

MEGAN BARRY  
MAYOR



# METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Sunnyside in Sevier Park

## METRO HISTORIC ZONING COMMISSION (MHZC) MINUTES

April 19, 2017

**Commissioners Present:** Vice-Chairman Menié Bell, Kaitlyn Jones, Aaron Kaalberg, Elizabeth Mayhall, Cyril Stewart

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

**Applicants:** Matt Schutz, Remick Moore, Luke Stockdale, Jackie Daniel, Martin Wieck & Brian Layton, Kaitlyn Smous, Torrey Morgan, Dawn White, Seab Tuck

**Councilmembers:** Burkley Allen

**Public:** Candy Henry, 1233 Plymouth Avenue; Ryan Campagna, 1308 Plymouth; Rob Bin, 1248 Plymouth Avenue; Allison McArthur, 1120 Eastdale; Mark Hosford, 1240 Riverwood Drive; Debra Lunn, 1127 Riverwood Drive; Sheridyn Williamson, 1141 Riverwood Drive; Sylvia Giannitrapani, 1327 Riverwood, Ryan Campagna, 1308 Plymouth; Justin Bow, 1135 Eastdale, Lynn Taylor

Vice-Chairman Bell called the meeting to order at 2:05 p.m.

### I. RECOGNITION OF COUNCILMEMBERS

Vice-chairman Bell recognized Councilmember Allen who spoke to the outbuilding and DADUs policy, stating that it is too specific, resulting in cookie-cutter outbuildings. Architects and designers would like to see more flexibility. She asked for a more extensive discussion before an official policy is made.

Vice-chairman Bell read aloud the procedure for the consent agenda and asked if there were any agenda changes. Ms. Zeigler provided several potential agenda changes: moving 901 Waldkirch to the consent agenda, deferring 500 32nd Ave S and 714 Shelby Avenue. Commissioner Kaalberg moved to approve the revised agenda. Commissioner Stewart seconded and the motion passed unanimously.

Staff member, Robin Zeigler, introduced Jenny Warren, who will be filling in for Melissa Sajid while she is on maternity leave.

Vice-chair Bell read aloud information regarding the schedule of the meeting and the process for appeals.

### II. APPROVAL OF MINUTES

a. March 15, 2017

**Motion:**

**Commissioner Stewart moved to approve the minutes as presented. Commissioner Mayhall seconded and the motion passed unanimously.**

### III. CONSENT AGENDA

Staff member, Jenny Warren, read the items on consent.

**b. 1500 FATHERLAND ST**

Application: New construction-addition

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

**c. 1909 RUSSELL 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

**d. 1805 FATHERLAND ST**

Application: New construction-outbuilding (detached accessory dwelling unit)

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

**e. 1103 MONTROSE AVE**

Application: New construction-addition and outbuilding; setback determination

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

**f. 1900 5<sup>TH</sup> AVE N**

Application: New construction-addition

Council District: 19

Overlay: Salemtown Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

**g. 3637 RICHLAND AVE**

Application: New construction-infill and outbuilding; setback determination

Council District: 24

Overlay: Richland-West End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

**h. 751 BENTON AVE**

Application: Setback determination for previous approval

Council District: 17

Overlay: Woodland-in-Waverly Neighborhood Conservation Zoning Overlay

Project Lead: Paul Hoffman

**i. 2200 GRANTLAND AVE**

Application: New construction – outbuilding (detached accessory dwelling unit)

Council District: 17

Overlay: Woodland-in-Waverly Neighborhood Conservation Zoning Overlay

Project Lead: Paul Hoffman

**j. 1319 4<sup>TH</sup> AVE N**

Application: New construction-outbuilding

Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay

Project Lead: Paul Hoffman

**k. 105 BROADWAY**

Application: Signage  
Council District: 19  
Overlay: Broadway Historic Preservation Zoning Overlay  
Project Lead: Paul Hoffman

**l. 1115 GREENWOOD AVE**

Application: Setback determination for previous approval  
Council District: 06  
Overlay: Eastwood Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Sajid

**m. 1926 20<sup>TH</sup> AVE S**

Application: New construction-outbuilding (detached accessory dwelling unit)  
Council District: 18  
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Sajid

**n. 120 2<sup>ND</sup> AVE S**

Application: New construction-infill (changes to previous approval)  
Council District: 19  
Overlay: Broadway Historic Preservation Zoning Overlay  
Project Lead: Sean Alexander

**o. 1237 6<sup>TH</sup> AVE N**

Application: New construction-addition  
Council District: 19  
Overlay: Germantown Historic Preservation Zoning Overlay  
Project Lead: Sean Alexander

**p. 1407 LILLIAN ST**

Application: New construction-addition  
Council District: 06  
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
Project Lead: Sean Alexander

**q. 1608 16<sup>TH</sup> AVE S**

Application: New construction-addition and Setback determination  
Council District: 17  
Overlay: South Music Row Neighborhood Conservation Zoning Overlay  
Project Lead: Sean Alexander

**r. 1810 5<sup>TH</sup> AVE N**

Application: New construction-addition  
Council District: 19  
Overlay: Salemton Neighborhood Conservation Zoning Overlay  
Project Lead: Sean Alexander

**s. 400 BROADWAY**

Application: Signage  
Council District: 19  
Overlay: Broadway Historic Preservation Zoning Overlay  
Project Lead: Sean Alexander  
There were no requests from the public to remove any items from the consent agenda.

**Motion:**

**Commissioner Stewart moved to approve all consent agenda items with their applicable conditions including 920 Waldkirch Avenue. Commissioner Mayhall seconded and the motion passed unanimously.**

**IV. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTION**

**Eastdale Place NCZO**

Application: Recommendation to Council and design guideline adoption

Council District: 07

Project Lead: Robin Zeigler

Staff member, Robin Zeigler, explained that the Eastdale neighborhood began discussion about a potential overlay in 2015 as part of an overlay for the greater Jackson Park neighborhood. Eastdale Place is an early 20th century planned suburban development that is part of the Jackson Park National Register of Historic Places district. It is significant in the area of community planning and development as an excellent representation of the expanding Nashville suburbs and evolving national trends in suburban planning. The district is also significant for its architecture. More of the history is found in the design guidelines included in your packet and in the National Register nominations for Jackson Park and Inglewood.

Since the overlay is located in the Jackson Park National Register of Historic Places District and it meets criterion 5 of section 17.36.120 of the ordinance.

Staff suggests that the Commission recommend approval of the overlay for these eligible properties to the Council and adopt the design guidelines proposed for the new district.

Ms. Zeigler noted that multiple emails in support of the overlay were forwarded to the Commission via email and provided in paper form at the beginning of the meeting. She noted that the Councilman was not able to attend but sent a letter of support that the Commission also received prior to the meeting.

Speaking in opposition: Candy Henry, 1233 Plymouth Avenue; Ryan Campagna, 1308 Plymouth.

Speaking in support: Rob Bin, 1248 Plymouth Avenue; Allison McArthur, 1120 Eastdale; Mark Hosford, 1240 Riverwood Drive; Debra Lunn, 1127 Riverwood Drive; Sheridyn Williamson, 1141 Riverwood Drive; Sylvia Giannitrapani, 1327 Riverwood, Ryan Campagna, 1308 Plymouth; Justin Bow, 1135 Eastdale.

Kaalberg noted that the contributory percentage is extremely high.

**Motion:**

**Commissioner Mayhall moved to approve the recommendation of the overlay and the adoption of the design guidelines. Commissioner Stewart seconded and the motion passed unanimously**

**hh. Belair Neighborhood Landmark**

Application: Recommendation to Planning Commission

Council District: 15

Project Lead: Robin Zeigler

The request is for a Neighborhood Landmark. The property owner began the process of a Neighborhood Landmark with a request for a Historic Landmark Overlay with a recommendation of approval from the MHZC on October 19,

2016. The overlay was requested as part of a rezoning that includes the proposed Historic Landmark property as well as three other adjoining properties. The Historic Landmark was held back from review by the Planning Commission and Council so that it could track with the rezoning request. The rezoning request is for a Neighborhood Landmark, which requires review of alterations from the MHZC, since one of the four properties is listed in the National Register of Historic Places. MHZC Staff used the design guidelines for Historic Landmarks to analyze the alterations, since a Historic Landmark designation is also a part of the overall request.

The project includes multiple projects which will likely take place as phased construction. In general, all seem to be appropriate for the National Register-listed building but a little additional information is needed. The proposal also includes the use of EFIS on non-historic portions of the National Register building. Recognizing that the material has changed from when it was first listed as an inappropriate material, Staff recommends approval here as a test case.

Staff recommends approval of the Neighborhood Landmark to the Planning Commission with the conditions that work on the property does not continue until the following information has been provided for approvals of details and materials and permits have been issued:

1. Applicant provide a full scope-of-work for the project including, alterations, information on all new materials (including but not limited to windows, doors, cladding, trim, porch elements);
2. Applicant provide final drawings (no larger than 11 x 17 and to-scale) for new construction such as additions, porches, bars and fountains; and,
3. That EFIS be approved as a test case only for non-historic portions of the building, specifically the attached garage and the left-side, currently unclad addition.

With these conditions, Staff finds the proposal to meet the design guidelines for a Historic Landmark and therefore the Neighborhood Landmark designation meets the qualifications of section 17.40.160.J of the zoning ordinance.

Ms. Zeigler noted that the Councilmember for this district was unable to attend but sent his support via email which was included in the staff report.

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

**Motion:**

**Commissioner Stewart moved to recommend approval of the Historic Landmark to the Planning Commission with the conditions that work on the property does not continue until the following information has been provided for approvals of details and materials and permits have been issued:**

1. **Applicant provide a full scope-of-work for the project including, alterations, information on all new materials (including but not limited to windows, doors, cladding, trim, porch elements);**
2. **Applicant provide final drawings (no larger than 11 x 17 and to-scale) for new construction such as additions, porches, bars and fountains; and,**
3. **That EFIS be approved as a test case only for non-historic portions of the building, specifically the attached garage and the left-side, currently unclad addition;**

**finding that the proposal to meet the design guidelines for a Historic Landmark and therefore the Neighborhood Landmark designation meets the qualifications of section 17.40.160.J of the zoning ordinance. Commissioner Jones seconded and the motion passed unanimously.**

**hh. OUTBUILDING & DADU POLICY DISCUSSION**

Ms. Zeigler reminded the Commission that most of them met on March 31, 2017, to discuss a potential policy for outbuildings and DADUs. The policy in the packets is a policy that Staff believes reflects the Commission’s discussion with some additional components that have been discussed in the past. Your request was to simply discuss today and possibly to vote on it, or an amended version of it, next month. As it stands at the moment, the policy is to:

1. Continue to require that outbuildings follow the same design standards as DADUs as a way to assure that the size of outbuildings does not continue to increase and they do not “contrast greatly” with historic outbuildings. Exceptions may be made when unique conditions of the lot or the historic principal building dictate otherwise such as lot dimensions, shape, or grade, or roof and dormer forms of the historic home.

If implemented, this policy would serve three purposes. It would be easier for applicants to navigate the requirements, it would assure that outbuildings approved meet the design guidelines, and would assure that if a property owner decided at a later date to add a dwelling unit, the building would meet the requirements of the ordinance.

2. Continue with the current calculation method for outbuilding/DADU dormers for multiple reasons. The outbuildings currently allowed are already larger than the historic context. Changing the calculation method for a dormer to an area method, rather than a linear method, means that a steeper roof pitch and wider eave overhangs could be utilized to increase the area, resulting in a dormer that is larger than what was intended. The current method already allows for more than the original method.

In addition, an area calculation as opposed to a linear calculation is slightly more complicated to figure and staff already receives feedback from applicants that the ordinance requirements are too difficult to understand. (An architect watching the March meeting sent us an unsolicited email afterwards stating that the current method is “easier to calculate and is fair to all projects.”)

3. Set outbuilding setbacks in RS and R zones to a five foot (5’) minimum rear setback when there are garage doors facing the alley or three foot (3’) when there are no garage doors facing the ally. These setbacks have been routinely approved for years and this policy would help to expedite permits.
4. Add DADUs that meet all the requirements to the list of permits that can be issued administratively in the Rules of Order and Procedure. Any DADU that did not meet the design requirements would still come before the Commission. If agreed, staff will also bring a revised draft of the Rules of Order and Procedure for your vote next month.

Lynn Taylor, residential designer, said that she has been told a lot of different things, the rules keep changing, and she sees things that don’t appear to meet the requirements. She expressed concern with the outbuildings and the DADUs following the same design standards. She does not believe it is legal for the Commission to change bulk standards.

Commissioner Kaalberg reminded the commission that it really isn’t a policy change but rather an agreement to remain consistent with what they agreed to several years ago. He mentioned that at the work-session there was unanimous agreement that the policy was appropriate. Vice-chairman Bell reminded the Commission that there were several charrettes that were the impetus for the informal policy that has been followed for several years that this policy is clarifying. Ms. Zeigler said that the policy was sent to councilmember and neighborhood presidents to be sure that they knew it was on the agenda. [MHZC did not receive any comments.] Ms. Zeigler noted that section 17.12.020 of the zoning code gave them authority to set bulk standards.

## **V. PREVIOUSLY DEFERRED ITEMS**

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

- a. **402 SOUTH 11<sup>TH</sup> 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

Mr. Alexander introduced the case and mentioned that it was a continuation of a case that was discussed the previous month and was deferred by the applicant before the Commission made any motion. The dormer doesn't meet the DADU requirements, specifically in regard to the size of the dormer. Staff Recommends disapproval.

Matt Schutz, local architect representing the homeowner, made the argument to interpret the ordinance's 50% requirement with an area calculation rather than a linear method. He argued that the case is unique.

Lynn Taylor said that she believes some of her DADUs were calculated with a different method.

The property owner explained what staff told him.

Commissioner Kaalberg said that the argument that the calculation method should be by area is a good one but the linear method is also a good one. The statute is vague and they have done their best to be consistent and fair. In the meantime, they should follow how they have been doing it in order to stay as consistent as possible until a change in the policy is made, if it is made.

Commissioner Stewart said that the evidence shows that the homeowner and the staff were both working to conform to the regulations, which brings up the problem of outbuildings and DADUs being treated differently. He said it is a unique situation and the issue may be clarified next month, but at this time, they should approve this project.

Commissioner Jones said she read through the email and none of them say "roof area," as the applicant claims. Finished space and living space are two different things and the emails all say "finished space" and none say "living space," which is the difference between an outbuilding and a DADU. She worries about changing with this one project.

Commissioner Mayhall asked the applicant if it was meant to be a living space. Mr. Schutz said it was but it wasn't their immediate use and that he knew that he would need to obtain an additional permit when he decided to use it as living space. The property owner clarified what the emails said.

Commissioner Kaalberg said that the emails don't cast any blame either way. The applicants, when they picked up their permit, signed a restrictive covenant stating that they were not using it as living space, but he agrees that the process is confusing. He does not think the case is unique. If this one is approved, then how can others not argue the same thing? He thinks the fairest thing is to continue the course they are on, rather than change for one person.

The property owner stated that filing the restrictive covenant did send up a red flag for them but that is what his contractor advised.

Commissioner Mayhall said that their role is to keep new construction from looking out of character. She doesn't think the use matters. Ms. Zeigler explained the history of DADUs, the fact that the design requirements were created by the MHZC staff, Planning Staff and councilmembers that would be affected by the ordinance. The present design requirements are what everyone agreed to allow a use that wouldn't have otherwise been allowed.

**Motions:**

**Commissioner Stewart moved to approve the request and Commissioner Mayhall second. Commissioners Kaalberg and Jones voted against the motion which failed for lack of four concurring votes.**

**Commissioner Kaalberg moved to disapprove the project and Commissioner Jones second. Commissioners Stewart and Mayhall voted against the motion which failed for lack of four concurring votes.**

*Project was approved based on lack of action from the Commission.*

## VI. MHZC ACTIONS

### ii. 409 BROADWAY

Application: Signage violation and New construction-addition  
Council District: 19  
Overlay: Broadway Historic Preservation Zoning Overlay  
Project Lead: Paul Hoffman

Paul Hoffman, presented the case for 409 Broadway, the former Lawrence Brothers Record Shop, now Nudie's Honky Tonk. It is an application for a rooftop addition and also approval of a modification for the projecting sign, for chasing and flashing lights. The proposed addition has a shed roof sloping from left to right. It is ten feet above the parapet wall at its highest point. The front wall of the addition is 42 feet from the front wall of the building. The front edge of the overhang is 30 feet away. These meet the design guidelines for location, height and scale. There are a few materials in question, and Staff recommends approval of the addition with approval of those materials, as well as making sure that the step back area between the front of the building and the addition is not used for any permanent features, such as lighting, speakers, signage, etc. Staff approved the projecting sign in November last year, as it met the design guidelines. It has since had chasing and flashing elements activated. As the Commission has recently approved moving lighting when it is not an overwhelming area on a sign, Staff recommends approval of the modification.

The architect for the project said that they have ordered the parts to modify the sign and that they agreed with the conditions.

There were no public comments.

#### **Motion:**

**Commissioner Stewart moved to approve the addition with the conditions:**

- 1. Staff approve the metal color and texture and material of posts;**
- 2. And that the step-back area not be used for lighting, audio/visual equipment or any other structure that would extend above the parapet wall and have a permanent installation.**

**Further, he moved to approve the signage with the condition that the duration of the chasing be adjusted to not be more than every one second, finding that the project meets Section III and Section IV of the design guidelines for the Broadway Historic Preservation Zoning Overlay. Commissioner Mayhall seconded and the motion passed unanimously.**

### jj. 116 3<sup>rd</sup> AVE S

Application: Signage violation  
Council District: 19  
Overlay: Broadway Historic Preservation Zoning Overlay  
Project Lead: Paul Hoffman

Staff member, Paul Hoffman presented the case for 116 3<sup>rd</sup> Avenue South. This is an application for signage that has been installed without a permit. Painted signage, which the applicant said has been removed already, and also for the ice cream cone projecting sign, with a modification for chasing and flashing lights. The building is allotted 82 square feet of signage in total. The current existing signage is 45 feet for the painted sign above the windows, a permitted projecting sign which is 16 square feet, and the projecting sign unpermitted which is 13. Since the lower signage has been removed, they are under their maximum sign area at 74 square feet. The new projecting sign meets the guidelines for location and size. It has neon lettering and exposed bare bulb chasing lights. The Commission has approved chasing lights, but bare bulbs are a prohibited light source under the Illumination section of the design guidelines.

The applicant said that they could add clear cases over the bulbs. Ms. Zeigler said that a similar solution has been proposed and disapproved. Since the Commission has a meeting to discuss the issue of bare bulbs on signage in the district she recommends lengthening the amount of time the applicant has to correct the violation. If a new policy is created in that time period then there will no longer be a violation.



**Motion:**

**Commissioner Stewart moved to disapprove the signage because it does not meet section IV of the design guidelines for signage, specifically the ice cream cone sign features a prohibited light source. He further recommended that the applicant is provided 90 days to correct the violation. Commissioner Kaalberg seconded and the motion passed unanimously.**

**kk. 500 32<sup>ND</sup> AVE S**

Application: Material violation

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

Deferred at the request of the applicant.

**ll. 144 WINDSOR**

Application: New construction-addition violation

Council District: 23

Overlay: Belle Meade Links Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander

Staff member, Sean Alexander, presented the case for 144 Windsor. The house was constructed in 1991, and does not contribute to the historic character of the neighborhood. The house was enlarged with a rear addition in 2011. That addition essentially fills the entire rear yard to both 5' side setbacks, and 10' from the rear of the property with a 17' tall walled piazza with a courtyard in the center.

Recently, the property owner erected a structure on the roof of the addition. The new structure consists of metal poles from which a mesh or netting is suspended. The stated intention of the structure is to allow greenery to grow on the mesh creating a screen-wall. Currently they've hung some banners on the structure because they're in an argument with their neighbors.

The banners and the greenery aren't really the concern of the MHZC, although other Metro departments are involved in resolving them. What is the MHZC's concern is the unapproved construction of a structure on top of a building. The options for them are either to remove it or to get MHZC approval and then get a building permit. Therefore, they're asking to MHZC to approve the metal poles and wire screen, which give the rear addition the equivalent of wall heights of 25' on the rear and 21' on the sides.

Staff has concerns about the height of the addition, however this is a noncontributing house that backs up to the border of the overlay and it's on a rear addition. Staff recommends approval after-the-fact of the rooftop addition, because of the unique conditions of the project.

In answer to Commissioner Stewart's question, Mr. Alexander, said that the structure adds 8' to the rear and 4' to the right.

Jackie Daniel, property owner, explained that the banners have been removed and that the new house behind her is 45' tall. The purpose of the greenwalls are to provide additional privacy to her courtyard.

There were no requests from the public to speak.

Commissioner Stewart said that what was happening outside of the overlay is an issue for the neighborhood but he is concerned with an 8' tall wall on top of a 17' tall wall is too excessive. The scale and proportion of homes is part of what they are required to do. The homeowner has created somewhat of a hardship with the 10' rear setback. He is not sympathetic since it went in without a permit.

Commissioner Kaalberg said he wasn't as concerned with this specific project as much as all the flat roofs they have approved and all that others have done to apply with the screening rules, both commercial and residential and this

solution applied elsewhere would be problematic. If approved they need to be specific as to why the property is different.

The applicant was invited back. She talked with Byron Hall who said it wouldn't be a problem and she didn't realize that Historic (MHZC) needed to review it. She thought she had obtained the permits needed. She described the design of her home and the conditions of the site and the lot behind her.

Commissioner Jones noted that Staff was notified of the violation by the Codes Department. Ms. Daniel explained that the developer has called Codes on her and other neighbors because of the signs in their yards protesting the development behind them.

Commissioner Kaalberg stated that he understood the reason for the request but was concerned with the precedent it would set and the fact that the massing doesn't meet the design guidelines.

Commissioner Jones stated that it might be appropriate since it backs up to an area outside of the district with a 45' tall wall, basing the decision on that, it might be appropriate. Commissioner Kaalberg noted that there are other homes that back up to the 45' tall houses that could then make the same argument.

Commissioner Stewart said the project will "contrast greatly" with the historic context in terms of massing, scale and percentage of open space.

**Motion:**

**Commissioner Stewart moved to disapprove the constructed green-wall based on the fact that it does not meet the design guidelines for new construction in terms of massing, scale and open space. Commissioner Kaalberg seconded and the motion passed with Commissioner Jones in opposition and Vice-Chair Bell voting in favor of the motion.**

**mm. 1707 BLAIR BLVD**

Application: New construction-addition and outbuilding; setback determination

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

Staff member Melissa Baldock presented the case for 1707 Blair Blvd. 1707 Blair Boulevard is a two-and-a-half story house constructed c. 1915 that contributes to the historic character of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay. The site is zoned RM20. Based on the zoning and the size of the lot, up to five dwelling units are allowed under code. The applicant is proposing to construct a rear addition to the historic structure and to construct a rear building behind the principal structure. The rear structure requires a rear setback determination. There will be two residential units in the historic house, one unit in the addition, and two units in the rear building.

While the Metro Historic Zoning Commission does not regulate the number of units allowed on the site and does not regulate use, it can determine whether or not the proposed design, height and scale of the construction on the site is appropriate to the historic house, the lot, and the overall Belmont-Hillsboro Neighborhood Conservation Zoning Overlay. Staff is recommending disapproval of this project, finding that its height, scale, and roof form are not in keeping with the historic character of the immediate context.

The immediate context is primarily single family houses, many of which are zoned RM 20. The block is bookended with large multi-family buildings on the corners but the interior of the block currently maintains the historic single-family forms. Based on the fact that the majority of the lots in the immediate vicinity are similar in size with similar house forms and zoning, any approvals for this property will likely set a precedent for 10 other lots on the block. The large multi-family development at the corner of Belmont Boulevard and Blair was approved by MHZC in 2015. There is one modestly-scaled multi-family historic structure across the street from the site.

The addition will have a footprint of 1,306 sq. ft., and the rear structure will have a footprint of 1,891 sq. ft. Overall, staff finds that the size of the addition and the rear structure overwhelm the historic house and are out of scale.

The addition is 2'4" taller than the historic house. The design guidelines do allow for additions to be taller than the historic house, IF the historic house is single story. The intent of this portion of the design guidelines is to allow for a reasonable upper level space for those houses that are short. It is not appropriate for an addition behind a two-and-a-half story house to be taller than the historic house, particularly when there are no other severe lot constraints.

The brick part of the addition will have a flat roof form. Staff finds that a flat roof could be appropriate if the top of the roof is no taller than the historic house's eave height. In this case, the top of the flat roof is a foot (1') taller than the top of the historic house's eave. Above the flat roof will be a tall dormer that contains access to a balcony above the second story. The balcony includes a wall/barrier that is three feet, six inches (3'6") above the flat roof. Because the flat roofs are taller than the historic house's eave and because they are paired with large dormers and three foot, six inch (3'6") balcony barriers, staff finds that the roof form is not appropriate. The dormers on the addition, which meet the ridge of the roof, and the balconies above the second story level further serve to accentuate the height and scale of the addition.

The rear structure is three stories and has a footprint of 1,891 sq. ft. The proposed building in the rear is not an outbuilding in the traditional sense. It is not an accessory structure to the historic house, but rather a separate building with two dwelling units that have three bedrooms and three and a half bathrooms each. Because the lot is zone RM 20, the rear building is not restricted by the regulations of the Detached Accessory Dwelling Unit ordinance. MHZC needs to determine whether the design, height, and scale of the rear building are appropriate to the historic house, the site, and the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay. Staff finds that the rear structure's height and scale are not appropriate to the historic site and immediate context.

One issue is that there is only 15'8" between the back of the addition and the outbuilding. The Commission typically requires a space of at least 20' in between primary and rear structures, and in this case, because of the scale of the two structures, even more space would be warranted. For a traditional outbuilding, the design guidelines limit the footprints of outbuildings to one thousand square feet (1,000 sq. ft.) on lots larger than ten thousand square feet (10,000 sq. ft.) like this one. Because the lot is zoned RM 20, staff finds that it could be appropriate for an outbuilding to have a footprint larger than one thousand square feet (1,000 sq. ft.). However, staff finds the proposed footprint and overall scale to be too large for the site and the historic context. The outbuilding is the same height as the historic house, but because of the slope of the site, it will site about six feet (6') taller than the historic house.

Staff finds that the three story scale of the rear building is not appropriate because it is larger than the historic house, which is two and a half stories. Any rear structure should have a height lower than the historic building and be a maximum of two and a half stories. Although zoned for five units, the historic context is primarily single-family and two-family houses. The scale of the rear structure is not appropriate to the historic context.

Brian Layton, builder representing the owner, stated their focus is on historic neighborhoods so they are familiar with the design guidelines but most of their projects are single-family. Since this one is not single-family the commission should look at this project differently. They worked very hard on the addition.

Martin Wieck, architect for the project, stated that the home was built as single-family and still looks like one despite the fact that it was poorly divided into 6 units. They would like to build to the standards being set for multi-family development. They are at 48% lot coverage, which meets bulk standards, and now they are being asked to cover less.

There were no requests from the public to speak.

Commissioner Kaalberg noted that the RM20 is irrelevant, for the most part, to their analysis and doesn't mean you can triple the size of a single-family home. This project is different than some of the examples given because it is an addition to a historic building and is not new construction. A substantial addition could be added while still being

subordinate to the home and still accommodating 5 units. Commissioner Stewart agreed and suggested that the applicant decrease the volume and work with staff.

**Motion:**

**Commissioner Stewart moved to disapprove the project, finding that the height, scale, roof form, and orientation of the addition and rear structure do not meet Sections II.B.1.a., II.B.1.b., II.B.1.e., II.B.1.f., II.B.1.i., and II.B.2. of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay design guidelines. Commission Mayhall seconded and the motion passed unanimously.**

**nn. 111 4<sup>TH</sup> AVE S**

Application: New construction-addition

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Sean Alexander

Staff member Sean Alexander read a note from the applicant stating that he would like to defer until next month.

**oo. 2609 BARTON AVE**

Application: New construction-addition

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

Staff member Melissa Baldock presented the case for 2609 Barton Ave. 2609 Barton Avenue is a c. 1920 stone house that contributes to the historic character of the Hillsboro-West End Neighborhood Conservation Zoning Overlay. The lot slopes steeply up from the front to the back. The application is to construct an addition that is six feet (6') taller than the historic house. The addition is inset six feet (6') from the right side of the historic house. On the left side, the addition is inset two feet (2') from the back corner for a depth of ten feet (10'). After that depth, the addition steps back out to match the line of the historic house. The addition has a total depth of thirty feet (30').

The addition is proposed to be a maximum of 6' taller than the historic house. The design guidelines stated that additions can be up to 4' taller than the historic house – if the taller portion has a roof that is hipped, clipped, or side gabled. Note that part of the addition has a front-facing gable. The steep slope of the lot complicates constructing a one-story addition to the one-story house. The site is approximately four feet (4') higher at the back of the addition than it is at the back of the historic house. The applicant intends to dig out the site and construct a retaining wall at the rear, but would like to minimize the amount of the site to dig out. The applicant would therefore prefer to have a two-story structure with a smaller footprint rather than a one-story structure with a larger footprint.

Because of the steep slope of the site and the relative shortness of the historic house, which is just sixteen feet (16') tall above the finished floor line, staff finds that there could be justification for an addition that is taller than the historic house, and possibly taller than the four feet (4') typically allowed under the design guidelines. In a couple of discrete instances where there were severe site constraints, the Historic Zoning Commission approved additions that were more than four feet (4') taller than the historic house. However, staff recommends that several changes be made to the design to bring it more in compliance with the design guidelines and appropriate to the historic house. Staff recommends that the front facing gable /dormer be clipped, as is required in the design guidelines; the addition be no taller than five feet (5') taller than the historic house, which will allow for a seven foot (7') interior floor to ceiling height; and the taller portion of the addition be inset two feet (2') from the side wall of the historic house on the left side. This will help to minimize the visibility of the addition from the street, and to keep its overall scale appropriate.

Kaitlyn Smous described the house, the condition it is in and the lot, which all led to the design. She asked that the conditions regarding reducing the height to five feet (5'), inseting the addition further, and clipping the gable be removed from the final decision and explained what those conditions would require in terms of cost and design.

Torrey Morgan, owner of the property, said they have lived there for 8 years and need more space for their 6-member family. She claimed that the rooflines will not be seen from the street and the requested ceiling height is continuing the ceiling height of the historic home. The clipped gable would make the shower unusable. She said the neighbors are in support of the project. She asked that they consider their physical limitations. She is most concerned about 1 and 3 but also 2 of the conditions.

There were no requests from the public to speak.

Commissioner Jones said the site handicaps them and that excavation is difficult. Commissioner Kaalberg agreed that the site is very challenging, they are already doing a good bit of excavation, and it should meet the design guidelines because of the minimal visibility of the addition.

**Motion:**

**Commissioner Kaalberg moved to approve the project with the following conditions:**

- 1. Staff approve the roof shingle color; and**
- 2. The HVAC shall be located behind the house or on either side, beyond the mid-point of the house;**

**finding that the project meets sections II.B. and III.B. of the Hillsboro-West End Neighborhood Conservation Zoning Overlay. Commissioner Jones seconded and the motion passed unanimously.**

**pp. 920 WALDKIRCH AVE**  
Application: New construction-addition  
Council District: 17  
Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay  
Project Lead: Paul Hoffman

*The case was approved on the consent agenda.*

**qq. 1825 4<sup>TH</sup> AVE N**  
Application: New construction-infill and outbuilding; setback determination  
Council District: 19  
Overlay: Salemtown Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Baldock

Staff member Melissa Baldock presented the case for 1825 4<sup>th</sup> Ave N. 1825 4<sup>th</sup> Avenue North is an application for a duplex infill and outbuilding. In March 2017, the Metro Historic Zoning Commission voted to allow the demolition of the contributing structure at 1825 4<sup>th</sup> Avenue North based on economic hardship. The infill will meet all base zoning setbacks. The outbuilding requires a setback determination from 20' to 5'6", and staff finds the rear setback to be appropriate.

Staff finds that the overall height of 34'9" meets the design guidelines and the historic context. However, the front dormers give the infill the appearance of a two-and-a-half story house, whereas the historic context is a maximum of two stories. There are no two-and-a-half story historic houses in the Salemtown Neighborhood Conservation Zoning Overlay and there is only one two-story historic home. All infill development that has been approved by MHZC since the overlay has been two-story or lower. Because the front dormers give the infill a two-and-a-half story form, staff recommends that the front dormers be removed.

Staff asks that the front porch columns have a cap and a base. Staff also asks that 4" nominal wood corner boards be installed at the corners of the areas with lap siding. The upper portion of the roof is removed at the back in order to create a rooftop terrace above the second story. Since the rooftop terrace is at the back of the house and will not be highly visible from the street, staff finds it to be appropriate. The front porch is drawn as five feet, eight inches (5'8") deep, and staff recommends that the porch be a minimum of six feet (6') deep.

Dawn White, representing the contractor, stated that they agreed with all conditions with the exception of the dormers as they add character to the home. It is not a 2.5 story home but just a 2 story home. The drawing shows them larger than what they would actually be. They would also like the outbuilding to be larger to allow for 4-cars.

There was no request from the public to speak.

Commissioner Stewart said the recommendations are reasonable. They would not want to make a change to their requirements for the garage.

**Motion:**

**Commissioner Stewart moved to approve the project with the following conditions:**

- 1. 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;**
  - 2. The front dormers be removed;**
  - 3. The front porch be a minimum of six feet (6') deep;**
  - 4. All exposed corners have nominal four inch (4") corner boards;**
  - 5. The front porch columns have a cap and a base;**
  - 6. Staff approve a brick sample;**
  - 7. Staff approve the colors of the asphalt shingles and the standing seam metal roofs;**
  - 8. Staff approve the final details, dimensions and materials of all windows and doors prior to purchase and installation; and**
  - 9. The HVAC be located behind the house or on either side, beyond the mid-point of the house;**
- finding the project meets Section III of the Salemtown Neighborhood Conservation Zoning Overlay design guidelines. Commissioner Kaalberg seconded and the motion passed unanimously.**

**rr. 714 SHELBY AVE**

Application: New construction-infill

Council District: 06

Overlay: Edgefield Historic Preservation Zoning Overlay

Project Lead: Paul Hoffman

Deferred at the request of the applicant.

**ss. 300 BROADWAY**

Application: Alteration-lighting

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Robin Zeigler

The application is to add exterior lighting to the mechanical screen at the top of the building, on and above the cornice above the second level, on each pilaster between the first and second levels, above the cornice above the first level on the rear-side.

Staff has two main concerns with the proposal, which is the lighting on the rooftop addition and the requested colored illumination; otherwise the project meets the design guidelines.

The lighting on the addition is inappropriate as the addition should be as minimally visible as possible. Lighting of the mechanical screen will only draw attention to the new construction, which is not the intent of the design guidelines for rooftop additions, which states that additions should "not be visually jarring or contrasting" to the historic building. This rendering does not fully reflect the approval; it is being used to show the rooftop lighting request only.

Illumination should be white "day-light" color as colored illumination changes the color of the building and would detract from the historic character of the building. No other buildings within a district have been approved for

colored illumination. Staff is continuing to research this issue but recommends that it be disapproved at this time and if the policy or design guidelines change, the applicant can always return with the request.

Seab Tuck presented drawings showing what could have been accomplished with interior light. He requested approval of lighting the rooftop addition as it is something important to the applicant. All of the buildings are in color, based on the color bleed from neon signs. There is the only building that is cream-colored, so white lights will not work. They had a professional lighting consultant (recommend) that it will make the building celebratory and may change color for special events. He claims that they have met all the design guidelines and that waiting for a work-session is problematic. It is appropriate because their building is unique in height and color.

There were no requests from the public to speak.

Commissioner Mayhall said she appreciated the work he did to lower the height of the rooftop addition. She stated that she likes color and pizzazz and loves the project but she is not sure why the mechanical screen needs to be lit up.

Commissioner Jones acknowledged that the project will be done well but is concerned it does not meet the design guideline for being unobtrusive and that approval will set a precedent for other buildings. Commissioner Kaalberg agreed. He doesn't feel an urgency to make a decision now that will set a precedent. The size of signage is almost to a tipping point where you cannot see the buildings that they are charged with preserving. He is concerned that allowing yet something more could be problematic.

Vice-chair Bell noted that the applicant has a timeline and there is no way to know if the design guidelines will change if there is discussion in the future. Commissioner Kaalberg said that the meeting planned is just a couple of weeks away and there are only five commissioners here today. He is concerned about making a major decision without more board members and on the fly.

Vice-chair Bell asked the applicant if he would like to defer. Mr. Tuck said there is connectivity between lighting and signage. They will be able to design a sign that places color on the building but there needs to be a distinction between the sign and the illumination. He suggested that they be allowed to add the lighting so that their good design can be an example for future projects. If, after installation, the Commission feels it doesn't work then they could prevent future projects. He requested a deferral.

Mr. Tuck explained that the screen wall is a frosted-acrylic, in answer to Commissioner Stewart's question.

Commissioner Stewart requested that the images from today be provided at the illumination discussion on May 12<sup>th</sup>. Commissioners suggested that the applicant provide the Commission with written recommendation on how to address building illumination in a manner that would assure that all projects were as well designed as theirs will be.

**tt. 1616 DOUGLAS AVE**

Application: New construction-infill; Outbuilding with setback determination

Council District: 06

Overlay: Eastwood Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander

Mr. Alexander, staff member, presented the case for 1616 Douglas Ave.

This is an application for infill construction of a duplex. The address may be familiar as the Commission has already approved a plan for a single family home there in February, after a proposal first heard in December of 2016 was deferred.

The new design reads as one and a half stories from the front with a side-gabled roof and dormers, but to the rear it takes on more of a 2-story form. Staff finds this design to be compatible with the historic context. A similar design was approved in 2014, and having been constructed Staff finds that it fits in well with the context.

Staff recommends approval of the project with the following conditions:

1. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;
2. Staff shall approve the roof color, masonry, windows, and door selections prior; and,
3. The HVAC shall be located behind the house or on either side, beyond the mid-point of the house.

The applicant stated that he agreed with the conditions. There were no requests from the public to speak.

**Motion:**

**Commissioner Stewart moved to approve the project with the following conditions:**

1. **The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses to be verified by MHZC in the field;**
2. **Staff shall approve the roof color, masonry, windows and door selections prior; and,**
3. **The HVAC shall be located behind the house or on either side, beyond the mid-point of the house.**

**Commissioner Kaalberg seconded and the motion passed unanimously.**

**VII. PRELIMINARY SP REVIEW**

**None.**

**VI. OTHER BUSINESS**

**VIII. ADMINISTRATIVE ACTIONS**

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

Meeting adjourned at 5:00pm.

**RATIFIED BY COMMISSION 5/17/17**