC staff has not issued yet the preservation permit for that infill. The footprint of that infill can be seen here. Note that the detached garage shown on the site plan is not part of this application.

The applicant is proposing a two-story addition to this one story house. The addition is proposed to be three feet, ten inches (3'10") taller than the historic house. Where the addition ties into the rear of the historic house, its eave is six feet (6') taller than the eave of the historic house and about nine inches (9") taller than the historic house's ridge height.

The design guidelines state, "*when a taller addition is the only option, additions to single story structures may rise as high as 4' above ridge of the existing building.*" In this case, staff does not see a taller addition as the "only option" for adding onto this house. There are no site constraints or easements to prevent the applicant from adding onto the rear with an addition that is no taller than the historic house. Even though the taller portion of the addition is inset two feet (2'), staff finds a two-story or even a one-and-a-half story addition to be inappropriate to this true one-story house. The height and scale of the addition are just too large for this small house.

The proposed addition has pyramidal roof form that is not appropriate for this historic house. The taller eave heights on the side facades and the large amount of roof visible above the front façade are not appropriate for this one-story historic house. Staff finds that the addition's roof form contrasts greatly with the roof form of the historic house.

While it may be true that the addition may not be visible from directly across the street, the addition most certainly will be visible when standing to the side of the house, as most additions are. Staff is not so much concerned about visibility, because again most additions are somewhat visible from a public right-of-way. We are more concerned with how the proposed height and scale of the addition overwhelms the height and scale of this historic house, one of the oldest, if not the oldest, house in the neighborhood.

Staff recommends approval of the window opening alterations and the demolition of the rear addition, detached garage, and detached carport, finding that their demolition meets the guidelines' Section V.B.II. for appropriate demolition.

Staff recommends disapproval of the partial demolition of the front door frame and other detailing on the historic house, finding that it does not meet Section V.B.II. for appropriate demolition but rather meets Section V.B.I. for inappropriate demolition.

Staff also recommends disapproval of the addition, finding that its height, scale, design, removability, and roof form do not meet Sections III. and IV. of the design guidelines.

Adam LaFevor, legal counsel for the applicant, stated that this is what the applicant really wants. The applicant agrees with all conditions with the exception of the additional height for the addition. The client doesn't feel the massing is an issue and that the square footage is in line with what has been approved in the past, but not published in the design guidelines. There is a house on Acklen and the approval was obtained the same month as the application for this addition was submitted. The reason they were given that the proposed roof height increase is inappropriate is that although it states in the design guidelines that it can be granted, the Commission now says it cannot. He sees an inconsistency in how the guidelines are applied to one project versus another. The existing details will remain intact, they can do a more open side porch, as requested by staff.

Jeff Meltesen, stated that the detached garage has already been demolished, even though they are asking for approval today. He supports staff's recommendation. The overlay is to ensure appropriate demolitions and this looks like a large addition above the roofline of a one-story house and he is against it.

Councilman Sledge confirmed that the garage has already been removed, which given the history of the property, adds to the frustration with this applicant. He receives monthly updates from staff regarding projects in the overlay. There has not been a property since the overlay was enacted where staff and the applicant were ultimately unable to

come to a solution, and he believes that one exists here as well. He is concerned that if the addition is approved, the applicant will appeal in order to gain demolition.

Mr. LaFevor, said that they had no trouble with waiving their right to appeal if the addition is approved.

Commissioner Price says that this a non-starter. To his memory, in recent past, the Commission has not approved one and a half and two story additions on one story buildings. Commissioner Mosley agreed with staff's analysis that the height and scale are inappropriate for a one story house. It is too much for this house.

Commissioner Jones agreed with Commissioners Mosley and Price.

**Motion:**

**Commissioner Jones moved to approve the window opening alterations and the demolition of the rear addition, detached garage, and detached carport, finding that their demolition meets the guidelines' Section V.B.II. for appropriate demolition; disapproval of the partial demolition of the front door frame and other detailing on the historic house, finding that it does not meet Section V.B.II. for appropriate demolition but rather meets Section V.B.I. for inappropriate demolition; and, disapproval of the addition, finding that its height, scale, design, removability, and roof form do not meet Sections III. and IV. of the design guidelines. Commissioner Price seconded and the motion passed unanimously.**

**VII. PRELIMINARY & FINAL SP REVIEW**

None

**VIII. VIOLATIONS/ ALTERATIONS TO PREVIOUS APPROVALS**

*Commissioner Tibbs left at 3:16pm and returned several minutes later.*

**I. 421 BROADWAY**

Proposed Resolution of Metro v. 421 Broadway LLC Lawsuit

Ms. Jones of Metro Legal explained that the Commission had reviewed this proposed resolution in executive session with Metro Legal at the March 20<sup>th</sup> MHZC hearing and that today they were to vote on whether to accept the proposed resolution.

**Motion:**

**Commissioner Mosley moved to approve the resolution. Commissioner Fitts seconded and the motion passed unanimously.**

**m. 154 SECOND AVE N.**

Application: New construction--Addition; Rehabilitation--Windows

Council District: 19

Overlay: Second Avenue Historic Preservation Zoning Overlay

Project Lead: Paul Hoffman; [paul.hoffman@nashville.gov](mailto:paul.hoffman@nashville.gov)

Staff member, Paul Hoffman, presented the case for a roof top addition and rehabilitation at 154 2<sup>nd</sup> Ave N. This is an application for unpermitted work done at 154 2<sup>nd</sup> Ave N including rooftop addition and deck, windows, and signage. This rooftop addition has been in place maybe since the 1980s, so it is outside the scope of our review as it is pre-existing.

The new rooftop addition was built toward the Second Avenue side, the front of the building. It measures six feet (6') by twenty-two feet (22') and is eleven feet (11') in height. It is approximately forty-four feet (44') from the

Second Avenue façade, so staff's review is that it meets section III.H for additions for height, scale and location of rooftop additions, and staff recommends approval of this portion.

The rooftop has a wood deck that was built over the existing roof. A ramp up to the forward addition, mechanical screen and a wall between the adjacent building were also constructed. These items in the scope of work are appropriately sized and located. In most situations, the Commission has required a new rooftop area to set back from the edge of the building by at least eight feet (8'). This was built right at the edge of the building, so staff's recommendation is that the deck and railing are moved back at least eight feet (8') from the First Avenue side. There are also taller poles part of the railing, which are generally used to hang lights or speakers. As these are not approved features in the rooftop area, another condition is that the taller poles are not rebuilt on the new railing.

A new standing seam parapet visible from down on First Avenue was added to cover the new deck height. The effect is to increase the height of the wall on this side of the building with a conjectural feature. Staff recommends removing this new roof feature, to comply with section II.I for original walls and roofs.

The original windows on the top story have not been in place as long as we can tell. Plexiglas windows were in place at least since 2006. The current condition is that the Plexiglas windows were removed. So since the windows that were removed were not historic, replacement meets section II.H for window replacement as being appropriate. Leaving window openings open is not appropriate and does not meet sections II.H or I for walls or windows. In previous decisions, the Commission has disapproved applications for windows or doors that would essentially leave a void when the windows were opened. Staff recommends that new single- or double-hung windows are installed, with staff approval.

The last item on this property is an illuminated projecting sign that was installed over the entryway on 2<sup>nd</sup> Avenue. Projecting signage is permitted, but is usually mounted above the first floor and cannot be within twenty-five feet (25') of another projecting sign. The current location is within twenty-five feet (25') of two projecting signs on this building. This location might be appropriate for a shingle sign, which may not be illuminated. Staff recommends removal of this sign.

Staff recommends approval of the rooftop addition and window alterations with the conditions that:

1. The rooftop deck, railing and screen wall between buildings are all stepped back at least eight feet (8') from the First Avenue façade;
2. The tall poles that are currently part of the rooftop railing are removed and not part of the rebuilt railing;
3. The standing-seam parapet added to the First Avenue roof is removed, recreating the building's original wall conditions;
4. String lighting not permitted in the rooftop area; and
5. Single- or double-hung windows are added, to match the existing windows on the building, to be approved by MHZC staff prior to purchase and installation.

With these conditions, the application will meet section II.H (Rehabilitation—Windows) and section III.H (New Construction—Additions).

Staff recommends disapproval of the sign with a requirement that it be removed within sixty days (60 days) of this meeting, finding that the signage does not meet section IV of the design guidelines for the Second Avenue Historic Preservation Zoning Overlay.

Commissioner Jones asked why they built on the roof if they only had a permit for interior work. Ms. Zeigler suggested that that is a question for the applicant.

Commissioner Mosley, asked whether the added parapet was constructed to obscure the decking, Mr. Hoffman confirmed that was correct.

Commissioner Mosley, asked if string lighting was new technology. Mr. Hoffman said that it was not.

Ken Renner, Vice-President of Vastland Company, thought they had a permit when they did not and are now facing severe financial consequences. The deck's structural soundness is anchored on the back of the building. If they have to cut it back they will have to run structural steel down through the building which will cost them \$500,000

in construction costs, loss of business and damages for loss of business to other tenants. It is selective enforcement. There are other rooftop decks constructed to the edge of the building on both Second Avenue and Broadway. They are asked to remove poles that are used for lighting and signage but those are already on other buildings. The “parapet” matches the mansard roof on the front of the building so it is not ahistorical. Everyone has string lighting so they should be able to as well. There have never been windows in those openings of the top floor. There was plexiglass in the openings at one point just to keep birds from flying in, there is no evidence of any frames being in the window openings. There was a guard rail inside the windows that were original and they have kept them, so that people do not fall out of the window openings where there were no window. Again, there are other examples of window openings with no windows. They do not mind following the law, but do not want to be the only ones doing so.

Redoing the roof will put them out of business. They asked for a temporary U&O, so they can operate while doing the needed work.

Superintendent for about twenty years, Jack Marnhout, 309 West Due West Avenue said that there are no windows “in that place” due to his recollection. The plastic was put in to keep birds out in 1997.

There were no requests from the public to speak.

Commissioner Tibbs said he might be okay with the deck staying, but the railing should be stepped back, because the main thing is to not see the new rooftop work.

Commissioner Mosley addressed the issue of selective enforcement, by stating that the fact that other violations have not yet been heard is not a reason to allow for a violation here. Adding a substantial amount to a parapet affects the character of the building and adds to the height.

Commissioner Price asked about the other images shown. Mr. Hoffman noted that many of them are violations that staff is tracking. The railing at George Jones was an existing condition which was allowed to stay, and on some buildings, an existing parapet has been considered an appropriate railing. In other cases, an eight foot (8’) setback is required. Ms. Zeigler added that some of the “open windows” shown by the applicant were new construction, not historic buildings. She explained that 2<sup>nd</sup> Avenue is high-style while 1<sup>st</sup> Avenue was more utilitarian, so to copy the mansard roof from 2<sup>nd</sup> Avenue to 1<sup>st</sup> Avenue is adding a conjectural detail.

Commissioner Fitts said that it takes a lot of time to work with code and zoning officials, as she knows in her own business, so it is disappointing to hear that so much work was done without the appropriate permits. The height that the parapet adds detaches from the historical character. She is torn on the windows but she finds it hard to believe that there were no windows there to begin with. Chairman Bell said it was hard to believe that the contractor could do that amount of work without knowing that they did not have the appropriate permit. Commissioner Jones agreed.

**Motion:**

**Commissioner Jones moved to approve the rooftop addition and window alterations with the conditions that:**

- 1. The rooftop deck, railing and screen wall between buildings are all stepped back at least eight feet (8’) from the First Avenue façade;**
- 2. The tall poles that are currently part of the rooftop railing are removed and not part of the rebuilt railing;**
- 3. The standing-seam parapet added to the First Avenue roof is removed, recreating the building’s original wall conditions;**
- 4. String lighting not permitted in the rooftop area; and**
- 5. Single- or double-hung windows are added, to match the existing windows on the building, to be approved by MHZC staff prior to purchase and installation;**

**finding that with these conditions, the application will meet section II.H (Rehabilitation—Windows) and section III.H (New Construction—Additions); and moves to disapprove the sign with a requirement that it be removed within sixty days (60 days) of this meeting, finding that the signage does not meet section IV of the design guidelines for the Second Avenue Historic Preservation Zoning Overlay. Commissioner Boyd seconded and the motion passed unanimously.**

**n. 300 BROADWAY**

Application: Rehabilitation--Lighting

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Robin Zeigler [robin.zeigler@nashville.gov](mailto:robin.zeigler@nashville.gov)

The applicant requested a deferral.

*Commissioner Jones left the meeting at 3:45pm.*

**o. 114 SECOND AVE S.**

Application: Rehabilitation--Lighting

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Robin Zeigler [robin.zeigler@nashville.gov](mailto:robin.zeigler@nashville.gov)

Staff member, Melissa Sajid presented the case for 114 2<sup>nd</sup> Ave S.

114 2<sup>nd</sup> Ave S is a contributing building in the Broadway Historic Preservation Zoning Overlay. Several work items have been done without a permit since 2017. There are several violations that are requested to be retained, including a projector, signage and trim, and side-wall and goose neck lighting.

The projector added is a Gobo type of lighting that uses a stencil or template within the front of the light source to control the shape of the emitted light. Although the light fixture is readily visible from a public right-of-way, it is partially concealed by its location within the recess of the entry and is not obtrusive. The device itself is very small and there is only one on the building. The blue arrow indicates the location here.

The design guidelines require that illumination be directed towards the building rather than outward, and in this case, the illumination is directed away from the building and onto the sidewalk. Because this is a Gobo light, the illumination itself cannot be seen, except for the projection on the sidewalk. The intent of this design guideline assumes that building illumination is to highlight building features but in this case, the projection serves as signage. It does not project out horizontally or up into the sky but is directed to the ground. It is not directed onto the historic building and so does not change the character or design of the building. Staff finds that the downward, sidewalk projection is appropriate since the illumination cannot be seen except for the projection on the sidewalk, and the illumination does not change the historic character of the building.

There have been other projectors installed without permits, but so far none have been corrected or come to the Commission for review so this decision has the potential to impact current violations and future requests. If approved with all the reasons outlined in the Staff Recommendation, staff requests direction regarding the other two similar violations at 128 and 110 Second Avenue North. They are located in the Second Avenue district but the design guidelines are similar to the Broadway design guidelines. In both cases, the owners did not choose to correct the violations or come to the Commission for review, so the projects have been sent to Metro Legal. Here is the one at 128 2<sup>nd</sup> Ave N.

Neither projector required the removal or alteration of historic features, both devices are minimal in size, and there is only one per building. Both are located in minimally visible locations, the illumination does not change the historic character of the building, and in both cases, the illumination itself is only obvious on the sidewalk.

Signage was installed over the boarded-up windows without a permit in 2017. In July 2018, the applicant requested to retain the signage, was denied by the Commission, and removed the signage but has since installed new signage in the same location. Here is what was presented to the Commission in July 2018.

It appears that the signs have been painted over since the staff recommendation was published. The windows were boarded up before the applicant acquired the building. In the provisions for wall signs, the design guidelines state,

“a wall sign cannot cover windows or architectural details.” In this case, the signs cover the window openings and are inappropriate in the current location, whether or not the windows are boarded up. In addition, the design guidelines for signage do not allow for painted signage on the first level. If the applicant wishes to have signage in that location, it could be achieved by installing windows that meet the design guidelines, removing the window coverings, and installing signage on the inside of the windows. Interior signage seen through windows is not reviewed by MHZC.

The trim that is part of the signs does not meet the guidelines for “general principles: facades” as it is not in keeping with the style and period of the building. Historically, window trim on brick buildings is recessed within the opening and not on the outside face of the brick in the way it is seen on lap-sided buildings and as it currently is on this building. The trim does not meet Section “II. H: Windows” as the trim does not match original conditions. Section H.6 specifically states that window surrounds “not original to a building should generally not be introduced to the public facades of the building.” The trim does not meet Section “II. K: Decorative Elements” and specifically does not meet Section K.3, which states that new decorative elements “should not be added to buildings unless there is physical or photographic evidence that shows the detailing was original to the building.” There is no evidence of trim like this on any of the historic buildings in the Broadway district. For these reasons, staff recommends that the trim be removed.

Goose neck lighting has been installed over some of the first-level windows and a wall light has been added to the left side of the building. To meet design guideline II.T. for lighting, building illumination should be unobtrusive and directed towards the building. The side-wall light is not unobtrusive but is directed towards the building. Since it is installed on the side elevation, staff found that it could be appropriate.

Goose neck lighting is appropriate for highlighting a wall or awning sign or a building feature, but in this case is highlighting signage on a window opening that is located in an inappropriate location. It is highly visible and so not “unobtrusive.” Once the signage is removed the goose neck lights will not highlight a historic feature but rather a boarded over window which should not be highlighted. If the boards are removed, the lighting will be highlighting windows rather than building wall features or signage. Although the type of lighting can be appropriate, staff finds the current proposal to be inappropriate. Staff recommends removal of the goose neck lights, finding that they do not meet design guideline II.T. since they are not unobtrusive or directed towards the building walls or features.

In conclusion, staff recommends approval of the one Gobo light in its current location and with its current direction towards the sidewalk and the side-wall light, finding the project meets Section II.T1 for lighting.

Staff recommends disapproval of the signage, finding that it does not meet Section IV. for signage and of the window trim, finding that it does not meet Sections II. H and II. K for rehabilitation of windows or decorative elements and the goose neck lighting finding that it does not meet section II.T for lighting. Staff further recommends that the trim and signage are removed within 60 days of the date of the Commission’s decision.

Curtis Deckman, new General Manager for Headquarters, said that the gobo light is their primary way to attract people down to their business. The trim was already in place and there would be no way to add in new windows because of the equipment on the other side. The trim was taken from the building. They have taken the sign down. They are thinking of putting in glass block windows or something and keeping the trim. They are open to options and need guidance to get these permits straightened out. The signage is down, he can take down the lights. He agrees with all conditions except for removal of the trim.

There were no requests from the public to speak.

Ms. Zeigler clarified that staff does not need windows to put back in place as simply restoring the conditions in place prior to the violation would be enough to rectify the violation. This applicant has added the trim and it should be removed. She noted that glass block has not been discussed with the applicant, but it would be inappropriate.

Commissioner Tibbs asked if windows could be installed with signage behind them. Ms. Sajid said that yes, but staff recognizes the difficulties in adding windows and is not requiring them to be installed, just that the openings be returned to their condition prior to the present alterations.

Commissioner Mosley asked if the plywood is flush or recessed within the opening. Ms. Zeigler showed that pictures indicated that prior boarding was over the brick and now trim has been added around boarded windows. She further stated that lighting over windows is not typical.

Commissioner Boyd thanked the applicant for agreeing to work out a solution. She wondered if the windows could be painted black. And asked about the lighting on the side of the building, which Ms. Zeigler said was not at issue today.

**Motion:**

**Commissioner Price moved to approve the one Gobo light in its current location and with its current direction towards the sidewalk, finding the project meets Section T1 for lighting and P for mechanical devices; moved to disapprove the signage, finding that it does not meet Section IV. for signage and of the window trim, finding that it does not meet Sections II. H and II. K for rehabilitation of windows or decorative elements; to disapprove the goose neck lighting finding that it does not meet section II.T for lighting; requiring the applicant to remove the trim and signage are removed within 60 days of the date of the Commission’s decision. Commissioner Boyd seconded and the motion passed unanimously.**

*Commission took a break at 4:31pm. All returned at 4:42pm with the exception of Commissioner Boyd who returned at 4:45 pm.*

**IX. MHZC ACTIONS**

**p. 3705 RICHLAND AVE**

Application: New Construction—Outbuilding; Setback Determination  
Council District: 24  
Overlay: Richland-West End Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Sajid Melissa.Sajid@nashville.gov  
PermitID#: T2019019533

Staff member, Melissa Sajid noted that the Commission received public comment regarding this case. Comments received prior to the staff recommendation being published were included in the report. Additional comments were sent via email.

The house located at 3705 Richland Avenue is a two-and-a-half story, four square house constructed circa 1910. It is considered to be contributing to the Richland-West End Neighborhood Conservation Zoning Overlay.

In 2013, the Commission approved an addition and outbuilding for this site. The fully enclosed addition was constructed, but the screened porch addition, connector, and outbuilding were not constructed. The Preservation Permit has since expired. Subsequently, the standards for DADUs changed in 2014 when Metro Council approved BL 2014-769. Following the amendment to the Zoning Code, MHZC included the italicized language in the design guidelines to provide guidance for the application of the outbuilding standards. The Commission has applied the italicized language to both outbuildings and DADUs. The outbuilding will not include a dwelling unit.

The applicant proposes to construct a two-story detached outbuilding, and the request includes setback determinations to reduce the left side setback from five feet (5') to four feet, six inches (4'6") and to reduce the rear setback from five feet (5') to four feet, eight inches (4'8").

As proposed the outbuilding does not meet the design guidelines for footprint, ridge height, and eave height. The proposed outbuilding has a footprint of one thousand, four hundred and forty (1,440) square feet while the maximum



footprint is one thousand (1,000) square feet. Reducing the footprint so that it does not exceed one thousand square feet (1,000 sq. ft.) would make it possible for the outbuilding to meet both the rear and left side setbacks. For this reason, staff does not recommend approval of the requested setback determinations.

The outbuilding was approved in 2013 as it is currently proposed; however, the Commission's interpretation of the design guidelines and the immediate context has changed since that time. The previous approval expired in 2014. At the time the current proposal was approved, this lot sat next to a dormitory for Welch College, which was part of the reason for approval of the large size of the building. Now the property is next door to one of the single-family homes constructed as part of the redevelopment of the Welch campus. All properties that are part of the Welch development have been held to a maximum of twenty-five feet (25') in height, seventeen feet (17') in eave height, and one thousand (1,000) square feet in footprint. As proposed, the outbuilding will have an overall height of twenty nine feet, six inches (29'6") and an eave height of eighteen feet (18'). In order to be consistent, staff does not recommend approval of this request.

Staff finds the height and scale of the outbuilding to be inappropriate and to not meet Section II.B.1.h for height and scale of outbuildings.

The outbuilding is proposed to be clad in brick with shake siding. The foundation will be brick with limestone detail to delineate the floor line.

In conclusion, staff recommends disapproval of the proposal, finding that the outbuilding does not meet Section II.B.1.h for outbuildings in the Richland-West End Neighborhood Conservation Zoning Overlay design guidelines.

Wesley Weeks, owner, provided documentation regarding his project. He explained that the slab was poured with the previous application and he explained the restoration process for the house. He reviewed the design guidelines and explained why the large size is appropriate in this specific context. He pointed out how the height of the outbuilding would be subordinate to the historic structure. He explained that he did not think his neighbors would be negatively affected.

Mary Ann McCready, 3700 Richland Ave, stated that everyone on the block was in favor of the request.

In answer to Commissioner Price's question, Ms. Sajid explained that the building was reviewed in the manner that the Commission has recommended in the past for all outbuildings.

Commissioner Mosley said that he was compelled by the applicant's argument. He stated that pouring the slab shows the applicant's intent to construct the building, and the lot is exceptionally wide with a context that is not common within the overlay.

Commissioner Tibbs and Price agreed. Commissioner Fitts added that the scale of the outbuilding is subservient to the house.

**Motion:**

**Commissioner Mosley moved to approve the case, thereby renewing the 2013 permit with all of its conditions and requirements. Commissioner Price seconded and the motion passed with Commissioner Boyd in abstention.**

**q. 229 CHAPEL AVE**

Application: New Construction—Outbuilding

Council District: 06

Overlay: Eastwood Neighborhood Conservation Zoning Overlay

Project Lead: Paul Hoffman; [paul.hoffman@nashville.gov](mailto:paul.hoffman@nashville.gov)

PermitID#: T2019020198

Deferred at the request of the applicant.

**r. 3603 CENTRAL AVE**

Application: New Construction—Addition

Council District: 24

Overlay: Richland-West End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Sajid [Melissa.Sajid@nashville.gov](mailto:Melissa.Sajid@nashville.gov)

PermitID#: T2019018739

Staff member, Melissa Sajid, presented the case for an addition at 3603 Central Avenue.

The house located at 3603 Central Avenue is a one and one-half story bungalow that was built circa 1915 and contributes to the character of the Richland-West End Neighborhood Conservation Zoning Overlay. The application is to construct an upper level addition behind the main ridge of the house and to construct a screened porch addition at the rear of the house.

The proposed screened porch addition is located at the rear of the house and meets all setbacks. It will add approximately six hundred and thirty (630) square feet to the footprint of the house and no additional depth.

The proposed rear addition includes a screened porch addition and a second-story addition that ties into the existing ridge at two points and creates two rear facing gables. On the left side, the screened porch addition on the first floor will be flush with the existing side wall of the house. Staff finds that the lack of inset could be appropriate in this case given the small depth of the screened porch and the change in materials, which helps it to read as an addition.

The second-story addition above the proposed screened porch steps in six feet, six inches (6'6") from the ground-level side wall of the house, which meets the requirement that two-story additions set in at least two feet (2'). The upper level addition on the right side, however, is only set in four inches (4"). The four inch (4") inset created by the difference in the depth of materials does not meet the design guideline that requires additions to set in one foot (1') per story.

As proposed, the second story is flush with the existing side wall of the historic house. Staff recommends that the upper level addition set in two feet (2') per the design guidelines. The purpose of this guideline is to help distinguish the new construction from the historic house, to ensure that the massing of an addition doesn't overwhelm the historic building, and to make it so that if the addition were to be removed in the future the historic house would still be intact. For these reasons, staff finds that the addition could be appropriate if it were set in appropriately on the right side.

A cupola with a hipped roof is proposed above the screened porch. While this type of detail is not often found on residential forms, staff finds that it could be appropriate in this case as it will not be visible from the front of the house given its location and height.

In conclusion, staff recommends approval with the following conditions:

1. The upper level part of the addition on the right side shall set in two feet (2') from the existing side wall of the historic house;
2. Staff approve the final details of all materials prior to purchase and installation; and,
3. If relocated, the HVAC shall be located behind the house or on either side, beyond the mid-point.

With these conditions, staff finds that the project meets Section II.B of the *Richland-West End Neighborhood Conservation Zoning District: Handbook and Design Guidelines*.

Commissioners discussed which parts of the proposal were new and which were existing.

The owner, Rob Riley, asked to waive the requirement to inset the wall two foot (2') on the right side because of the expense associated with the structural needs. He explained how he approached to the project, with his experience in working with old homes. They are not gutting the house but truly restoring the existing materials. He suggested if the addition was sided in stucco it would be distinguished from the historic portion of the house.

There were no requests from the public to speak.

Commissioner Mosley agreed that there were structural issues regarding existing conditions that warranted not following their usual rules and that the addition, as designed, maintains the existing roofline and is modest in scale. Commissioner Tibbs agreed but asked for clearer drawings as the scope is difficult to understand. Commissioner Fitts and Price agreed since the addition is over the existing footprint and the addition will be distinguished from the existing building.

**Motion:**

**Commissioner Mosley moved to approve with the conditions that:**

- 1. Applicant provide clearer drawings delineating between old and new;**
- 2. Staff approve the final details of all materials prior to purchase and installation; and,**
- 3. If relocated, the HVAC shall be located behind the house or on either side, beyond the mid-point; finding, that with these conditions, the project meets Section II.B of the *Richland-West End Neighborhood Conservation Zoning District: Handbook and Design Guidelines*. Commissioner Tibbs seconded and the motion passed unanimously.**

**s. 903 MANILA AVE**

Application: New Construction—Infill

Council District: 05

Overlay: Greenwood Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander, sean.alexander@nashville.gov

PermitID#: T2019020171

Staff member, Sean Alexander, presented the case for new construction at 903 Manila Ave.

This is an application to construct a new two-story house on a vacant lot. The lot is oddly-shaped, and it is also very steep falling approximately twenty feet (20') from east to west. The new house is proposed to be located near the eastern edge of the property and will face Manila. Staff finds the location and orientation to be appropriate because of the shape and grade of the lot, and the context surrounding it. The lot flattens out up where the Magnolia tree is, which is where the new house will be located.

The new house will be twenty-nine feet (29') tall, with an eave height of nineteen feet (19'), and the foundation height will be approximately eighteen inches (18") on the right, increasing to the left as the grade drops. These heights are consistent with, or shorter than the heights approved by the MHZC in the surrounding area, including the adjacent structure at 905 Manila and four other new houses on Granada. The house will be thirty-two feet (32') wide at the front, with a twelve foot (12') wide porte cochere on the right side. Attached parking is not typical of most historic areas, but with the other recent approvals the Commission found that the lot sizes and shapes and lack of alley access justify supporting porte cocheres, and staff finds the conditions of this lot do as well.

The new house will also have a two-story front porch. Two story porches are rare in historic districts and they increase the perceived massing of buildings. Staff recommends that the roof is eliminated from the second story of the porch.

Staff recommends approval of the proposed infill at 903 Manila Avenue with the following conditions:

1. The front porch and porte cochere columns shall have capitals and base trim;
2. The window and door selection and roof colors shall be administratively approved;
3. The second story of the front porch shall be uncovered; and
4. The HVAC shall be located on the rear façade, or on a side façade beyond the midpoint of the house.

Meeting those conditions, Staff finds that the proposal will meet the design guidelines for New Construction in the Greenwood Neighborhood Conservation Zoning Overlay.

Ben Kelly, stated that he agreed with most of the conditions but would like to keep the roofing over the second level of the porch.

There were no requests from the public to speak.

Commissioner Price said that he did not find issue with the two-story porch since it was new construction and the similar building on Granada was approved. Ms. Zeigler clarified that the Granada house had different context and Commissioner Tibbs agreed.

**Motion:**

**Commissioner Price moved to approved with the conditions:**

- 1. The front porch and porte cochere columns shall have capitals and base trim;**
- 2. The window and door selection and roof colors shall be administratively approved;**
- 3. The roof porch shall be asphalt shingle ; and**
- 4. The HVAC shall be located on the rear façade, or on a side façade beyond the midpoint of the house;**

**finding that with those conditions, the proposal will meet the design guidelines for New Construction in the Greenwood Neighborhood Conservation Zoning Overlay. Commissioner Tibbs seconded and the motion passed unanimously.**

**t. 200 CHAPEL AVE**

Application: New Construction—Infill

Council District: 06

Overlay: Eastwood Neighborhood Conservation Zoning Overlay

Project Lead: Paul Hoffman; [paul.hoffman@nashville.gov](mailto:paul.hoffman@nashville.gov)

Permit ID#: T2019020197

Staff member Paul Hoffman presented the case for infill at 200 Chapel Avenue. This is an application for construction of two new residences on this lot. The house seen here is non-contributing, built in 1967, and has been approved by staff for demolition.

The lot is an odd-shaped lot of thirteen thousand, eight hundred and sixty-four (13,864) square feet with street frontage on three streets, Chapel, Franklin and Manchester Ave. One unit is proposed to face Chapel Avenue, and the second for Manchester. When two units are permitted by base zoning, as is permitted here, they should generally be in one building as seen historically.

The Sanborn map from 1957 shows the home at that time oriented to Chapel Avenue with an outbuilding toward Manchester.

Because this is an unusual-shaped lot with a short piece of the alley accessible, it may not be possible to fit two full-size homes on the lot along with driveways and parking to be consistent with the context.

Unit B is oriented to Chapel Avenue as is appropriate, but Unit A addressing the rear street, staff finds is not consistent with the rhythm of spacing in this location, as historically the lot has had one primary structure oriented to Chapel. When the Commission has approved two detached structures, it has been in limited situations. Staff finds that the application does not meet section II.B.1.c for setbacks and rhythm of spacing, or II.B.1.f for orientation. As far as other sections of the guidelines, the proposed residences meet the guidelines for materials, roof, proportion and rhythm of openings. The height as drawn at twenty-seven feet, six inches (27'6") is within the range of contributing homes nearby. The width at thirty-three feet (33') is wider than the context, which in general are from twenty-eight to thirty-two feet (28'-32') wide. As the scale exceeds surrounding historic buildings, and therefore does not meet section II.B.1.b. The architect did mention that they are agreeable to reducing the width.

Staff recommends disapproval of the application finding that the project does not meet section II.B.1.b (Scale), specifically building width; II.B.1.c (Setback & Rhythm of Spacing) and section II.B.1.f (Orientation).

Will Jenner, designer for the project, said they would shrink the footprint and lessen the width of the driveway but asked for the ability to put two detached houses on the lot. He explained how the lot is very irregular and he feels that two houses fit better into the context of this site. There is currently a double curb cut on Franklin and he would prefer to have a single curb cut off of Manchester, and thinks it would be more appropriate to the neighborhood context.

Pete Prosser, 623 Oakley Drive, a realtor who has worked extensively in East Nashville, said it would be out of character to have the two units attached. The proposed plan is more consistent with the existing streetscape.

Commissioner Fitts said that what is proposed is a better fit for the neighborhood than the existing non-contributing building, and that the two proposed structures are modest. Commissioner Mosley said that the proposal makes sense with the pattern of development and to connect the two would be less in keeping with the immediate context. Commissioner Tibbs agreed but said he would like to see the site plan, once the buildings were diminished in scale.

Mr. Hoffman stated that the applicant had changed the second unit from facing Franklin to facing Manchester and was willing to make other site adjustments.

Commissioner Mosley asked about the front setback and Mr. Hoffman said that staff would want to see the adjacent homes on the site plan to verify that the setback is appropriate.

In answer to Commissioner Mosley's questions, Ms. Zeigler explained some of staff's concerns regarding allowing two structures rather than a single duplex structure.

Commissioner Fitts noted that it is an odd shape lot that faces three streets and therefore a very unique condition. She finds the placement of the buildings is appropriate. Commissioner Price agreed since the applicant is willing to reduce the width of the homes and the width of the driveway.

Commissioner Mosley said the houses are scaled appropriately and that another scenario, such as a house with DADU will still have the same issues. If they can have all vehicular access of the alley, it could answer the concerns of staff in terms of the wide curb cut and front parking. Commissioner Tibbs agreed.

**Motion:**

**Commissioner Tibbs moved to approve with the conditions:**

- 1. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
  - 2. The front setback of unit B is consistent with the neighboring property;**
  - 3. Vehicular access for both homes is from the alley;**
  - 4. The building width is reduced to meet the historic context; and**
  - 5. All materials and site plan is approved by staff;**
- finding that with this condition, the project meets section II.B for new construction. Commissioner Price seconded and the motion passed unanimously.**

**u. 2531 BLAIR BLVD**

Application: Demolition-Partial

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: Jenny Warren Jenny.Warren@nashville.gov

PermitID#: T2019019671

2531 Blair Blvd is a circa 1920 bungalow that contributes to the Hillsboro-West End Neighborhood Conservation Zoning Overlay. The house was remodeled prior to the overlay. As you can see, the roof form was altered and a new, larger dormer was added.

The new owner is renovating the house and would like to make a few changes to the front façade of the property. First, they would like to change the window in the front dormer. Changing window openings on a primary façade is typically not allowed. However, since this dormer is not original, and the current windows are not particularly compatible with the historic character of the house, staff recommends approval of this change.

The other proposed change involves altering the fenestration on the front porch. The proposal is to remove these paired 4/1 front-facing windows and install a new door with sidelights on either side. The existing side-facing door would be enclosed. Staff finds that changes to original front façade openings are inappropriate partial demolition.

The current porch configuration is original to the house and was a conscious design decision, in fact the house next door is a twin to this one. Prior to the second floor renovation, these houses were identical. Both were constructed with these corner porches, with a side-facing entry door off the porch. This feature survives, despite the second floor alterations at #2531. Examples of this porch configuration are seen throughout the Hillsboro-West End neighborhood. In addition to the subject house and its twin, there are four more examples on the same block of Blair. And there are four additional examples one street over on the same block of Essex Place. In fact, Sears Roebuck sold several house kit models with this design, including the 1923 ‘Avalon’ model, pictured here. Staff finds that the side-facing door off the corner porch is a character-defining feature of the house that contributes to its architectural significance.

Staff recommends approval of the window changes within the non-historic front dormer and disapproval of the proposed changes on the front porch, including relocation of the front door and removal of the front windows.

Doug and Sherri Lackey, owners, explained that most of the homes have front facing doors so they would like to request a change to the door. The width and height of the existing windows would not be changed, if the door is moved. One of the windows is already broken.

There were no requests from the public to speak.

Chairman Bell stated that the two windows are original to this specific house and so it is a change that would not be appropriate. Commissioner Mosley said he appreciated the applicants request but is not compelled to allow the door to be moved out of convenience, as he cannot think of a situation where they have allowed such in the past and it would not meet the design guidelines.

Commissioner Mosley asked if there had been a discussion with the applicants regarding appropriate shutter styles. Ms. Zeigler said that information could be shared with the applicant but it would not be something reviewed in this neighborhood so could not be a condition.

**Motion:**

**Commissioner Price moved to approve the window changes within the non-historic front dormer and disapproval of the proposed changes on the front porch, including relocation of the front door and removal of the front windows finding that the proposed alterations to the front porch do not meet Section III.B.2 for appropriate demolition and do meet Section III.B.1 for inappropriate demolition. Commissioner Boyd seconded and the motion passed unanimously.**

**v. 1311 & 1313 SECOND AVE N**

Application: New Construction—Addition

Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay

Project Lead: Sean Alexander, sean.alexander@nashville.gov

PermitID#: T2019020187

[Public comment was received via email and shared with Commissioners via email.]

Staff member, Sean Alexander, presented the case for an addition on Second Ave N.

The proposal is to build behind these two turn-of-the-century Folk Victorian houses, with one rear addition that connects them both. The house on the left is frame with a gabled-L form, the one on the right is brick with a front-gabled form. The project also includes a smaller addition, a shared side addition connecting the buildings across the space between them.

Additions like the current proposal are not something we would support typically, just about anywhere else, but here because of the erosion of the historic context staff finds it can be appropriate. But the perceived scale needs to be compatible and the addition should not demolish or obscure architectural features of the historic buildings.

Looking from the right, the rear addition will step in from the right side of 1313 2nd Ave and go back with a hipped mass. The walls will be stucco with ample windows. The primary roof will be asphalt shingle, with a clerestory component having a metal roof. These materials are appropriate. From the left of 1311 the project will not be highly visible because of a commercial building to the left, so there will be the same stucco walls but without windows. The clerestory is shown here, with decorative finials on its roof.

From the front, although it won't be highly visible, the rear addition is appropriately stepped in from the sides of the two houses before it connects, closing off the space behind the buildings. The side addition will be at the approximate midpoint of the buildings. It will be glass and metal. These materials may be appropriate, but the location is not appropriate. Additions should be at the rear and should not remove or demolish historic fabric. The guidelines allow for side additions on houses that are on sixty foot (60') wide lots. These lots are only forty feet (40') wide, and while if you combined them it would create an eighty foot (80') lot, that wouldn't change the historic pattern of house-space-house etc. and it is not how that guideline was intended.

Additionally, the location of the side addition would attach to 1311 in a place that not only removes a portion of the side wall, but a section of wall that contains a window. All in all, staff finds the location of the rear addition may be appropriate, but that the side addition between the houses is not appropriate.

Looking again at the rear addition, the attachment does not impact the front or sides of either historic house, it is entirely located at the rear. It does alter the rhythm of spacing – eliminate the spacing – by connecting them but it does it behind the buildings and could be undone to restore the historic condition.

This may not be appropriate in almost any other situation, but here on the edge of Germantown facing a large industrial site for which a multi-story mixed-use development is in the works, staff is supportive of the concept. Staff finds that the height of the rear addition, between one foot, nine inches and two feet, seven inches (1'-9" and 2'-7") taller than the houses, plus the three foot (3') tall finials, is not appropriate, and that the clerestory amplifies the perceived height in a way that is not compatible with the scale of the historic houses.

Because the side addition is not an appropriate location for side additions and it would require removal of original material, and the scale of the rear addition is not subordinate to the historic houses,

Staff recommends disapproval of the proposed rear and side additions connecting and shared by 1311 and 1313 2nd Avenue North, finding that they do not meet the following Sections of the Germantown Design Guidelines: III.D.4.b., III.E.6.b. (New Construction); V.A.2., V.B.1.a, V.B.1.c., V.B.1.e., V.B.2.e., V.B.3.d. (Additions); and VII.B.1.a (Demolition).

Clay Adkisson, representative of owner, explained the context and their goals in designing the project. He requested approval.

Chairman Bell asked for the reason for the finials. Mr. Adkisson said it was an architectural feature that delineates new from old.

There were no requests from the public to speak.

Commissioner Boyd said it was an interesting design and expressed interest in the use. Mr. Atkinson said that light is desired in the back and the ability to move between the two with the connector but he did not specify the use.

Commissioner Tibbs said the central connector was not appropriate and the finials and clerestory were too much. Removing the clerestory would help it be more subservient. Commissioner Price stated that the proposed addition overwhelms the two small historic homes in a way that is not subservient. He is not opposed to connecting the two buildings, but the addition is too dramatic. Commissioner Fitts felt that staff provided leniency with entertaining the

scale and size of the addition but the middle connector is incompatible with the historic nature of the homes and the design of the addition is incompatible. A hyphen could connect the back two, for instance.

**Motion:**

**Commissioner Price moved to disapprove the proposed rear and side additions connecting and shared by 1311 and 1313 2<sup>nd</sup> Avenue North, finding that they do not meet the following Sections of the Germantown Design Guidelines: III.D.4.b., III.E.6.b. (New Construction); V.A.2., V.B.1.a, V.B.1.c., V.B.1.e., V.B.2.e., V.B.3.d. (Additions); and VII.B.1.a (Demolition). Commissioner Fitts seconded and the motion passed unanimously.**

**w. 922 RUSSELL ST**

Application: New Construction—Infill and Outbuildings

Council District: 06

Overlay: Edgefield Historic Preservation Zoning Overlay

Project Lead: Melissa Sajid Melissa.Sajid@nashville.gov

PermitID#: T2019019545

Staff member, Melissa Sajid, presented the case for 922 Russell.

The existing house at 922 Russell Street was constructed circa 1972 and does not contribute to the historic character of the Edgefield neighborhood. MHZC staff issued an administrative permit to demolish the house earlier this month.

The proposed infill is a detached duplex. Staff finds that a detached duplex is appropriate in this case given the width of the lot. The proposed houses meet all of the design guidelines including height and scale, setback and rhythm of spacing, materials, rhythm and proportion of openings, etc. The applicant provided a streetscape that shows the proposed houses to scale in relation to existing houses on the block face.

In conclusion, staff recommends approval of the project with the following conditions:

1. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;
2. The front setback shall be consistent with the buildings to either side, to be verified by MHZC staff in the field;
3. Staff approve the final details, dimensions and materials of the roof color, porch floor and steps, windows, doors, garage doors, and driveway material prior to purchase and installation;
4. Staff approve the roof color and masonry color, dimensions and texture;
5. The HVAC shall be located behind the house or on either side, beyond the mid-point of the house; and
6. Staff approve fencing and any other proposed appurtenances prior to purchase and installation.

With these conditions, staff finds that the project meets Section III.B of the *Edgefield Historic Zoning District: Handbook and Design Guidelines*.

The applicant declined to comment and there were no requests from the public to speak.

**Motion:**

**Commissioner Fitts moved to approve the project with the conditions that:**

1. **The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
2. **The front setback shall be consistent with the buildings to either side, to be verified by MHZC staff in the field;**
3. **Staff approve the final details, dimensions and materials of the roof color, porch floor and steps, windows, doors, garage doors, and driveway material prior to purchase and installation;**
4. **Staff approve the roof color and masonry color, dimensions and texture;**
5. **The HVAC shall be located behind the house or on either side, beyond the mid-point of the house; and**
6. **Staff approve fencing and any other proposed appurtenances prior to purchase and installation;**



**finding, with these conditions, the project meets Section III.B of the *Edgefield Historic Zoning District: Handbook and Design Guidelines*. Commissioner Boyd seconded and the motion passed unanimously.**

**X. OTHER BUSINESS**

Ms. Zeigler let the Commission know that MHZC had a booth at the Conference 4 Neighborhoods hosted by Neighbor 2 Neighbor.

The State is offering CLG training on Friday, April 26th, 309 E Main St, Johnson City. 9am-2pm

**q. ADMINISTRATIVE ACTIONS & UPDATES**

**r. ADMINISTRATIVE PERMITS ISSUED FOR PRIOR MONTH**

Meeting adjourned at 6:36pm.

**RATIFIED AT THE 5/16/19 MHZC PUBLIC HEARING**