

MEGAN BARRY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

SUNNYSIDE IN SEVIER PARK

METRO HISTORIC ZONING COMMISSION (MHZC) MINUTES

March 15, 2017

Commissioners Present: Chairman Brian Tibbs, Vice-chair Menié Bell, Sam Champion, Kaitlyn Jones, Aaron Kaalberg, Elizabeth Mayhall, Ann Nielson, Cyril Stewart

Zoning Staff: Sean Alexander, Melissa Baldock, Paul Hoffman, Melissa Sajid, Robin Zeigler (historic zoning administrator), Macy Amos (city attorney)

Applicants: Jared and Tonya Whitman, Matt Schutz, Jamie Pfeffer, Michael Rhodes, Charlie Friedman, DeRon Jenkins, John Root, Jim Cain

Councilmembers: Brett Withers

Public: Bob Borzak, John Knight, Shanie Jackson Dowell, Charlotte Cooper, Kelly Pruitt, Christian Paro

Chairman Tibbs called the meeting to order at 2:04 p.m. He read aloud information regarding the schedule of the meeting and the process for appeals.

I. RECOGNITION OF COUNCILMEMBERS

Councilmember Withers was present and asked to speak to respective cases as they came up in the agenda.

II. APPROVAL OF MINUTES

a. February 15, 2017

Motion:

Vice-chair Bell moved to approve the minutes as presented. Commissioner Nielson seconded and the motion passed unanimously.

Chairman Tibbs read notes about the meeting procedure and process for appeals.

III. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTION

None.

IV. CONSENT AGENDA

NOTICE TO THE PUBLIC: Items on the Consent Agenda will be voted on at a single time. No individual public hearing will be held, nor will the Commission debate these items unless a member of the audience or the Commission requests that the item be removed from the Consent Agenda.

b. 1905 BOSCOBEL ST

Application: New construction-outbuilding/detached accessory dwelling unit; setback determination

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

c. 1404 GARTLAND AVE

Application: New construction-addition and setback determination
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Baldock

d. 1914 HOLLY ST

Application: New construction-outbuilding/detached accessory dwelling unit; setback determination
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: Sean Alexander

e. 1003 RUSSELL AVE

Application: New construction-addition; Setback determination
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: Paul Hoffman

f. 300 SCOTT AVE

Application: Setback determination for previously approved project
Council District: 06
Overlay: Eastwood Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Baldock

g. 2534 BLAIR BLVD

Application: New construction- addition; Partial demolition
Council District: 18
Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Sajid

h. 1703 PRIMROSE AVE

Application: New construction-outbuilding/detached accessory dwelling unit; setback determination
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: Paul Hoffman

i. 200 FOURTH AVE N

Application: Rehabilitation – Canopies; Signage
Council District: 19
Overlay: Downtown Historic Preservation Zoning Overlay
Project Lead: Sean Alexander

j. 121 BLACKBURN AVE

Application: New construction – addition; Setback determination
Council District: 23
Overlay: Belle Meade Links Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Sajid

k. 3708 WHITLAND AVE

Application: New construction-outbuilding/detached accessory dwelling unit; setback determination
Council District: 24
Overlay: Whitland Neighborhood Conservation Zoning Overlay
Project Lead: Sean Alexander

l. 1609 MCEWEN DR

Application: New construction-addition and Setback determination
Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: Sean Alexander

m. 1611 GARTLAND AVE

Application: New construction-infill
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Baldock

n. 105 SOUTH 11TH STREET

Application: New construction-infill
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: Robin Zeigler

o. 613 17TH AVENUE NORTH

Application: New construction-addition
Council District: 19
Overlay: Historic Landmark Zoning Overlay
Project Lead: Robin Zeigler

Vice-chair Tibbs read the process for consent agenda. Staff member Sean Alexander read the items on consent. Ms. Zeigler explained that public comment was received via email regarding 105 S 11th Street but the author was unable to attend the meeting. There were no requests to remove any items from the consent agenda.

Motion:

**Commissioner Mosley moved to approve all consent agenda items with their applicable conditions.
Commissioner Nielson seconded and the motion passed unanimously.**

V. PREVIOUSLY DEFERRED ITEMS

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

None

VI. MHZC ACTIONS

p. 306 BROADWAY

Application: Request for rehearing
Council District: 19
Overlay: Broadway Historic Preservation Zoning Overlay
Project Lead: Paul Hoffman

Historic zoning administrator, Robin Zeigler, provided information on the process for a rehearing request.

The request is for a rehearing of a case you (the commission) decided on last month. The request was for signage that included chasing lights. The request was approved with a condition that the sign not rotate and that only 50% of the elements proposed to have chasing lights have such lights. They are now making the same request in terms of the amount of chasing lights requested last month.

The rules of order and procedure state that no request to grant a rehearing shall be considered unless new evidence is submitted which could not have reasonably been presented at the previous hearing. The request must be in writing and it must recite with specificity the new evidence and reason for request. No new evidence was provided.

An affirmative vote of four members for the majority is necessary to grant a rehearing and the motion must be made by a commissioner who voted in the majority last month. That would be Commissioners Nielson, Jones, and Stewart or Vice-chairman Bell.

If the request is granted, it will be placed on next month's agenda.

Motion:

Commissioner Stewart moved to deny the request. Vice-chairman Bell seconded. Commissioner Mayhall voted in opposition and Commissioner Mosley recused himself. The motion passed.

q. 402 SOUTH 11TH ST

Application: New construction-outbuilding/detached accessory dwelling unit conversion

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander

Staff member Sean Alexander presented the case for 402 South 11th Street.

This is an application to convert an existing outbuilding into a Detached Accessory Dwelling Unit.

Outbuildings are reviewed under the LSEE guidelines, but DADUs must also meet the section of Metro Code that enables them as a permitted residential use. Part of the language specific to DADUs is a requirement that dormers must step two feet back from the 1st story walls, and they cannot exceed 50% of the roof.

This building was reviewed by this Commission, approved and constructed in 2015. It was not proposed initially to be used as a DADU so it was not required to meet the Standards of section 17.16.030-G of the Metro Code, specifically the part regulating the size of dormers allowed on a DADU.

While reviewing the application, Staff informed the applicant that the building didn't meet the DADU standards, and it was very clear in the Staff Recommendation that the building reviewed was to be a garage and bonus space. It was approved based on that proposed use.

After MHZC approval, when they received their building permit, the Codes Administration also required them to file a covenant declaring that the building was not going to be used as living quarters.

On January 17 of this year, the applicant applied to the Codes Administration to convert the building to a DADU, that permit was rejected because the building didn't meet the design standards of the zoning code.

They applied to the BZA for relief and the BZA sent them back to this Commission to review.

Regarding the requirement that dormers not exceed 50% of the roof, there could be more than one way to calculate that – When this building was first reviewed, Staff was measuring the width of the dormer roof to the width of the primary building roof.

In the discussion on a DADU application later in 2015, the Commission told Staff that it wanted dormers to be measured (wall to wall) against the width of the roof (eave to eave). By the first method the dormers were measured to be 70% of the roof, but by the current measure it is 68%.

The difference there is small, but either way, the outbuilding doesn't meet the DADU regulations in the Metro Code; that knowledge was communicated to the applicant at the time.

This building does not meet the Metro Code requirements for a DADU, therefore Staff recommends disapproval of the application to convert it to a DADU.

Commissioner Kaalberg asked if the Commission had authority to overturn elements of the Code. Ms. Amos said that she did not recommend deviating from the code.

Commissioners discussed how the 50% dormer requirement was calculated, how it changed based on Commissioner Gee's comments on a prior case, and how it could be changed in the future. Ms. Zeigler reminded the Commission that if they change the calculation method, it will be changed for all future projects. Commissioner Kaalberg summarized that both the code and the design guidelines need to be met for a DADU but they had more leeway when the request was just a garage because they only have to apply the design guidelines.

Jared Whitman, Tonya Whitman, and Matt Schutz presented the case. Mr. Whitman provided an overview of discussions he had with Staff and the process they followed. Matt Schutz explained what the design guidelines said. He provided a handout and suggested a new way to interpret the 50% regulation.

Councilmember Withers said that if a DADU use is wanted at a later date, then the changes should be made to meet the ordinance. The request for the different use was initially applied to the BZA. He stated that he was not in favor of the BZA reviewing projects that should be going through the MHZC. It will be on the BZA agenda tomorrow. He is leery about a behind-the-bench policy change but is open to hearing the commission's thoughts on altering how the 50% is calculated. He thinks Mr. Schutz's analysis is worth considering.

There were no requests from the public to speak. [Public comment was received via email.]

Commissioner Kaalberg said he doesn't think it matters whose mistake it was in terms of whether the original request was actually for a DADU or for the garage that was approved. Commissioner Champion agreed.

Vice-chair Bell read the code's design requirements for DADUs. Ms. Amos reminded the Commission that the DADU ordinance covers the entire county, not just the historic districts. Ms. Zeigler explained that the staff recommendation for the project clearly stated on the first page the project was for a garage without living space and the applicant did not make any changes to the request. A permit was issued that stated no living space, and again the applicant did not make any correction. She warned them against making a change in the requirements based on one case. Commissioner Mosley noted that the applicant signed and filed an affidavit that the building would not be used as living space, which does not happen by accident.

Commissioner Nielson provided some background on the development of the DADU ordinance. She said they must be careful about making a distinction between DADUs and garages. Commissioner Mosley agreed stating that the code is very clear about the difference between usable space and living space. Commissioner Kaalberg asked how Codes calculates the 50% requirement for DADUs outside of the overlays. Staff responded that Codes typically does not review elevations and it is possible that they are not calculating the 50% requirement. Ms. Zeigler noted that Codes relies on the Commission to review DADUs in the overlays. Commissioner Kaalberg summarized the discussion that the real issue is how they want to interpret the 50% requirement of the ordinance. The applicant could have the option of deferring, allowing the Commission more time to consider a new policy. They should keep in mind that changing the requirement will likely make a lot of people angry, who may have been disallowed a similar situation in the past.

Ms. Zeigler explained the case for 2016 Calvin, which changed the way the 50% requirement was calculated. Commissioner Mosley asked to invite the applicant back to explain 2016 Calvin case. Mr. Schutz presented drawings for Calvin that did not represent what was ultimately approved.

Commissioner Kaalberg recommended that the applicant defer and the commission have another meeting to discuss revisiting how the 50% for dormers is calculated, based on additional research that is not specific to one case.

Commissioner Stewart commended the owners and the staff, who all acted in good faith and in the interest of preservation and preserving the neighborhood. He agrees with Commissioner Kaalberg that it is a unique situation and that a separate discussion is warranted.

Mr. Whitman told Chairman Tibbs that he agreed to defer the case.

Commissioner Nielson warned the Commission against changing the rules yet again and at some point they need to stick to their guns and enforce the design guidelines and ordinance.

Commissioner Champion left the meeting at 3:10 pm, returning at 3:30pm.

Motion:

No action. Deferred at the request of the applicant.

r. 3726 CENTRAL AVE

Application: Partial demolition-request for work already completed
Council District: 24
Overlay: Richland-West End Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Sajid

Staff member Melissa Sajid presented the case for window alteration at 3726 Central Avenue.

This request is to alter four windows on the right side façade of the historic house. The work has already been completed. Earlier this month, staff administratively permitted a screened porch addition as well as alterations to several windows and doors that met the design guidelines for appropriate demolition. The house located at 3726 Central Avenue is a stone bungalow that was constructed c. 1915 and contributes to the Richland – West End neighborhood.

The dimensions of a ribbon of four windows on the right side of the house have been altered by filling in a portion of the bottom sashes with stucco panels. Although the Commission does not review replacement windows themselves in a neighborhood conservation zoning overlay, the Commission does review demolition in whole or in-part. Changing the dimensions of windows is considered “partial-demolition.”

Windows and doors are significant character defining features, the alteration of which, the Secretary of Interior Standards does not generally allow. Standard number 2 states that “the removal of historic materials or alteration of features and spaces that characterize a property shall be avoided” and design guideline III.B.a. states that partial demolition of that is “detrimental to the public interest” is inappropriate.

The Commission has approved the alteration of historic rear windows and doors or a single window or door on the side of a home, towards the rear based on the fact that they are not necessarily character defining features due to their location. In this case there are four windows changed, rather than just one, and they are located toward the center of the house. The reason for the alteration is likely because of a kitchen counter. In the past, the Commission has recommended that the lower sash be blacked out from the inside and then wallboard applied on the interior so that the exterior continues to look the same.

For these reasons, staff finds that the changes to the four windows on the right side façade are inappropriate as they impact a character defining feature of the historic house and that the alterations do not meet Section III.B.2 for appropriate demolition, do meet section III.B.1 for inappropriate demolition and do not meet Secretary of Interior Standard for Rehabilitation #2. Staff recommends that the stucco panels be removed and that the windows be replaced with full size windows, matching the previous design.

Jamie Pfeffer, architect for the project, explained the conditions of the home and the process that was followed. He presented a similar case that was approved in the past. Ms. Zeigler said that the example presented by Mr. Pfeffer was not approved as submitted and that she was not aware of any windows that had been approved like this in the past.

Motion:

Kaalberg moved for disapproval of the alterations to the window openings, finding the changes do not meet Section III.B.1 for demolition or the Secretary of Interior’s Standards. Commissioner Mosley seconded and the motion passed unanimously.

s. 500 32ND AVE SOUTH

Application: New construction-request for materials already applied
Council District: 18
Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

Deferred at the request of the applicant.

t. 1825 FOURTH AVE N

Application: Demolition

Council District: 19

Overlay: Salemtown Neighborhood Conservation Zoning Overlay

Project Lead: Paul Hoffman

Staff member Paul Hoffman presented the case for 1825 4th Ave North, an application for demolition of the existing building in the Salemtown Neighborhood Conservation Zoning Overlay.

It is a contributing home built circa 1925. The Commission has approved two additions to the structure, in April 2015 and another in September of last year. During the preparations for the addition, the builder discovered deterioration in the existing structure that made the new construction unsafe to add on. The structural integrity of the foundation, walls, and ceilings has been compromised by water intrusion, termites, and cheap construction to begin with.

Staff originally estimated that portions of the foundation and walls could stand replacement, but not the entirety of the structure. Staff inspected the building on three occasions with the builder, owner and engineer. As every part of the structure requires replacement, Staff agrees that the condition is very poor. The evident deterioration of the building is likely the reason the Property Assessor's estimate has declined since 1999.

Although Staff found several line items in the builder's estimate that could be reduced or eliminated, for the purpose of getting the building up to Code, the total expenditure results in a loss to the buyer, and in this case Staff finds that the case for economic hardship is warranted.

The property owner was present but chose not to speak and there were no requests from the public to speak.

Motion:

Commissioner Nielson moved to approve demolition, finding that the building's deteriorated condition results in the cost of repairs that outweigh the building's potential value and therefore meets Section V.B.2.c for appropriate demolition based on economic hardship. Commissioner Stewart seconded and the motion passed unanimously.

u. 120 RANSOM AVE

Application: New construction-infill

Council District: 18

Overlay: Elmington Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

Staff member, Melissa Baldock presented the case for 120 Ransom Avenue. In 2012, MHZC and the Planning Commission approved an SP for 11 houses on the site of the former Ransom School. This application is for infill development on Lot 11 of the Byron Close development. Lot 11 is located at the corner of Richardson Avenue and the newly-created Ransom Avenue. To date, the Commission has reviewed and approved the design of ten of the eleven houses planned for the site. Construction on these ten houses is largely complete.

The proposed setbacks are in keeping with the SP zoning and with what the Commission has approved for the other ten houses in the development. The infill's height, scale, roof form, and windows are similar to what the Commission has approved in the past for this development and meet the design guidelines. The house's primary orientation is towards Ransom Avenue, but it addresses Richardson Avenue with a wrap-around porch that is six feet (6') deep and a secondary entrance facing Richardson Avenue. In addition, the house's roof forms and fenestration pattern on the right elevation further serve to provide secondary orientation towards Richardson Avenue, which is appropriate. Staff asks that the columns on this side façade have a cap and a base. The infill will have an attached garage, which meets the SP plan and which has been approved for the other 10 houses in this

development.

The applicant was not present and there were no requests from the public to speak.

Motion:

Commissioner Stewart moved to approve the infill with the following conditions:

- **Staff verify the construction height of the foundation and floor systems in the field to ensure that the finished floor line of the new construction is compatible with the historic context;**
- **Staff approve stone and brick samples;**
- **Staff approve all windows and doors prior to purchase and installation;**
- **Staff approve the materials of the front and side porch stairs and floors;**
- **Staff approve the shingle roof and metal roof colors and textures prior to purchase and installation;**
- **The side porch columns have a cap and a base;**
- **The HVAC units be placed on the rear façades, or on a side façade beyond the midpoint of the houses;**

finding the project meets the Elmington design guidelines for new construction. Commissioner Bell seconded and the motion passed unanimously.

v. 1906 BERNARD AVE

Application: New construction-infill

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

Staff member Melissa Baldock presented the case for 1906 Bernard Avenue. 1906 Bernard Avenue is a vacant lot. MHZC staff issued an administrative permit for the demolition of the non-contributing structure formerly on the lot in October 2016. At its January 2017 public hearing, MHZC voted to disapprove a previous design for infill on the site, finding that its height, scale, proportion and rhythm of openings, and foundation material did not meet the design guidelines. This application represents a new design for the duplex, and staff is recommending approval with some conditions.

1906 Bernard is the only lot that is oriented towards Bernard Avenue; all other lots have side lot lines that face Bernard. There is an alley that runs along the right side of the site. The lot is zoned R8, which typically means that two units are permitted on lots larger than eight thousand square feet (8,000 sq. ft.). This lot is fifty feet (50') wide and one hundred and fifty feet (150') deep, or seven thousand, five hundred square feet (7,500 sq. ft.). Even though the lot is a substandard size, the Codes Department determined that a new duplex can be built at this location because the former structure on the lot was a non-conforming duplex. The Historic Zoning Commission does not regulate use.

The proposed duplex is a front-to-back duplex rather than a side by side duplex, which is what MHZC typically sees. The proposed duplex has one primary entrance facing Bernard Avenue, giving the façade the appearance of a single family house. The proposed infill is one and one-half stories at the front with a height of 28'. Staff finds this to meet the historic context, where historic houses in the immediate vicinity are predominantly one-and-a-half stories in height, with heights between twenty-two and thirty feet (22'-30').

Because of the slope of the site, this façade is taller, with a full basement. The basement includes attached garages which staff finds to be appropriate because they are at the basement level and face the alley. The side porch and entrance to the rear unit is all the way at the rear, and is inset from the front portion of the house, reducing its visibility. It will read as a secondary entrance, which is appropriate.

Michael Rhodes, applicant stated that he agreed to the conditions.

There were no requests from the public to speak.

Motion:

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

- **Staff verify the construction height of the foundation and floor systems in the field to ensure that the finished floor line of the new construction is compatible with the historic context;**
- **All siding be smooth face with a maximum reveal of five inches (5").**
- **The porch floors and steps be either concrete or wood;**
- **The front door be at least one-half glass;**
- **Staff approve stone and brick samples;**
- **Staff approve all windows and doors prior to purchase and installation;**
- **Staff approve the roof shingle color;**
- **The HVAC units be placed on the rear façades, or on a side façade beyond the midpoint of the house;**

finding the project meets Sections II.B. of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay Design Guidelines. Commissioner Bell seconded and the motion passed unanimously.

w. 1310 ORDWAY PL

Application: New construction

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Robin Zeigler

This project is for a modular building to the left of the historic Ross Elementary School, constructed in 1907. Interestingly, the property had modular buildings as early as 1930. This is an image of modular put in place in 1983.

Modulars have been approved in the past but they have always been located behind the building and for the most part in minimally visible locations. This one is located to the left of the historic building and will be highly visible from two streets.

It will be similar in scale to the addition located on the right of the top image and will have a similar roof form. It will be subordinate to the historic structure and will sit back further than the existing side addition.

The front of the building, facing Ordway Place, has no openings. In order to meet the requirement that new construction match the rhythm of solid-to-voids found in the neighborhood, Staff recommends at least four windows on the Ordway facing facade. In order to meet the design guideline requirement for orientation, staff recommends a set of double doors with decking and stairs facing Ordway Place. (The doors do not need to be operable.) Windows may remain on the right-side, facing the historic building, or may be removed, as this will not be a highly visible location. Doors may remain on the left side or be replaced with a window, as this is a secondary façade.

The structure will be clad in smooth fiber cement siding with a five-inch reveal, four-inch corner boards, 4" window casings, and metal coping. The base of the structure will be stucco panels to mimic a foundation line. The windows and doors will be aluminum. Wood decking and stairs will be at the two double doors. The building matelines will have an 8" cap trim board which will cover the five matelines of the building where the modules come together. You cannot see it on this drawing but because the building is actually different segments pulled together there will be 5 vertical trimboards on the front and other facades of the building.

Ms. Zeigler noted that public comment was forwarded to the Commission via email. Emails received since were printed and brought to the Commission meeting. She explained that two more emails that are in favor of the project were received after the meeting started.

Charlie Friedman, applicant, provided information about the school. He also explained the process and how they made changes to the project in order to meet neighborhood concerns, such as changing the location of parking, using fiber cement siding and the location of the doors and mechanicals.

In answer to a question from Commissioner Stewart, Mr. Friedman stated that there will be four classrooms, two closets and a bathroom.

Commissioner Champion asked how long the units will be in place. Mr. Friedman stated that the lease is seven years, which matches the debt service and lease with the city but they are open to ending it earlier if that is a possibility down the line.

Mr. Mosley encouraged that the conditions of approval be a part of the lease with the provider so that there are no expensive corrections after-the-fact.

Bob Borzak, 1503 Woodland, expressed his concern about how long “temporary” is and where the students will go once they are ready to expand the building. He lives two blocks away and is concerned about what approval will mean for the area.

John Knight, 1305 Ordway, lives across the street. The school has been a great neighbor. He opposes the use of cladding material. The school and the addition are brick and he feels that the modular should be brick, at least on the two sides that face the two streets.

Shanie Jackson Dowell, 1405 Forrest, spoke in support of the project. She has strong faith in their school leader that they will make the building as beautiful as possible. Historic neighborhoods are as much about people as just buildings. She asked that the commission be sensitive to the costs because making improvements takes funding away from programming.

Charlotte Cooper, 1417 Fatherland, is a parent of a student and spoke in favor of the project. As a teacher, she understands that teaching in a modular is not ideal but necessary at this time.

Kelly Pruitt, 1011 Chicamauga, is a parent of a student and spoke in favor of the project.

Christian Paro, 626 Boscobel, is vice-chair of the school and head of facilities. He reiterated his support of the project as they will have to reject 25 students a year without the additional space.

Mr. Friedman was invited back to rebut public comment. He stated that they have tried to hear any neighborhood suggestions and have an open-door policy. They agree to a condition of a 10-year limit as it goes beyond their lease term.

Councilman Withers stated that a community meeting was held at the school and there was discussion about preliminary ideas. The neighborhood association did not receive advanced final drawings but it is fairly typical for the neighborhood to not have drawings until the same time as the Commission received them. Just counting people within the historic overlay, he received 39 individuals in support of the project, five were opposed and 1 was neutral but he agrees that it is not a popularity contest. He had multiple suggestions for the Commission’s discussion. Looking at it as a temporary structure would be one option. He also looked at it as a compatible addition to the existing addition on the right side. If they were looking at it as a permanent addition, would the location, massing and materials be approved? Mr. Friedman explored the possibility of a faux brick veneer which could be considered and limited to institutional use when it matches the primary building material. He closed with a note that there is no design guideline that prohibits modular buildings and he recommends approval.

The Commissioners discussed the fact the building will be temporary and not damage or be connected to the historic building. Commissioner Nielson suggested a condition be added that if the school moves the building shall also be removed.

Commissioner Bell asked Metro Legal if it was appropriate to put a term-limit in the conditions. Ms. Amos said that hesitates to recommend it as term-limits can be difficult to enforce but it is legal.

Commissioner Stewart took offense to the comment about the arbitrariness of the design guidelines as a lot goes into creating them and they are not based on aesthetics alone but the history of the neighborhood. He is disappointed in the design as there are many ways to make the design more appropriate. Commissioner Kaalberg said he was also not thrilled with the design but appreciates the steps the applicant has taken so far. He acknowledged that it is a temporary structure, which makes him feel better about the project.

Chairman Tibbs warned against any alterations, such as brick siding, that tend to make the building more permanent as it will not only look inappropriate but might mean the building stays longer than desired. Commissioner Kaalberg agreed that faux brick would be inappropriate. Commissioner Champion stated that he hoped it was temporary and it should look temporary.

Mr. Friedman was invited back to address the Commission. He clarified that they have a 7-year lease for the historic structure and they are working towards a 7-year lease for the modular.

Motion:

Commissioner Nielson recommended approval with the conditions:

- **The windows and doors are added to the Ordway Place elevation;**
- **If the school leaves before 7 years is up that the modular is removed; and**
- **The modular should not be in place longer than 7 years;**

finding the project meets Section II.B. of the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay for new construction.

The Commission took a break at 4:34pm. Commissioner Champion left at the time and did not return. The meeting reconvened at 4:41pm.

x. 2206 WHITE AVE

Application: New construction-infill and outbuilding

Council District: 17

Overlay: Woodland-in-Waverly Historic Preservation Zoning Overlay

Project Lead: Melissa Baldock

Staff member, Melissa Baldock presented the case for 2206 White Ave. 2206 White Avenue is a c. 1971 one-story residential structure that does not contribute to the historic character of the Woodland-in-Waverly Historic Preservation Zoning Overlay. In September 2016, MHZC staff issued an administrative permit to demolish the structure. In December 2016, MHZC disapproved a proposal for duplex infill on the site, finding that the infill's scale did not meet the design guidelines. This application represents a new design for infill development, and staff is recommending approval of this design with some standard conditions.

This application is to construct a duplex infill and a detached garage. The outbuilding will not be used as a detached accessory dwelling unit. The infill and the outbuilding meet all base zoning setbacks. Staff recommends that the site plan include the front setbacks of the two adjacent houses.

The proposed infill will be two stories and approximately thirty feet (30') tall from grade. On this block of White Avenue, there are two 2-story structures are both approximately forty-feet (40') tall. The contributing house next door to the proposed infill is one of the shorter historic structures on the block at about twenty-two feet (22'). Because of the context where there are two story historic structures next to smaller homes, staff finds that the proposed height meets the design guidelines. The house is thirty-six feet (36') wide at the front. This is in keeping with the range of widths on the block and is appropriate.

The house will have a total depth of eighty-one feet, four inches (81'4"), which includes an eight foot (8') deep front porch (Figure 3). The main two-story portion of the house will be fifty-six feet, four inches (56'4") deep, which helps to keep the scale of the house appropriate. The siding on the outbuilding is labeled as 7" and staff recommends that the siding be no more than 5".

Commissioner Bell asked about the differences between the previous project and the current proposal Ms. Baldock said that the current design is significantly shorter and a portion of the rear is one-story. She provided the commissioners with a copy of the previous disapproval.

DeRon Jenkins, applicant, explained that they made the changes requested.

There was no request from the public to speak.

Commissioner Bell acknowledged that the applicant had done a great deal of work but she is still concerned that the proposed home is almost 30' deeper than the context. She explained that in looking at other projects approved that were deep, she is concerned that they were inappropriate for the context. Commissioner Mosley agreed. Ms. Baldock gave the comparison that one of the 2-story homes has a depth of 53'. The proposed is 56'. There is the potential that the 53' deep home may have an addition that would meet the design guidelines, and extend beyond 56'.

Motion:

Commissioner Stewart moved to approve with the following conditions:

- **The site plan include the front setbacks of the adjacent houses;**
- **The finished floor height be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
- **Staff approve masonry samples;**
- **Staff approve all windows and doors prior to purchase and installation;**
- **Staff approve the color and texture of the shingle roof and the metal roof;**
- **Staff approve the design, material, and location of all fencing;**
- **The outbuilding's siding have a maximum reveal of five inches (5"); and**
- **The HVAC units be located behind the house or on either side, beyond the mid-point of the house; finding the project meets Sections III.B.2. and IV.B.4. of the Woodland-in-Waverly Historic Preservation Zoning Overlay design guidelines. Commissioner Nielson seconded. The motion passed with Commissioner Bell voting in opposition.**

y. 106 LINDSLEY PARK DR

Application: New construction-infill

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Sajid

Staff member, Melissa Sajid presented the case for 106 Lindsley Park Drive.

This is the first of three requests to construct new single-family homes on Lindsley Park Drive. You did receive public comment via email on these projects. This one is for 106 Lindsley Park Drive. All three sites are vacant and have double frontage on Lindsley Park Drive and South Fifteenth Street. In addition, the lots slope down approximately 22'-28' from Lindsley Park Drive to South Fifteenth Street.

The historic context on Lindsley Park Drive is 1-1.5 story homes. The published staff recommendation states that the height of historic buildings on Lindsley Park Drive ranges from 16'-28', and those measurements were based on GIS. Since the staff recommendation was published, the house located at 107 Lindsley Park Drive has been measured in the field by our inspector, who found it to be closer to 23' tall from grade. In addition, the house at 107 Lindsley Park Drive is the tallest historic house on Lindsley Park Drive that contributes to the historic context in the immediate area.

The proposed infill for 106 Lindsley Park Drive is 1.5 stories at the front and is approximately 28'-8" from grade and three stories at the rear whereas the immediate historic context on Lindsley Park Drive is 1-1.5 stories with overall heights of 16'-23'. Given the accurate field measurement of the contributing house at 107 Lindsley Park Drive, staff finds that it is necessary to revise the recommendation for the infill proposed at 106 Lindsley Park Drive. With this new information regarding the historic height context, staff cannot recommend approval of the infill proposed for 106 Lindsley Park Drive as it does not meet Section II.B. 1 and 2 of the design guidelines for the Lockeland Springs – East End Neighborhood Conservation Zoning Overlay.

While the Commission did approve the two-story house at 104 Lindsley Park Drive with an overall height of twenty-seven feet, six inches (27'-6") in 2009, more recently the Commission has looked more to the immediate historic context with regard to height and scale when evaluating proposed infill. The majority of historic homes on Lindsley Park Drive as well as adjacent blocks of Holly Street and Woodland Street are one to one and one-half (1-

1.5) stories. Therefore, staff finds that the proposed infill at an overall height of 28'-8" is inappropriate for infill at this location.

The proposed structure is oriented toward Lindsley Park Drive and meets all base zoning setbacks. At 20' the front setback will be consistent with the infill at 104 Lindsley Park Drive that was approved by the Commission in 2009, which is appropriate as there are no historic homes on this side of Lindsley Park Drive.

The new infill will have a maximum width of thirty-four feet (34') at the front and bump out to 36' in width approximately 19' behind the front wall. The lot is slightly wider at the street than other lots with historic homes on Lindsley Park Drive. Historic buildings in the immediate vicinity on slightly narrower lots range from thirty to thirty-three feet (30'-33') wide. Given the width of the lot, staff finds the proposed width could be appropriate.

The building is three stories at the rear with a maximum height of 37' on that façade. The plan includes an attached garage that is accessed from a proposed driveway off South Fifteenth Street at the rear. The attached garage is located at basement level and the vehicular access is on the rear elevation, which meets the criteria for when attached garages may be appropriate.

Staff finds that the overall height of the proposed infill is not compatible with the scale of the immediate historic context, which includes one and one-and-one-half (1-1.5) story homes that range from 16'-23' in height. For these reasons, staff finds that the infill does not meet sections II.B. 1 and 2 for height and scale of new construction.

Commissioner Mosley asked what was used as context and Ms. Sajid stated that they looked primarily at the historic homes across the street and then went a little further afield because of the limited historic context on Lindsley Park and what they found was primarily 1.5 stories.

John Root, architect and applicant, presented all three homes proposed on Lindsley Park at one time. He does not agree that 109 is the tallest house on the block. The grade for his homes is 5' below the street and the houses across the street, the grade rises 6' above the street. He provided a handout providing measurements and additional 3D drawings and he gave measurements for some of the historic homes in the vicinity. He noted that some of the non-contributing homes will likely be demolished at some point and he questioned what should be used as context.

Commissioner Nielson said it would be interesting to see if the measurements were taken from the top of the eave to the center of the road so the two sides could be compared, since this is such an unusual site.

Commissioner Mosley said that the architectural elements mitigate the scale and he is struggling to see how it is inappropriate, when looked at in total. The context is a small sample with just 5 historic buildings across the street.

Bob Borzak, 1503 Woodland, said his house looks up at this area. The two-story that was approved does not meet the historic context of all 1.5 stories. He agreed that all three projects need to be discussed together. What is proposed is out-of-proportion to the historic context. Lindsley Park is a unique and narrow street.

Councilman Withers agrees that the context is the historic homes and not the newer 2-story home, which was an error in judgement. He has less concern about this project than the other two.

Commissioner Kaalberg said he used to live at 1503 Holly and so is familiar with the area that is 1.5 stories. He believes there is a difference between this project and the other two as the other two are not close to meeting the historic context. The historic homes are so small that they would not likely be constructed today although people live there and love them. 106 Lindsley Park actually reads as a 1.5 story house. He agrees that the grade allows for more height than across the street because they are on the downside but what is proposed is still too tall. The street is unusually narrow and if the homes are too tall it could create a canyon affect.

Commissioner Stewart agreed that 106 Lindsley Park reads as a 1.5 story and so is within the range of what would be appropriate. Commissioner Kaalberg noted that if the house is truly going to sit 5' below the roadway, that may need to be verified. Mr. Root explained that the topo map is verified, it is not GIS.

Commissioner Kaalberg said the 3D was helpful but a drawing that showed the proposed in comparison to the homes across the street would be even more helpful.

Motion:

Commissioner Stewart moved to approve with the following conditions:

- **The home be lowered by 1-foot in height;**
- **The 5' drop from the road be verified;**
- **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;**
- **Staff approve the final details, dimensions and materials of windows, doors, garage doors, walkway material, and driveway material prior to purchase and installation;**
- **The finish on all siding and trim shall be smooth; and,**
- **The HVAC shall be located behind the house or on either side, beyond the mid-point of the house;**

finding the project meets II.3.B of the *Lockeland Springs-East End Neighborhood Conservation District Handbook and Design Guidelines*. Commissioner Mosley seconded and the motion passed unanimously. (Commissioner Kaalberg moved to amend the motion. Commission Bell seconded and the motion passed unanimously.)

z. and aa. 110 & 114 LINDSLEY PARK DR

Application: New construction-infill

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Sajid

Staff member, Melissa Sajid presented the cases for 110 and 114 Lindsley Park Drive together.

The presentations for the next two infill projects proposed for Lindsley Park Drive have been combined as staff has recommended disapproval of both, finding that neither project meets Section II.B.1 and 2 for height and scale. The requests are to construct new single-family homes at 110 and 114 Lindsley Park Drive. As with the previous case, the sites are vacant and have double frontage on Lindsley Park Drive and South Fifteenth Street. In addition, the lot slopes down significantly from Lindsley Park Drive to South Fifteenth Street.

The historic context on Lindsley Park Drive is 1-1.5 story homes with overall heights that range from 16'-23', which includes the field measurement for 107 Lindsley Park Drive, shown here, which is the tallest contributing house on the block. 104 Lindsley Park Drive which is infill that was approved eight years ago in 2009 and is non-contributing. The house on the bottom right is 105 Lindsley Park Drive, which is contributing.

The proposed infill for 110 Lindsley Park Drive is one and one-half to two-stories stories at the front with primary eave heights of approximately twenty-feet (20') from the front grade. The proposed infill at 114 Lindsley Park Drive is also one and one-half to two-stories stories at the front with primary eave heights of approximately 18'-6" from the front grade. Although the forms of both houses mimic 1.5 story homes, mitigating the overall massing, the tall eaves are more akin to full two-story homes. Staff finds that the scale of the buildings are 2 stories with eave heights of two-story buildings whereas all of the historic homes on Lindsley Park Drive have the massing of one and one and one-half story homes. The overall height for 110 is approximately 30'-2" from grade and the overall height of 114 is approximately 28'-8" whereas the immediate historic context on Lindsley Park Drive of 1 – 1.5 story homes ranges from 16'-23' from grade.

The proposed structures for both 110 & 114 are oriented toward Lindsley Park Drive and meet all base zoning setbacks. At 24' and 23', respectively, the front setbacks will be consistent with the infill at 104 Lindsley Park Drive that was approved by the Commission in 2009, which is appropriate as there are no historic homes on this side of Lindsley Park Drive.

The new infill at 110 will have a maximum width of thirty-four feet (34'); however, the width at the front setback will be twenty feet (20') and will bump out to the maximum width fourteen feet (14') behind the front wall. The lot is slightly wider at the street than other lots with historic homes on Lindsley Park Drive. Historic buildings in the

immediate vicinity on slightly narrower lots range from thirty to thirty-three feet (30'-33') wide. Given the width of the lot, staff finds the proposed width of thirty-four feet (34') could be appropriate at this location.

The new infill at 114 will have a maximum width of thirty-four feet (34'); however, the width at the front setback includes a sixteen feet (16') wide covered porch and will not bump out to the full width until twenty-four feet (24') behind the front wall of the infill. Staff finds that the proposed building width could be appropriate in this case as the building will not read as the full thirty-four feet (34') at the front of the building given that nearly half of the width is comprised of a covered porch.

Both buildings include three stories elements at the rear. The plans for both include attached garages that are accessed from proposed driveways off South Fifteenth Street at the rear. The attached garages are located at basement level and the vehicular access is on the rear elevation, which meets the criteria for when attached garages may be appropriate.

In conclusion, staff finds that the proposed massing and overall height of the proposed infills at 110 and 114 Lindsley Park Drive are not compatible with the scale of the immediate historic context, which includes one and one-and-one-half (1-1.5) story homes that range from 16'-23' in height. For these reasons, staff finds that the infill does not meet sections II.B. 1 and 2 for height and scale of new construction.

John Root, architect, said that the pitch could be changed from 12/12 to 10/12 reducing the height by 2' but it is more than just numbers so he is interested in hearing their discussion. They are open to deferring.

Bob Borzak, 1503 Woodland Street, stated that the massing is too large for the small scale of the street. In a strong rain, the area becomes a waterfall, which means the applicant cannot make the foundations as low as he might have in a different location.

Councilman Withers agrees that the knee walls and eave heights are high on these two projects. As Mr. Root stated the lots do become larger in terms of depth but that doesn't make an argument for the buildings to get larger. He said a covered porch reads as part of the massing because it is a roof over a foundation.

Commissioner Mosley said that if the home is lowered in height it might get deeper and more massive at the rear. Commissioner Kaalberg expressed concern about the tall walls on the back of the current design. The approved height of 106 should be used as a guide for revised height.

Motion:

No action taken. Both projects were deferred at the request of the applicant.

bb. 207 SOUTH 12TH STREET

Application: New construction-infill

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Sajid

Staff member, Melissa Sajid, presented infill for 207 S 12th Street.

This is a request to construct a new single-family residence at 207 S. 12th Street. A permit was issued in January 2017 to demolish the non-contributing house located on the site.

The plan before you meets the design guidelines for height, scale, setbacks and rhythm of spacing, materials, roof shape, orientation, and rhythm and proportion of openings. As proposed, the infill is oriented to South 12th Street. The driveway and/or parking pad location is not noted on the plans, and staff asks that this be shown on the site plan prior to issuance of the preservation permit.

The structure is one and one-half stories at the front with an overall height of 31'-8", including a 2' foundation and an eave height of nine feet, eight inches (9' 8") at the front. The overall height is appropriate for the context which includes two story homes with heights of up to 38'.

The infill will have a painted brick foundation, fiber cement lap siding with board and batten accent, and an asphalt shingle roof. The reveal and finish for the siding is not noted, so staff recommends a condition that the siding have a smooth finish and a maximum reveal of five inches (5”).

In conclusion, staff recommends approval of the infill with conditions, finding that the request meets the design guidelines.

Applicant, Jim Cain, said he agreed with the conditions.

Councilman Withers spoke for Mr. Kreyling, who could not attend the meeting. He appreciates someone bringing a reasonable sized single-family home; however, the context is more of Victorian in style rather than the bungalow presented. He encouraged more height and detailing like seen in the immediate historic context.

Commissioner Kaalberg encouraged the applicant to consider something more elaborate to meet the context.

Motion:

Commissioner Bell moved to approve with the following conditions:

- **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;**
- **Staff approve the final details, dimensions and materials of roof color, board and batten material, windows, doors, front porch steps, driveway/parking pad and walkway prior to purchase and installation;**
- **Siding shall have a smooth finish and a maximum reveal of five inches (5”);**
- **The driveway and/or parking pad shall be shown on the site plan prior to issuance of the preservation permit;**
- **The HVAC shall be located behind the house or on either side, beyond the mid-point of the house; and**
- **Staff approve the masonry color, dimensions and texture;**

finding the project meets Sections II.B. of the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay design guidelines. Commissioner Jones seconded and the motion passed unanimously.

cc.

0 MURPHY RD

Application: New construction-infill

Council District: 24

Overlay: Richland-West End Addition Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander

Staff member, Sean Alexander presented the case for 0 Murphy Road.

This is a large irregular parcel that is being divided into eight lots.

Designs for six of the lots have already been approved by MHZC, the current proposal is for a duplex on each of the two remaining lots. Mr. Alexander briefly described the proposal.

The applicant was not present and there was no public comment.

Motion:

Commissioner Jones moved to approve with the following conditions:

- 1. The elevations shall be revised to accurately reflect the grade of the lots and foundation heights;**
- 2. Staff shall inspect the foundation heights during construction to verify that the floor levels are consistent with the surrounding context;**
- 3. The front dormers shall be revised to a form more typical if the historic context;**

4. The siding reveals and textures, roof colors, windows, doors, and other materials not known shall be administratively approved prior to permitting;
5. Walkways are added to lead from each porch to the sidewalk; and
6. The materials of all paving shall be approved by Staff and the HVAC shall be located on the rear façades or on side façade beyond the midpoints of the houses;

finding the project would be compatible with surrounding historic houses, and that the project will meet the *Richland-West End Addition Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines*.
Commissioner

VII. PRELIMINARY SP REVIEW

None.

VI. OTHER BUSINESS

- dd. CLG TRAINING: permitting process

VIII. ADMINISTRATIVE ACTIONS

- ee. ADMINISTRATIVE PERMITS ISSUED FOR PRIOR MONTH

The meeting adjourned at approximately 6pm.

RATIFIED BY THE COMMISSION ON 4/19/17