

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park

METRO HISTORIC ZONING COMMISSION (MHZC) MINUTES August 21, 2019

Commissioners Present: Chairman Bell, Vice-chair Cyril Stewart, Leigh Fitts, Kaitlyn Jones, Elizabeth Mayhall, David Price, Brian Tibbs

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

Applicants: Preston Quirk, David Kleinfelter, Larry Swoopes, Erica Garrison, Scott Lynn, David Plummer, Jim Rowan, Matt DeVries, Brittany Benson, Lindsey Sullivan, Kristian Marcy David Minnigan, Marcus DiPietro, Corey and Jeff Morris, Shane Teeters, Larry Papel, Mark Buchanan

Councilmembers: None

Public: None

Chairman Bell called the meeting to order at 2:05 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.

Robin Zeigler requested that 126 2nd Ave South be removed from the consent agenda and that 1006 Monroe, a recommendation for a neighborhood landmark; 1511 16th Ave S, infill; Hume Street, infill; and 1210 Stratford, infill be moved to consent. She said that the applicant has requested a deferral of 930 McFerrin. Zeigler explained that she recognized that it was usually the desire of the Commission not to place infill on consent, but she was recommending it based on the number of complicated projects on the agenda.

Motion:

Commissioner Cyril Stewart moved to approve the revised agenda. Commissioner Jones seconded, and the motion passed unanimously.

II. RECOGNITION OF COUNCILMEMBERS

There were no councilmembers in attendance.

III. APPROVAL OF MINUTES

a. June 19, 2019

Motion:

Commissioner Stewart moved to accept the minutes as presented. Commissioner Jones seconded, and the motion passed unanimously.

IV. CONSENT AGENDA

Staff member, Melissa Baldock, presented the cases for the consent agenda.

b. ADMINISTRATIVE PERMITS ISSUED FOR PRIOR MONTH

c. 311 CHAPEL AVE

Application: New Construction—DADU/Detached Accessory Dwelling Unit
Council District: 06
Overlay: Eastwood Neighborhood Conservation Zoning Overlay
Project Lead: Jenny Warren Jenny.Warren@nashville.gov
PermitID#: T2019047674

d. 1009 NORTH 16TH ST

Application: New Construction--Addition
Council District: 06
Overlay: Eastwood Neighborhood Conservation Zoning Overlay
Project Lead: Paul Hoffman, paul.hoffman@nashville.gov
PermitID#: T2019047679

e. 920 LAWRENCE AVE

Application: New Construction—Addition and DADU/Detached Accessory Dwelling Unit
Council District: 17
Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Baldock Melissa.Baldock@nashville.gov
PermitID#: T2019047783 and T2019047799

f. 1610 16TH AVE SOUTH

Application: New Construction—Addition
Council District: 17
Overlay: South Music Row Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Baldock Melissa.Baldock@nashville.gov
PermitID#: T2019047803

g. 126 SECOND AVE S

Application: Demolition
Council District: 19
Overlay: Broadway Historic Preservation Zoning Overlay
Project Lead: Robin Zeigler, robin.zeigler@nashville.gov

h. 1503 CLAYTON AVE

Application: New Construction--Outbuilding (Detached Accessory Dwelling Unit)
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Sajid Melissa.Sajid@nashville.gov
PermitID#: T2019047558

Motion:

Commissioner Stewart moved to approve all consent items with their applicable conditions. Commissioner Price seconded, and the motion passed unanimously.

V. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTIONS

i. 1006 MONROE ST

Application: Recommendation for Neighborhood Landmark Request

Council District: 19
Project Lead: Robin Zeigler, robin.zeigler@nashville.gov

Approved on consent agenda with conditions.

VI. PREVIOUSLY DEFERRED ITEMS

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

j. 0 [1210] STRATFORD AVE

Application: New Construction--Infill and Outbuilding
Council District: 07
Overlay: Inglewood Place Neighborhood Conservation Zoning Overlay
Project Lead: Sean Alexander, sean.alexander@nashville.gov
PermitID#: T2019039976

Approved on consent agenda with conditions.

VII. PRELIMINARY & FINAL SP REVIEW

k. 930 MCFERRIN AVE & 907 WEST EASTLAND AVE

Application: Preliminary SP Review
Council District: 5
Overlay: Greenwood Neighborhood Conservation Zoning Overlay
Project Lead: Sean Alexander, sean.alexander@nashville.gov
PermitID#: T2019034261

Applicant requested a deferral.

VIII. VIOLATIONS/ ALTERATIONS TO PREVIOUS APPROVALS

l. 1207 DALLAS AVE

Application: Violation/Show Cause; New Construction--Addition and Outbuilding
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: Sean Alexander, sean.alexander@nashville.gov
PermitID#: 2018070250

Staff member, Sean Alexander, presented the case for 1207 Dallas Avenue. Last month the MHZC heard a show cause case for a violation at this property, where an addition was not constructed in accordance with the approved design. The Commission ordered the applicant to propose a solution at the following meeting. The new proposal is to remove much of the upperstory of the addition that has been constructed and go back with an upperstory that has a hipped roof form, an eave height that matches the eave height of the historic house, and a roof ridge height that's thirteen inches higher than the original house's roof.

There are situations where conditions of the house or size of the lot justify an addition being taller or wider, but the Commission has not found it to be appropriate to be both taller and wider. The proposed front elevation also shows that the addition is taller and wider as do the left and rear.

There was an issue with the outbuilding, and an acceptable modification to that has also been proposed. Staff found that the proposed modification to the outbuilding meets the design guidelines.

Staff recommends disapproval of the proposed modification to the addition at 1207 Dallas Avenue, finding it does not meet Sections II.B.2.a. and II.B.2.e (Location and Removability) and II.B.1.b. (Scale) of the design guidelines, because the addition's roof is not sufficiently differentiated from the original roof and because the addition is simultaneously taller and wider than the historic house.

Staff recommends approval of the proposed modification to the outbuilding, finding that it does meet Section III.B.h. (Outbuildings) of the design guidelines because.

Preston Quirk, architect for the project, explained that a different designer created the original plans. Their goal is to retain the original design of a second level with three bedrooms and correct the violation. The work didn't follow the plans, and the original plans were incorrect. He explained the new proposal.

Commissioner Tibbs said that it's tough because it's clear that the applicants are trying to correct it; however, the addition proposed wouldn't normally be approved. Commissioner Jones said it is not their charge to figure out how you can get three bedrooms on the 2nd level of a one-story house. If this were a brand-new application, she would not vote for it.

Dallen Hudson, owner, explained that this is their first project in an overlay, and he has worked with the contractor for 5 years. In answer to Chair Bell, Mr Hudson said that he has not yet taken legal action against his contractor.

Commissioner Price said the project needs to go back to the drawing board for a solution that can be approved.

Motion:

Commissioner Price moved to disapprove the proposed modification to the addition at 1207 Dallas Avenue, finding it does not meet Sections II.B.2.a. and II.B.2.e (Location and Removability) and II.B.1.b. (Scale) of the design guidelines, because the addition's roof is not sufficiently differentiated from the original roof and because the addition is simultaneously taller and wider than the historic house; and moved to approve the proposed modification to the outbuilding, finding that it meets Section III.B.h. (Outbuildings) of the design guidelines. Commissioner Stewart seconded, and the motion passed unanimously.

[Commissioner Mayhall arrived at 2:18 p.m.]

m. 1000 PARIS AVE

Application: Violation/Work Without a Permit; New Construction—Addition

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay

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

PermitID#: 20190040012

Staff member, Sean Alexander, presented the case for 1000 Paris Avenue. This property is at the corner of Paris and 10th Avenue South. In 2016 an addition and an outbuilding were approved. The addition had a small footprint and was later revised to be a rear dormer with no addition to the footprint. The outbuilding was approved with a 3' left side setback, a 10' rear setback and 35' between the house and garage.

The outbuilding was constructed with a 25' setback and only 20' between it and the house. Although it wasn't as it was approved, it still had the 20' of separation required to meet the design guidelines, so staff determined it still met the guidelines.

Staff then discovered in March of 2018 that a pergola had been constructed in the space between the house and garage. A pergola is considered another building that requires a permit; however, staff determined that since the roof has open rafters, the structure didn't have side walls, and the structure was not attached to the house, legal action would not be taken.

In June of this year staff observed that the applicant continued to alter the structure, now adding a pitched roof and walls with doors and windows.

Typically, single-story additions need to be stepped in at least 12 inches from the side of an historic house, but this addition is only stepped in about the width of the cornerboard. That's a relatively minor issue and the height of the addition is clearly subordinate to the house, but there are more substantial issues now with the addition vis-a-vis the outbuilding because the applicant didn't build the outbuilding where they had proposed to build it.

The guidelines typically require there to be 20' separating a primary building and an outbuilding. This addition results in a separation of 2', and the roof of the addition actually extends over the eaves of the outbuilding. With an almost negligible break between the back corner of the addition and the garage, gives it the appearance of a house that rambles over 100 feet from front to back with an addition that more than doubles the depth of the building and includes an attached garage.

The result is not an appropriately scaled addition to this house, is not compatible with the character of the surrounding context, and does not meet the design guidelines.

Staff recommends disapproval of the rear addition, finding that the addition as it is constructed does not meet the design guidelines for the Waverly-Belmont Neighborhood Conservation Zoning Overlay, sections IV.A.1.b. (Location), III.B.1 and IV.B (Scale), III.C.2. and III.H.6.a., and III.H.6.d. (Setback & Rhythm of Spacing). Additionally, staff recommends that the addition shall be removed within sixty (60) days.

Commissioners asked clarifying questions of staff.

David Kleinfelter, legal counsel of property owner, explained that the owner is disabled and needs a covered walkway between his garage and outbuilding. Pergola construction is not a reviewable action, according to Mr Kleinfelter. He said that new drawings were submitted to staff yesterday, but he understood that they cannot be presented, per the Commission's rules. He provided background on the ownership and the project and explained the neighbors were in support of the project as-is.

Vice-chair said they have been consistent on how they have dealt with violations in the past but appreciates Mr Swope's efforts to continue to work out a solution.

Susan T. Jones, legal counsel, explained what the Commission has the authority to review and the ADA request process.

Motion:

Commissioner Tibbs moved to disapprove the rear addition, finding that the addition as it is constructed does not meet the design guidelines for the Waverly-Belmont Neighborhood Conservation Zoning Overlay, sections IV.A.1.b. (Location), III.B.1 and IV.B (Scale), III.C.2. and III.H.6.a., and III.H.6.d. (Setback & Rhythm of Spacing) and required that the addition be removed within sixty (60) days. Commissioner Fitts seconded and the motion passed unanimously.

n. 300 BROADWAY

Application: Violation/Work Without and Differently Than Permitted; Alterations-Exterior Lighting

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Robin Zeigler, robin.zeigler@nashville.gov

The application is to allow for colored building illumination for lighting fixtures already permitted on the façades of the building and to retain colored rooftop lighting installed without a permit.

The location and direction of lighting fixtures on the façade have been approved with the administrative permit; however, lighting was also installed on the rooftop addition without a permit.

The design guidelines allow for exterior lighting if it is concealed or unobtrusive. The lighting on the rooftop addition is inappropriate as the addition should be as minimally visible as possible. Illumination of the top of the addition will only draw attention to the new construction, which is not the intent of the design guidelines for rooftop additions, which states that additions should “not be visually jarring or contrasting” to the historic building.

In addition, light should be directed towards the façade rather than outwards. The lighting on the rooftop is directed away from the building and is therefore inappropriate. Staff recommends removal of the lighting on the addition.

The drawings note that the lights change colors. Illumination should be white as colored lights change the color of the building and would detract from the historic character of the building. Changing the color of the building with illumination does not meet Section T.1 of the design guidelines, which calls for lighting to be “unobtrusive.”

Just a little reminder and background for newer commissioners, in 2017, staff researched the issue of colored building illumination and held a charrette which included presentations from lighting expert Anthony Denami, preservation consultant Phil Thomason, sign manufacturer Bobby Joslin, state historic preservation office representative Dan Brown, and planning staff member Andrew Collins. The state historic preservation office recommended that lighting not be allowed to be colored. The Planning Department also said that colored lighting did not meet the intent of the DTC as it would increase visual clutter.

In addition to hosting the charrette, staff did a good bit of research on how other cities have addressed the issue. Most have not as there haven’t been applications for it but two cities, Denver and New Orleans, did extensive research and planning and their guidelines take colored lighting into account.

Denver’s design guidelines state *use illumination with a warm white light which does not distort the color of building materials and finishes.*

New Orleans says, Colored lighting, typically produced with a colored bulb or light with a colored filter, while intended to be theatrical, often creates a visual spectacle and disharmonious atmosphere that has no connection to the color of the building itself or the historic district. As a result, the use of an intentionally colored bulb or filter is not allowed in the Vieux Carre.

So those are some of the things you considered when you voted on a building and signage policy on August 16, 2017, which states that “colored bulbs or filters are not appropriate. Warm white light that does not distort the color of the building’s materials or finishes is appropriate.” This italicized information provides additional clarification for design guideline T.1: *If lighting is installed, it should be concealed or simple and unobtrusive in design, materials and relationship to other façade or elevation elements.*

No other buildings within the district have been approved for colored illumination.

Staff recommends disapproval of the request to retain colored building illumination and recommends that the rooftop lighting, installed without a permit, be removed, finding that the proposal does not meet Section II.T. of the design guidelines for lighting in the Broadway Historic Preservation Zoning overlay.

Ms. Zeigler said that it was her understanding that a commissioner has had conversations outside of the public hearing and asked legal counsel to remind the Commission of the rules, which Ms. Susan T. Jones provided. Commissioner Kaitlyn Jones said she has inadvertent no details. Commissioner Elizabeth Mayhall said she was approached because of her role on other downtown boards. It was a question about whether the case had been decided. With Brian Taylor.

Erica Garrison, legal counsel for the applicant, requested that the red lights remain in limited locations. She claimed that the Secretary of Interior Standards, the design guidelines, and the state law do not provide guidance for

the color of building lighting. She claimed that the public was not concerned with the color of building lighting and the lighting does not impact the historic character of the building.

Architect, David Plummer, said that they design to the Code. In this case, Tuck-Hinton designed the project based on guidelines that did not address colored building illumination, at the time they planned the project. Buildings already have colored lighting via neon signs. He compared the project to five of the Secretary of Interior standards. He argued changing the color of lighting does not damage the building and therefore was not addressed by the Secretary of Interior standard.

In answer to Commissioner Tibbs question, Zeigler stated that the Commission approved the policy, then the applicant applied for white lights which was approved; however, but after the fixtures were installed, the lights were turned red.

Commissioner Mayhall stated that she loves Ryman Hospitality and is delighted with the work that they have done on the building. Her concern is that approval will set a precedent and every building will be a different color.

Commissioner Jones argued that the policy provides further guidance, it's a clarification rather than a change to the design guidelines. The lighting should be less intrusive, which would mean white lights.

Vice-chair Bell said that in 2017, staff and commissions were very deliberate in the review of the policy regarding lighting.

The Commission reopened the public hearing to allow public comment.

Scott Lynn, general counsel for Ryman Hospitality, stated that the reason that they submitted an application for the white lighting was because they were ready to open and needed the lighting. If they lose today, they will turn the lighting back to white until there is a resolution.

Motion

Commissioner Stewart moved to disapprove the request to retain colored building illumination and recommends that the rooftop lighting, installed without a permit, be removed, finding that the proposal does not meet Section II.T. of the design guidelines for lighting in the Broadway Historic Preservation Zoning overlay. Commissioner Price seconded and the motion passed unanimously

o. 111 4th AVE S

Application: Violation/Work Without a Permit; Signage

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

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

PermitID#: 20190036561

Staff member, Melissa Sajid, presented the case for 111 4th Ave South.

The building at 111 4th Ave S was constructed prior to 1899 and contributes to the Broadway Historic Preservation Zoning Overlay. This is a request for painted signage that was added to a building without permits. The applicant requests to keep the signs as-is. The design guidelines state that all painting of masonry, whether for signage, to change the color of the building, or for artwork shall be reviewed by the MHZC.

The painted signs do not meet the design guidelines for location and allotment. Two painted signs were installed – one on the left side façade and one on the rear; both signs are located at ground level. While it is appropriate for painted signage to be located on rear and secondary façades, it is not appropriate for painted signs or murals to be located on the first level of the building. In this case, both are located at the first level. Staff finds that the painted signs as installed do not meet the design guidelines for location as it is not located on the upper level.

The total area of the painted signage installed without a permit is 245 SF. Per the design guidelines, “a painted sign should not be more than 125 sq. ft. in size.” The Commission has interpreted this as the maximum allotment of painted signage for the building. Since the signs installed without permits are nearly double the maximum size, staff finds that the painted signage does not meet the design guidelines for allotment of painted signage as it exceeds the maximum by 120 SF.

Staff recommends disapproval, finding that the location and allotment do not meet Sections II. *Rehab-Paint* and IV. *Signage* of the design guidelines for the Broadway Historic Preservation Zoning Overlay. Furthermore, staff recommends that the murals/signage be painted over within thirty (30) days with a paint color to be approved by staff.

Jim Rowan, Sign-Me Up, provided background on the signage for the building. They didn’t consider them as signage so didn’t apply for signage. There are other murals downtown on the ground level. The one on the right is far back on the building and so not very visible. The purpose of the murals are photo opportunities for tourist.

Matt DeVries, legal counsel for applicant, argued that the murals clean up the area and strengthen the local economy. He claimed that guidelines do not cover art. He provided examples of ground-level murals as a community standard but did not check to make sure that they all have permits. If it is a matter of size, he suggested they could change it. [Mr. DeVries showed photos of murals but did not leave the photos for the record.]

There were no requests from the public to speak.

Commissioners Stewart and Price noted that this applicant has been before this body before and should know better by now. The applicant should consult with staff prior to spending money. Commissioner Mayhall encouraged them to get permission prior to conducting work. Chairman Bell said that those in the sign business should know the rules and speak to staff prior to installing a signage so that everyone benefits. Coming before the Commission and saying you didn’t know it, is unacceptable.

Motion:

Vice-chair Stewart moved to disapprove the painted murals, finding that the location and allotment do not meet Sections II. *Rehab-Paint* and IV. *Signage* of the design guidelines for the Broadway Historic Preservation Zoning Overlay and that the murals/signage be painted over within thirty (30) days with a paint color to be approved by staff. Commissioner Jones seconded and the motion passed unanimously.

p. 111 4th AVE S

Application: Violation/Show Cause: Alterations

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

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

PermitID#: 2018063543

Staff member, Melissa Sajid, presented the case for 111 4th Ave South. Staff has issued a Show Cause hearing for work done differently than permitted by HCP 2018063543 which was issued in October 2018 for the rooftop addition. The work done differently includes the alteration of chimneys, which are an historic feature.

The applicant received written notice dated June 27, 2019 regarding the painted signs installed without a preservation permit and alterations to the chimneys. The violation notice stated that the chimneys were removed, but the chimneys are still located in the same approximate locations as the chimneys labeled as existing on the plans approved with the Preservation Permit. The material of the chimneys, however, appear to have been altered. The photo on the left is from 2013 and shows the chimneys prior to the addition; the photo on the right was taken earlier this month.

Prior to this meeting, the attorney for the applicant confirmed that the chimneys were wrapped with the new material in order to protect the brick. Chimneys, including their location and materials, are considered character-defining features of historic structures. The applicant did not request to alter the chimney materials, and so the chimneys were not inspected by staff nor was the action reviewed by the Commission.

The requirement to retain the front two chimneys is documented in several locations. Under the “Partial Demolition” heading, the Preservation Permit specifically states that “existing chimneys within thirty feet (30’) of the primary front wall (deck area) shall be retained.” There are two existing chimneys located within this 30’. The south elevation included with the Preservation Permit, which is seen here, labels both as “existing chimney” and does not indicate any changes to the materials of chimneys that were to remain or the material of the chimney to be extended above the new addition. MHZC should have approved the material for the chimney that was extended as part of the preservation permit.

Furthermore, the “Memorandum and Order Reversing Denial of Preservation Permit” also addresses the existing chimneys and indicated that “the front two chimneys can be retained as recommended in Section II.L.1.” It did not say that the materials could be altered.

The Court Order further states that all chimneys existing prior to the addition were masonry except for the front chimney on the south elevation, which was “a painted sheet metal structure, or wrap, and we were unable to determine if there is a masonry chimney behind the sheet metal.” The applicant’s attorney confirmed prior to this meeting that there was brick beneath it. This is a photo from March 2019 that shows the addition under construction. At that time, the chimney cladding does not appear to have changed.

The two chimneys that were to remain now appear to be clad in materials similar to what was used on the addition, which was stucco or panels with trim. The chimney that was to be extended above the addition, which was previously masonry, now also appears to be clad in materials similar to the addition. Wrapping the chimneys in a new material does not meet Section II.L.1. of the design guidelines which states that “historic roofs, chimneys, and related elements should be retained.”

In conclusion, staff finds that work has taken place differently than reviewed and approved by the Commission and permitted via Historical Commission Permit #2018063543. Furthermore, staff finds that the alteration of the chimneys does not meet Section II.L.1. of the design guidelines for the Broadway Historic Preservation Zoning Overlay. Since the new materials were wrapped around the existing chimneys, staff recommends that the wrap shall be removed within 30 days and that the applicant work with staff to repair the existing brick if need be.

Matt DeVries, legal counsel, provided background regarding the appeal. He explained the applicante wanted to put up a rooftop bar, this application was denied and was reversed on appeal. Court order was keeping two chimneys, but the owner retained three. The paperwork approved by the court noted that the chimneys would be wrapped. They wrapped the chimney that had bad mortar issues. He confirmed that chimneys were not removed but covered for protection.

There were no requests from the public to speak.

Commissioner Stewart said their charge is to deal solely with this application and not with other issues regarding this property. He stated that it is clear from the court order that the two front chimneys were supposed to be retained. He does not think it is an unreasonable request for the chimney to be kept. Commissioner Fitts said that they were ordered to retain the chimney, not to alter it, but if once work started they realized there was an issue with the condition of the chimney, they should have returned to staff.

Susan Jones, legal counsel stated she wasn’t the attorney assigned on this case but haven’t heard anything in their discussion that would be averse to the Judge’s decision. The court decision was to retain whatever was there at the time of the decision and repair with existing materials. But not changing the look of the existing chimneys.

Motion:

Commissioner Stewart moved to order that the new materials that were wrapped around the existing chimneys, be removed within 30 days. If the chimneys were demolished and reconstructed with the new materials, then staff recommends that the applicant submit scaled plans to reconstruct the chimneys with materials that were specified in the “Memorandum and Order Reversing Denial of Preservation Permit” and that the chimneys be reconstructed within 60 days of approval of the plans. Commission finds that work has taken place differently than reviewed and approved by the Commission and permitted via Permit #2018063543 and that the alteration of the chimneys does not meet Section II.L.1. of the design guidelines for the Broadway Historic Preservation Zoning Overlay. Commissioner Fitts seconded and the motion passed unanimously.

q. 235 LAUDERDALE RD

Application: Violation/Work Without a Permit; Addition
Council District: 24
Overlay: Cherokee Park Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Sajid, Melissa.sajid@nashville.gov
PermitID#: 20190036079

Staff member, Melissa Sajid, presented the case for 235 Lauderdale Road. The house located at 235 Lauderdale Road is a Minimal Traditional style constructed c. 1935. The house contributes to the character of the Cherokee Park Neighborhood Conservation Zoning Overlay. A new front porch was constructed without any permits. The applicant would like to request to keep the new front porch.

The earliest photo available is the 1968 photo from the Property Assessor; it shows the same front entry configuration that was there until the recent changes were made. The front façade including the front door surround appear to be the same as what was there prior to the construction of the front porch. The trim on the sides of the door remains but has been painted.

Porches and primary entrances are “character defining features” which the Secretary of Interior Standards require be preserved. The Minimal Traditional style gained in popularity after World War I and is a simplified interpretation of the earlier revival styles. They are generally one to one and one-half stories tall with low pitched roofs and little to no eave overhang. The entrances are generally a decorative surround or hood. Porches are atypical of this style. Staff recommends disapproval finding that the new front porch does not meet Section II.B.2 for additions. Furthermore, staff recommends that the front porch be removed within thirty (30) days.

Brittany Benson, owner, explained the goal for the porch, which was to provide cover and keep packages dry. She was not aware that she needed a permit to build the porch on the home. She talked with neighbors and they supported her project. She took pictures of other homes in the area with similar porches in the overlay. She has future plans is to renovate the inside of her house.

Commissioner Bell encouraged property owners to come to staff to ask questions and obtain advice prior to conducting work.

There were no requests from the public to speak.

Vice-chair Stewart said that the neighborhood requested the overlay and they have a charge to follow the design guidelines. The guidelines look to maintain different housing types. Changes to the front are generally not allowed because it changes the character of the building. In this case, the change is an Arts and Crafts style porch on a building with a more classical design. Commissioner Jones agreed and referenced a similar case from a couple of years ago where the porch was found not to meet the design guidelines.

Commissioner Mayhall said the house is beautiful and they have done a great job, but the character of the home has been changed.

Motion:

Commissioner Price moved to disapprove the new construction, finding that the new front porch does not

meet Section II.B.2 for additions and ordered that the front porch be removed within thirty (30) days. Commissioner Fitts seconded and the motion passed unanimously.

[Commission took a break between 3:59 p.m. and 4:09 p.m.]

IX. MHZC ACTIONS

r. 1502 FRANKLIN AVE

Application: New construction-Addition

Council District: 06

Overlay: Eastwood Neighborhood Conservation Zoning Overlay

Project Lead: Paul Hoffman Paul.Hoffman@nashville.gov

PermitID#: T2019047640

Paul Hoffman, staff presented the case for 1502 Franklin Avenue. This application is for a rear addition to the contributing building. The addition as drawn is offset and intrudes into the existing roof plane on the building's left side. The addition will attach to the rear of the house with its walls stepped in 2' on the left and 12' on the right. The addition will add approximately 1,039 square feet to the existing 1,524 of the house. It will have the same ridge height as the house after a short connector that is 2' shorter. It meets the design guidelines for height and scale and in most other respects.

The hipped roof of the addition extends over the existing roof on the left side approximately 12'. Section II.B.2 for Additions specifies that an addition should be situated at the rear of a building so that it does not disturb either front or side facades. In the past, the Commission has required an addition to tie in behind the existing roof, and that it should fit within the shadow line of the roof form. Staff therefore recommends that this portion of the addition be moved behind the existing ridge, to minimize visibility and preserve the original roof form.

Staff recommended approval of the addition with the conditions:

- The addition's roof is moved behind the existing rear-left ridge;
- Lap siding shall be smooth-faced
- HVAC and utilities are located on the rear façade, or at least beyond the midpoint of the house;
- Staff approval of windows, doors and roof color.

With these conditions staff finds that the application meets Sections II.B.1 and II.B.2 of the Eastwood Neighborhood Conservation Zoning Overlay.

Lindsey Sullivan and Kristian Marcy explained the purpose of the design and alternatives that they have considered. A tree would need to be removed to propose a different design. David Minnigan, friend of the family, said he has looked at multiple options, but none are ideal because of stair height and tree loss. The addition will not be visible from the street.

There were no requests from the public to speak.

Commissioner Jones said the tree is an important part of the site. The proposal is an appropriately scaled and massed addition, a reasonable addition. Commissioner Tibbs agreed and although in general the addition wouldn't typically be approved, looking at the project as a whole it is appropriate. Commissioner Fitts agreed that the tree is a constraint issue and that the addition is appropriately scaled. She explained that the historic roof form doesn't provide many options for an addition. Commissioner Stewart said that the footprint of the addition is so small that he agrees this is a reasonable approach.

Commissioner Mayhall stated that the addition doesn't meet the design guidelines.

Commissioner Price noted that the design guidelines say that additions shouldn't intrude on the side and since he has been on the Commission, they haven't approved similar proposals.

Motion:

Commissioner Jones moved to approve with the conditions that:

- 1. Lap siding will be smooth faced;**
- 2. If HVAC or other utilities are moved, they will be located on the rear façade, or beyond the midpoint of the house. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on the building permit; and,**
- 3. Staff approve the roof color, windows and doors;**

finding that with these conditions, the application meets Sections II.B.1 and II.B.2 for the Eastwood Neighborhood Conservation Zoning Overlay. Commissioner Tibbs seconded and the motion passed unanimously.

s. 2206 BELMONT BLVD

Application: New Construction—Addition and Outbuilding; Setback determination

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

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

PermitID#: T2019047850 and T2019047856

Staff member, Melissa Baldock presented the case for 2206 Belmont Boulevard, a c. 1930 brick bungalow that contributes to the historic character of the BH NCZO. The application is to demolish the front dormers and construct a new front dormer, to construct a rear addition, to demolish an existing outbuilding, and to construct a new outbuilding. Because the lot is zoned multi-family, RM20, the outbuilding is not considered to be a DADU.

On the front façade, the applicant is proposing to remove the two front dormers so that a larger front dormer can be constructed. There is no evidence that these two dormers are not original to the house, and it is highly likely that they are original features. They appear in the c.1968 Property Assessor photo. Front dormers like these are an integral part of a historic bungalow’s design and character. Bungalow front dormers come in all shape, sizes, and locations, and are defining features of these houses. The design guidelines do not allow for the removal of character-defining features like front dormers.

Furthermore, by state law, all design guidelines for historic and conservation zoning overlays must meet the Secretary of Interior Standards for Historic Preservation. The standards state, “The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.” They further explain, “New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property.” The removal of the historic front dormers so that a larger front dormer can be created meets neither the design guidelines nor the Secretary of Interior Standards. Staff recommends that the front dormers remain as they are now.

If this dormer were part of a new infill or designed on a non-contributing structure, then staff would not have an issue with it. That said, the existing front dormers are historic, and their removal is not appropriate.

In the interest of time, she did not fully present the rear addition, as it meets all design guidelines and staff is not recommending any changes

The applicant proposes an outbuilding. Because the lot is zoned multifamily RM20, the outbuilding is not considered to be a DADU, although it does contain a dwelling unit.

The design guidelines limit outbuildings to 1,000 sq. ft. on lots of this size. The applicant is proposing an outbuilding that has a larger footprint of one thousand and forty square feet. Staff recommends that the outbuilding’s footprint be reduced to be no larger than 1,000 sq. ft.

The proposed outbuilding has an eave height ranging from twelve feet, six inches to fourteen feet (12'6"-14'). The design guidelines limit the eave height of outbuildings behind one-and-a-half story houses to ten feet (10'). Staff therefore recommends that the eave heights be reduced to be no taller than ten feet (10').

Staff recommends approval of the proposed addition and outbuilding with the following conditions:

1. The front dormers remain unchanged and no new front dormer be constructed;
2. The outbuilding's footprint be no larger than 1,000 sq. ft.;
3. The outbuilding's eave height be no taller than ten feet (10');
4. Staff approve all window and door selections;
5. Staff approve the roof shingle color and texture;
6. Staff approve a brick sample; and,
7. The HVAC and utility connections be located on the rear or behind the midpoint of the house.

With these conditions, staff finds that the proposed addition meets Section II.B.1., II.B.2., and V. of Belmont-Hillsboro Neighborhood Conservation Zoning Overlay design guidelines.

Marcus DiPietro, architect for the project, presented a video to illustrate the proposal. He made the argument for removal of the historic dormer because the secretary of interior standards says "should" rather than "shall." He provided his interpretation of the Standards and the reason for the one larger dormer. A new dormer would ensure the future vitality of the family.

There were no requests from the public to speak.

Commissioner Jones thanked the applicant for the thorough presentation and the project. She explained that their goal is to keep the historic structures intact, which is the reason for allowing change behind the house while not allowing for changes to the front character of the building. The outbuilding relates to the historic building. Since the building is 1.5 stories, the outbuilding should not exceed 1.5 stories.

Commissioner Stewart read Standards 9 and 10, which state that historic materials shouldn't be destroyed, and the original form should be retained. The central dormer violates both of those standards. He agreed that a two-story outbuilding is not appropriate behind a 1.5 story building.

Motion:

Commissioner Tibbs moved to recommend approval of the proposed addition and outbuilding with the following conditions:

- 1. The front dormers remain unchanged and no new front dormer be constructed;**
- 2. The outbuilding's footprint be no larger than 1,000 sq. ft.;**
- 3. The outbuilding's eave height be no taller than ten feet (10');**
- 4. Staff approve all window and door selections;**
- 5. Staff approve the roof shingle color and texture;**
- 6. Staff approve a brick sample; and**
- 7. The HVAC and utility connections be located on the rear or behind the midpoint of the house;**

finding that with these conditions, the proposed addition meets Section II.B.1., II.B.2., and V. of Belmont-Hillsboro Neighborhood Conservation Zoning Overlay design guidelines. Commissioner seconded and the motion passed unanimously. Commissioner Prices seconded and the motion passed unanimously.

t. 1212 RUSSELL ST

Application: New Construction - DADU

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

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

PermitID#: T2019047686

Staff member, Jenny Warren, presented the case for 1212 Russell, a circa 1900 house that contributes to the character of the Lockeland Springs – East End NCZO. The application is for the construction of a two story DADU

with garage at the rear of the lot. The DADU will make use of the existing curb cut and will be accessed off South 13th Street.

The proposed outbuilding meets the guidelines in terms of ridge height, materials, setbacks, roof form and square footage (it is just under the maximum allowed for this lot, at 748sqft).

Staff's concern is with the proposed eave height. The historic house is a tall one story, with eave heights that are approximately fifteen feet (15') high. The applicant proposes approximately fifteen-foot, six-inch (15'6") eaves on the DADU. In the past, the Commission has interpreted the guidelines to mean that when the historic house is one story, the eave heights on the outbuilding are limited to ten feet. In this case, the resulting design creates a two-story form behind a one-story house. And it will be highly visible since it faces a side street. Therefore, staff recommends that the eave height be reduced to a maximum of ten feet (10')

Staff recommends approval of the proposed DADU with the following conditions:

1. Staff shall approve the roof color, windows, doors and garage doors; and
2. The maximum eave height shall be ten feet (10').

Corey and Jeff Morris explained that they had a permit in 2011 but the project was placed on hold. They explained the factors that went into the design.

There were no requests from the public to speak.

The Commission invited the applicants back to answer questions about the plans and design.

Commissioner Tibbs expressed concern about not following the DADU eave requirements when they have made others follow it. Commissioner Mayhall agreed. Commissioner Stewart added that they see these on a daily basis and it's important that they stay consistent. It's a 1.5 story house so the DADU should be no more than 1.5 stories.

Motion:

Commissioner Mayhall moved to approve the proposed DADU with the following conditions:

- 1. Staff shall approve the roofing color, windows, doors and garage doors; and,**
- 2. The maximum eave height shall be ten feet (10');
finding that it meets Section II.B.8 of the Lockeland Springs-East End Conservation Zoning Overlay design guidelines for outbuildings and the design standards of the DADU Ordinance. Commissioner Tibbs seconded and the motion passed unanimously.**

u. 1511 16TH AVE S

Application: New Construction--Infill

Council District: 17

Overlay: South Music Row Neighborhood Conservation Zoning Overlay

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

PermitID#: T2019039562

Approved on consent agenda with conditions.

v. 600 HUME ST

Application: New Construction - Infill

Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay

Project Lead:Jenny Warren, jenny.warren@nashville.gov

PermitID#: T2019025699

Approved on consent agenda with conditions.

w. 231 CHEROKEE RD

Application: New Construction—Infill

Council District: 24

Overlay: Cherokee Park Neighborhood Conservation Zoning Overlay

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

PermitID#: T2019047872

Sean Alexander, staff member, presented the case for 231 Cherokee Road. There was a non-contributing house on the lot that was recently demolished. The current proposal is for infill on a vacant lot. One and one-half-story, side gabled form with a pair of dormers on the front. The width is compatible with surrounding context. The height is proposed to be 30 feet tall, with a three foot tall foundation. The foundation and overall height are both about one to two feet taller than the typical house nearby, so staff recommends reducing the foundation height by one to two feet.

The house is proposed to be brick with half-timber trim and panel siding in the upperstory walls and gable fields. The Cherokee Park guidelines require infill to be primarily brick, but other materials are permitted as accent materials, so staff finds that this meets the guidelines.

One distinction, brick houses typically have a different foundation material, but the proposal shows brick to grade. Staff recommends that the foundation material be different from the primary brick walls.

More information is needed about some of the materials, but for the most part they appear to be compatible as well.

Staff recommended approval of the proposed infill construction with the following conditions:

1. The foundation height shall be reduced by one foot (1') to two feet (2') tall;
2. The ridge height shall not exceed twenty-nine feet from finished grade;
3. The foundation material shall be different from that of the primary wall material;
4. All materials shall receive final approval from staff prior to purchase and installation: foundation, driveway and walkway; front porch floor and stairs; rear porch floor and railing materials; window and door selections and roof colors;
5. The cement-fiber cladding and trim material shall have a smooth finish; and,
6. The HVAC units shall be behind the midpoint of the building.

With these conditions, staff finds that the proposal will meet the design guidelines for new construction in the Cherokee Park Neighborhood Conservation Zoning Overlay.

Shane Teeters, applicant, requested to confirm that the building foundation and ridge height is only reduced by one foot.

There were no requests from the public to speak.

Motion:

Commissioner Stewart moved to approve of the proposed infill construction with the following conditions:

- 1. The foundation height shall be reduced by one foot (1');**
- 2. The ridge height shall not exceed twenty-nine feet from finished grade;**
- 3. The foundation material shall be different from that of the primary wall material;**
- 4. All materials shall receive final approval from staff prior to purchase and installation: foundation, driveway and walkway; front porch floor and stairs; rear porch floor and railing materials; window and door selections and roof colors;**
- 5. The cement-fiber cladding and trim material shall have a smooth finish; and,**
- 6. The HVAC units shall be behind the midpoint of the building.**

With these conditions, staff finds that the proposal will meet the design guidelines for new construction in the Cherokee Park Neighborhood Conservation Zoning Overlay. Commissioner Fitts seconded and the motion passed unanimously.

[Commissioner Tibbs left the meeting at 5:15p.m.]

g. 126 SECOND AVE S

Application: Demolition

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Robin Zeigler, robin.zeigler@nashville.gov

[Item removed from consent.]

Robin Zeigler presented the case to demolish the historic building at 126 Second Ave S.

The brick, four-story, American Steam Feed Company building was constructed in 1927. It is a contributing building because of its history, as an influential and long-term manufacturing business. The building speaks to the history of the neighborhood before the bars and restaurants. American Steam Feed manufactured cooked feeds specifically dairy feeds, chick mashes, and hog feeds.

This building was constructed, after the previous building was destroyed by a flood, using some of the materials from the previous building.

Its most recent use was retail; however, the owner vacated the tenant due to safety concerns.

The property owner obtained an engineer's report from Mark Buchanan with EMC and a 3D scan of the perimeter walls from Ragan Smith. Staff toured the interior and exterior of the building with Mr. Buchanan, the engineer.

In summary, Buchanan found there to be serious life-safety concerns for any use of the building. According to Buchanan's report, the current condition of the building is a result of original construction methods, the 2010 flood, and the fact that the building is a four-story building that no longer has additional support next to it, as most buildings in the district have. Staff suspects that it may also be due to reuse of materials from the building destroyed in 1926.

The only way to "rehab" the building, according to Buchanan, would be to remove and reconstruct all four walls. The brick is in poor condition and comes from at least three different eras. A *Tennessean* article from 1927 notes that half the brick from the previous building (which represented at least two eras) was reused with concrete mortar in the new building. The brick that turns to dust at the touch is likely salvaged brick from the first building that was too soft for a concrete mortar and to be paired with later harder brick, causing its current failure. The brick on the front façade doesn't match any of the brick on the sides and the rear and isn't "woven" into the brick of the sides which leads staff to believe it is a later replacement. Staff assumes that because of the poor condition of the brick and the multiple types of bricks, a true "reconstruction" would not be possible once the walls are removed. Since removal of the walls would not be considered "rehabilitation" and reconstruction with historic materials is not possible, staff found demolition to meet section V.2.b. Rehabilitation is essential for there to be any use of the building and, in this case, rehab will result in the building irretrievably losing its architectural and historical integrity.

Although not a requirement, Staff often requests documentation and a salvage plan of historic buildings that are to be demolished. Staff has documented the building with photographs, some of which are a part of this report, and there are extensive photographs in the engineer's report. The applicant has provided measured drawings. The applicant has arranged for all materials that are salvageable, to be salvaged. There are no original windows or doors.

Staff recommends approval of the demolition request, finding that rehabilitation will result in the complete loss of historic and architectural integrity.

Larry Papel, applicant, submitted Mark Buchanan's report and other materials, deferring to Buchanan to answer any technical questions.

Commissioner Price asked how long the current owner has owned the building and Mr. Papel said 1999. Commissioner Price asked if the building was in better condition 20 years ago and Mr. Papel said it was not and they have not rented out the upper levels. Papel stated, they had done some rehab to the building but, to a degree, the current issues were in place 20 years ago but are now worse. They terminated the lease since it was month to month, and it will now remain empty. Tenants pointed out evidence of movement in the walls. That was when they hired Buchanan to inspect the structure.

Chairman Bell ask if they did substantial repairs due to the condition? Papel replied that yes, they had repaired the structure when they purchased the property. Chairman Bell asked if there had been buildings to either side of this one. Papal answered that there was a building there had been a building on the left. It was removed for parking and the loss has contributed to the structural concerns of this building.

Commissioner Mayhall noted that she was approached by David Ewing, who gave her historical information that is included in the report. The contact does not influence her ability to make a fair decision.

Commissioner Stewart said there are times that buildings cannot be saved. The fabric of the building is in question and he supports the report.

Commissioner Jones asked for clarification of what the life-safety issues are that undermine the structural integrity. Buchanan, engineer, explained that the walls have moved so far that the floor system is no longer engaged with the walls. When he saw that he obtained a 3D scan. He worked on the Hard Rock Café and other historic buildings and so recognizes that walls are not straight and plum. The report showed that they are 24” out of plumb. If it was a simple matter of tuck pointing there would be no problem but the walls being out of plum was concerning. Fresh wood is exposed on both sides of the building and the walls are falling off the building.

Commissioner Price asked for an explanation of the 3D scans. Color coding of the 3D scan gives graphic details of what is happening. The building was scanned every three feet and shows that the worst wall is the north face which shows movement up to 12”.

Commissioner Price asked if there were any other options that could be explored and Buchanan answered that the building is too far gone.

There were no requests from the public to speak.

Commissioner Mayhall said she moved downtown in 1984 and shared a story about a building that had a tree growing out of it with a wall that moved when touched, but it was able to be rehabilitated. She told another story about an engineer who said that the building that is now the Marriott Courtyard had to be torn down. She explained that looked up Buchanan and was impressed with his credentials but she is suspect or reports paid for by applicants. She state that she cannot in good conscience vote to approve demolition.

Commissioner Fitts said there are so many different bricks in this building that it creates a beautiful texture; however, using different materials can cause design flaws. She feels it is different from the cases Commissioner Mayhall sited and she doesn't know how the walls could be kept without a complete reconstruction. She stated that the engineering firm is highly respected, and the Commission has to consider the safety of the building.

Commissioner Stewart explained that reconstruction, using historic materials, would be like building a house with termite infested wood. The taller a building is the more load and the more structural integrity it needs. He doesn't see how there is any way to save it, it will need to be totally rebuilt and wouldn't be able to reuse existing materials.

Commissioner Jones said it is a tragic loss for downtown but if it is unsafe.

Commissioner Mayhall said that the president of Icon Entertainment gave her a tour of the new Johnny Cash Museum and they spent a million dollars to renovate the building, adding new structural beams.

Commissioner Price said he understood the inherent issues with the materials; however, many of the issues are due to neglect so he cannot support demolition.

Commissioner Mayhall noted that the engineer's report is no objective since it has been paid for by the applicant and staff are not engineers. Commissioner Stewart agreed but pointed out that there is expertise on the Commission. Commissioner Price agreed with Commissioner Mayhall that a second opinion is needed.

Commissioner Mayhall suggested that Historic Nashville, Inc. or other downtown organizations could be approached to pay for an independent study.

Commissioner Stewart moved to approve the demolition request, finding that rehabilitation will result in the complete loss of historic and architectural integrity. Commissioner Fitts seconded. Commissioner Jones voted in favor of the motion with Commissioners Mayhall and Price and Chairman Bell voting against. The motion failed without four concurring votes.

Commissioner Mayhall moved to deny the demolition request. Commissioner Price seconded. Chairman Bell voted in favor of the motion with Vice Chair Stewart and Commissioners Fitts and Jones voted against the motion. The motion failed without four concurring votes.

Jones explained that with no action taken, and if there is no action taken within the next thirty days, the request will be considered automatically approved and a preservation permit may be issued.

X. OTHER BUSINESS

x. RULES OF ORDER PROPOSED REVISION

Staff member, Robin Zeigler introduced revisions to the rules of order. None are really a change in practice but are clarifying. There are two corrections that don't change anything and there are two additional changes. Staff recommend adding the following to the list of items that may be administrative approved (section V.III.C.2).: "demolition of addition, appurtenances and non-character defining features."

Staff also recommends adding to section VIII.C.6 to set up an appeals process for administrative permits.

Motion:

Commissioner Price moved to accept the revised rules of order as presented. Commissioner Mayhall seconded and the motion passed unanimously.

y. ADMINISTRATIVE ACTIONS & UPDATES

There were no updates presented.

[The Commission took a break between 6:12 p.m. and 6:19 p.m.]

z. COMMISSIONER CONTINUING EDUCATION

Intern, Victoria Hensley, presented a summary of her accessory dwelling unit research.

Meeting adjourned at approximately 6:30.

RATIFIED BY COMMISSION ON 9/18/2019