

MEGAN BARRY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park

METRO HISTORIC ZONING COMMISSION (MHZC) MINUTES

September 20, 2017

Commissioners Present: Chair Brian Tibbs, Vice-Chair Menié Bell, LaDonna Boyd, Eric Brown, Elizabeth Mayhall, Ann Nielson

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

Applicants: Rob Blagojevich and Father Alexander, Ron Tolander, Adam Dread, Kaitlyn Smous and Katherine Moffat, Van Pond, Susan Hager, Nathan Weinberg, William Hastings, Jeff Cheko

Councilmembers: None

Public: Gabriel Hanson, Scott Morton, Sonya Links, William Hollings, William Nelson, Susan Gregory, Nathan Weinberg, Margaret Darby, Craig Kennedy, Steve Burt

Chairman Tibbs called the meeting to order at 2:04 p.m.

I. ADOPTION OF AGENDA

NOTICE TO THE PUBLIC: Items on the agenda may be removed or moved at this time. New items will not be added.

I. RECOGNITION OF COUNCILMEMBERS

There were no councilmembers present.

II. APPROVAL OF MINUTES

a. August 16, 2017

Motion:

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

III. 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.

a. **SETTLEMENT OF FIRST FARMERS AND MERCHANTS BANK V. METROPOLITAN GOVERNMENT AND METRO HISTORIC ZONING COMMISSION, DAVIDSON COUNTY CHANCERY NO. 16-1220-I**

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Robin Zeigler

b. 3609 RICHLAND AVENUE

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

c. 3610 RICHLAND AVENUE

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

d. 919 WALDKIRCH AVENUE

Application: New construction-addition; setback determination
Council District: 17
Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Baldock

e. 1612 SUMNER AVENUE

Application: New construction-addition
Council District: 06
Overlay: Eastwood Neighborhood Conservation Zoning Overlay
Project Lead: Sean Alexander

Jenny Warren, staff member, presented the cases for the consent agenda with the exception of 919 Waldkirch.

Motion:

Commissioner Nielson moved to all consent items with their applicable conditions with the exception of 919 Waldkirch, which was removed by a member of the public. Commissioner Mayhall seconded and the motion passed unanimously.

IV. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTIONS

f. GERMANTOWN HISTORIC PRESERVATION ZONING OVERLAY

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

Staff member, Robin Zeigler, provided an overview of the process for revising the Germantown design guidelines. Staff approached the neighborhood, she explained, with a need for a complete architectural resource survey and to revise the design guidelines to include guidance for projects that were not contemplated when the district was first created in 2007.

Architect, Michael Emrick, volunteered to conduct the survey. The neighborhood created a task force to work with staff on the revisions. The Historic Germantown Neighborhood association hosted an informational meeting on June 12, 2017 to provide an overview of changes and take comments and questions.

The draft was placed on the website on June 10th. Since that time, some additional changes have been made and those are noted in the appendix of your staff report. The revised draft was posted on the website on 8/31/17. There have been some changes even since the staff report but they are all corrections—they do not change the proposed rules.

Since the posting of the staff report, the neighborhood committee requested that a maximum height of 55' be added for 5-story buildings on Jefferson and Rosa Parks.

Because the guidelines are organized differently than before it really isn't possible to give a line-by-line overview of changes. Your staff report provides a summary of some of the major changes. There is more guidance for materials for new construction, parking areas, sidewalk cafes and plazas, appurtenances, rooftop decks, outbuildings and signage.

The main change is that the new construction section cuts the district into more than just two zones and provides guidance on building types to provide more specific guidance for the very different contexts within the neighborhood.

The design guidelines meet the National Park Service's Secretary of Interior Standards (National Historic Preservation Act of 1966) and so meets section 17.40.410.B. of the ordinance. This meeting constitutes the ordinance's public hearing requirement.

Staff recommends adoption of the revised Germantown Historic Preservation Design Guidelines with A NEW condition that a maximum height of 55' for 5-story buildings on Jefferson and Rosa Parks be added to the design guidelines. Staff finds the proposal meets section 17.40.410.B of the ordinance.

Gabriel Hanson, representing St. Mark's Baptist Church on 6th Avenue said the process includes an exclusionary committee and there was no public process. "Ground zero" is an African-American church and the design guidelines could create race issues. She expressed concern about selling the property. She read title 13 which encourages rehabilitation and new construction that will be harmonious. This ordinance halts all construction.

Scott Morton, Smith Gee Studio, representing Werthan Bag, thanked the development committee for their tremendous effort. They support the design guidelines with one exception which is the 80% brick requirement. They are concerned that the word "shall" is absolute and that perhaps that in the Werthan Zone there could be some additional language. They suggested, "A greater percentage of accent materials may be appropriate to create a more varied and appropriately neighborhood scaled building façade and massing with the Werthan Development zone."

Sonya Link, board and committee member, addressed the material question. Historically there has been a lot of brick and so they would like to see brick be the primary material. If the Werthan owners will commit to work with the neighborhood there could be some additional language to allow for more of the secondary materials.

William Hollings, 1237 6th Avenue North stated that he would like to correct two things. There were two neighborhood meetings. Notices were sent to every property owner, he received one himself. The issue with St. Marks is that the lots are zoned industrial.

Chairman Tibbs noted that the overlay does not prevent new development. Commissioner Nielson noted that the overlay does not affect the selling of neither property nor the base zoning. Chairman Tibbs asked Ms. Link about the process for notifying property owners.

Ms. Link said the committee communicated to the neighborhood. It was discussed at regular development committee meetings and there were stand-alone meetings to discuss the revisions specifically. They are concerned that some of the new development doesn't meet the design guidelines, so they wanted the guidelines to be clearer. There were minimal changes to the "national register zone" which is where St. Marks is located. It does not address the use of property or whether or not the property can be sold. Meetings were also posted on NextDoor and they mailed letters.

Ms. Links said that they are only interested in allowing the revised language for the Werthan zone. Changing it to include the Rosa Parks zone doesn't make sense since the main building on Rosa Parks is Werthan, which is all brick.

Vice-chairman Bell noted that the overlay already exists and has been in place since 2007. Staff and the commission worked hard to have a collaborative process with applicants. The development committee has gone through the process because of the changes that have taken place that affect historic properties. She disclosed that she does not have any financial benefit to this change although she does live in the neighborhood.

Motion:

Vice-chairman Bell moved to approve the design guidelines with the condition that a 55' height limitation be added for the Rosa Parks Zone and that the proposed language recommended for the Werthan Zone be added. Specifically for Section III.f façade materials.: “A greater percentage of accent materials may be appropriate to create a more varied and appropriately neighborhood scaled building façade and massing with the Werthan Development zone.” Commissioner Brown seconded and the motion passed unanimously.

V. PREVIOUSLY DEFERRED ITEMS

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

None

VI. PRELIMINARY & FINAL SP REVIEW

None.

VII. VIOLATIONS

g. 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.

h. 421 BROADWAY

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

Paul Hoffman, staff member, presented the case for violations of signage and new construction at 421 Broadway. 421 Broadway has installed poles with string lighting and wall signage that was unpermitted. A rooftop addition for a stairwell was approved in 2016. The guidelines for new construction require that additions are set back from the front of the building no less than 30 feet. Permanently-installed features that encroach into this 30 foot area do not meet this section of the guidelines. The Commission has previously ruled that string lighting and the supports for it do not meet the design guidelines.

The wall sign, installed without permit, does not meet Section IV of the design guidelines for location or allocation of sign area. The building is allotted 46 square feet for sign area. The application for the projecting sign has it at 46 square feet, using up the entirety of the building's area for signage. So the building is over its area by this additional estimated 8 square feet of the wall sign. In addition, the guidelines prohibit a wall sign to cover windows or architectural features. This sign covers the transom, so is not appropriate for location. There is also a vinyl banner at the top of the building, which has been up for more than 30 days. Staff recommends that this sign be removed. In conclusion, Staff recommends disapproval and that the unpermitted signage (wall sign and vinyl banner), string lighting and poles be removed within 30 days, finding the project does not meet section III.H for Additions, Section II.T. for Lighting, Section IV for Signage.

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

Motion:

Commissioner Nielson moved to disapprove, finding the project does not meet section III.H. for Additions, Section II.T for Lighting and Section IV for Signage. The string lighting, poles and wall sign and vinyl batter be removed within 30 days. Commissioner Mayhall seconded. The motion passed unanimously.

i. 412 BROADWAY

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

Deferred at the request of the applicant.

j. 1322 6TH AVENUE NORTH

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

Deferred at the request of the applicant.

k. 1712 5TH AVENUE NORTH

Application: New construction-Addition and Alteration
Council District: 19
Overlay: Salemtown Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Sajid

Melissa Sajid, staff member, presented the application for work on a historic church at 1725 5th Avenue North.

The church located at 1712 Fifth Avenue North was constructed in 1939 and initially housed the Freeland Baptist Church. The facilities were enlarged in the 1950s, including the addition of an educational annex. The original part of the church contributes to the character of the Salemtown neighborhood; the side addition is not historic due to its character, design, and age of construction. The applicant has made a number of changes to the church without a preservation permit including the addition of a cupola and changes to cladding and window and door openings, which is considered partial demolition. The applicant did pull a building permit on 1/18/17, but the scope was limited to replacing rotted wood and windows. Staff spoke with the contractor at the time to confirm the scope of work and made a note in CityWorks that they were replacing two side windows, not changing the size of the window opening but may need to repair brick, no other work planned under this permit. Since that scope of work is not reviewed in the Salemtown NCZO, staff then signed off with an “ignore.” A copy of the permit and permit notes are included in your packet.

We’ll start with changes to the non-historic addition.

- These changes include replacing the existing T-1-11 cladding with brick. Staff finds that this is appropriate as T-1-11 siding is specifically listed as an inappropriate material in the design guidelines.
- The shape and size of the window and door openings have been altered from rectangular, double-hung windows to single-pane windows with a segmental arch and from a rectangular door opening to one with a segmental arch. In addition, the locations of the windows have been changed and a new window was added, so they went from 3 window openings to 4 window openings. Staff finds that alteration of the size, shape, and number of windows and the alteration of the door on the later addition could be appropriate as it would further help to distinguish the addition from the historic portion of the church.

Moving on to changes to the historic church

- Staff finds that the addition of the cupola is inappropriate as its location has a significant impact on the historic form and character of the building. The design guidelines require additions to be located at the rear of the building, which helps to minimize the impact of the addition on a historic structure. In addition, the SOI standards do not allow for the addition of conjectural details, and there is no evidence that the addition is replicating an historic feature. Rather, the cupola contrasts greatly with the size and scale of the simple design of the historic church. For these reasons, staff finds that the addition does not meet Section II.C of the design guidelines for addition, II.A for location, II.E for design, or Section I.B.3 of the SOI standards.
- The shape and size of the window openings on both sides of the historic church have been altered from rectangular, double-hung windows to single pane windows with a segmental arch the same as on the non-historic addition. As with the changes on the addition, the window locations have been changed and a new window was added to each side façade. In addition, PlyGem 1500 series vinyl windows have been installed in all window openings, which the Commission has specifically not allowed for historic buildings. Staff finds that it is inappropriate to alter the shape, size, location, and number of window openings on the historic church as the windows are a character-defining feature and are highly visible from the street. Staff finds these changes not meet Section V.B.2 for appropriate demolition and meets Section V.B.1 for inappropriate demolition. In addition, the windows used for replacement do not meet Section III.D of the design guidelines for materials.
- The applicant has also removed the historic brick on the church and it no longer exists, so it cannot be reinstalled. According to the engineer's report, wall frame rot and deterioration were discovered during the window replacement, and the brick on the left side of the historic building tilted outward during the window replacement, causing the roof framing to fail. The applicant then proceeded to repair the structural damage that was discovered by removing the brick on the left side of the façade and did not inform MHZC. When the masonry was replaced, the brick work on the corners of both the left and right façades was not completed. This is shown on the photo to the right as well as the two photos on the next slide.
- Removing the historic brick including the entire left façade is considered partial demolition and should have been reviewed under a preservation permit so that staff could determine the appropriateness of the partial demolition and, if appropriate, monitor the demolition and review the masonry used for replacement. Since the original brick no longer exists, staff recommends that the two sides of the historic church be altered so that the vertical stretchers that were located at the bottom of the brick wall and above the windows be reinstalled.

In conclusion, staff recommends approval of alterations to the non-historic portion of the church, finding that they meet the design guidelines for Salemtown.

Staff recommends disapproval of the addition of the cupola and the partial demolition/alterations to the historic brick and windows on the historic church, finding that they do not meet the design guidelines for Salemtown and with the following items to be corrected within 60 days:

1. The cupola is removed and the original roof form restored to its original configuration with a roofing material to match the existing material.
2. The brick on the two sides of the historic portion of the church be altered so that the vertical stretchers that were located at the bottom of the brick wall (see figure 6) and above windows is reinstalled. No more historic brick is approved for removal.
3. The original window locations, dimensions, design and materials be reinstalled. The applicant shall submit drawings showing the original window dimensions and locations as well as information about materials for staff review, prior to making the change.

Rob Blagojevich explained that the church purchased the property in extremely poor repair. Their licensed contractor worked with Byron Hall at Metro, who told him that everything was OK. What they have done has upgraded the neighborhood and everyone in the neighborhood appreciates what they have done. They asked for an exception because to make the changes of the staff report would bankrupt them. The contractor has not returned his phone calls.

Father Alexander said that the parishioners worked hard to make the church look the way it does now and raise the money for repairs. They want it to look like an orthodox church. Their goal was to make the church look better.

Nathan Weinberg said he used to be a resident of Germantown. He has building expertise. He thinks it looks beautiful but that has nothing to do with the historic question. Since the brick has already been installed, changing the brick course and window dimensions will not likely be possible. Changing the brick will be detrimental to the look of the structure. They have done a good job with the exception of the missing bricks on the corner. The building probably wouldn't be here if not for the work they have done.

Commissioner Nielson suggested a compromise such as leaving the brick and windows but removing the cupola.

Chairman Tibbs suggested a deferral, that the applicant talk to their contractor and that they finish out the corners immediately so they do not continue to have water infiltration. The brick is gone and the new brick is fine. The soldier course is not a character defining feature. He further suggested that the cupola be moved to the later addition. The windows are appropriate since their replacement would be more detrimental to the building than keeping what has been installed.

The applicant requested a deferral.

VIII. MHZC ACTIONS

d. 919 WALDKIRCH AVENUE

Application: New construction-addition; setback determination

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

Staff member, Melissa Baldock, presented the case removed from the consent agenda.

919 Waldkirch is a contributing structure to the Waverly-Belmont Neighborhood Conservation Zoning Overlay. The application is to construct a rear addition with a ridge raise. The project requires a change to the right side setback from five feet (5') to one foot, six inches (1'6"). Staff finds that the proposed setback of one foot, six inches (1'6") to be appropriate for several reasons. The existing house is located approximately two feet (2') from the property line and does not meet the five foot (5') side setback. The existing addition is inset appropriately at over two feet (2'); the addition will not extend any wider than the historic house. In addition, the property line angles unusually, bringing the addition six inches (6") closer to the property line than the historic house, even though the addition is inset over two feet (2') from the back of the house. Staff therefore finds that the right side setback is appropriate.

Staff also finds the lack of window openings on the right side to be appropriate because this wall will be so close to the side property line, that extra fire rating would be required. In addition, this façade will not be highly visible from the street. Staff recommends approval of the project with the following conditions:

1. The lap siding be smooth, with a maximum reveal of five inches (5");
2. Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation;
3. Staff approve the roof color and masonry color, dimensions and texture; and
4. 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 Sections III., IV., and V. of the Waverly-Belmont Neighborhood Conservation.

Applicant, Ron Tolander, is the builder for the project. Since the item was pulled from consent, he wasn't sure what the concern might be. It is their intent to comply with the design guidelines. In this case, they will be using the existing footprint to reconstruct the addition.

William Nelson, 917 Waldkirch, stated that 921 Waldkirch is not complaining because they had a zoning variance to build their home. The variance requested breaks the 5' distance between homes and decreases privacy. The owners are investors from CA that only care about a profit. He can hear and see their television.

Susan Gregory, realtor representing the seller, said that the setback determination only affects the property to the right. They talked to that homeowner who has a pool but they are no longer concerned because of the minimal openings on that side of the building. There have been two contracts that have fallen through because of the condition of the building. Structural engineer says that action must happen but staff has told them to do the opposite. [Staff has not been informed about an engineer's report.] The project will increase property values.

Commissioners and staff discussed the location of the current and proposed addition.

Motion:

Vice-chairman Bell moved to approve the project with the following conditions:

- 1. The lap siding be smooth, with a maximum reveal of five inches (5");**
 - 2. Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation;**
 - 3. Staff approve the roof color and masonry color, dimensions and texture; and**
 - 4. The HVAC shall be located behind the house or on either side, beyond the mid-point of the house;**
- finding the project to meet Sections III., IV., and V. of the Waverly-Belmont Neighborhood Conservation Zoning Overlay. Commissioner Boyd seconded and the motion passed unanimously.**

m. 1621 FORREST AVENUE

Application: Demolition

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Robin Zeigler

Staff member, Robin Zeigler, presented the case for demolition due to a fire. The applicant did not submit any information to make their argument by the deadline. They did submit a one-page engineer's report the morning of the meeting. She asked the Commission if they wanted to suspend their rules and accept the new information. Staff did not have an opportunity to review. The report does not appear to be informative enough to change Staff's recommendation.

Chairman Tibb encouraged the applicant to defer so there is opportunity to submit evidence for their request.

Adam Dread, legal representative of the applicant, explained that they are in a time crunch. He requested a "grant-and-delay" similar to what the Beer Board does. Chairman Tibbs explained that the economic hardship cases are very tough and a great deal of information is needed to make the case. If they don't have that information, the applicant does not have the benefit of the Commission's full deliberation.

The applicant elected to defer until next month.

M. 1100 GILMORE AVENUE

Application: New construction-addition

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Baldock

Staff member, Melissa Baldock, presented the case for an addition at 1100 Gilmore. 1100 Gilmore is a pre-1914 folk Victorian house located at the corner of Gilmore and 11th Avenue North. The lot is unusually wide at 75'. The applicant is proposing to construct a side porch addition, which can be appropriate on a lot of this size. However staff finds that the design of this side addition is more akin to the design of an outbuilding and does not meet the design guidelines. Outbuildings should only be located in the established rear yard and are not appropriate in a side yard like this one. MHZC of course does not regulate use, but it does regulate design. When staff states the design is more akin to an outbuilding, note that an outbuilding is not a use. An outbuilding can have many different uses – vehicular parking, storage, apartment, studio space, etc. In this recommendation, staff is looking solely at the design of the structure and how it relates to the historic house.

Staff finds that the design of the proposed side porch addition does not match typical side porch designs in three respects: how it is connected to the historic house; its floor level; and the size of its openings.

The addition is connected to the historic house with a minimal connector that is 5'4" by 10'6". Although a minimal connection from the historic house to an addition can be appropriate and sometimes even preferable, in this instance the open-aired minimal connection appears as a covered walkway connecting the historic house to an outbuilding; The desire for a minimal connection between an historic house and an addition stems from the desire to preserve as much of the historic wall of the house as possible. In the case of a largely open-air structure like this one where the existing house wall will not be removed at all, staff does not find that the minimal connector is appropriate. The addition does not appear to be a cohesive part of the historic house, but as a separate structure, like an outbuilding. Typically, historic side porch additions that had separate roof forms were still fully connected to the historic house.

The proposed side addition has an at-grade foundation which is not typical of side porches. It is typical for side porches to have foundations that match the foundation level of the historic house. In this instance, the house's foundation is approximately eighteen inches (18") above grade, but the new addition will be located at grade, presumably on a concrete pad. At-grade concrete pads are more typical of outbuildings than they are of additions, particularly when the historic house has a raised foundation. The three exterior steps down to the addition are atypical for side porches, and staff did not find any such examples when surveying for side porches.

The size of the addition's openings is atypical for a side porch. The applicant refers to the addition as a porch. However, the large opening facing Gilmore Avenue is more typical of a carport or a porte cochere than it is a porch. The opening is approximately nineteen feet (19') wide and eight feet, six inches (8'6") tall and covers the entire span of the front façade of the porch. It is a large void that is atypical for additions, even if they are porches. It is more typical for a vehicular opening of a garage and a carport. Just to make sure everyone understands the elevation drawing – the wall of lap siding that you see is actually 20' back from the front. The front of the structure is entirely open. In staff's review of historic side porches, the widest porch was twelve feet (12'). Typical side porches, whether or not they are screened, have more columns within a span of the nineteen feet (19'). The applicant's site plan and photos show a driveway leading to the proposed new construction. Again, MHZC doesn't review use, but the design of the structure and the driveway leading to it, implies that the structure is an outbuilding, and a side yard is not an appropriate place for an outbuilding.

In reviewing this application, staff looked at historic side porches to see how their designs compare to what is proposed here to be a side porch. Many historic side porches have been enclosed over the decades, but a few existing open side porches exist in the Waverly-Belmont Neighborhood Conservation Zoning Overlay at 818 Glen and 2031 Elliott. Outside of the Waverly-Belmont neighborhood, other side porches with separate roof forms include: 2003 Greenwood Avenue, 1804 Linden, 1716 Blair Boulevard, 220 Lauderdale Avenue and 2106 and 2605 Woodlawn. These existing, open historic side porches provide a good sample of how open side porches were typically attached to historic houses: they were attached directly to the historic house without a connector; their floor heights matched the floor heights of the historic house; and their expanses between columns were typically less than ten feet (10'). In reviewing typical side porches, staff maintains that the design of the proposed addition is more akin to an outbuilding than it is a side porch.

In conclusion, Staff recommends disapproval, finding that the addition's design, location, height, scale, setback and rhythm of spacing, materials, roof shape, orientation, and proportion and rhythm of openings do not meet Sections III.A., III.B., III.C., III.D., III.E, III.F., III.G., and IV. of the Waverly-Belmont Neighborhood Conservation Zoning Overlay.

Kaitlyn Smous, the architect for the project, said the addition is connecting to a later addition and so the location is appropriate. The rhythm of openings is not relevant because this is not a typical side porch. There is no design guideline that addresses porch openings.

Katherine Moffat, 1100 Gilmore, said that they are looking to create more entertainment space in their rear yard.

There were no requests from the public to speak.

Commissioner Nielson appreciated the intent but this is more of a DADU than a side porch which could open up issues regarding the location of outbuildings. Commissioner Bell said the reasoning behind staff's recommendation is well outlined and researched so she agreed with staff's recommendation. Chairman Tibbs stated that the floor line of a porch should match the floor line of the house.

Motion:

Commissioner Nielson moved to disapprove, finding that the addition's design, location, height, scale, setback and rhythm of spacing, materials, roof shape, orientation, and proportion and rhythm of openings do not meet Sections III.A., III.B., III.C., III.D., III.E, III.F., III.G., and IV. of the Waverly-Belmont Neighborhood Conservation Zoning Overlay. Vice chairman Bell seconded and the motion passed unanimously.

The Commission took a break at 4pm and resumed at 4:07pm.

N. 1430 B GREENWOOD AVENUE

Application: New construction-infill

Council District: 06

Overlay: Greenwood Neighborhood Conservation Zoning Overlay

Project Lead: Paul Hoffman

Paul Hoffman presented the case for 1430 B Greenwood, an application for infill with a detached outbuilding at this vacant lot. The new residence is a one and a half story building. It is 28 feet in height from grade, which is within the context of nearby homes, which are up to 29 feet. It is designed to fit into the triangular space of the lot. The front section is 30 feet 8 inches wide. The rear section is 42 feet 8 inches wide. On the same block are buildings as wide as 43 feet. Staff's review is that the massing of the project meets the design guidelines for compatibility. The new building meets the base setback requirements of 5 feet and 10 feet on the right and left sides, respectively, and more than 20 feet from the rear. It has a front setback at 69 feet and 4 inches. This does not match the setback of the neighboring buildings, however in this case, Staff finds it appropriate given the lot conditions that prevent building to the same front setback.

The application meets the design guidelines for orientation, roof form, and proportion and rhythm of openings. The materials have been approved by the Commission previously. The fiber cement siding has a 6 inch reveal. The design guidelines allow for a reveal more than 5 inches when corners are mitered. As the proposed building has corner boards, Staff recommends that the siding have no more than 5 inches exposure. Staff recommends having approval of windows, doors, roof color and masonry.

A detached outbuilding is proposed at the rear of the lot. The outbuilding is one story with a footprint of 528 square feet and a ridge height of 17 feet. The outbuilding is appropriately subordinate to the principal structure. The Commission has required separation of 20 feet between a house and an outbuilding. With the unusual lot shape, Staff finds that the 13 feet 10 inches proposed between the structures is appropriate here.

In conclusion, Staff recommends approval with the conditions:

1. Lap siding shall have a five inch (5") reveal;

2. 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;
3. Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation; and,
4. The HVAC shall be located behind the house or on either side, beyond the mid-point of the house; and
5. Staff approve the roof color and masonry color, dimensions and texture.

Staff finds that the proposed application meets Section II.B for New Construction of the Eastwood Neighborhood Conservation Zoning Overlay design guidelines.

Nathan Weinberg, 3944 Moss Rose Drive, one of the builders, explained the project. He has heard that the lot was not well kept and their intent is to build something that enhances the neighborhood. He believes the goal of historic has been met and the project leaves a good bit of greenspace in the front and in the rear.

Margaret Darby, 1423 Greenwood, she is also representing neighbors who could not attend. The Eastwood neighbors spent a good bit of time to get the overlay so they are concerned about extreme variances to the design guidelines. This lot has never had a building on it and it has narrow frontage. She explained how the project does not meet the design guidelines and the small frontage does not equal a hardship.

Craig Kennedy, 1432 Greenwood, presented the design guidelines that the project did not meet. He asked the Commission to discuss if there is a hardship for the setback and what historic buildings were used in determining appropriate width.

Mr. Weinberg was invited back for a rebuttal. The statement that his hardship is an economic concern is inaccurate. They would like to keep the context, as it relates to the neighborhood. He met with Councilman Withers and showed him other options where the house would meet the established setback and the councilman agreed that pushing the building back is more consistent with the neighborhood.

Commissioner Bell acknowledged that it is a challenging lot. Because the house steps back so far, the massing is mitigated. Chairman Tibbs noted that the narrowness might cause even more disruption to the neighborhood continuity, if the building were pulled up.

Motion:

Vice chairman Bell moved to approve with the conditions:

1. Lap siding shall have a five inch (5") reveal;
2. 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;
3. Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation;
4. The HVAC shall be located behind the house or on either side, beyond the mid-point of the house; and
5. Staff approve the roof color and masonry color, dimensions and texture;

finding the proposed application meets Section II.B for New Construction of the Eastwood Neighborhood Conservation Zoning Overlay design guidelines. Commissioner Boyd seconded and Commissioner Brown abstained.

O. 2618 ESSEX PLACE

Application: New construction-outbuilding

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: Jenny Warren

Jenny Warren, staff member, noted that the applicant agreed to all conditions so asked if the Commission would like to forgo the presentation. There were no requests from the public to speak; therefore, the Commission decided to skip the presentation. Ms. Warren read the conditions.

Motion:

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

- 1. The eave heights on the rear of the structure must be lowered to not exceed 10' (ten feet).**
- 2. Staff approves the final windows, doors, porch posts and the roofing color, prior to purchase and installation;**

finding it meets the Hillsboro-West End Neighborhood Conservation zoning overlay design guidelines.

Commissioner Boyd seconded and the motion passed unanimously.

P. 4207 ABERDEEN ROAD

Application: New construction-addition

Council District: 24

Overlay: Cherokee Park Neighborhood Conservation Zoning Overlay

Project Lead: Jenny Warren

Jenny Warren, staff member, presented the case for 4207 Aberdeen Road.

4207 Aberdeen Rd is a circa 1945 cottage which contributes to the Cherokee Park Neighborhood Conservation Zoning Overlay. This application is for a rear addition that is both shorter and narrower than the original house. Staff's only issue with the addition is its proximity to an existing garage. As background: In 2016 the applicant received a Staff permit for interior renovations, including the addition of windows to the rear elevation and a change in roof form on a small portion of the roof. This work was approved, but was not undertaken. This previously approved work is a part of the current application.

As can be seen from the side elevations, the addition is shorter than the existing house. The primary ridge height of the existing house is approximately 22ft 6in, while the highest roofline on the proposed addition is the side gabled portion which is approximately 18ft tall. The roof forms include the small portion of hipped roof, previously approved, and three sections of gabled roof. Staff finds the height and roof forms to be appropriate.

Also, note on these slides how approximately 40% of the length of the proposed addition is an open screened porch. Even at its widest point, the proposed addition is narrower than the existing house by approximately 10ft. It steps back where it connects and remains beyond the plane of the original side walls.

Here are the rear elevation, the hatched portion is that previously approved work. From this perspective, you can clearly see that the addition is lower and narrower than the original house. Staff finds that the scale of the proposal is appropriate, given the lower height, the narrower width, the broken-up massing and the open nature of a large portion of the addition.

Staff's one concern with the addition as proposed is the siting. The addition as proposed is only 2ft 8inches from the existing garage. The guidelines require a 20ft separation between outbuildings and primary structures. The Commission has allowed exceptions in the past, when there are limiting circumstances on the site.

This site has several unique circumstances which do limit the buildable area. The width of the lot narrows from 60ft at the street to just under 50ft at the rear lot line. The lot is also shorter than many nearby lots, with a depth of 134-140 feet. Further, the garage sits 11ft from the rear property line – 8ft further into the buildable lot than a garage would be required to sit today. These factors combine to limit the buildable area of this particular lot.

Staff finds that due to these circumstances, a closer separation may be appropriate in this case. However, 2ft 8inches is too close. Staff recommends that at least an 8ft separation be established. This is the current distance from the corner of the den (seen in orange/brown in this graphic) to the garage. This distance could be obtained by moving the screened porch to the other side of the house, essentially flipping it with the terrace. The purple box represents where the screened porch could go - Staff would support the porch extending up to 2ft into the rear setback to accommodate this separation from the garage.

In conclusion, Staff recommends approval of the proposed addition with the following conditions: 1) The design shall be altered such that the addition sits at least 8' (eight feet) from the existing garage. 2) Staff shall approve the final details, dimensions and materials of windows and doors and the roofing color, prior to purchase and

installation; and, 3) The HVAC shall be located behind the house or on either side, beyond the mid-point of the house

Van Pond explained that there is an easement across the back of the lot which is reason for the location of the addition. The porch is located where it is to preserve what back yard there is. If the porch is moved, as suggested, there would be 14' between the two buildings. He requests 5' between the two buildings that do not have large overhanging eaves.

There were no requests from the public to speak.

Chairman Tibbs and Vice-chair Bell stated that the 5' requested was reasonable when considering the rear easement.

Motion:

Commissioner Nielson moved to approve with the following conditions:

- 1. The design shall be altered such that the addition sits at least 5' (five feet) from the existing garage; due to the rear utility easement;**
- 2. Staff shall approve the windows and doors and the roofing color, prior to purchase and installation; and,**
- 3. The HVAC shall be located behind the house or on either side, beyond the mid-point of the house; finding that with these conditions, the project meets Section II.B of the *Cherokee Park Neighborhood Conservation District: Handbook and Design Guidelines*. Vice-chairman Bell seconded and the motion passed unanimously.**

Q. 405 WILSON BOULEVARD N

Application: New construction-infill

Council District: 24

Overlay: Cherokee Park Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander

Staff member Sean Alexander presented the case for 405 Wilson Blvd.

This is an application to construct a new one and one-half story house in the Cherokee Park neighborhood. The house will have a cross-gabled form, approximately twenty-seven feet tall and forty feet wide, which is compatible with the heights and widths of houses in the surrounding context.

The house will be shifted to the left side of the lot with a driveway running along the right side to an attached side-facing garage in the rear of the house. This is appropriate on this block because the historic context is similar without an alley at the rear and with lots shorter than typical lots elsewhere.

The side elevations, like the front, show primarily brick with cement-fiber siding in sections, and windows with traditional shapes and pattern but in a contemporary arrangement. Staff finds this to be compatible with the historic context but allow the house to read as infill.

Staff recommends approval of the proposed infill at 405 N Wilson Boulevard with the conditions that:

1. The foundation and floor height are consistent with adjacent historic houses, to be verified by MHZC Staff during construction;
 2. Samples of the stone and brick materials, as well as the roof color and paving materials are approved administratively;
 3. The window and door selections are approved administratively prior to purchase; and,
 4. HVAC units shall be located on the rear façade, or on a side façade beyond the midpoint of the house.
- Meeting those conditions, Staff finds that the project meets the design guidelines for new construction in the Cherokee Park Neighborhood Conservation Zoning Overlay.

The applicant agreed with all conditions and there were no requests from the public to speak.

Motion:

Commissioner Bell moved to approve the proposed infill at 405 N Wilson Boulevard with the conditions that:

- 1. The foundation and floor height are consistent with adjacent historic houses, to be verified by MHZC Staff during construction;**
- 2. Samples of the stone and brick materials, as well as the roof color and paving materials are approved administratively;**
- 3. The window and door selections are approved administratively prior to purchase; and,**
- 4. HVAC units shall be located on the rear façade, or on a side façade beyond the midpoint of the house;**

finding the project, with the conditions to meeting those conditions, Staff finds that the project meets the design guidelines for new construction in the Cherokee Park Neighborhood Conservation Zoning Overlay.

Commissioner Nielson seconded and the motion passed unanimously.

R. 0 PEABODY STREET

Application: New construction

Council District: 19

Overlay: WPA Public Works Buildings Historic Landmark Zoning Overlay

Project Lead: Robin Zeigler

Staff member, Robin Zeigler, presented the case for new construction at 0 Peabody Street. She explained that the project was different than the infill that the Commission typically reviews as the building is not located within an existing context but next to a Historic Landmark.

William Hastings, architect for the project, briefly explained the project. They would prefer to use a dark brown brick rather than a red brick so that the building speaks to its own time rather than trying to mimic the historic bus barns. All the scale is on Hermitage, so that there is a large buffer between the historic buildings and the new construction. He explained that proposed brick on the ground floor of Peabody will have a texture to the brick to break up the large expanse.

The commissioners and the applicant discussed the red brick condition.

There were no requests from the public to speak.

Commissioner Tibbs stated that red brick incorporated into the courtyard may be enough.

Motion:

Commissioner Nielson moved to approve with the condition the applicant return to the Commission with any requests for signage, lighting and landscape features; finding that with the conditions the project meets the design guidelines for new construction on a Landmark site. Commissioner Mayhall seconded and the motion passed unanimously

S. 816 FATHERLAND STREET

Application: New construction-infill

Council District: 06

Overlay: Edgefield Historic Preservation Zoning Overlay

Project Lead: Melissa Sajid

Staff member Melissa Sajid presented the case for 816 Fatherland and noted that the Commission had received public comment via email.

This is a request to construct a new single-family residence at 816 Fatherland Street. The existing house on the lot was constructed c. 1967 and does not contribute to the character of the Edgefield neighborhood. Staff recommends a condition that the NC structure either be demolished or relocated prior to issuance of the preservation permit for infill.

The plan before you meets the design guidelines for height, scale, setbacks and rhythm of spacing, materials, and roof shape but does not meet the design guidelines for proportion and rhythm of openings and orientation. As proposed, the infill is oriented to Fatherland Street with parking from an existing curb cut to the right of the proposed infill.

While neither the width nor depth of the driveway will change per the plan, the proposed infill is wider and deeper than the existing non-contributing house, which means that the driveway stops just past the front of the proposed infill. Vehicular access for infill is generally required to be from the alley, if an alley is available; however, an existing curb cut may be used as long as the driveway extends to the rear of the house, which discourages parking in front of the house. Per the plan, the existing driveway currently extends to the rear of the existing house. In this case, staff does not recommend that the existing driveway be extended to the rear of the infill as that may require the width of the building to be reduced which would result in an inappropriate width given the historic context. Also, the rise in grade from front to rear would make it difficult to continue the driveway to the back of the house. Therefore, staff recommends that vehicular access be located off the rear alley.

Photos here show that the majority of historic homes on this block face do not have driveways. As proposed the project does not meet Section III.B.2.e for orientation, but staff finds that the project could meet this guideline with the condition that vehicular access be located off the rear alley and that the existing curb cut be removed.

The structure is one and one-half stories and will have a maximum height of 26' with an eave height of 12', as measured from grade at the front. The height is similar to the historic houses located on this block of Fatherland Street, which range from 21'-39' and primarily include 1-1.5 story homes with a couple of 2-story homes. The primary cladding material will be Hardiplank siding with a cedar shake accent. Most of the windows are generally twice as tall as they are wide, meeting the proportion of windows seen historically. However, there are two windows that staff finds do not meet the design guidelines for proportion and rhythm of openings. The first is the round window on the front façade that is shown here in red. While there are examples of similar windows on front façades in the district, such windows are primarily found on styles and forms from the Victorian-era and most often located in gable fields. The primary style influence of this building is a Craftsman style on a bungalow form. Although buildings can incorporate features from different styles, the Secretary of Interior Standards do not allow for the addition of "conjectural features" which cause a false sense of history. Staff finds that since there are no other references to the earlier era of architecture, the windows are a conjectural detail. Staff recommends that the round window either be removed or replaced with a window that reflects the historic proportion and rhythm of openings. Here is the left side elevation. The other window that does not meet the design guidelines is the small square window on the left side near the front and is shown here in red. Staff recommends that this square window be removed or replaced with a solar tube as the square window does not reflect the historic proportion of windows being generally twice as tall as they are wide or the rhythm of window openings. Here are photos of the right and rear elevations. And here are context photos of historic houses on this block of Fatherland Street.

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

1. The existing non-contributing house must be demolished or relocated prior to issuance of a preservation permit for infill;
2. 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;
3. The round window shall either be removed or replaced with windows that reflect the historic proportion and rhythm of window openings;
4. The square window on the left side, shall be removed or replaced with a solar tube;
5. Vehicular access shall be located off the rear alley only, and the existing curb cut shall be removed;
6. Staff approve the doors, roof color, trim, porch steps, porch posts, and porch railings prior to purchase and installation; and
7. 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 application meets Section III.B for new construction in the Edgefield Historic Preservation Zoning Overlay.

Susan Hager, architect for the project, explained that the main challenge of the lot is the slope. The client has physical disabilities and so needs to park at the door of the house. The grade makes it challenging to access from the alley. A driveway that continues to the rear of the house is not possible because of the slope. 27% slope is far more than the acceptable 12% slope. The proposed design also allows for the allowance of a ramp at a future date. There are 17 houses on the street with curb cut, which is 16% of the homes. They have an existing drive. They agree with all conditions with the exception of the driveway.

Commissioner Nielson said she lives across the alley from the back and she understands the difficulty of trying to access the property from the rear.

There were no requests from the public to speak.

Motion:

Commissioner Nielson moved to approve with the following conditions:

- 1. The existing non-contributing house must be demolished or relocated prior to issuance of a preservation permit for infill;**
 - 2. 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;**
 - 3. The round window shall either be removed or replaced with windows that reflect the historic proportion and rhythm of window openings;**
 - 4. The square window on the left side, shall be removed or replaced with a solar tube;**
 - 5. Staff approve the doors, roof color, trim, porch steps, porch posts, and porch railings prior to purchase and installation; and**
 - 6. The HVAC shall be located behind the house or on either side, beyond the mid-point of the house;**
- finding that with these conditions, the project meets Section III.B of the *Edgefield Historic Zoning District Handbook and Design Guidelines*. Commissioner Mayhall seconded and the motion passes unanimously.**

T. 808 SHELBY AVENUE

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

Staff member, Sean Alexander presented the case for 808 Shelby Avenue. Currently a non-contributing building, which is to be demolished to be replaced with a new duplex. The site plan shows a front setback much deeper than the surrounding context – that was an assumption made by the surveyor on there being a 40 foot minimum, but that’s not really the case on an established street. Staff recommends that the structure is moved forward to align with the historic context.

The new building will be thirty feet tall and thirty-eight feet wide. We’ve had a few other infill applications on Shelby Avenue recently so we’ve discussed scale near this site a lot, and while this in the upper end of the range of widths, the height is very typical of the area and the width actually matches an historic one and one-half story building at the end of the block at 800 Shelby.

In the side elevations you see that the scale of this building is really one and one-half story and even drops to a single story at the rear.

The materials to be used are common and appropriate, including split-faced concrete block foundation, cement-fiber siding, and an asphalt shingle roof.

Historically the scale of dormers are proportional to the bays of the first story windows and doors, however staff finds these dormers wider than is typical. Staff recommends that the dormers be narrowed by two feet.

Staff recommends approval of the proposed infill at 808 Shelby Avenue with the following conditions:

1. The foundation and floor height shall be compatible with surrounding historic houses, with revised elevations showing grade and verified by MHZC Staff during construction;
2. The front setback shall be decreased to match the setbacks of the surrounding historic buildings;
3. The front dormers are both reduced by two feet (2') in width; and
4. The window and door selections, roof color, and paving materials shall be approved by MHZC Staff;
5. The HVAC units and appurtenances shall be located on the rear of the building or on the sides behind the midpoint.

Meeting those conditions, Staff finds that the building will meet the design guidelines for new construction in the Edgefield Historic Preservation Zoning Overlay.

Jeff Cheko, prospective developer, asked to keep the dormers at the proposed width. He supported the recommendation regarding the front setback.

There were no requests from the public to speak.

Steve Burt, 816 & 818 Shelby, stated that he supports the proposal as it eliminates the least attractive home in the district. It fits in well to the block and the entire overlay.

Motion:

Commissioner Nielson moved to approve the proposed infill at 808 Shelby Avenue with the following conditions:

- 1. The foundation and floor height shall be compatible with surrounding historic houses, with revised elevations showing grade and verified by MHZC Staff during construction;**
- 2. The front setback shall be decreased to match the setbacks of the surrounding historic buildings;**
- 3. The front dormers are both reduced by two feet (2') in width;**
- 4. The window and door selections, roof color, and paving materials shall be approved by MHZC Staff; and;**
- 5. The HVAC units and appurtenances shall be located on the rear of the building or on the sides behind the midpoint;**

finding that with these condition, the building will meet the design guidelines for new construction in the Edgefield Historic Preservation Zoning Overlay. Vice-chair Bell seconded and the motion passed unanimously

X. OTHER BUSINESS

U. COMMISSIONER TRAINING

Deferred

XI. ADMINISTRATIVE ACTIONS & UPDATES

V. ADMINISTRATIVE PERMITS ISSUED FOR PRIOR MONTH

The meeting adjourned at 5:15pm.

RATIFIED BY COMMISSION ON 10/18/17