

DAVID BRILEY  
MAYOR



## METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission  
Sunnyside in Sevier Park

### METRO HISTORIC ZONING COMMISSION (MHZC) MINUTES September 18, 2019

**Commissioners Present:** Chairman Bell, Vice-chair Stewart, 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 (legal counsel) Ron Yearwood and Eric Hoke (consultants)

**Applicants:** Martin Wieck, Cheyenne Smith, Blaine Bonadies, Rowland Stebbins

**Councilmembers:** Tom Cash, Burkley Allen

**Public:** Randy Haley, Trena Payne, Irwin Venick, Martin Wieck, Irwin Venick, Seth Jennings, John TeSelle

Chairman Bell called the meeting to order at 2:03 p.m.

Chairman Bell read information about the amount of time people have to speak, the process regarding 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 informed the commission that the applicant for 924 McFerrin requests a deferral and she requested to move 1722 5<sup>th</sup> Ave N to the consent agenda. She also requested that the public hearing for the design guideline consolidation project move to the end of the agenda but that the Commission defer their decision until the November 20, 2019 public hearing.

**Motion:**

**Vice-chairman Stewart moved to approve the revised agenda. Commissioner Mosley seconded and the motion passed unanimously.**

#### II. RECOGNITION OF COUNCILMEMBERS

Councilmembers Burkley Allen and Tom Cash were in attendance.

#### III. APPROVAL OF MINUTES

a. August 21, 2019

**Motion:**

**Vice-chairman Stewart moved to approve the draft minutes and Commissioner Price seconded. The motion passed unanimously.**

#### IV. CONSENT AGENDA

b. ADMINISTRATIVE PERMITS ISSUED FOR PRIOR MONTH

c. 4205 A & B ELKINS AVE

Application: New Construction—Addition

Council District: 24  
Overlay: Park and Elkins Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Sajid [melissa.sajid@nashville.gov](mailto:melissa.sajid@nashville.gov)  
PermitID#: T2019053293

**d. 3546 RICHLAND AVE**

Application: New Construction—Infill  
Council District: 24  
Overlay: Richland-West End Neighborhood Conservation Zoning Overlay  
Project Lead: Jenny Warren [jenny.warren@nashville.gov](mailto:jenny.warren@nashville.gov)  
PermitID#: T2019053565

**e. 2509 WEST LINDEN AVE**

Application: New Construction—Addition  
Council District: 18  
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
Project Lead: Sean Alexander, [sean.alexander@nashville.gov](mailto:sean.alexander@nashville.gov)  
Permit ID#: T2019054034

**f. 3605 WESTBROOK AVE**

Application: New Construction—Addition  
Council District: 24  
Overlay: Richland-West End Neighborhood Conservation Zoning Overlay  
Project Lead: Sean Alexander, [sean.alexander@nashville.gov](mailto:sean.alexander@nashville.gov)  
Permit ID#: T2019054037

**g. 200 BROADWAY**

Application: New Construction—Addition; Alterations  
Council District: 19  
Overlay: Broadway Historic Preservation Zoning Overlay  
Project Lead: Melissa Baldock, [melissa.baldock@nashville.gov](mailto:melissa.baldock@nashville.gov)  
Permit ID#: T2019054626

**h. 1000 PARIS AVE**

Application: New Construction—Addition  
Council District: 17  
Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay  
Project Lead: Sean Alexander, [sean.alexander@nashville.gov](mailto:sean.alexander@nashville.gov)  
Permit ID#: 20190040012

Staff member, Paul Hoffman, presented the cases on consent. There were no requests for an item to be removed from the consent agenda.

**Motion:**

**Commissioner Stewart moved to approve all consent items including 1722 5<sup>th</sup> Ave N with their applicable conditions. Commissioner Jones seconded and the motion passed unanimously.**

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

**i. CONSOLIDATION OF NEIGHBORHOOD CONSERVATION ZONING OVERLAY**

Presented at the end of the meeting with no action taken.

**VI. PREVIOUSLY DEFERRED/DECIDED ITEMS**

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

**j. 1110 MONTROSE AVE**

Application: New Construction; Infill

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay

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

PermitID#: T2019039622

Staff member, Jenny Warren presented the cases for the previously approved infill projects at 1110 and 1112 Montrose.

The Commission will remember these cases from July. At the time, the applications were for the demolition of these existing non-contributing structures and the construction of two new infill duplexes. The Commission approved the proposals, subject to conditions which required revisions. The applicant has provided revised drawings that they feel meet those conditions. Staff disagrees, so we are here today with a revised version.

The three previously approved conditions that are at issue today are: #1 the overall height shall not exceed twenty-five feet (25'), #2 the eaves shall not exceed twelve feet (12') and #3 the finished floor height shall be consistent with adjacent historic houses.

The applicant has submitted revisions that meet the height requirements. The overall height is just under twenty-five feet (25'), the eaves are less than twelve feet (12'). (2/) However, in order to achieve this, the applicant is proposing to significantly re-grade the lot. This drawing shows the neighboring historic house to the right and then the two proposed houses sitting atop of the new grade. The dashed line below shows the existing grade, while the solid line shows the proposed grade. Note the difference in height at the retaining wall on the left, and the low finished floor height of the infill.

The height of the original proposal was partially driven by the depth of the two structures and the slope of the lot. The applicant proposes to eliminate that problem by flattening out the grade. Staff has no issue with some re-grading along the sidewalk: constructing a low retaining wall and filling in the slope of the front yard would be consistent with other properties along this street. However, as you can see here, the grade slopes both up from the street and down toward the left. The current grade at the proposed setback for #1110 is about two feet (2') lower than the front of the historic house at #1108. The setback for #1112 drops about another two feet (2'). Building up the grade at the setback as much as four feet (4') and then constructing twenty-five foot (25') tall infill on top of that— one foot higher than the tallest historic house on the block- is inappropriate.

Staff finds that the existing grade should be largely maintained, with the floor heights of the proposed houses stepping down from the existing house at #1108 as the street level does. This would help to keep the new taller ridge lines below the historic house to the right and would keep the finished floors consistent with the street, rather than built up to be level in elevation while the street itself slopes away.

As an aside, if the lot is leveled out as proposed, not only will the taller heights be accentuated and the floor heights be skewed in relation to the context, but the lots will be built up significantly in comparison to the context. This will be particularly jarring at the low point, here right along the street as you enter the neighborhood from 12<sup>th</sup> Avenue South where the grade on the far side of this existing retaining wall will jump several feet.

In conclusion, our recommendation is almost identical to that made in July, changes are in bold: Staff recommends approval of the infill with the following conditions:

1. The overall height, **as measured from existing grade**, shall not exceed twenty-five feet (25') high;
2. The eave height shall not exceed twelve feet (12') **from existing grade**;
3. 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;
4. Staff shall approve the front setback in the field at staking;
5. Staff shall approve the roofing color, porch materials, windows, doors and driveway and walkway materials prior to purchase and installation; and,

6. The HVAC shall be located behind the house or on either side, beyond the midpoint of the house, and utility meters shall be located on the side of the building, within five feet (5') of the front corner or on the rear or rear-side within five feet (5') of the rear corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s),

finding that, with these conditions, the project meets Section III of the Waverly-Belmont Neighborhood Conservation District: Handbook and Design Guidelines.

Martin Wieck, architect for the project, stated that the lot is owned by a family trust that hopes to build lasting houses for the neighborhood, not something cheap. There was not mention of the existing grade in the original recommendation. He explained original conditions for the lot and their desire to take it back to what it might have been. They reduced the overall height. They would prefer not to split the floor levels.

Commissioner Stewart asked about retaining wall and the height. Wieck said he was not sure but they would try to match what was already existing but keep it low enough that a railing on top would not be needed to meet code.

There were no requests from the public to speak.

Commissioner Mosley said that the back is driving the front for this project. Would it be better to split the levels or something with a continuous floor line but increases the height in the front. Commissioner Fitts said she would prefer to see the front unit lower than the rear unit, if they are split. Commissioner Mosley said that raising the grade to meet your situation is inappropriate and would not be in keeping with the guidelines. His preference would be to split the floor levels rather than to arbitrarily and artificially to raise the grade. Commissioner Fitts agreed.

There is some grade manipulation anticipated in any construction process but bringing in additional fill is not appropriate.

**Motion:**

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

1. The overall height, as measured from existing grade, shall not exceed twenty-five feet (25') high;
2. The eave heights shall not exceed twelve feet (12') from existing grade;
3. 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;
4. Staff shall approve the front setback in the field at staking;
5. Staff shall approve the roofing color, porch materials, windows, doors and driveway and walkway materials prior to purchase and installation; and,
6. The HVAC shall be located behind the house or on either side, beyond the midpoint of the house, and utility meters shall be located on the side of the building, within five feet (5') of the front corner or on the rear or rear-side within five feet (5') of the rear corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s),

finding that with these conditions, the project meets Section III of the *Waverly-Belmont Neighborhood Conservation District: Handbook and Design Guidelines*. Commissioner Fitts seconded and the motion passed unanimously.

**k. 1112 MONTROSE AVE**

Application: New Construction; Infill

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay

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

PermitID#: T2019039625

Since the issues were the same as 1110 Montrose, the previous case and the next-door project, staff did not represent for this case but did recommend a second motion.

**Motion:**

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

1. The overall height shall not exceed twenty-five feet (25') high;
  2. The eave height shall not exceed twelve feet (12');
  3. 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;
  4. Staff shall approve the front setback in the field at staking;
  5. Staff shall approve the roofing color, porch materials, windows, doors and driveway and walkway materials prior to purchase and installation; and,
  6. The HVAC shall be located behind the house or on either side, beyond the midpoint of the house, and utility meters shall be located on the side of the building, within five feet (5') of the front corner or on the rear or rear-side within five feet (5') of the rear corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s),
- finding that, with these conditions, the project meets Section III of the *Waverly-Belmont Neighborhood Conservation District: Handbook and Design Guidelines*. Commissioner Stewart seconded and the motion passed unanimously.

**VII. PRELIMINARY & FINAL SP REVIEW**

None.

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

None.

**IX. MHZC ACTIONS**

**1. 2121 WESTWOOD AVENUE**

Application: New Construction—Infill

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock, melissa.baldock@nashville.gov

Permit ID#: T2019054618

Staff member, Melissa Baldock, presented the case for 2121 Westwood Avenue. Before beginning the presentation, Ms. Baldock mentioned that the Commission received public comment on this project – some of the comments were included in the staff recommendation document and others received after the publication of the staff recommendation were forwarded to the Commissioners.

2121 Westwood Avenue was constructed circa 1926 at the back of the lot. The application is to construct infill in front of the existing historic house. This neighborhood is zoned RS7.5, which is a single family zoning. Therefore, under the current zoning, if a new house is constructed on the lot, the existing historic house will have to be converted to an outbuilding.

Staff finds constructing infill in front of the historic house to be inappropriate. The building is listed as a contributing resource to the Hillsboro-West End National Register of Historic Places Historic District, and staff finds that it contributes to the historic character of the Hillsboro-West End Neighborhood Conservation Zoning Overlay. The report attributes the house to circa 1930, but staff's research shows that the house was constructed circa 1926.

Research on the lot indicates that the existing house at 2121 Westwood was constructed to be the primary house on the lot, even though it has a deep front setback. It was never an accessory structure to another house, and there was never another house in front of it on the lot. Deed research shows that the parcel at 2121 Westwood Avenue was created in its current dimensions in 1926 by deed. The 1926 deed describes the existing lot as being fifty feet by one hundred and eighty-five feet (50' x 185'), the current dimensions of the lot.

Prior to 1926, the lot was part of a larger parcel that included the lot to the east at 2119 Westwood. Even though the circa 1931 Sanborn map implies that 2121 and 2119 Westwood were part of the same parcel in the early 1930s, it is known through deeds that they were sold separately starting in 1926, around the time that 2121 Westwood first appears in the City Directories. The 1930 Census records also indicate that the two houses at 2119 and 2121 Westwood were owned separately at that time. So even though this circa 1931 maps implies this house was on the lot with another structure towards the front of the lot, we know from the description of the lot in the deed and the 1930 census records that this house was on its own lot as early as 1926.

Although it is atypical for a house to be constructed at the back of the lot like 2121 Westwood, it is not unique. MHZC staff has identified several houses constructed in the 1920s, 1930s, and 1940s at the back of their lots. Several examples of houses at the back of their lots that are considered contributing include 2508 Woodlawn Drive, 2509 Ashwood, 2807 27<sup>th</sup> Avenue South, 133 Bowling, 1907 Beechwood, 1724 Linden, 918 and 923 Bradford, and 1901 Shelby. With so many examples throughout Nashville, these houses at the back of the lot represent a small and significant trend in home building in the 1920s through the 1940s.

Staff notes that there have been instances where the Commission has allowed non-contributing primary structures constructed at the back of their lots to either be demolished or to have a house constructed in front of them. One example is 2008 Natchez Trace, a house originally constructed in the late 1940s and deemed non-contributing based on its date of construction; the commission allowed the demolition of that house and a new house constructed in its place. Another example is 906 Boscobel, a non-contributing house also constructed in the late 1940s; the Commission approved a house to be constructed in front of that house.

In the case of 2121 Westwood, staff finds it is inappropriate to construct infill in front of the historic house for several reasons. The main task of the Historic Zoning Commission is to preserve the architectural and historic character of Nashville's neighborhoods. First and foremost, this is done through preventing the demolition of historic houses and significant architectural features on historic buildings. Even though the applicant is not proposing to physically demolish the historic house at 2121 Westwood, by constructing a new infill house in front of the historic house, it is destroying the historic house's relationship and contribution to the historic character of the Hillsboro-West End Neighborhood Conservation Zoning Overlay and National Register district. A defining character of this overlay is its mix of small, medium, and large homes, with a variety of setbacks. Constructing a house in front of this historic house is akin to demolition because it is destroying defining features of the house and site – its front setback and context along the street.

The design guidelines state that setbacks for new construction should be similar to adjacent buildings because the document assumes that the lot is vacant. This assumption can be made because the guidelines are based on the Secretary of Interior Standards, which states "the historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided" (emphasis added). The deep front setback of this property is part of its historic character. Placing a building in front of the primary historic building irreparably changes its historic setbacks and forever removes a character defining historic space.

The design guidelines state that the dominant rhythm of the street should be maintained. Placing a building in front of the historic building greatly alters the historic rhythm of the street.

It is not known exactly why the builder of 2121 Westwood chose to build the house at the back of the lot; nonetheless, the history and character of this particular house and lot is that it has a deep front setback with a large front yard. The proposed infill would destroy the historic context of the existing, contributing structure, relegating it to the role of an outbuilding rather than a primary structure as it was originally intended. And because this neighborhood is zoned single family, the existing historic house will have to be considered an outbuilding under the zoning. An outbuilding of this size would not meet the design guidelines for outbuildings.

The design guidelines state that the orientation for new construction should be visually consistent with surrounding historic buildings, because the document assumes the lot is vacant. This assumption can be made because the guidelines are based on the Secretary of Interior Standards, which states "the historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a

property shall be avoided” (emphasis added). Placing a building in front of the primary historic building irreparably changes the historic building’s orientation to the street.

Although staff is not supportive of new infill on this site, staff does find that there are ways that the existing historic house can be expanded. MHZC staff has met with the architect and owners on this site and have offered to possible ways to expand the historic house in a way that meets the design guidelines. For instance, staff would be willing to support enclosing the existing carport/porch to the side. According to the applicant’s site plan, there is approximately twenty feet (20’) of rear yard behind the historic house. While much shallower than typical lots, staff would be supportive of reducing the rear setback and approving a rear addition, potentially even one that is taller than the historic house. While it may not get the applicant the same size house that they are seeking, there are options for increasing the square footage of this house.

Because staff finds that a building of any type is not appropriate in front of the historic building, staff did not apply the design guidelines for height, scale, materials, roof shape, and proportion of rhythm of openings; however, staff is concerned that the proposed building does not meet the design guidelines and historic context in terms of scale and massing.

Staff recommends disapproval of the new construction, finding that its location, setbacks, and orientation do not meet Sections II. and III. of the design guidelines for the Hillsboro-West End Neighborhood Conservation Zoning Overlay.

Applicant and architect, Blaine Bonadies, argued that the building is non-contributing. They would like to add a house that meets the design guidelines. They claimed that there is no information about the original structure or the intent of the structure. Their educated guess is that it was a secondary structure and therefore it is non-contributing. Only two lots currently defy the dominant rhythm of the street and the existing house. He claimed that the lack of street-facing entry is evidence that it was not a primary structure.

Rowland Stebbins, owner, explained that this is the first house he ever bought. He moved but retained ownership so he could return and raise a family there. They would like to construct a new home to accommodate their family. They have shared the plans with their neighbors. It’s a wonderful neighborhood, well worth protecting, and they do not want to undermine the overlay.

Commissioner Mosley disclosed that he had previous conversation with Mr. Bonadies about setbacks but he did not feel it would have any bearing on his decision.

A neighbor, Randy Haley, spoke in favor of the project.

Councilmember Cash noted that the owners have met with the neighbors and many are supportive of the project because of the uniqueness of the lot but there are others that are worried about the precedent that would be set.

Councilmember Allen complimented the applicant for their communication with the neighbors. There are neighbors who both agree and disagree with the proposal. The dominant rhythm of the street is forward on the lot which may give the Commission flexibility. She supports the request with the condition that the rear unit continues to be protected.

Commissioner Stewart agreed with the staff report that the building is contributing. The one argument that is worth discussion is that the 1931 Sanborn shows the two buildings as one parcel, so the building may have been constructed as a secondary structure.

Commissioner Price said that whether or not it is contributing building is outside their purview but he finds that the building is a contributing building. He appreciates the owners desire to build a new house, but the building is a contributing building listed in the National Register and new construction in front is not a precedent that they would like to set.

Commissioner Mosley agreed that they do not determine whether or not the building is contributing. There is some compelling evidence that the building may have been secondary because there is not a door facing the street and the setback.

Commissioner Price said that it is very clearly a primary residence and that is what it was built for. It has a restrained Tudor design with a porte cochere. It would not have been built as an outbuilding or secondary residence. He explained that deeds are going to be more accurate than Sanborn maps.

Commissioner Mayhall expressed concern that the building would not qualify as an outbuilding if a building is constructed in front, as it is too large. Since they can increase the square footage of the existing house, she supports the recommendation of staff.

Commissioner Jones expressed her concern that it is an odd condition and that it looks like it was meant to be something else. She asked for more comments from commissioners.

Commissioner Stewart explained that the overlays are a tool to protect the character of the neighborhoods. They have heard from two councilmembers and neighbors who all appear to be in support. For that reason, he supports the project. It is unlikely to create a precedent as the other examples given are clearly primary residences.

Commissioner Price pointed out that the Sanborn notes the building has a “D” which means it was a dwelling. He stated that he is not in favor of the proposal because of the precedent it will set for other like situations in the overlays.

Ms. Baldock provide additional information about the research. Initially the two lots were owned by the same people. According to the directories, this house appears first and the one closer to the street appears in the directories a couple of years later.

Commissioner Fitts noted that the research is inconclusive. Commissioner Price noted that the guidelines do not say that the building has to have been a primary building originally and the National Register identifies it as contributing. The two houses are close in size. He therefore feels that they do not have a lot of latitude in terms of the design guidelines.

Chairman Bell said she was moved by the applicant’s proposal but there are other options. Since it was not a dead-end for the applicant, she was in favor of staff recommendation. She thanked the neighborhood for their involvement but clarified that their charge is to follow the design guidelines.

Vice-chairman Stewart moved to approve the concept of the project; however, the motion failed with lack of a second.

**Motion:**

**Commissioner Price moved to disapprove the new construction, finding that its location, setbacks, and orientation do not meet Sections II. and III. of the design guidelines for the Hillsboro-West End Neighborhood Conservation Zoning Overlay. Commissioner Mayhall seconded. Commissioners Price, Mayhall, Mosley and Chairman Bell voted in favor of the motion with Commissioners Fitts, Stewart and Jones in opposition.**

**m. 924 MCFERRIN AVE**

Application: New Construction—Addition; Partial Demolition

Council District: 5

Overlay: Greenwood Neighborhood Conservation Zoning Overlay

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

PermitID#: T2019053300

Deferred at the request of the applicant.



**n. 1722 5<sup>TH</sup> AVENUE N**

Application: New Construction—Addition

Council District: 19

Overlay: Salemtown Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock, melissa.baldock@nashville.gov

Permit ID#: T2019054637

Approved with conditions on the consent agenda.

**X. OTHER BUSINESS**

**o. ADMINISTRATIVE ACTIONS & UPDATES**

**i. CONSOLIDATION OF NEIGHBORHOOD CONSERVATION ZONING OVERLAY**

The Metro Historical Commission received a Certified Local Government grant from the Tennessee Historical Commission for the design guideline consolidation project. The funding was specifically to hire a consultant to create a form book for outbuildings. The project began in January 2019 and the grant period will end at the end of this month. It started because of several years of concerns from commissioners and applicants, that the design guidelines were not always clear, especially when it comes to outbuildings and that the guidelines do not address some actions that were not considered at the time the design guidelines were first written. The first neighborhood conservation zoning overlay was created in 1985 and none of them have had meaningful revisions since being created.

This project is only for the existing twenty-three (23) neighborhood conservation zoning overlays and does not affect other types of historic zoning overlays. No new overlays are a part of this proposal and no boundary changes are proposed.

One goal is to provide clearer direction and address actions not contemplated when the guidelines were originally written. The revision also tightens up language that deals with form, massing, and scale while loosening restrictions for details.

Another goal is to address criticisms that the “formula” currently available in the design guidelines for outbuildings is too confusing and requires calculations based on existing conditions that some applicants do not wish to tackle. If approved, applicants will have the choice of following the simplified formula provided in the text language or simply picking a form from the form options.

There are three parts to this project. Part I is a consolidation of all the neighborhood conservation design guidelines into one basic set of design guidelines, with Part II being individual chapters for each district. All the neighborhood conservation design guidelines are already very similar, but the consolidation will provide an opportunity to reorganize and add clarifying language. The third component is to create new design guidelines and a plans book for outbuildings, to provide more flexibility in terms of size and design and clearer guidance.

The process included monthly meetings with the stakeholder’s group, three general community meetings and regular sharing of information and meeting dates through the stakeholders directly with their neighborhoods. It included a webpage that included multiple resources and a multi-month online discussion board, which will continue up until November 20<sup>th</sup>.

Again, today we are asking that you not vote, but simply take in public comment with the goal of voting at the November 20<sup>th</sup> regularly scheduled public hearing. We and our stakeholders are working towards putting together a series of additional community meetings. Three have been scheduled so far. Information can be found on the website at Nashville.gov/mhc. Anyone can attend any or all—the presentation will be the same.

I'd like to take this time to thank the stakeholders and councilmembers. They have done a lot of work to help keep their neighborhoods informed and collect feedback.

Design guidelines are a delicate balance between prescriptive language that provides specific "rules" and non-prescriptive so that the guidelines can address a multitude of scenarios. The goal of any set of design guidelines is to both provide applicants a planning tool and to provide a board or commission with a decision-making tool.

We think it is important to remember that historic overlays are just one tool a neighborhood has to protect their community. There are many issues neighborhoods are facing today, such as increased traffic and parking, loss of rear-yard privacy, water runoff, short-term rental impacts and loss of old-growth trees. Although all of these are very real concerns, they are not something that a design-review process is designed to address. Our role, as commissioners and staff, is to protect the overall historic character of these districts.

The proposed revisions come from staff's experience with applicants and councilmembers over multiple years, discussions with the stakeholder group, the online discussion board, research of other cities, a 2008 study of local historic garages, and advice from consultants, Smith Gee Studio and Nashville Civic Design Center.

It is not possible to provide a summary of every change in any meaningful way as each of the twenty-three (23) design guidelines is slightly different. The report you received and that has been online goes into greater detail than what I am about to cover now, but I did want to provide some information on what we thought were the most substantial changes. I encourage anyone listening to read the full report at [Nashville.gov](http://Nashville.gov)

The first issue has two parts. The drawing shown here is currently in all the neighborhood conservation zoning design guidelines. It is often read as showing the only place where an addition can be constructed, which is not the case. Instead it is meant to show that if an addition is small enough to fit into that triangular area, then the addition would not need to be reviewed.

A related concern is that the text portion of the design guidelines, which attempts to state what is reviewed, is confusing in that one section states that the design guidelines only apply to areas that are visible from the public right-of-way and the next section states that public facades are more carefully reviewed than others, insinuating that all facades are reviewed. Since the establishment of the first overlay, the Commission has interpreted these sections as a review of all sides of any new construction but applying a less stringent review of those facades that are not publicly visible.

The proposed solution is to replace the image with a list of actions that would not require review. Removing the image is not likely to cause a hardship for applicants as the Commission only receives one or two requests a year for additions that would meet the conditions of Figure 1. By the time staff gathers enough information to determine a review is not needed, staff has enough information to just go ahead and issue the permit. Permits for small additions typically have been issued, and will continue to be issued, within a couple of days.

We also recommend clarifying the text to meet the interpretation of the last several decades.

Included in the proposed sections for "partial-demolition" is removal of siding as an action that requires review. In a neighborhood conservation zoning overlay, replacement siding, windows, doors and roofing are generally not reviewed; however, if more than two are being replaced, they have been considered "partial-demolition."

However, when all those features or even just two are removed, the result is the actual demolition of the building. Siding on historic buildings also often contributes to the structure of a building. There have been cases where a building has collapsed once the siding has been removed, therefore, staff proposes to add removal of siding as an action that is reviewed. The proposed language would not prevent replacement siding, just provide for a review process to keep historic siding, where possible.

Part II is all the individual chapters for each district, where language specific to each district was collected from the current design guidelines. So all districts will follow Part I and then also their relative chapter in Part II.

There are very few changes recommended for individual districts. One is to clarify in both the Belmont-Hillsboro and Bowling House districts that if a two-story building is appropriate, then it should have a hipped roof. That has been a policy but not officially part of the design guidelines.

Recently, property owners in the Cherokee Park neighborhood asked that stone be included as a potential primary siding for infill. Currently the design guidelines only allow for brick.

New “short histories” have been written for the Elmington, Greenwood and Maxwell house chapters. This doesn’t change any actual design guidelines.

Recently the Greenwood neighborhood stated that they would like all infill to be capped at one and one-half (1 ½) stories so that has been added.

In the Lockeland Springs-East End design guidelines there were references to MDHA’s design guidelines for Five Points, as a way to keep an applicant from having to reference two different documents when planning a project in Five Points. The language has been removed since the MDHA district will expire next year. The draft also includes some italicized information that has been followed for about eight (8) years or more, as unitalicized guidance.

Recently, the Woodlawn neighborhood requested clarification on attached and detached garages and that has been added.

Part III is the form book for outbuildings proposed as an option to the formula provided in Part I.

Outbuildings have been problematic as new outbuildings have not followed historic precedent. When reviewing infill, the historic context is used to determine appropriate scale and massing. Likewise, the existing building is used to guide the design of additions.

Outbuildings are unique in that they historically were not necessarily scaled to the historic building or designed to complement the building with which they share a lot.

Outbuildings affect overall historic character but not to the same extent as other types of new construction because of their minimal visibility at the rear of lots. For instance, for infill and additions, every lot and every building are different, so it’s easy to explain why one property was given approval for an action that might not be appropriate on a different property. But when it comes to outbuildings, there are few physical factors that drive the design.

Outbuildings serve many more purposes than they once did and many now even serve multiple purposes. Although they have minimal visual impact on the district, they can still visually impact the district and so still need to be small in scale and incidental to the primary form in order to be appropriate new construction in the neighborhood conservation zoning overlays.

For years the applications the Commission was receiving were just somewhat larger buildings than historic examples to accommodate modern vehicles. But more and more, there is an expectation that an outbuilding will have multiple purposes: garage, home office, apartment, studios, and pool houses, for instance. The Urban Land Institute recently hosted a session called “Reclaim the Alley: A New Vision for Connections, Equity and More.” Commissioner Jones was also able to attend. In that discussion, speakers acknowledged that single-purposes are no longer relevant to current outbuildings.

This slide shows the results of a survey of outbuilding our office conducted in 2008. You can see that what you are approving now in no way relates to historic outbuildings. Although the overlay does not dictate how a building can be used; the reality is that zoning may allow for many of the multiple uses expected today, so we must address the massing and form that those uses dictate. The forms provided in Part III have the goal of serving multiple purposes while controlling the overall height and mass to be appropriate to a district’s history and incidental to historic primary buildings. The form options focus on form and mass rather than style and the scale in relation to the primary building, with the goal of providing multiple forms that would be compatible as outbuildings in all the neighborhood conservation zoning overlays while allowing for property owners to achieve flexibility in style and details.

Currently appropriate dimensions for new outbuildings are based on the historic building with which they share a lot—the primary building. However, that has been problematic in multiple ways. In measuring eave heights and square footage do you include additions? If so, all additions or only historic ones? How do we determine which additions are considered historic? Does someone with a measurable drop in grade get a higher eave just because of the grade drop? Does a lot where the grade rises, only get a very short eave height? It has also been a confusing calculation for applicants, especially those who are not designers and the calculation alone has meant the disapproval of some outbuildings that likely would have fit in well.

Without a historic precedent to provide parameters and with the goal of meeting multiple modern purposes for outbuildings; Staff is recommending multiple form options, many of which could be appropriate on any lot in any of the neighborhood conservation zoning overlays. The goal is to provide a general volume that can be expressed in a one, one and one-half and two-story forms but with control over roof forms and wall heights to maintain an appropriate scale.

Eric Hoke with the Nashville Civic Design center presented some information gathered from public discussions, a background on the public process and an overview of the different sections of the form book.

Ron Yearwood, Smith Gee Studio, explained that the forms are meant to be flexible. He described the process of using the form option.

Commissioners asked questions of staff and the consultants.

Trena Payne owns rental property in the overlays. These buildings are old and not conducive to live in. Where is her right as a property owner?

Martin Wieck said he sent a letter that expresses his concerns. He is a stakeholder who feels that the public's request have not been implemented. It's a huge change that needs more discussion so he is glad that there will be more community discussions.

Irwin Venick, stakeholder, is concerned about Part III as it remains unclear whether or not there will be a public hearing for the projects. The mass and scale of some of the forms could be inappropriate for his district, specifically forms C,D,H,M,O,P,S. He wants districts to be able to opt in or out of the forms.

Seth Jennings, also speaking for Zach Flynn, was in opposition. He is concerned with the term “consolidation” because it is misleading. It will put the burden of providing affordable housing on those that can least afford that burden. He read some of the online discussion comments.

John TeSelle, stakeholder, was supportive of the overlay initially but the changes are significant and complicated. It may simplify some problems and introduce new ones.

Councilmember Allen understands the need but thinks there is more work to be done. She and Councilmember Cash asked that the public hearing not be closed.

Legal counsel, Susan Jones, explained the process for deferrals.

In answer to questions that came up in public comment, Ms. Zeigler explained that staff has answered specific questions on the online discussion board but for the most part have not added to the commentary so that it could be a true public discussion. She further explained that the design guidelines regarding NES lines is not new, it has been a part of the design guidelines for more than ten (10) years but is generally not implemented. It was kept in as it might be useful for a large project, such as an SP.

Commissioner Mosley wanted to make sure that everyone was aware that the draft could mean allowance of outbuildings that are larger than the primary building, by-right.

Vice-chairman Stewart felt like allowing for administrative approvals would be welcome by applicants. He encouraged the public to review all the information available online.

Ms. Zeigler explained that Padlet is an online discussion board for the public to comment or comment on other people's comments. A new discussion board was created for the final draft but the old one is available for review. Comments also can be sent directly to staff. All will be shared with Commissioners.

**Motion:**

**Vice-chairman Stewart moved to defer until November 20, 2019 public hearing with the condition that the public hearing remain open. Commissioner Jones seconded and the motion passed unanimously.**

Meeting adjourned at approximately 4:05

RATIFIED BY COMMISSION ON 10/16/19