

MEGAN BARRY  
MAYOR



## METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission  
Sunnyside in Sevier Park

### METRO HISTORIC ZONING COMMISSION (MHZC) MINUTES

July 19, 2017

**Commissioners Present:** Chairman Brian Tibbs, Vice-Chair Menié Bell, Kaitlyn Jones, Elizabeth Mayhall, Ben Mosley, Ann Nielson, Cyril Stewart

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

**Applicants:** Manuel Zeitlin, Giles Ward, Mitch Hodge and Steve Burt, Michael Ward, Kaitlyn Smous, Michael Locker, John Root, Reggie Parsons, Van Pond, Jennifer Ghanem, Lynn Taylor, Martin Wieck,

**Councilmembers:** Burkley Allen and Kathleen Murphy

**Public:** Robert Claxton, Tom Forest, Heather Truckey, Ben Gortmaker, Tiffany Townsend, Chris Townsend, Laurel Rodriguez, Alison Kirk, John Todd

Chairman Tibbs called the meeting to order at 2:06 p.m.

#### I. ADOPTION OF AGENDA

Ms. Zeigler noted changes to the agenda. The Building & Signage Illumination policy is deferred. 814 Russell St was administratively approved and so removed from the agenda.

**Motion:**

**Commissioner Stewart voted to approve the revised agenda. Commissioner Nielson seconded and the motion passed unanimously.**

#### II. RECOGNITION OF COUNCILMEMBERS

Councilmember Allen, district 18, spoke in favor of 1306 Beechwood.

#### III. APPROVAL OF MINUTES

a. June 21, 2017

There were no changes to the minutes.

**Motion:**

**Commissioner Stewart moved to approve the minutes. Commissioner Nielson seconded and the motion passed unanimously.**

Chairman Tibbs read information about the consent agenda and appeals and provided information about how much time was available for applicant and public comments.

**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. 1316 FOURTH AVENUE NORTH**

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

**c. 104 FIFTH AVENUE SOUTH**

Application: Signage  
Council District: 19  
Overlay: Broadway Historic Preservation Zoning Overlay  
Project Lead: Sean Alexander

**d. 2406 BARTON AVENUE**

Application: New construction-addition and outbuilding  
Council District: 18  
Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay  
Project Lead: Sean Alexander

**e. 3508 BYRON AVENUE**

Application: New construction-addition  
Council District: 18  
Overlay: Elmington Neighborhood Conservation Zoning Overlay  
Project Lead: Sean Alexander

**f. 814 RUSSELL STREET**

Application: New construction-addition  
Council District: 06  
Overlay: Edgefield Historic Preservation Zoning Overlay  
Project Lead: Jenny Warren

**Motion:**

**Commissioner Nielson moved to approve all projects with their applicable conditions with the exception of 814 Russell Street. Commissioner Stewart seconded and the motion passed unanimously.**

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

**g. WHITLAND NCZO EXPANSION**

Council District: 24  
Project Lead: Robin Zeigler

Staff member, Robin Zeigler, presented the case for the expansion of the Whitland District to include Carden and Leonard Avenues, in addition to Whitland Avenue. These three streets and more were listed in the National Register of Historic Places in 2007 and so meets criterion 5.

As a part of this expansion, Staff recommends the name of the district be revised from the Whitland NCZO to the Whitland Area NCZO to be consistent with the National Register nomination and acknowledge that the overlay is no longer just one street.

Staff also recommends that the period of significance in the design guidelines be changed from “1910-1945” to “1908-1957.” The original period of significance referred only to those properties on Whitland Avenue as initially the overlay only covered that area.

In summary, Staff suggests the Commission recommend to Metro Council that the Whitland Neighborhood Conservation Zoning Overlay be expanded and recommends that the Commission adopt the current design guidelines, with the revision of the period of significance and name change; finding the properties meet the criteria of section 17.36.120.A.5 of the ordinance.

Commissioner Stewart recused himself since he lives in the existing neighborhood conservation zoning overlay and has assisted property owners with questions.

Councilmember Murphy spoke in favor of the proposal.

Robert Claxton and Tom Forest spoke in favor of the proposal.

**Motion:**

**Commissioner Jones moved to recommend to Metro Council that the Whitland Neighborhood Conservation Zoning Overlay be expanded, and to adopt the current design guidelines, with the revision of the period of significance and the name change; finding the properties meet the criteria of section 17.36.120.A.5 of the ordinance. Commissioner Bell seconded and the motion passed unanimously.**

**h. BOWLING HOUSE DISTRICT**

Council District: 24

Project Lead: Robin Zeigler

Ms. Zeigler, staff, noted that the Bowling House District is a part of the greater Sylvan Park neighborhood. It is eligible for listing in the National Register of Historic Places due to its association with the first homes constructed in the district, including Sylvan Park, the home that gave the neighborhood its name, and its proximity to the old streetcar line which made the development of the neighborhood possible. Staff finds the district to meet criterion 1 because of this significance.

Contributing buildings on these two streets date from 1906 to 1945 and include excellent examples of styles and forms from the early twentieth century such as Colonial Revival styles and bungalow and minimal traditional forms. The two streets retain a high degree of historic integrity with 78% of properties contributing. For these reasons, staff finds the district to meet criterion 3.

Staff suggests the Commission recommend to Metro Council a Neighborhood Conservation Zoning Overlay for the Bowling House District finding the properties to meet the criteria of section 17.36.120.A.1 and 3 of the ordinance and recommends adoption of the draft design guidelines finding it meets the requirements of the Secretary of Interior Standards.

Councilmember Murphy spoke in support of the overlay and explained that there is overwhelming support.

Heather Truckey, 4505 Colorado, spoke in opposition. Ben Gortmaker, 4057 Nebraska; Tiffany Townsend, 4502 Colorado Ave; Chris Townsend 4502 Colorado Ave; Laurel Rodriguez 4503 Colorado; and Alison Kirk, 3510 Colorado, spoke in favor of the overlay.

Commissioner Mosley said that the proposed district contains a predominant number of contributing houses and the design guidelines follow the Secretary of Interior Standards.

**Motion:**

**Commissioner Stewart moved to recommend to Metro Council a Neighborhood Conservation Zoning Overlay for the Bowling House District finding the properties to meet the criteria of section 17.36.120.A.1 and 3 of the ordinance and to adopt the design guidelines finding it meets the requirements of the Secretary of Interior Standards. Commissioner Stewart moved to approve. Commissioner Nielson seconded and the motion passed unanimously.**

## **VI. PREVIOUSLY DEFERRED ITEMS**

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

None

## **VII. PRELIMINARY & FINAL SP REVIEW**

### **i. 1200 SEVENTH AVENUE NORTH**

Application: New construction-infill

Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay

Project Lead: Melissa Baldock

Melissa Baldock presented the application at 1200 7<sup>th</sup> Avenue North. 1200 7<sup>th</sup> Avenue North is part of a Final SP review of new development near the historic Elliott School in Germantown. The entire development area is shown in this aerial. In 2015, MHZC approved the bulk, height, massing, roof form, and site layout for the project as part of a preliminary SP review. In 2016, MHZC approved the design details for a previous design that was different than which is currently proposed. The application before you today only involves the western section of the development at the northeast corner of 7<sup>th</sup> Avenue North and Madison Street. The applicant will return to the Commission for revisions to the parts of the development.

The previous application, approved by MHZC, was a mix of apartment buildings and townhouses. The applicant is now proposing just townhouses on this part of the development. The project involves seven townhouses facing Madison Street, three townhouses facing 7<sup>th</sup> Avenue North, and two alley houses that face the alley. The 7<sup>th</sup> Avenue North townhouses step back to transition from the new townhouse development to the setback of the historic house adjacent to the property. Vehicular access to the site will be via the existing alley. The street facing townhouse units have attached parking on the interior of the lot, not visible from the street. The alley houses have attached garages that face the alley.

Although the project has changed from an apartment building to townhouses, the overall height and scale of the new design is similar to what MHZC previously approved. The new townhouse design is three stories, with a primary height of thirty-nine to forty-one feet (39'-41'), depending upon grade. Four of the seven townhouses along Madison Street have stair bulkheads, which will add another six feet (6') above the parapet, and balcony railings, which will be between two and three feet (2'-3') above the parapet. Even with the stair bulkheads, the townhouses will be below the maximum height of forty-six feet (46') set in the SP zoning plan.

The height and scale match of the townhouses facing 7<sup>th</sup> match what was previously approved and what was set in the SP zoning plan. The two townhouses closer to the historic one-story house at 1208 7<sup>th</sup> Avenue North will be two stories in height, to transition from the larger corner development to the smaller residential scale of the interior of the street. The proposed buildings will not have defined foundation lines; the brick or metal façade material will extend to grade. Staff recommends that there be a change in material to show a foundation line, as historically, structures had a delineated foundation line. The applicant has agreed to do a low stone sill to match the conditions of the historic Elliott School across the street, and staff finds this to be appropriate. The two alley houses will be two stories and approximately twenty-nine feet (29') tall. They are subordinate in height and scale to the townhouses facing the street, which staff finds to be appropriate.

Staff recommends approval with the conditions that:

- There be a change in material at the foundation line;
- Staff approve brick and stone samples;
- Staff approve the metal cladding color and texture;
- Staff approve the final selection of windows and doors;
- Staff approve the design of all balcony and stair railings;

- All mechanical systems be located on the roof or in the interior of the development to reduce visibility from the street;
- Staff approve any fence or walls not indicated on the plans; and
- Staff approve all exterior lighting.

With these conditions, Staff finds the project to meet the design guidelines for new construction in the Germantown Historic Preservation Zoning Overlay.

Manuel Zeitlin, architect for the project, was available for questions but did not present. There were no requests from the public to speak.

**Motion:**

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

- **There be a change in material at the foundation line;**
- **Staff approve brick and stone samples;**
- **Staff approve the metal cladding color and texture;**
- **Staff approve the final selection of windows and doors;**
- **Staff approve the design of all balcony and stair railings;**
- **All mechanical systems be located on the roof or in the interior of the development to reduce visibility from the street;**
- **Staff approve any fence or walls not indicated on the plans; and**
- **Staff approve all exterior lighting;**

**finding the project to meet the design guidelines for new construction in the Germantown Historic Preservation Zoning Overlay. Commissioner Bell seconded and the motion passed unanimously.**

**VIII. VIOLATIONS**

**j. 737 BENTON AVENUE**

Application: Alteration

Council District: 17

Overlay: Woodland-in-Waverly Historic Preservation Zoning Overlay

Project Lead: Robin Zeigler

Staff member, Robin Zeigler presented the case for painting of masonry at 737 Benton Avenue. She explained that the design guidelines allow for painting of masonry when the masonry has already been painted, which is the case here, but it should be a historic brick color. Staff recommends approval with the condition that the paint color be a historic brick color.

Giles Ward, property owner, apologized for the violation but he misread the zoning handbook. The building needed repair work to the mortar. Their contractor recommended a lighter color because of the damage done to the side of the home that gets the most sun. He doesn't think the color is disrespectful or historically incorrect. His neighbors like the color. He requested approval of a white color.

There were no requests from the public to speak.

Commissioner Nielson said that she lives in a red brick home and she appreciates the guidelines and their purpose. She is concerned that making an exception would be setting a precedent.

**Motion:**

**Commissioner Nielson moved to approve repainting with a color that approximates a historic red brick color, finding that with that color condition, the project meets section II.B.6. Commissioner Mosley seconded and the motion passed unanimously.**

## IX. MHZC ACTIONS

### k. 714 SHELBY AVENUE

Application: New construction-infill  
Council District: 06  
Overlay: Edgefield Historic Preservation Zoning Overlay  
Project Lead: Paul Hoffman

Staff member, Paul Hoffman, presented the case for infill at 714 Shelby Avenue, an application for new construction of a two-family residence on this vacant lot. The proposed building is a story and a half with a height of 27 feet from grade. It is 39 feet wide. The height and width are within the range established by neighboring buildings. The front setback is shown at 34 feet, 3 inches, which is approximately two feet back from the recently-approved setback at 712 Shelby, approved in 2016. With a condition of approval being that the new structure match the same setback next door, the project will meet the design guidelines on Setback and Rhythm of Spacing.

It has a split-face block foundation, and a shingled roof. The cladding will be fiber-cement siding and cedar shakes in the gable fields. Staff observed some of the window sets do not have mullions between them, and recommends they be added as a condition of approval. Staff finds that the proposal meets the design guidelines for Materials, Orientation, and Proportion & Rhythm of Openings. The applicant has worked with Staff to get the building to comply with the guidelines for Building and Roof Shape.

Therefore, Staff finds that the proposed new construction meets section III.B.2 for new construction in the Edgefield Historic Preservation Zoning Overlay, and recommends approval of the proposed infill with the conditions:

- The front setback matches the recently-approved infill next door;
- 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;
- Double and triple windows have a four to six inch (4"-6") mullion between them;
- Staff approve the roofing color, porch columns, windows and doors prior to purchase and installation; and,
- The HVAC shall be located behind the house or on either side, beyond the mid-point of the house.

The applicant was available but did not present. There were no requests from the public to speak.

Commissioner Mayhall commended the applicant for working with staff and with a small lot.

Commissioner Mosley noted that the duplex does not have a wall down the center of the porch but he wanted to state for the record that it would not be appropriate to add in the future.

#### **Motion:**

**Commissioner Mayhall moved to approve the project with the conditions:**

- **The front setback matches the recently-approved infill next door;**
- **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;**
- **Double and triple windows have a four to six inch (4"-6") mullion between them;**
- **Staff approve the roofing color, porch columns, windows and doors prior to purchase and installation; and,**
- **The HVAC shall be located behind the house or on either side, beyond the mid-point of the house.**

**finding the proposed new construction meets section III.B.2 for new construction in the Edgefield Historic Preservation Zoning Overlay. Commissioner Nielson seconded and the motion passed unanimously.**

### l. 816 & 818 SHELBY AVENUE

Application: New construction-infill and outbuilding; Setback determination  
Council District: 06  
Overlay: Edgefield Historic Preservation Zoning Overlay  
Project Lead: Sean Alexander

Staff member Sean Alexander presented the case for infill at 816 & 818 Shelby Avenue.

This is a proposal to construct a single-family dwelling with detached outbuilding on each lot. The outbuildings will be used as detached accessory dwelling units.

The principal buildings will be two and one-half stories, with another half story in a basement partially above-grade. Primarily hipped roof form with front and rear gabled dormers, a round projecting front bay and side bay, and a flat-roofed section at the rear with a roof deck.

Looking more closely at the front elevation, the floor level is actually set well above the foundation line. At the highest point the floor is shown to be as much as 7' above grade. The context of this block face is houses with the floor level as low as 1'-3' above grade.

There certainly is slope to the street down from east to west, but these two lots have been graded and terraced with a retaining wall, and the building area of each is remarkably flat.

Houses across the street have taller foundations and more grade in their front yards, but those lots also slope down from back to front so they'd naturally have a higher floor at the front. Again these two lots are flat.

Considering the actual grade and context, Staff finds the floor height of the two buildings to be incompatible.

The front elevations would each have a pair of Juliette balconies on their upperstories. This type of element does not exist anywhere in the neighborhood, plus typically houses have taller window openings on the first story than any higher stories.

The center bay on the upperstory has a semi-circular projection. In some ways it reads like a second story porch, but it's covered and enclosed - in the context second story porches are rare, it's even more rare that they be covered and in no instance are they enclosed. Furthermore it's cantilevered, which makes it a projecting room and further diminishing the perceived scale of what would be a porch below.

There is a projection on the second story at 816 Russell Street, and that's a bay less than 2' deep. It's a common architectural element known as an oriel window.

714 Russell has an enclosed space over the porch, but whereas the proposed bay projects from the main envelope of the building, at 714 this gabled mass is the main envelope, into which the front porch is recessed.

There are second story uncovered porches around, and 920 Russell has a rounded turret, tall but narrow and it's engaged with the main mass of the building.

514 and 516 Russell have small covered second level porches, they clearly read as secondary to the main mass of the building, 516 projects only 2' or so, and they're open.

Staff finds that the scale of proposed bay is not unlike features found on existing buildings in the surrounding area.

On the side elevations, the buildings are mirrored and would have one side with a typical proportion and rhythm of windows, but they'd also have a side with only one window opening on each story. These facades are 33' wide, so staff finds that additional fenestration is needed to punctuate the facades.

The proposed outbuildings, which are to be used as DADUs, meet the guidelines with the exception of eave heights, proposed to be 18' above floor level whereas 17' is the maximum permitted by the guidelines and by Code.

Staff recommends disapproval of the proposed infill at 816 and 818 Shelby Avenue, finding the proposal does not meet the following sections of the design guidelines for new construction in the Edgefield Historic Preservation Zoning Overlay: III.B.2.a (Height), III.B.2.b (Scale), III.B.2.a (Setbacks), III.B.2.f (Proportion and Rhythm of Openings), III.B.2.h (Outbuildings), III.B.2.c and d (Building Shape and Roof Form). Additional information is needed to analyze the project in terms of III.B.2.g and III.B.2.i (Materials and Appurtenances).

Mitch Hodge, architect for the project, explained the goals and details of the project for two single-family residences with DADUs in the back. They feel that they didn't get clear guidance from staff. He handed out information showing their response to each condition and drawings reflecting some changes. They have lowered the front porch and entry level and changed the foundation material from stone to brick. It is not 1' off the ground as he doesn't know of any foursquare just 1' off the ground. They raised the home to use a basement level and that would allow for a smaller footprint. He provided a site plan that would show the change in the yard space if the basement has to come out and be incorporated into the two other levels of the house. They can make the front setback be whatever staff recommends. He added windows on the side and replaced the Juliette balconies with double-hung windows. The eave height for the dadu has been lowered to meet the requirement. They didn't want a full level porch as that would just darken the interior spaces. The upstairs circular room is not a copy of the bays seen in the neighborhood but is intended to be a contemporary interpretation.

Commissioner Tibbs recommended deferral since staff and the Commission haven't had a chance to review the revisions. Mr. Hodge said that he did not wish to defer.

Steve Burt, property owner, provided the background as to why he purchased the property and his goal.

John Todd, 503 South 9<sup>th</sup> Street, stated that he purchased his home with the assurance that new construction in the area would have to meet the design guidelines. He and his neighbors saw the plans on Facebook and were surprised by the size and the design, which does not fit into the neighborhood. He is asking the commission to adhere to the design guidelines.

Commissioner Nielson said she is concerned about the transition that the homes make to the west. She appreciates some of the changes they have made but doesn't it feel that it is enough and has concerns that the extreme depth of the front projection doesn't fit into the character of the neighborhood and that the height and scale doesn't meet the context.

Commissioner Jones reminded everyone that they received several public comments and one from Councilmember Withers via email in favor of disapproval.

Commissioner Mosley said that the projecting bay is the most prominent element of the design, which isn't prohibitive in and of itself but because of the recessed entry and lack of columns and a more fine grained appearance of a traditional porch and the bay is a subordinate element, which is not what is seen on historic buildings or what the design guidelines encourage.

Commissioner Mayhall said that the lots are on the edge of the historic buildings going down the street and around the corner there are new houses. She has discomfort with just showing all the older houses and not the new homes. Where is the line drawn? Ms. Zeigler explained that the Commission follows the historic context, rather than new construction. Some of the new buildings are from before the overlay.

Commissioner Nielson noted this side of Shelby was added to the overlay later, so more change has happened there.

Commissioner Stewart encouraged the applicant to work with staff, the councilmember and the neighborhood and return with a new design. He stated that he felt some clear direction was given and he acknowledged that they received more public comment regarding this project than any other.

Commissioner Mosely asked about the 3-D view which shows the stairs as something that isn't on a foundation, as it should be, but wasn't sure if it was a rendering issue. Applicant said it was a rendering issue.

Commissioner Stewart said a massive element over a porch tends to throw the contextual weight of the building out of kilter. It just needs a lot of attention if it is an essential part of the element. Commissioner Mosley noted that the element over the door is more prominent than the entrance.

**Motion:**

**Commissioner Nielson moved to disapprove the proposed infill at 816 and 818 Shelby Avenue, finding the proposal does not meet the following sections of the design guidelines for new construction in the Edgefield**



**Historic Preservation Zoning Overlay: III.B.2.a (Height), III.B.2.b (Scale), III.B.2.a (Setbacks), III.B.2.f (Proportion and Rhythm of Openings), III.B.2.h (Outbuildings), III.B.2.c and d (Building Shape and Roof Form). Commissioner Mosley seconded and the motion passed unanimously.**

**m. 716 & 720 RUSSELL STREET**

Application: New construction-infill and outbuilding  
Council District: 06  
Overlay: Edgefield Historic Preservation Zoning Overlay  
Project Lead: Sean Alexander

Staff member, Sean Alexander, presented the case for duplexes at 716 & 720 Russell Street.

The buildings will have similar massing 40 feet wide and 33 feet tall, with entrance porches set out to their sides. The buildings will be differentiated by window treatments on the two main levels and by their roof forms, and by mirroring the two plans.

The side elevations, scale broken up by articulating wall planes, material changes, and will be well fenestrated.

The adjacent historic house at 714 Russell Street is similar, but worth noting that these large 2.5 story buildings make up more of the context of Russell Street, although there are one-story as well, like 800 Russell Street, which is across S 8th Street from this property.

Outbuildings are one story and meet the design guidelines.

Staff recommends approval of the proposed new construction of two duplexes and outbuildings at 716 and 720 Russell Street with the following conditions:

- Staff shall verify that the floor heights are compatible with nearby historic houses with an inspection after the foundations have been constructed; and
- Brick, window, and door selections, as well as the roof colors and paving materials of the walkways and driveway are approved administratively; and
- The location of HVAC units and any other appurtenances including fences, retaining walls, lighting, and other permanent landscape features are approved administratively.

Meeting those conditions, Staff finds that the proposed new construction meets the design guidelines for infill and outbuildings in the Edgefield Historic Preservation Zoning Overlay

Michael Ward, architect for the project, said that they can make minor adjustments. There is another one planned for the second lot so they can make some minor changes to give some difference between the two. He and Commissioner Mosley agreed that the bay did not need to read in the same plane as the principal wall and Mr. Ward said the bay will project less than what the site plan implies.

The Commission discussed the lot lines and process for moving a lot line.

There were no requests from the public to speak.

**Motion:**

**Commissioner Stewart moved to approve the proposed new construction of two duplexes and outbuildings at 716 and 720 Russell Street with the following conditions:**

- **Staff shall verify that the floor heights are compatible with nearby historic houses with an inspection after the foundations have been constructed; and**
- **Brick, window, and door selections, as well as the roof colors and paving materials of the walkways and driveway are approved administratively; and**
- **The location of HVAC units and any other appurtenances including fences, retaining walls, lighting, and other permanent landscape features are approved administratively;**

**finding that the proposed new construction meets the design guidelines for infill and outbuildings in the Edgefield Historic Preservation Zoning Overlay. Commissioner Jones seconded and the motion passed unanimously.**

**n. 913 LAWRENCE AVENUE**

Application: New construction-infill and outbuilding  
Council District: 17  
Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Baldock

Melissa Baldock presented 913 Lawrence Avenue, a c. 1950 cinder block house that does not contribute to the historic character of the Waverly-Belmont Neighborhood Conservation Zoning Overlay. MHZC staff issued an administrative permit for the demolition of the house in July 2017. The lot at 913 Lawrence is unusually wide at eighty feet (80'). This application is to construct infill and two accessory structures on the lot. One outbuilding will be a detached accessory dwelling unit (DADU) with an attached covered carport, located at the rear of the house. The DADU will have a footprint of nine hundred and ninety square feet (990 sq. ft.), which is appropriate because the lot is larger than ten thousand square feet (10,000 sq. ft.).

The second accessory structure is a covered, largely unenclosed patio area, to the left of the house. This structure will have a footprint of approximately three hundred and thirty-six square feet (336 sq. ft.). The DADU ordinance states "No accessory structure shall exceed two hundred square feet when there is a detached accessory dwelling on the lot." Staff therefore recommends that the covered patio be reduced to be no more than two hundred square feet (200 sq. ft.) in order to meet the design guidelines and DADU ordinance. As currently designed, the 336 sq. foot accessory structure does not meet the DADU ordinance.

The proposed house is one-and-a-half stories, with a maximum height of twenty-seven feet, six inches (27'6") from grade. Staff finds that this meets the historic context, where the houses are largely one and one-and-a-half stories with maximum heights ranging from nineteen feet to thirty feet (19'-30'). Staff finds that the infill's height, scale, fenestration pattern, known materials, roof form, and setbacks all meet the design guidelines.

The drawings do not show a change in material from the foundation line to the wall above. The design guidelines state, "Foundation lines should be visually distinct from the predominant exterior wall material. This is typically accomplished with a change in material." Staff recommends that foundation material be different than the brick wall of the infill. Appropriate foundation materials could be stone, stucco, or split face concrete block.

The DADU's height, footprint, location, dormers, setbacks, and overall design meet the design guidelines and the DADU ordinance.

Staff recommends approval of the project with the following conditions:

- 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;
- There be a change in material at the foundation line to delineate the foundation from the wall above;
- The lap siding be smooth with a maximum reveal of five inches (5");
- Staff approve a brick sample;
- Staff approve all windows and doors;
- Staff approve the metal and shingle roof color and texture;
- Staff approve the material of the side porch floor and steps;
- The covered patio accessory structure have a footprint no larger than two hundred square feet (200 sq. ft.); and
- Staff receive a copy of the restrictive covenant filed for the DADU.

With these conditions, staff finds that the project meets Section III. of the Waverly Belmont Neighborhood Conservation Zoning Overlay design guidelines and the DADU ordinance, Ordinance 17.16.030. G.

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

**Motion:**

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

- **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;**
- **There be a change in material at the foundation line to delineate the foundation from the wall above;**
- **The lap siding be smooth with a maximum reveal of five inches (5”);**
- **Staff approve a brick sample;**
- **Staff approve all windows and doors;**
- **Staff approve the metal and shingle roof color and texture;**
- **Staff approve the material of the side porch floor and steps;**
- **The covered patio accessory structure have a footprint no larger than two hundred square feet (200 sq. ft.); and**
- **Staff receive a copy of the restrictive covenant filed for the DADU;**

**finding the project meets Section III. of the Waverly Belmont Neighborhood Conservation Zoning Overlay design guidelines and the DADU ordinance, Ordinance 17.16.030. G. Commissioner Nielson seconded and the motion passed unanimously.**

**o. 1209 PARIS AVENUE**

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

Melissa Baldock presented 1209 Paris Avenue, a c. 1918 two-story historic house that contributes to the historic character of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay (Figure 1). In 2013, MHZC issued a preservation permit for a rear addition to the house. The application today is for a DADU. The design guidelines state that there should be a minimum of 20’ between the back of the house and an outbuilding. The applicant is proposing a DADU that is situated less than twenty feet (20’) from the back of the primary structure. The DADU footprint is designed so that its overlap with the footprint of the back of the house is minimal. At the point where the DADU footprint and the footprint of the house overlap, there is a distance of eighteen feet (18’) in between the two structures. The el-shaped form of the DADU avoids a closer distance in actuality, but visually, the DADU will appear to be closer to ten feet (10’) from the back of the primary structure. Staff finds the proposed location of the DADU and the distance between the DADU and the back of the primary structure to be appropriate for three reasons.

First, the lot is unusually shallow, at one hundred and thirty feet (130’) deep. This is twenty feet (20’) shallower than the typical one hundred and fifty foot (150’) deep lot in this neighborhood. Second, there is a sewer easement at the rear of the property which prevents the DADU from being situated closer to the rear property line and further away from the back of the historic house. If there were no sewer easement, the DADU could be pushed back away from the house by four feet, two inches (4’2”), thereby meeting the twenty foot (20’) distance. Lastly, the historic house at 1209 Paris is set back approximately thirteen feet (13’) more than its two adjoining neighbors and the other houses along the street. If the house’s front setback matched its neighbors, there would be no problem getting a distance of twenty feet (20’) in between the house and the DADU. For these three reasons, staff finds that the distance in between the back of the house and the DADU is appropriate. Staff finds that the DADU’s height, scale, materials, roof form, and setbacks all meet the design guidelines and the DADU Ordinance.

Kaitlyn Smous explained the planning for the project and the lot restrictions.

Commissioner Mosley noted that to make them follow all the rules, and do the restrictions of the lot, would mean that they couldn’t build an outbuilding at all so he agrees with the staff recommendation.

**Motion:**

Commissioner Mosley moved to approve the detached accessory dwelling unit with the following conditions:

- Staff receive a copy of the filed restrictive covenant for the detached accessory dwelling unit prior to issuance of a permit;
- Staff approve the shingle color and texture; and
- Staff approve the door material and design;

finding that with these conditions, the project meets the detached accessory dwelling unit meets Ordinance 17.16.030. G. and Section II.B.i. of the Belmont-Hillsboro Neighborhood Conservation zoning overlay design guidelines for this neighborhood. Commissioner Mayhall seconded and the motion passed unanimously.

**p. 2204 BELMONT BOULEVARD**

Application: New construction-outbuilding

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: Paul Hoffman

Staff member Hoffman presented the application for 2204 Belmont Boulevard, a new outbuilding in the Belmont-Hillsboro district. It does include dwelling space on the second story, but due to the base zoning (RM-20), staff reviewed the application as an outbuilding and not as a DADU.

It is in a contemporary form with a flat roof and a partial second story. Its overall height will be 23 feet, 3 inches, which is subordinate to the house, which is 30 feet tall. Some of the materials are not called out, and Staff recommends having approval of those, particularly the cladding, windows, doors, steps and planter box materials. Setbacks are at 5 feet and 6 feet from the left and right setbacks, respectively, and 10 feet from the rear. The site plan indicates an exterior stairway, which is not allowed by section 1 of the design guidelines. Staff recommends that the stairs be enclosed. Staff finds that the proposed outbuilding meets Section II.B.i of the Belmont-Hillsboro design guidelines, and recommends approval of the proposed outbuilding with the conditions:

- The cladding, windows, doors, steps and planter box materials are approved prior to purchase and installation.
- Stairs shall be enclosed.

Commissioner Mosley asked about how the details will be accomplished, which can be of particular importance to contemporary forms. Mr. Hoffman said that those are typically issues that come back to staff for final review.

Commissioner Stewart asked for clarification as to why it was not reviewed as a DADU. Mr. Hoffman explained that the zoning is RM20 so the property is not zoned for DADUs.

The applicant was present but did not present. There were no requests from the public to speak.

**Motion:**

**Commissioner Nielson moved to approve the proposed outbuilding with the condition the cladding, windows, doors, steps and planter box materials are approved prior to purchase and installation. Staff finds that the outbuilding meets Section II.B.i. of the design guidelines for the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay. Commissioner Jones seconded and the motion passed unanimously.**

**q. 1306 BEECHWOOD BOULEVARD**

Application: New construction-outbuilding/detached accessory dwelling unit

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander

Chairman Tibbs reminded the Commission that this was the case that Councilmember Allen spoke in favor of.

Staff member Sean Alexander presented the project, an outbuilding that was approved by the MHZC in 2014 and was completed in 2015. It was not submitted as a dwelling so it was not reviewed for the specific zoning and design standards to which a DADU is held.

During construction the Codes Administration discovered that it was being constructed as an un-permitted dwelling and that it did not meet the DADU requirements.

Zoning issues are not the purview of the MHZC, but because we wouldn't want someone to waste time seeking approval of a design to later find that it doesn't meet zoning, we try to make sure that something would meet those criteria in the course of doing our review. It is our understanding that the owner has corrected or is in the process of seeking approval or appeal of the various zoning requirements, like ownership and amount of living space.

Related to the zoning review they are requesting that the MHZC determine whether or not the building meets the design standards for a DADU.

Staff finds that height, scale, and dormers of the building meet the applicable sections of the Metro Code and Belmont-Hillsboro design guidelines.

Staff recommends that the Commission inform the Codes Administration that the constructed outbuilding does meet the design standards for a Detached Accessory Dwelling Unit, with the exception of section G.7.a of the ordinance, which is a zoning component not part of MHZC purview.

Chairman Tibbs, Commissioner Mosley and staff discussed the process.

Michael Locker said that they received bad advice from their architect and did not intend to bypass the process. They have worked out a deal with Bill Herbert at Codes and Metro Legal to build a wall to assure that the living space complies with the requirement.

There were no requests from the public to speak.

**Motion:**

**Commissioner Mosley moved to approve the project with the condition that staff inform the Codes Administration that the project meets the design requirements of section 17.16.030, with the exception of criterion G, which is not within the purview of the MHZC to review. Commissioner Stewart seconded and the motion passed unanimously.**

**r. 1825 FIFTH AVENUE NORTH**

Application: New construction-infill

Council District: 19

Overlay: Salemtown Neighborhood Conservation Zoning Overlay

Project Lead: Jenny Warren

Staff member, Jenny Warren, presented the case for infill in Salemtown. The existing house at 1825 5<sup>th</sup> Av N was approved for demolition by this Commission at the June hearing, due to its condition.

The immediate historic context includes small one-story single-family houses, with larger infill present nearby.

There is only one example of a historic two-story house in Salemtown, but the design guidelines do allow for two-story forms because of the large number of non-historic two story houses throughout the district.

While the height of the proposed duplex falls just below the 35ft maximum allowable height (at 34ft 8in), the infill has a two-and-a-half-story form, with windows at the third level. In April, the Commission found that a proposal for infill a block over at 1825 4<sup>th</sup> Av N was inappropriate due to its two-and-a-half story form. That applicant was required to revise the design to a true two-story form.

The proposed width of the infill is 28ft at the front façade, expanding to 40ft wide. The width of the existing one-story house approved for demolition is 29ft for the full depth of the house. The proposed width combined with the two-and-a-half story height is not compatible with the historic context. Staff finds that the project does not meet SECTION IIIA & B for height and scale.

The infill has a cross-gabled roof form with clipped side and rear gables. The form of the roof is large enough to accommodate a large third level, which staff finds incompatible with the historic context. Staff finds that the project does not meet SECTION III.E.

The proposal meets all base zoning setback requirements. The site plan does not show the footprint of the buildings on either side, thus Staff cannot evaluate the appropriateness of the proposed front setback. More information is needed to evaluate compliance with SECTION III.C.

In conclusion, staff recommends disapproval of the proposed infill, finding that it does not comply with Section III.A (for height), III.B (for scale) or III.E (for roof shape) of the design guidelines and that additional information is needed to analyze the project in terms of Section III.C.

John Root, architect for the project, explained that his proposal is the same as what was approved a block away. He explained the different techniques used to mitigate the massing.

There were no requests from the public to speak.

Commissioner Stewart noted that the houses across the street are one-story.

Commissioner Bell mentioned that the applicant said there were like buildings approved on other streets but the decisions are based on the immediate context. All decisions are site specific. Mr. Root noted that his house is on a lower elevation than those across the street so if the height alone is the issue, they need to take that into consideration.

Commissioner Mosley said that a potential solution might be a hipped roof without the gable. Commissioner Jones agreed since the proposal is within the height limits but the design guidelines say that the limit is two-stories and this one reads as 2.5 stories. Commissioner Stewart said that it was clear that it is not appropriate that it look like a 3-story house and that it should be compatible with scale of the street. He suggested that the architect work with staff. Commissioner Nielson asked for more consideration of the streetscape, specific to historic homes.

Commissioner Mosley suggested that the removal of the front gable and side facing hipped roof to replace the cross-gable would go a long way to addressing scale issues. Pursuant to figure 5 of the design guidelines.

**Motion:**

**Commissioner Stewart moved to approve with the condition that the front elevation and other elevation are brought into compliance with the design guidelines; finding that with this condition the project meets section III for new construction. Commissioner Nielson seconded and the motion passed unanimously.**

**s. 208 BROADWAY**

Application: Alteration

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Paul Hoffman

Staff member, Robin Zeigler, presented the case for reconstruction of the wall at 208 Broadway. She explained that initially staff was concerned that the amount of interior demolition would cause structural issues for the building but they presented an engineer's report stating that it would not. Now the applicant finds that the amount of removal indeed is causing issues and the right side wall of 208 Broadway needs to be reconstructed. Staff recommended

approval based on the fact that the wall used to be an interior wall and that salvaged bricks be used in the reconstruction.

Reggie Parsons, project manager, explained that the side wall did not have a stucco coating but a plaster coating. They did have two different companies look at it. The wall is 3-bricks wide. The width of the wall varies. There are cracks in it. The wall is not in good shape and is unsafe because of the amount of wall being removed. When you try to hold the upper section in place, it is difficult to do in a safe manner. The shoring contractors said it was not wise to do. They can use the same brick but they don't see the value because it will be covered with a plaster coating.

Commissioner Tibbs asked what has changed between now and back when the engineer first told them the demo was possible. Mr. Parsons said that what the engineer didn't see was how the wall was built. The construction of the wall used different sizes of brick so there isn't a continuous mortar joint.

Chairman Tibbs expressed concern over the project. Commissioner Jones asked them to work with staff on what exactly is going back in terms of colors and materials. New plaster will not look like the old plaster. Commissioner Jones said they were backed into a corner.

Commissioner Stewart asked for a sample of the wall to be constructed and reviewed by staff rather than simply an approval of materials.

**Motion:**

**Commissioner Stewart moved to approve the reconstruction of the right-side wall with brick salvaged from the project and with the exact same dimensions and design as the current wall and with a mocked-up sample wall to be reviewed by staff, finding the partial demolition meets section V.5 of the design guidelines. Commissioner Mayhall seconded and the motion passed unanimously.**

**t. 3926 CAMBRIDGE AVENUE**

Application: New construction-addition and outbuilding  
Council District: 24  
Overlay: Cherokee Park Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Baldock

Melissa Baldock presented 3926 Cambridge Avenue, a c. 1920 one-and-a-half story bungalow that contributes to the historic character of the Cherokee Park Neighborhood Conservation Zoning Overlay. Application is to construct an addition that is taller and wider than the historic house. The addition involves a three foot, seven inch (3'7") ridge raise. Application is also to construct an outbuilding. The outbuilding will not contain a dwelling unit.

The proposed addition is wider than the historic house, but meets all base zoning requirements. The proposed outbuilding has a footprint of 969 sq. ft. Base zoning and MHZC policy require that outbuildings that have a footprint larger than seven hundred square feet (700 sq. ft.), like this one, be a minimum of five feet (5') from the side property lines. Staff finds that the proposed three foot (3') side setback does not meet Section II.B.h.2 of the design guidelines.

The proposed addition includes a ridge raise. The ridge raise will be inset two feet (2') from the side walls of the historic house, which meets the design guidelines. However, it will increase the roof by three feet, seven inches (3'7") vertically. The design guidelines state that "*The purpose of a ridge raise is to allow for conditioned space in the attic and to discourage large rear or side additions. The raised portion must sit in a minimum of 2' from each side wall and can be raised no more than 2' of total vertical height within the same plane as the front roof slope.*" The design guidelines do not allow for ridge raises that increase the height of the roof more than two feet (2'), and therefore the proposed three foot, seven inch (3'7") ridge raise does not meet the design guidelines. In addition, the ridge raise is problematic because it does not serve to discourage a large rear and side addition. Ridge raises greater than two-feet (2') have not been approved for historic buildings.

The rear addition will be both taller and wider than the historic house. An addition that is wider than the historic

house could be appropriate in this instance because the lot is sixty feet (60') wide and because the house is relatively narrow at just twenty-nine feet (29'). However, the design guidelines state that *"In these cases, an addition may rise above or extend wider than the existing building; however, generally the addition should not higher and extend wider."* Staff finds the portion of the addition that is eight feet (8') wider than the historic house and three feet, seven inches (3'7") taller than the historic house to be inappropriate. This portion of the addition includes a wall dormer, which does not meet the design guidelines. The design guidelines state that front-facing and side dormers should be inset two feet (2') from the wall below.

Staff finds that the addition's height and scale do not meet the design guidelines because the ridge raise is taller than has been approved in the past, the addition is both taller and wider, and because the addition includes a front-facing wall dormer. The footprint of the addition will more than double the footprint of the historic house. Staff finds that the slightly larger footprint could be appropriate since the house is relatively small in scale and is on a lot that is nearly sixteen thousand square feet (16,000 sq. ft.). However, the combined effect of the large footprint and the additional height and width of the addition create an addition that is out of scale for the historic house.

The outbuilding will not contain a dwelling unit. The dormers on the outbuilding do not set back 2' from the wall below, as is typically required. Because of the dormers, which do not inset 2', and because the outbuilding is located less than 5' from the side property line, staff finds that it does not meet the design guidelines.

Staff recommends disapproval of the project, finding that that the addition's height, scale, and roof form do not meet the design guidelines and that the outbuilding's side setback and dormers do not meet the design guidelines. Staff finds that the project does not meet Sections II.B.1. and II.B.2. of the Cherokee Park Neighborhood Conservation Zoning Overlay design guidelines.

Van Pond, architect for the project, handed out drawings of the house next door. There is a 20' wide sewer easement that cuts the property in half. He provided information describing the addition. He is happy to move the outbuilding 5' from side and move the dormers back 2'. The ridge raise is to have shingle roofs throughout the house. They know the ridge raise is what it is but they wanted to ask. They are happy to move it back to 2' in height but it will change the relationship to the addition.

Chairman Tibbs encouraged the applicant to defer because of the number of changes. Mr. Pond said he has submitted new designs but not in time for submittal to the commission. Commissioner Nielson said that the additional height was allowed in the example provided is a different scenario because the additional height is set further back. It was an exception made at that time. Commissioner Jones said that the immediate ridge raise is more visible than the additional height allowed for the neighbor. She agreed with staff that they needed to stick to the additional two feet allowed and that both the ridge raise and the additional height together was too much.

Commissioner Stewart stated that this type of project is challenging for the architect and staff but agreed with staff that having the addition be taller and wider overwhelmed the house and looks like a house behind a house. The guidelines call for additions to be sensitive the scale and proportion of the neighborhood. He feels to go both wider and taller seems contrary to the design guidelines.

Commissioner Mosley noted that this project is different from the example given in that this house is pushed back further and there is a rear easement, which together add a level of difficulty to the project. The previous solution was to have the addition far back and he doesn't think there has been neighborhood concern over that but staff may have heard differently. The two-foot ridge raise is within keeping with the design guidelines but the issue here is that the addition is taller and wider. This proposal pushes both the additional height and wider addition further forward. He feels the same consideration should be given to this project as the other example project but it is not a black-and-white issue and he cannot say specifically what needs to happen to meet the design guidelines.

Commissioner Stewart said the two projects are similar situations. Chairman Tibbs said that each case needs to be reviewed separately and that they learn from each case so they didn't necessarily need to match what was approved before.

Commissioner Mosley offered the solution that the porch be flush with the house.

**Motion:**



**Commission Nielson moved to disapprove project, finding that that the addition's height, scale, and roof form do not meet the design guidelines and that the outbuilding's side setback and dormers do not meet the design guidelines, specifically sections II.B.1. and II.B.2. of the Cherokee Park Neighborhood Conservation Zoning Overlay design guidelines. Commissioner Bell seconded the motion passed unanimously.**

**u. 1703 PRIMROSE AVENUE**

Application: New construction-setback determination  
Council District: 18  
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay  
Project Lead: Paul Hoffman

Staff member Paul Hoffman presented the application for a setback determination at 1703 Primrose. The detached accessory dwelling unit (DADU) was approved in March 2016 with a rear setback from ten feet to five feet. The applicant requests to locate the DADU on the rear property line, or as near as they may be permitted. Typically outbuildings are located close to the rear property line, but not regularly on the line. The Commission has approved outbuildings with garage doors facing the rear, as close as five feet to the rear, but not closer. There is an unusual buffer area between the property and the street running behind it. Staff asked Metro Public Works to review this request, and they also do not recommend a structure immediately adjacent to the right-of-way. Therefore Staff recommends disapproval of the setback reduction, finding that it would not meet section II.B.i of the design guidelines for location.

Jennifer Ghanem, property owner, submitted a new site plan and two photographs. The rhythm of the street on the alley is showing that there is 5' from the DADU to the pavement. The property to the west has a gate. The edge of pavement is about 10' from her property line. Van Pond confirmed that this is an unusual situation.

Ms. Zeigler explained that Public Works reviewed this specific project and preferred that the project not be allowed to be directly on the property line. She was not sure if that was due to future projects, garbage pick-up or site lines.

Commissioner Jones said that Public Work's comments do give her pause; however, she finds this to property to be unique.

There were no requests from the public to speak.

Commissioner Stewart said he visited the site and there is hardship due to the small yard.

**Motion:**

**Commissioner Stewart moved to approve the setback determination with the condition that the entire project not exceed the property line, including foundations and eave. Commissioner Bell seconded. The motion passed with Commissioners Nielson and Bell in opposition.**

**v. 1212 MCCHESENEY AVENUE**

Application: New construction-infill and outbuilding  
Council District: 06  
Overlay: Inglewood Place Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Baldock

Melissa Baldock presented 1212 McChesney Avenue, a one-hundred foot (100') wide by two hundred and six feet (206') deep lot. On the left half of the lot is a one-story house constructed c. 1930 that contributes to the historic character of the Inglewood Place Neighborhood Conservation Zoning Overlay (Figure 1). The lot is zoned single family, but the existing house is categorized as a duplex. Because the existing house is a duplex, the Codes Administration has determined that if the existing house is converted to a single family house, a second dwelling unit can be constructed on the lot.

The owner of the property has filed a Horizontal Property Regime (HPR) to construct a second, detached single-family residence on the right half of the property. The HPR will allow the owner of the property to sell off the property separately from the existing house at 1212 McChesney. The Metro Historic Zoning Commission does not have the authority to determine the number of dwelling units allowed on a property. However, it can determine the appropriateness of the height, scale, location, and form of the second dwelling unit.

The application is to construct infill and an outbuilding. The infill and outbuilding will be constructed on one-half of a one hundred foot (100') wide lot. The proposed infill will be a side-by-side, unattached duplex, as it will be a second dwelling unit on the lot. MHZC typically does not allow for detached side by side duplexes, as they typically result in narrow houses that do not meet the historic context. In this case, staff finds that the proposed detached second house on the lot does meet the historic context and the rhythm of spacing along the street.

As the "Vicinity Map" shows, there are several fifty foot (50') wide lots on both sides of this block of McChesney Avenue. Constructing a new house adjacent to the existing house will result in two houses on what appear to be two fifty-foot (50') wide lots, which meets the historic context. Two houses on the lot will be separated by eight feet (8'). Staff has analyzed the distance between houses on this street that are on fifty-foot (50') wide lots like this one. Staff found these houses are between eight and nineteen feet (8'-19') apart, with the approximate average being a distance of fifteen feet (15'). There are two houses across the street that are approximately eight feet (8') apart, as is proposed for this site. The new infill is shifted close to the existing house in order to allow for a driveway on the right side of the property line. Staff recommends that the infill be shifted a minimum of two feet (2') to the right so that there is a minimum of ten feet (10') in between the two houses. This will situate that house five feet (5') from the HPR line. If the HPR line were a side property line, then base zoning would require a five foot (5') side setback.

The proposed infill is a true one story structure, with a ridge height of twenty feet, six inches (20'6") above grade. Staff finds that the height and scale meet the immediate context where houses are largely one and one-half story with heights ranging from fifteen to twenty-five feet (15'-25'). Even though the house is deep, staff finds it to be appropriate because its overall height and width are modest in scale. Staff finds that the known materials, fenestration pattern, and roof form meet the design guidelines.

The project includes a one-story outbuilding that will not contain a dwelling unit. Staff finds that the outbuilding's location, footprint, height, scale, setbacks, known materials and roof form all meet the design guidelines.

Staff recommends approval of the project with the following conditions:

- There be a minimum of ten feet (10') in between the infill and the existing house on the lot;
- 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 the final details, dimensions and materials of windows and doors prior to purchase and installation;
- Staff approve a brick sample;
- Staff approve the materials and design of the porch railings;
- Staff approve the roof shingle color and texture; and
- The HVAC shall be located behind the house or on either side, beyond the mid-point of the house.

With these conditions, staff finds that the project meets Section III of the Inglewood Place Neighborhood Conservation Zoning Overlay design guidelines.

*Commissioner Mayhall left the room at 5:43pm and returned at 5:45pm before the ending of the staff presentation.*

Commissioner Mosley asked if the driveway could be flipped in order to solve the rhythm of the street issues. Van Pond, architect for the project, responded that the distance between the house and the HPR line is actually 3'11" and the grade drops towards the driveway; thereby providing a visual screen from the windows. The owner prefers not to have the driveway between the two homes but can do that if required.

There was no request from the public to speak.

**Motion:**

**Commissioner Nielson moved to approve the project with the condition that:**

- **There be a minimum of ten feet (10') in between the infill and the existing house on the lot;**
- **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 the final details, dimensions and materials of windows and doors prior to purchase and installation;**
- **Staff approve a brick sample;**
- **Staff approve the materials and design of the porch railings;**
- **Staff approve the roof shingle color and texture; and**
- **The HVAC shall be located behind the house or on either side, beyond the mid-point of the house;**

**finding the project to meet Section III of the Inglewood Place Neighborhood Conservation Zoning Overlay design guidelines. Commissioner Mayhall seconded and the motion passed unanimously.**

**w. 719 SHELBY AVENUE**

Application: New construction-infill and Setback determination  
Council District: 07  
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
Project Lead: Jenny Warren

Staff member, Jenny Warren presented the case for infill in the Edgefield Historic Preservation Zoning Overlay. The lot sits at the corner of Shelby Ave and 8<sup>th</sup> Street and is empty but for an outbuilding along the rear of the lot.

Zoning allows for two dwelling units on this lot, which the proposed duplex will provide. The owner has recorded a restrictive covenant that the outbuilding will not be used as a dwelling unit. This outbuilding may be demolished and a new one may be constructed in the future, but none of that work is part of this application.

The proposed duplex will have a side-gabled roof form with a large shed dormer on both the front and rear elevations and will read as a one-and-a-half story building. It will be approximately 30ft 11in tall, which is compatible with the historic context. The width is 35ft at the front, expanding to 39ft. This is slightly wider than the historic context, but staff finds the minimal width increase to be appropriate in this location because of the corner lot siting.

Staff finds that the large front dormer is out of scale with the building, when compared to historic examples. Staff recommends that the front dormer be split into two smaller dormers, approximately 8ft wide, to match the width of the first floor door and side lights.

The plans show a mix of five and six inch siding reveals. Staff recommends that a five inch reveal be used as the primary cladding. If the applicant would like to include some six inch as an accent, this can be reviewed and approved by staff.

There are a couple of minor site issues: there are no walkways shown on the site plan leading from the porches to the main sidewalk. The location and materials of the walkways should be approved by staff prior to permitting. Also, if the existing retaining wall needs to be replaced, the design and materials should be approved by staff.

In conclusion, staff recommends approved of the proposed infill with the following conditions:

- The front shed dormer be split into two eight foot (8') wide dormers.
- 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 the final details, dimensions and materials of the roofing color, concrete color, stone porch pier material, and porch railing material, prior to purchase and installation;
- The siding reveal will be 5”, any 6” reveal accents shall be reviewed and approved by Staff prior to installation;
- Front walkways be added and their location and materials be approved;
- If the retaining wall needs to be replaced, the design and materials should be approved by Staff;
- The HVAC shall be located behind the house or on either side, beyond the mid-point of the house.

Lynn Taylor, designer for the project, said she separated the dormers somewhat but cannot fully separate them because of the floor layout. It is a tight and narrow lot. She wants to be sure that the house doesn't have to meet the floor level of the house next door because of the grade change. She is going to have the surveyor check the grade change.

There were no requests from the public to speak.

The applicant and commission discussed the grade. Ms. Taylor said the surveyor's results may not be correct.

Commissioner Mosley moved to accept the new information provided by the applicant. Commissioner Stewart seconded and the motion passed unanimously.

Ms. Taylor explained that the dormers were narrower but the roof line continues across in a similar manner to the original submission. Commissioner Mosley expressed concern that the fix might be more awkward than the original submittal. He sketched a 3-D version of the proposal to make sure he understood the request and Ms. Taylor agreed that the drawing represented her request.

An initial motion was made by Commissioners Stewart and Nielson who withdrew their motion.

**Motion:**

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

- **The front shed dormer be split into two eight foot (8') wide dormers.**
- **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 the final details, dimensions and materials of the roofing color, concrete color, stone porch pier material, porch railing material,**
- **The siding reveal will be 5”, any 6” reveal accents shall be reviewed and approved by Staff prior to installation;**
- **Front walkways be added and their location and materials be approved;**
- **If the retaining wall needs to be replaced, the design and materials should be approved by Staff;**
- **The HVAC shall be located behind the house or on either side, beyond the mid-point of the house;**

**finding the project to meet the design guidelines for new construction in the Edgefield Historic Preservation Zoning Overlay. Commissioner Nielson seconded and the motion passed unanimously.**

**x. 1707 BLAIR BOULEVARD**

Application: New construction-addition and outbuilding

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

Melissa Baldock presented 1707 Blair Boulevard, a two-and-a-half story house constructed c. 1915 that contributes to the historic character of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay. If this looks familiar, it is because the Commission disapproved an application for an addition and rear structure on this site in April 2017. The applicant has returned with a revised design for an addition and outbuilding. 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 immediate context is primarily houses with single family forms. The top photo is the large four-square to the right of 1707 Blair. The middle picture shows the house to the left of the site that has a single-family form and is zoned R8. The bottom photo shows a multi-family development located at the corner of Blair and Belmont Boulevard. MHZC approved the design of this development in 2015. Across the street are predominantly houses with single family forms, although there is one multi-unit structure. 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.

Application is to construct an addition to an historic house with a mid-way parking pad and to construct a detached building at the rear with 4 attached parking bays. The historic house and addition will have four dwelling units in it, and the rear structure will have one dwelling unit in it. Note that there is over 36' in between the back of the house and the outbuilding, which staff finds to be appropriate. 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.

For the most part, the work being done to the front façade is restorative in nature and meets the design guidelines. On the front façade, there are two entrances which will remain. Currently, the primary front porch and the secondary side entrance on the left side of the front façade are separate and not connected. The applicant is proposing to connect the front porch and secondary stoop entrance with a platform. Staff finds this to be inappropriate because historically, the front porch and side stoop were not connected, as the left side stoop is a later addition. In addition, the separateness of the side stoop ensures that it reads as a secondary entrance, as it was historically. The historic house was constructed as a single family house, and even though its use will change and it will now have four residential units in it, the house should continue to read as a single family residence. Keeping the two entrances separate is key to keeping the original design intent of the house intact. The proposed addition will be no taller than the historic house, which is appropriate.

A flat roofed rear dormer will connect approximately six inches (6") below the ridge and will be inset two feet (2') from each of the side walls. The dormer will extend over the entire back of the existing house and will provide access to a rooftop deck on top of the rear addition. Staff finds that the flat roof form of the dormer accentuates the height of this part of the addition. Typically, rear dormers have a slope to them, even if it is a slight shed slope. The thirty-six feet, six inch wide by twenty-seven feet (27') deep dormer will appear more like a roof top addition than a rear dormer. Staff recommends that the dormer have a minimum 3/12 slope to it. Staff is also concerned, because of the low proposed ceiling height, that once construction begins, there will be a request to either raise the existing ridge or raise the height of the dormer addition. Neither would be appropriate for a two-story building.

The rear addition portion of the addition will be two stories with a flat roof. On top of the addition's parapet will be a three foot, six inches railing that will be in line with the outer leaves of the main form of the house. Because of its visibility, staff recommends that the railing step back from the side walls by two feet (2') on each side. Staff finds the proposed flat roof form for the rear portion addition to be appropriate. The design guidelines state that new construction should have a slope of at least 6/12, and also states that "*Visually evident roof slopes should match the roof slopes of the existing structure, and roof planes should set in accordingly for rear additions.*" Staff finds that a flat roof form is appropriate in this instance because the historic house is a two-and-a-half story house. The top of the addition's parapet will be just two feet (2') taller than the historic house's eaves and will be several feet shorter than the ridge of the house.

The entrances to the residential units on the upper levels are via a stairwell at the rear. The stairwell is not enclosed, but is contained within a partially-enclosed stair tower. Staff finds that the open-air stairwell is appropriate in this instance because it will not be visible from the street and will not affect the house's orientation towards Blair Boulevard.

Because the lot is zoned RM 20, the rear building is not restricted by the regulations of the Detached Accessory Dwelling Unit ordinance. The proposed rear building will be two stories with a flat roof. The rear building will have a footprint of one thousand, two hundred and eleven square feet (1,211 sq. ft.). Because the footprint of the outbuilding is less than one-half of the footprint of the historic house and because it is otherwise subordinate to the historic structure in height and scale, staff finds that its footprint is appropriate. The rear structure will contain

parking on the ground floor facing the rear alley. The proposed outbuilding has a semi-enclosed stairwell, facing the back of the house/addition. Portions of the side and the top are uncovered. The design guidelines state that outbuildings should have stairways that are enclosed. Therefore Staff recommends full enclosure of the stairs. The rear structure will have a maximum height of twenty-nine feet (29') from grade facing the house. Because the lot slopes up, it is only approximately twenty-five feet, six inches (25'6") tall at the rear, facing the alley. Even though the lot slopes up from the front to back, the rear structure will still sit approximately two feet (2') shorter than the primary structure.

*Vice-chair Bell left the meeting at 6:36pm and returned at 6:38pm prior to the completion of the staff presentation.*

Martin Wieck, architect for the project, explained the differences between this project and the previous version. They agree with all conditions except the exterior stair on the rear building and the roof slope for the addition. The guidelines don't specify a specific slope for rear dormers.

There were no requests from the public to speak.

Commissioner Mosley said the stair is semi-enclosed so it is not compliant. Commissioner Jones said the dormer as-drawn is subordinate from the front, won't be seen, and transitions between old and new.

Mr. Wieck explained that there are 2 bedrooms and a bathroom on the third level. He noted that a portion of the addition is an existing 2-story addition and there have already been a lot of changes.

**Motion:**

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

- **The dormer roof have minimum 3/12 slope to it;**
- **The railing of the addition step in two feet (2') on each side;**
- **The front porch and front stoop on the left side remain unconnected;**
- **Staff approve the windows and doors prior to purchase and installation;**
- **Staff approve a brick sample;**
- **Staff approve the material and design of all balconies;**
- **Staff approve the exterior stair material;**
- **Staff approve the HVAC location; and**
- **The exterior stairs on the outbuilding be enclosed.**

**Finding the proposed addition and outbuilding meet Section II.B. of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay design guidelines. Commissioner Bell seconded and the motion passed with Commissioner Jones in opposition.**

**y. 2313 VAULX LANE**

Application: New construction-infill

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay

Project Lead: Jenny Warren

Staff member, Jenny Warren presented the case for infill in the Waverly Belmont Neighborhood Conservation Zoning Overlay. The site is a part of a triangular shaped lot at the corner of 9<sup>th</sup> Avenue South and Vaulx Lane. The parcel itself sits within the Waverly-Belmont district, but the infill will face onto Vaulx Lane, which is outside of the district. The rear of the proposed house faces 9<sup>th</sup>, which is within the overlay. The Commission approved the design for the house on the left in December 2016. Today we are reviewing the proposal for the house on the right.

The proposed infill is one-and-a-half stories tall and 27ft high. Staff finds that this height is appropriate, as the historic context along 9<sup>th</sup> Ave south is mostly one and one-and-a-half story houses. The proposed width will be

approximately 52ft wide with a depth of 28ft. The majority of historic homes are significantly narrower in width, typically between 30'-40' wide. However, due to site restrictions, it is impossible to extend the depth of the building footprint more than the 28ft. The narrow depth of the infill helps to mitigate the increased width, resulting in a footprint of 1,456sq ft. Staff finds that given the unique site, the frontage on Vault Lane, and the narrow depth, the increased width is appropriate in this instance. Staff finds that the infill meets Sections III.A and III.B of the guidelines, for height and scale.

Due to the unique site, the rear elevation is highly visible along 9<sup>th</sup> Avenue, S, facing into the overlay. Therefore, the rear elevation should be scrutinized more than is typical. The commission typically requires that the front face of dormers be largely glass. Staff recommends that the windows in the rear dormer be enlarged to fill the front face of the dormer. The applicant has agreed to this condition. With the enlarged windows approved by Staff, the project will meet Section III.G of the guidelines.

In conclusion, staff recommends approved of the proposed infill with the following conditions:

- The rear dormer's front face be primarily windows
- The finished floor height be consistent with the finished floor heights of the adjacent houses
- Staff approve the final details dimensions and materials of windows, doors, porch railing, and the color of both the stucco and the brick, prior to purchase and installation; and
- The HVAC shall be located behind the house or on either side, beyond the mid-point of the house.

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

Commissioner Bell and Jones asked why a house form from another district was being used as reference for what was proposed in the Waverly-Belmont district. Ms. Zeigler agreed that you do not pull homes from other districts as the context and explained that in this case, the house is oriented to an area that is outside of the overlay so those buildings to the side and across the street are not in the overlay, and since the proposed form is not atypical of historic homes, Staff found it to be appropriate.

#### **Motion:**

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

- **The rear dormer's front face be primarily windows;**
- **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 the final details, dimensions and materials of windows, doors, porch railing, and stucco and brick color, prior to purchase and installation; and**
- **The HVAC shall be located behind the house or on either side, beyond the mid-point of the house;**

**Finding the project meets sections II.B of the design guidelines for the Waverly-Belmont Neighborhood Conservation Zoning Overlay for new construction and infill. Commissioner Nielson seconded and the motion passed unanimously.**

## **X. OTHER BUSINESS**

### **z. BUILDING AND SIGNAGE ILLUMINATION**

Revision to Design Guidelines

Deferred.

## **XI. ADMINISTRATIVE ACTIONS**

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

Meeting adjourned at 7:02pm

**APPROVED BY COMMISSION ON 8/17/17**