

MEGAN BARRY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park

METRO HISTORIC ZONING COMMISSION (MHZC) MINUTES

August 16, 2017

Commissioners Present: chairman Brian Tibbs, Vice-Chair Menié Bell, LaDonna Boyd, Eric Brown, Kaitlyn Jones, Elizabeth Mayhall, Ben Mosley, Cyril Stewart

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

Applicants: Erica Garrison, Patrick Bales and Ward Pace, Josh Hughes, Drew Sloss and Lynn Taylor, Van Pond and Tufik Assad, Michael Emrick

Councilmembers:

Public: Wesley Weaks, Richard Audet, Curtis Harrington, Gil Lackey, Dan Brown and Trey Bruce

The commission met at 1:30pm, in a closed session, to receive information regarding a proposed resolution of First Farmers and Merchants Bank v. Metro lawsuit. No action was taken.

Chairman Tibbs called the meeting to order at 2:06 p.m. He read information regarding appeals.

I. EXECUTIVE SESSION WITH METRO LEGAL 1:30pm

Not open to the public. Room 1941, Howard School Building

I. ADOPTION OF AGENDA

Ms. Zeigler noted that applicants had requested deferral of the following cases: 421 Broadway and 423 Broadway.

II. RECOGNITION OF COUNCILMEMBERS

III. APPROVAL OF MINUTES

a. July 19, 2017

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. 916 BOSCOBEL

Application: New construction-setback determination
Council District: 06
Overlay: Edgefield Historic Preservation Zoning Overlay
Project Lead: Melissa Baldock

c. 1620 ORDWAY PLACE

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

- d. 102 SOUTH 17TH STREET**
 Application: New construction-addition and setback determination
 Council District: 19
 Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
 Project Lead: Melissa Baldock

- e. 3701 RICHLAND AVENUE**
 Application: New construction-infill and outbuilding; setback determination
 Council District: 24
 Overlay: Richland-West End Neighborhood Conservation Zoning Overlay
 Project Lead: Melissa Baldock

- f. 1426 ROBERTS AVENUE**
 Application: New construction-outbuilding with setback determination
 Council District: 06
 Overlay: Eastwood Neighborhood Conservation Zoning Overlay
 Project Lead: Paul Hoffman

- g. 150 WINDSOR DRIVE**
 Application: New construction-addition and Partial demolition
 Council District: 23
 Overlay: Belle Meade Links Neighborhood Conservation Zoning Overlay
 Project Lead: Robin Zeigler

- h. 208-210 BROADWAY**
 Application: Signage
 Council District: 19
 Overlay: Broadway Historic Preservation Zoning Overlay
 Project Lead: Robin Zeigler

- i. 1504 SWEETBRIAR AVENUE**
 Application: New construction-addition and outbuilding with setback determination
 Council District: 18
 Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
 Project Lead: Melissa Sajid

- j. 1322 6TH AVENUE NORTH**
 Application: New construction-outbuilding; Appurtenances - Exterior lighting;
 Council District: 19
 Overlay: Germantown Historic Preservation Zoning Overlay
 Project Lead: Sean Alexander

- k. 4503 PARK AVENUE**
 Application: Demolition; New construction-addition; Setback determination
 Council District: 24
 Overlay: Park-Elkins Neighborhood Conservation Zoning Overlay
 Project Lead: Sean Alexander

- l. 1010 LAWRENCE AVENUE**
 Application: New construction-outbuilding
 Council District: 17
 Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay
 Project Lead: Sean Alexander

m. 1116 ORDWAY PLACE

Application: New construction-outbuilding (detached accessory dwelling unit) and Setback determination
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Sajid

Melissa Baldock presented the cases for the consent agenda, noting that 1322 6th Avenue North was moved to MHZC Action. A member of the public requested a public hearing for 3701 Richland.

Motion:

Commissioner Mosley moved to approve all items on consent with their applicable conditions with the exception of 1322 6th Ave N and 3701 Richland. Commissioner Stewart seconded and the motion passed unanimously.

V. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTIONS

n. GERMANTOWN HISTORIC PRESERVATION ZONING OVERLAY

Application: Design Guideline Revision
Council District: 19
Project Lead: Robin Zeigler

Deferred at the request of the neighborhood.

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

None.

VIII. VIOLATIONS

o. 119 3RD AVENUE SOUTH

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

Deferred at the request of the applicant.

p. 421 BROADWAY

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

Deferred at the request of the applicant.

q. 423 BROADWAY

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

Staff member, Paul Hoffman presented the case for 423 Broadway. A rooftop addition was approved in 2016 and was constructed as permitted. However the business installed metal poles fixed to the railings, with string lighting attached. The guidelines for new construction require that it be located at least 30 feet from the front of the building. Permanently installed features encroaching into this 30 foot area do not meet this section of the design guidelines. Section II.T requires that lighting should be simple and unobtrusive in design, materials, and relationship to other façade elements. String lighting and the support for it do not meet the design guidelines as they are easily visible and should not intrude into the 30 foot area.

Unpermitted signage has been installed on the building’s awning. This building is allotted 46 square feet for signage. The approved projecting sign from December 2016 is 44 square feet, leaving only 2 square feet remaining. Staff estimated the area of awning signage at 28 square feet, so the building is 26 square feet over its allotment. The guidelines also limit the width of text and graphics to 75% of the width of the awning. The text on the valance takes up approximately 90% of the awning’s width. Therefore the awning signage does not meet Section IV.

Staff finds that the installed features do not meet Section III.H for Additions, Section II.T for Lighting, and Section IV for Signage, and recommends that they be removed within 30 days.

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

Motion:

Commissioner Stewart moved to disapprove the request with the condition that the violation be corrected in 30 days. Commissioner Mayhall seconded and the motion passed unanimously.

IX. MHZC ACTIONS

e. 3701 RICHLAND AVENUE

Application: New construction-infill and outbuilding; setback determination
Council District: 24
Overlay: Richland-West End Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Baldock

Melissa Baldock, staff member, presented the case for 3701 Richland Avenue, removed from the consent agenda by a member of the public. 3701 Richland Avenue is Lot 14 of the Richland Hall development. It is for infill and an outbuilding. The project does require a side setback determination for both the infill and the outbuilding. Base zoning requires a ten foot (10’) side setback for corner lots, but the applicant is proposing to locate the infill and outbuilding just six feet (6’) from the side property line. Across the street at 3700 Richland Avenue, the house is approximately four feet, six inches (4’6”) from the side property line. Staff found other neighboring corner lots where the houses sit less than ten feet (10’) from the side property line. Staff therefore finds that the proposed side setbacks meet the design guidelines.

Staff does recommend that the house be pushed back two feet (2’) from the front so as to better transition to the front setback of the nearest historic house at 3705 Richland Avenue. Staff finds that the infill and outbuilding’s height, scale, materials, etc. meet the design guidelines. \

Staff recommends approval of the project with the following conditions:

1. The front setback of the infill be pushed back two feet (2’) so that the front porch is forty-two feet (42’) from the front property line and the front wall is fifty feet (50’) from the front property line;

2. The finished floor height be consistent with the finished floor heights of neighboring historic houses, to be verified by MHZC staff in the field;
3. Staff approve the brick sample prior to purchase and installation;
4. Staff approve the stone sample prior to purchase and installation;
5. Staff approve the asphalt shingle and metal roof material, color and texture;
6. Staff approve the materials for the porch floors and stairs; and
7. Staff approve all window and door selections prior to purchase and installation.

With these conditions, staff finds that the project meets the design guidelines.

The applicant was present but did not present.

Wesley Weeks, 3705 Richland Avenue, said he asked for months for someone to tell him what they were building and he is concerned with drainage.

Commissioner Mosley explained that storm water issues were not in their purview and that he found the setback request to be appropriate.

Motion:

Commissioner Mosley moved to approve with the conditions that:

1. **The front setback of the infill be pushed back two feet (2') so that the front porch is forty-two feet (42') from the front property line and the front wall is fifty feet (50') from the front property line;**
2. **The finished floor height be consistent with the finished floor heights of neighboring historic houses, to be verified by MHZC staff in the field;**
3. **Staff approve the brick sample prior to purchase and installation;**
4. **Staff approve the stone sample prior to purchase and installation;**
5. **Staff approve the asphalt shingle and metal roof material, color and texture;**
6. **Staff approve the materials for the porch floors and stairs; and**
7. **Staff approve all window and door selections prior to purchase and installation;**

finding the project to meet the design guidelines for new construction. Commissioner Stewart seconded and the motion passed unanimously.

j. 1322 6TH AVENUE NORTH

Application: New construction-outbuilding; Appurtenances - Exterior lighting;

Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay

Project Lead: Sean Alexander

Staff member, Sean Alexander presented the case for 1322 6th Avenue North, removed from the consent agenda by the applicant.

The outbuilding will be 570 square feet, 18 feet from the rear of the building. The sign will be erected on top of a planter and bench structure in the center of the courtyard. The lighting will be string lighting hung from the sign to the principal building to the outbuilding.

The outbuilding will be 10 feet deep and 57 feet wide, matching the width of the building. The front will be 9 feet tall, with the roof sloping down toward the rear and attaching to the 7 foot tall fence that divides the courtyard from the parking lot behind. The posts and side walls will be wood, and the roof will be canvas. Canvas is not a typical roofing material for outbuildings, but because of the location and direction of the slope it won't be visible from the street.

The planter in the courtyard was originally approved as a fountain, but instead of water it will be filled with soil, and it will have seating around it. It will be constructed of wood. The sign will be 9 feet tall, also made of wood.

Renderings were shown to illustrate how the outbuilding will look as viewed from the street. The outbuilding will be marginally visible, but the planter and sign will not.

The lighting is to be string lighting, suspended across the courtyard from the sign in the planter bench to the edges of the roofs of the outbuilding and the rear of the principal building.

Examples of similar lighting at other businesses in Germantown were shown, however they were not approved by MHZC, and their presence has only just come to Staff's attention. Some were added after permits for other work, for which the permit said lighting was not included or was not mentioned.

Staff read the guidelines for illumination:

"5.4.2 Exterior lighting fixtures shall be compatible in style, size, scale and material with the character of the structure and neighborhood. 5.4.3 Avoid spilling light onto adjacent structures, signs, or properties." Staff found that the proposal did not meet those guidelines.

In visiting the site to get pictures for this presentation, a curb cut in front was observed. The curb cut predated the new building but in the proposal was reviewed and approved in 2016, the plans did show that this would be eliminated and patched with brick to match the sidewalk.

Staff recommends approval of the outbuilding, planting box and signage with the conditions that:

1. Bollard lighting or another type of ground lighting be used rather than string lighting.
2. The curb cut is removed and that area is patched with brick to match the existing sidewalk, per the plan that was approved in 2016.

With the conditions met, Staff finds that the proposal would meet the applicable design guidelines for the Germantown Historic Preservation Zoning Overlay.

Because condition number 2 was a new condition related to a violation that was not addressed in the application and staff report, Quan Poole, legal counsel, recommended the Commission ignore condition number 2.

Erica Garrison, legal representative for the owner, presented a copy of her letter previously emailed to the commission which addressed the concerns of the neighborhood and clarified their request.

Patrick Bales, architect for the project, said that the cabanas were always a part of the project. They discussed a portable structure but they felt like staff suggested a more permanent structure. The rear fence will shield lighting and sound from the neighbors. They did intend to leave the curb cut and the fence so that they can remove the trolley located inside the building.

Curtis Harrington, representing the co-housing development, stated that the cabanas are not in compliance with the historic character of the neighborhood and they were told by the developer that cabanas were not to be a part of the design. They are concerned about light and sound. (Mr. Harrington also sent a letter via email that was forwarded to the Commission via email.) Mr. Harrington presented a review of the past decision and information regarding their discussions with the applicant.

Richard Audet, Germantown Neighborhood Association, presented a case in opposition to the project and read the letter presented to the Commission, shared via email prior to the meeting.

Ward Pace, one of the property owners, stated that he doesn't recall any meetings with the neighbors and he clarified that the cabanas were initially removed from the previous application because they didn't have enough information. They did not intend to say that cabanas would never be done.

Commissioner Jones noted that many arguments of the neighbor's deal with use which is not in their purview so she agrees with staff recommendation.

Commissioner Mayhall said the lighting is in the rear so does not affect the historic character of the street. Commissioner Mayhall explained that the lighting was appropriate because it is located in the rear of the building.

Vice-chair Bell said that the design of the cabanas meets the design guidelines. Commissioner Mosley expressed concern with the canvas roof because it won't dampen noise but agreed that the building itself meets the design guidelines they are charged with applying.

Commissioner Stewart said that a condition could be that the light not spill into adjacent properties but without specifying a specific type of lighting. Because of the height of the cabanas he thinks it is easy for the applicant to accomplish the task of not having the light spill into adjacent properties.

Motion:

Commissioner Stewart moved to approve the outbuilding, planting box and signage with the condition that lighting not be visible from adjacent properties; finding the proposal to meet the applicable design guidelines for the Germantown Historic Preservation Zoning Overlay. Commissioner Mayhall seconded and the motion passed unanimously.

r. 406-408 BROADWAY

Application: Alteration

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Melissa Sajid

Staff member, Melissa Sajid, presented the case for alterations at 406-408 Broadway.

The building located at 406 Broadway (the 3 story building on the right here) was constructed c. 2001 as a side addition to the historic Victorian commercial building located at 408 Broadway (the 4 story building on the left), which previously was home to Friedman Music and Loan Co. The building at 406 Broadway does not include an entryway but rather is served by the storefront entryway at 408 Broadway. The three-story building at 406 Broadway does not contribute to the character of Lower Broadway.

The request is to replace the first story windows with operable doors, to alter the height of the transoms on the storefront, and to replace the existing operable second-story doors with new operable doors at 406 Broadway. No changes are proposed to the historic building at 408 Broadway.

There are no proposed changes for the third-story of 406 Broadway. The existing brick, third-story windows, and second-story transom windows will all remain. The applicant proposes to replace the existing casement operable doors on the second level with new casement operable doors. The existing railings on the second level are to remain. No changes to the size of the second-story openings are proposed. Staff finds that the proposed second-story alterations are appropriate since the structure is not historic and no changes are proposed to the dimensions of the existing doors and transoms.

The applicant also proposes to replace the existing storefront windows on the first level with an operable aluminum framed glass window wall system. The proposal includes reducing the height of the existing transom by half and increasing the height of the window openings. No changes to the bulkhead are proposed.

Historically, transoms lined up with the top of the door opening. While the storefront at 408 Broadway has been altered, an appropriate transom height is reflected in the reconstruction.

Other examples of historic storefronts that also illustrate appropriate transom height include 101 Broadway and 401 Broadway, which are shown here.

Staff finds that replacing the existing storefront windows with a glass wall system could be appropriate as long as the plan maintains a transom and window height that is appropriate for the context. In this case, the window and transom heights should complement the historic structure at 408 Broadway, which includes transoms that reflect an appropriate historical height.

The proposed alterations to the storefront window and transom height are inappropriate as the proposed transom height is not compatible with historic transom heights. Section III.A.1 of the design guidelines states that "the relationship of width to height of windows and doors and the rhythm of solids to voids in new buildings shall be visually compatible with the surrounding buildings." Altering the transom height on this addition will not be visually

compatible with the storefront proportions on the historic building. For this reason, staff finds that the proposal does not meet Section III.A.1 of the design guidelines. Staff finds that revising the proposal so that the height of the transom windows on the first-story are similar to the existing storefront transom windows on both 406 and 408 Broadway would meet the design guidelines and recommends this as a condition of approval.

Staff recommends approval with the conditions that:

1. The height of the transom windows on the first-story be the same height as the existing transom windows and those on the storefront of 408 Broadway; and
2. Staff approve the windows and doors prior to purchase and installation.

Josh Hughes handed out some photographs of the street, showing buildings without transoms and buildings with narrow transoms. He explained why the narrower transom was appropriate. He would really like to remove the transom altogether and make the full area operable.

Commissioner Mosley asked if a door was added to the building, would it be appropriate without a transom? Since the two buildings share a common entrance the new windows should be compatible with the existing entrance. Since the two buildings share a common entrance, the two different buildings shouldn't be visually separated.

There were no requests from the public to speak.

Chairman Tibbs expressed concern about not having any transom because of the established rhythm of openings. Commissioner Stewart said the argument that the existing building was infill is countered by the design, which follows the rhythm of the historic building; therefore, Staff has made the correct call.

Motion:

Commissioner Stewart moved to approve with the conditions that:

- 1. The height of the transom windows on the first-story be the same height as the existing transom windows and those on the storefront of 408 Broadway; and**
- 2. Staff approve the windows and doors prior to purchase and installation;**

finding the project to meet the design guidelines for alterations to windows and transoms. Commissioner Bell seconded and the motion passed unanimously.

s. 420 NORTH 16TH STREET

Application: New construction-infill

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander

Staff member, Sean Alexander presented the case for 420 N 16th Street, first showing the houses that make up the immediate context. The nearby buildings are all one and one-half stories, until you get about 2 blocks away where there are two story houses.

The new house will be 27'-6" tall and 33'-4" wide, reading from the front as one and one-half stories with a form similar to that of a Minimal Traditional midcentury house. The overall height and scale are compatible with the surrounding context.

The foundation will be split-faced concrete block, the siding will be cement-fiberboard and wood, the roof will be standing seam metal. The materials are appropriate but the roof color would need to be approved. Also the window and doors would need to be approved.

Mr. Alexander showed more context photos of one and one-half story houses on the street. There were Craftsman style houses, one and one-half story houses with a material change between floors. Material changes typically correspond to the floor level with generally 18 inches to 30 inches between the top of the 1st story windows and the second floor transition.

The second floor level can be less clearly defined with Victorian houses, in part because they tend to have higher ceilings and taller windows, but the floor level still generally corresponds to the eave line because the roof is built to bear on the top of the first story wall.

A similar relationship between window proportion, wall height, and eave height is found on houses that contribute to the historic character of the neighborhood.

On the current proposal, while the front reads as 1 story, on the sides it takes on more of a 1.5 story appearance, but not in a typical way. The second floor level isn't distinguished on the exterior but there is a material change that occurs much higher on the façade. There does not appear to be any rationale for this to be the location of the material change, which results in some of the second story windows and sills extending down into what should be seen as the first story wall.

The roof doesn't bear on the top of the wall or even at the transition point of the material change.

The proportions are unusual and not in keeping with the character of the historic context.

The front porch projects out from the main massing, but has sides enclosed with only a punched opening on the left side. There's also a projection from the wall of the façade into the porch space. Typically porches are open to address the street, the proposed front porch does not share the relationship of form and open space with the surrounding context.

The front slope of the roof has a 14:12 pitch, much steeper than any nearby historic building, the rear has an 8:12 pitch, and the porch would have a 12:12 pitch. It's not typical of buildings nearby for every section of a roof to have a different pitch.

Staff recommends approval of the application construct a new one and one-half story house at 420 North 16th Street, with the conditions that:

1. The exterior cladding shall revised so that the material change is more typical of one and one-half-story houses in the surrounding area; and
2. The roof colors and the final selections of windows and doors shall be approved administratively; and
3. The roofs of the building are revised to be more consistent with those of surrounding historic buildings; and
4. Window locations and proportions be revised to have proportions more appropriate for the first and second story wallspaces; and
5. The side walls and interior projecting of the porch are removed so that it is more open in nature; and
6. The driveway modifications are approved administratively.

Meeting those conditions, Staff finds that the proposal will meet the design guidelines for new construction in the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay.

Commissioner Mosley asked how the transition would take place between the different types of siding. On one elevation there appears to be a corner board and on another not.

Applicant, Drew Sloss, 1408 Woodland, said that the 3rd slide was from an earlier version and there have been some material changes. Mr. Sloss provided some history of the project and the reason for it. (Designer for the project brought in large exhibits that were not left. They showed other contemporary designs that have been approved in the past and can be viewed on Metro's YouTube page.)

Lynn Taylor, designer for the project, explained that there have been many infill projects approved with atypical materials and materials that are not found on historic buildings. Ms. Taylor explained each of the exhibits. She explained the reason for the rear roof form and provided exhibits of other projects with complicated or asymmetrical roof forms. She believes they have met the design guidelines in terms of the windows and doesn't feel that any more can be added to such a small footprint. In terms of the porch, she referenced a historic Tudor home that has more of an enclosed entrance than their open porch design. The material change is vertical siding that will overlap about an inch and there will be no caulking. The material change is where the line needs to be design-wise and there

is a metal drip edge that will be the same color as the siding. They feel that they could do a 2-story home here but the client wants a shorter home with a small footprint.

Ms. Taylor clarified that all corners will have a corner board, like 1408 Woodland and that the trim of the windows on the porch sides will be by a 1x8 trim. They would like a slimmer window trim than typical.

There were no requests from the public to speak.

Commissioner Mosley said that he did not find the different roof pitches to be an issue with meeting the design guidelines. Commissioner Bell noted that the different pitches are also in the rear, as the Councilmember also noted in his public comment.

Commissioner Jones said that the material change is not a concern because there is such a mix of materials and material changes in the neighborhood and in this case it is applied on a modest home.

Motion:

Commissioner Mosley moved to approve with the conditions:

- 1. The roof colors and the final selections of windows and doors shall be approved administratively; and**
- 2. The driveway modifications are approved administratively;**

finding the project to meet the design guidelines for new construction in the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Commissioner Mosley explained his motion was based on the fact that it is a contemporary design; the roof form does not contrast greatly with the neighborhood; there are sufficient number of window openings and the porch is open enough to meet the openness of historic porches.

Vice-chairman Bell left at 3:53pm and returned at 3:55pm.

t. 1126 SHELTON AVENUE

Application: New construction-infill

Council District: 07

Overlay: Inglewood Place Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander

Staff member, Sean Alexander, presented the case for 1126 Shelton Avenue.

The application is the second that has been reviewed at this location. The first was deferred and has since been completely redesigned.

The lot was rezoned to SP prior to the Conservation Overlay going into effect. The SP allows up to three detached buildings, and it sets the building locations and footprints. The scale and materials are still reviewed by the MHZC.

The buildings will all be 26' tall and 32' wide, with the front building facing Shelton and the other two facing Windsor Avenue. The front building will have a wing that expands the total width to 40 feet. This is appropriate because the lot is 67 feet wide.

The materials will be split-faced concrete block foundation, cement-fiber siding, and an asphalt shingle roof. Staff recommends administrative approval of the windows and doors.

The applicant was not present and there was no one from the public interested in speaking.

Motion:

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

- 1. The foundation height shall be consistent with adjacent historic buildings, to be verified by Staff by an inspection during construction; and**
- 2. The window and door selections are approved by Staff; and**

3. The window proportions be approved by Staff
4. The roof colors are approved by MHZC; and
5. The location of driveways, walkways, and porch stairs shall be administratively approved; and
6. HVAC units shall be located on the rear of the buildings or behind the midpoint on a non-street facing elevation;

finding the project to meet the design guidelines for new construction in the Inglewood Place Neighborhood Conservation Zoning Overlay. Commissioner Jones seconded and the motion passed unanimously.

u. 3926 CAMBRIDGE AVENUE

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

Staff member Melissa Sajid presented the case for an addition and outbuilding at 3926 Cambridge and noted that public comment had been forwarded via email.

The house located at 3926 Cambridge Avenue is a c. 1920 one-and-a-half story bungalow that contributes to the historic character of the Cherokee Park Neighborhood Conservation Zoning Overlay.

The request is to construct an addition that is taller and wider than the historic house and to construct an outbuilding, which will not contain a dwelling unit. Last month, the Commission disapproved a request for an addition that was both taller and wider than the historic house. That request included a three feet, seven inches (3'7") ridge raise. While the plan has been revised to reduce the ridge raise to two feet (2'), the addition is still proposed to be both taller and wider than the historic house. The outbuilding has been revised to meet the design guidelines for Cherokee Park.

As noted at last month's meeting, a twenty foot (20') wide public sewer easement abuts the proposed rear addition. The easement, which is outlined here in red, begins approximately 150' from the front property line, which is a typical lot depth. Given that there is space for an addition that slightly more than doubles the depth and footprint of the historic house and space beyond the easement for an outbuilding that has a footprint of approximately 1000 SF, staff finds that the easement does not necessarily pose a hardship in this case.

Here is the front façade. The proposed addition includes a ridge raise that will be inset two feet (2') from the side walls of the historic house and increase the roof by two feet (2') vertically, which meets the design guidelines. However, the addition will rise an additional foot approximately 46' beyond the ridge raise, for a total additional height of 3'. The design guidelines state that (quote) "*The purpose of a ridge raise is to allow for conditioned space in the attic and to discourage large rear or side additions.*" While the ridge raise no longer exceeds the maximum additional height of two feet (2'), staff finds that the height of the addition should be limited to the two feet (2') ridge raise to help meet the design guidelines' stated purpose for the ridge raise, which is to discourage large rear or side additions.

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 (quote) "*In these cases, an addition may rise above or extend wider than the existing building; however, generally the addition should not be higher and extend wider.*" Staff finds the portion of the addition that is eight feet, eleven inches (8'-11") wider than the historic house and three feet (3') taller than the historic house to be inappropriate. In addition, an addition that is both taller and wider does not meet the stated purpose of the ridge raise, which is to discourage large rear or side additions.

Staff finds that the addition's height and scale do not meet the design guidelines because the addition is both taller and wider than the historic house.

Here are the side facades. The addition more than doubles 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. And here is the rear façade, which includes a screened porch.

Here are the elevations for the outbuilding. The outbuilding has a footprint of 996 Sf and will not contain a dwelling unit. Staff finds that the outbuilding meets the design guidelines.

This rendering shows the side facades of the addition in relation to the outbuilding.

In Conclusion, staff recommends disapproval of the addition finding that that the addition's height, scale, and roof form do not meet the design guidelines. Staff finds that the addition does not meet Sections II.B.1.a, II.B.1.b, II.B.1.e, and II.B.2. of the Cherokee Park Neighborhood Conservation Zoning Overlay design guidelines.

Staff recommends approval of the outbuilding with the condition that staff approve the materials of the windows, doors, and roof color prior to purchase and installation, finding that the outbuilding meets Section II.B.1.h of the design guidelines.

Van Pond, architect for the project, noted that the easement is an unusual in that the easement is down the middle of the property rather than along a property line. He agreed that the addition is taller and wider than the ridge raise; however, they changed the overall massing of the project to minimize its impact on the home, as viewed from the front. The low eave of the massing and the side gable minimizes the addition. All that will really be seen from the street is roof. What they are requesting is what is similar to what was approved next door and the two homes have similar ridge heights. He received an award for the addition next door.

Tufik Assad, owner of the property, explained why they purchased the property, why they chose Van Pond as an architect, and their general plans for the property.

Gil Lackey, 3924 Cambridge Ave, spoke in favor of the project.

Commissioner Jones said that last month the addition was out of scale but this addition is an improvement. In addition the immediate context and the easement leads her to believe it meets the design guidelines. Chairman Tibbs agreed that a great deal of work went into the changes but he still has concerns about the size of the addition.

Commissioner Mosley said the additions are specific about what is allowed and this lot width allows for a side addition. It complies with the width because of the distance back from the front of the building. The project meets II.B.2.a.

Commissioner Stewart also appreciated the changes and this house will not be as large as the house next door. Although massive it will not be as large as the house next to it. The easement also creates restrictions.

Motion:

Commissioner Stewart moved to approve the project with the conditions that staff approve the materials of the windows, doors, masonry and roof color prior to purchase and installation; finding the project to meet the design guidelines. Commissioner Mayhall seconded and the motion passed with Vice-chair Bell in opposition.

Commissioner Stewart explained that the project is compatible with other projects, it is constricted by the sewer easement, and the location of the ridge raise and side addition are not visible from the front of the house and the design preserves the front of the house.

v. 1211 7th AVENUE NORTH

Application: New construction-infill
Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay
Project Lead: Melissa Baldock

Staff member, Melissa Baldock presented the case for 1211 7th Ave N. 1211 7th Avenue North is an application to construct infill on a vacant lot in Germantown. The two lots on either side of 1211 7th Avenue North are vacant. The nearest historic houses are 1207 7th Avenue North, two lots to the south, and 1215 7th Avenue, two lots to the north. 1207 7th Avenue North sits approximately three to four feet (3'-4') from the front property line and 1215 sits about twelve feet (12') from the front property line. The applicant is proposing to situate the infill so that its two-story bay will sit as close as eleven feet, six inches (11'6") from the property line. The main wall of the front façade will sit approximately fifteen feet, nine inches (15'9") from the front property line. Staff finds that the proposed front setback is appropriate given the context, but recommends that the Commission require staff to approve the front setback when it is staked in the field to ensure its appropriateness. Staff also recommends that the front setbacks of 1207 and 1215 7th Avenue North be added to the site plan. The infill meets the base zoning's side and rear setbacks.

The proposed infill will be two stories. Staff finds a two-story form to be appropriate, as the historic house formerly on the lot was two-stories in height, and there are several two-story houses on this block, including, 1210, 1220, and 1226 7th Avenue North, all across the street. The proposed infill is a maximum height of thirty-five feet (35') above the foundation line and thirty-seven feet (37') from grade. The design guidelines limit the height of new, single family infill houses to thirty-five feet (35'). The Commission has interpreted this guideline to limit the height to thirty-five feet (35') from grade. Staff therefore recommends that the height of the infill be reduced by two feet (2') so that it is no more than thirty-five feet (35') tall from grade. The proposed infill will have a width of thirty-seven feet (37'). Staff finds this width to be appropriate. The primary cladding material will be brick. Staff finds that the known materials meet the design guidelines and recommends approval of all final material choices. The front porch roof is flat and contains a railing for a deck. Staff finds that since the porch deck is uncovered, it is appropriate.

The dormer on the left façade will contain an open balcony rather than windows and walls. The Commission has found dormer balconies to be appropriate in the past when the dormers have been appropriately scaled. In addition, this dormer is located on the side elevation where it will not be highly visible. The double window openings are not drawn with a four to six inch mullion in between them. Staff therefore recommends that all paired window openings have 4 to 6" mullions in between them.

Staff recommends approval of the project with the following conditions:

1. Staff approve the front setback when it is staked in the field;
2. The finished floor height be consistent with the finished floor heights of neighboring historic houses, to be verified by MHZC staff in the field;
3. The infill be lowered in height so that it is no taller than thirty-five feet (35') from grade;
4. All paired window openings have four to six inch (4"-6") mullions in between them.
5. Staff approve all windows and doors prior to purchase and installation;
6. Staff approve a brick sample;
7. Staff approve roof shingle color and texture;
8. Staff approve the material and design of the front porch railing and the Juliet balconies railings on the right façade;
9. Staff approve the materials of the front walkway, porch floor, and porch steps;
10. The HVAC be located behind the house or on either side, beyond the mid-point of the house; and
11. Staff approve the design and materials of all permanent landscape features, including the fences, walls, pavers, walkways, etc.

With these conditions, staff finds that the infills meet Sections 2.0 and 5.0 of the *Germantown Historic Preservation Overlay: Handbook and Design Guidelines*.

Michael Emrick, architect for the project, said they agreed with all conditions with the exception of #3, which is the requirement that the building not exceed 35'. He provided a handout to show how much of the building exceeds 35' and provided information about the historic context.

There was no request from the public to speak.

Commissioner Mosley said that changing the hipped roof form may cause more issues and that overall wall and eave heights are appropriate. In addition, the project does not contrast greatly with the historic context. Multiple commissioners agreed, based on the historic context.

Motion:

Commissioner Mosley moved to approve the project with the conditions:

- 1. Staff approve the front setback when it is staked in the field;**
- 2. The finished floor height be consistent with the finished floor heights of neighboring historic houses, to be verified by MHZC staff in the field;**
- 3. All paired window openings have four to six inch (4"-6") mullions in between them.**
- 4. Staff approve all windows and doors prior to purchase and installation;**
- 5. Staff approve a brick sample;**
- 6. Staff approve roof shingle color and texture;**
- 7. Staff approve the material and design of the front porch railing and the Juliet balconies railings on the right façade;**
- 8. Staff approve the materials of the front walkway, porch floor, and porch steps;**
- 9. The HVAC be located behind the house or on either side, beyond the midpoint of the house; and**
- 10. Staff approve the design and materials of all permanent landscape features, including the fences, walls, pavers, walkways, etc.;**

finding the project meet Sections 2.0 and 5.0 of the Germantown Historic Preservation Overlay: Handbook and Design Guidelines. Vice-chairman Bell seconded and the motion passed unanimously.

w. 910 WALDKIRCH

Application: New construction-infill and outbuilding (detached accessory dwelling unit)
Council District: 17
Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay
Project Lead: Paul Hoffman

Staff member, Paul Hoffman, presented the case for infill at 910 Waldkirch, an application for construction of a new residence and outbuilding. The existing non-contributing building has been approved for demolition administratively. There is a 15-foot water easement through the front yard, which restricts the buildable area of the lot. The new home will be one and a half stories, with a ridge height of 27 feet, 10 inches, and a width of 29 feet, 6 inches. Staff finds the proposed building meets the design guidelines for height and scale, roof form, orientation, materials, and proportion and rhythm of openings. There are a few materials for which Staff recommends having final approval. The new building meets all base zoning setbacks. However the front setback does not line up with the nearest contributing buildings, as is normally required. The water easement restricts the ability to build any closer to the front property line. Due to the easement, Staff finds the front setback is appropriate here. The proposed outbuilding is one and a half stories, with a footprint of 576 square feet, and the same materials proposed for the residence. Staff finds that the outbuilding meets the design guidelines for outbuildings.

Staff recommends approval of the application with the conditions:

1. The finished floor height shall be consistent with the finished floor height of adjacent historic houses, to be verified by MHZC staff in the field;
2. Staff approve the masonry, windows, doors, porch posts/railings, and roof color;
3. HVAC shall be located to meet the design guidelines for minimal visibility.

Staff finds that the application meets Section III for New Construction in the Waverly-Belmont Neighborhood Conservation Zoning Overlay.

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

Motion:

Commissioner Mosley moved to approve the application with the 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 has final approval of the masonry, windows and doors, rear porch posts and railing, and roof color;**

3. The HVAC shall be located behind the house or on either side, beyond the mid-point of the house;
finding the project meets Section III for New Construction in the Waverly-Belmont Neighborhood Conservation Zoning Overlay and that the easement dictates the setback. Vice-chair Bell seconded and the motion passed unanimously.

x. 519 ACKLEN PARK DRIVE

Application: New construction-infill and outbuilding

Council District: 24

Overlay: Richland-West End Addition Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander

Staff member, Sean Alexander, presented the case for infill and outbuilding at 519 Acklen Park Drive.

This is an application to construct a new duplex, with side-by-side units sharing a center wall. The form is similar to the historic context and recently approved infill on the street. The house will be 29' tall including a 2' tall foundation. It will be 36' wide. The height and width are compatible with the surrounding context. There will be a pair of gabled dormers on the front and a full-width porch.

The overall form is a one and one-half story side gabled, but there will be a rear wing that is functionally two-stories but the walls are stepped in to make it read like a one and one-half story mass.

The materials are cement-fiber siding, split-faced block foundation, and an asphalt shingle roof. There will be brick porch columns with a brick floor. Brick is not typical for porch floors. Also the porch stairs flare out to the front which is not typical.

The outbuilding will be one story and meets the height guidelines but will be 777 square feet in size but the guidelines limit outbuildings to 750 square feet.

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

Motion:

Commissioner Stewart moved to approve the project with the conditions:

- 1. The porch floors shall be concrete, and the brick selection for the bases of the porch columns shall be approved administratively; and**
- 2. Windows, doors, and roofing selections shall be administratively approved; and**
- 3. The materials of the walkways and driveways shall be administratively approved; and**
- 4. The front stairs shall not flare at the bottom and there shall be a single walkway from the street to the porch; and**
- 5. The outbuilding shall be reduced to be no greater than seven hundred, fifty square feet (750 sq. ft.) in footprint size;**

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

X. OTHER BUSINESS

y. BUILDING AND SIGNAGE ILLUMINATION

Revision to Design Guidelines

The design guidelines are not very specific about some issues relating to building and signage illumination. Additional guidance can be given via italicized information in the design guidelines. Staff recommends a policy, outlined in your report, regarding building lighting that could be incorporated into the guidelines as italicized information.

I won't try to cover every line here but there are several issues that are worth highlighting.

The first guideline is that lighting must be concealed and unobtrusive. We recommend a policy that specifies that colored lighting or lighting fixtures that spin or move are not appropriate. Staff could not find any other commissions that allow for colored building light in historic districts. There are some instances where large buildings, on large lots have colored lights staff is concerned about the fact that many of the buildings on Broadway are quite narrow and of course all are butted up against each other. If all of them are allowed to have different colors than the lighting will no longer be unobtrusive, as called for in the design guidelines. In addition, Staff is concerned that such a design guideline would not meet the Secretary of Interior Standards, which they are required to do by state law. Colored building illumination has the potential to change the look of, or obscure, architectural features, which does not meet standard 5 and 9.

This policy would clarify that lighting on top of a rooftop addition is not appropriate. The rooftop additions are supposed to be as invisible as possible. Allowing for more lighting than just low lighting required for safety reasons and table-top lighting, would not meet the Secretary of Interior Standards.

Before I move on to signage lighting, are there any questions regarding building lighting.

These first two changes to signage, can also be added as italicized information as again, they provide further guidance on existing guidelines. The information about the color of the fixture and temporary lighting has always been our policy—just not memorialized in the guidelines. For instance, we have never reviewed holiday lighting. Christmas lighting has likely been up for a little more than 30 days but we have never enforced that rule that strictly for something like holiday lighting

You have allowed for chasing lights as a modification so this italicized point is to provide some parameters as to when they are appropriate.

As you may remember, we have also had several discussions about bare bulbs however, the design guidelines list them specifically as a type of lighting that is not allowed. For that reason this would need to be a change to the design guidelines and cannot be handled as a policy with added italicized information. For this particular issue we would just like your feedback today as we do plan to bring revised design guidelines to you, maybe as early as October.

Dan Brown, Tennessee Historical Commission, spoke in favor of the policy. He provided information regarding his background and his expertise in historic preservation, creation of design guidelines and working with multiple communities. He specifically provided some information on research he was involved in in the Vieux Carre in New Orleans. He said he is not aware of any districts that allow for colored building illumination. Authenticity of the historic neighborhoods is important to retain and resonates with the public. There are always pressures from businesses and economic interest that feel that these type of alterations are needed but when scaled down for a historic district, they work. There is extensive work done on the economics of preservation and there is no, to his knowledge, credible study that has ever been done that show the design review process has a negative economic effect. What creates value is specialness.

Trey Bruce, vice-chair of Historic Nashville, spoke in favor of the policy.

Commissioner Stewart said he agreed with the policy but it is also important to address the color temperature of bulbs. He recommended that staff move forward with revisions to the design guidelines so that bare bulbs could be approved. He and Chairman Tibbs noted that a great deal of research and public outreach had been conducted.

Motion:

Commissioner Stewart moved to adopt the policy. Vice-chair Bell seconded and the motion passed unanimously.

z. COMMISSIONER TRAINING

XI.ADMINISTRATIVE ACTIONS & UPDATES

aa. ADMINISTRATIVE PERMITS ISSUED FOR PRIOR MONTH

The meeting adjourned at 5:07p.m.

RATIFIED BY COMMISSION ON 90/20/17