

JOHN COOPER  
MAYOR



# METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission  
Sunnyside in Sevier Park

## METRO HISTORIC ZONING COMMISSION (MHZC)

### MINUTES June 16, 2021

**Commissioners Present:** Leigh Fitts, Mina Johnson, Kaitlyn Jones, Elizabeth Mayhall, David Price, Lea Williams

**Zoning Staff:** Sean Alexander, Melissa Baldock, Joseph Rose, Melissa Sajid, Robin Zeigler (historic zoning administrator), Alex Dickerson (legal counsel)

**Applicants:** Martin Wieck, Cory Allen, CJ Sabia, Willard Younger, Jamie Hollin and Mark Gilliam, Gina Emmanuel, Van Pond, Jim Jacobson, James Kennon, Chris Goldbeck, Blake Rutland, Tyler LeMarinel, Joe Kovalick

**Councilmembers:** Tom Cash, Kathleen Murphy, Brett Withers

**Public:** Stewart Clifton

Meeting was called to order at 2:03 p.m. Commissioner Mayhall moved to assign Commissioner Johnson as chair pro term for this meeting in the absence of both the Chair and Vice-chair. Commissioner Williams seconded and the motion passed unanimously.

Chair Pro Tem Johnson read information regarding appeals and the process for the public hearings.

## I. ADOPTION OF MINUTES

### A. May 19, 2020

Staff member, Robin Zeigler said that a commissioner requested an alteration to the section regarding the public hearing for 1408 B Boscobel. The sentence that reads, "Commissioner Johnson said the photograph was helpful as she had not initially realized that the deck was at a second level and her research on the code showed that there was a required twenty foot rear setback" is proposed to read "Commissioner Johnson said the photograph was helpful as she had not initially realized that there was an existing deck with a pergola and a second level deck was an addition to it. Her research of the codes showed..."

**Motion:**

**Commissioner Price moved to approve the minutes with the proposed change. Commissioner Fitts seconded and the motion passed unanimously.**

## II. REQUEST TO REHEAR

### B. 3707 RICHLAND AVE

Application: Demolition; Show Cause

Council District: 24

Overlay: Richland-West End Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander, sean.alexander@nashville.gov

PermitID#: T2021010977

Legal counsel, Alex Dickerson, explained that the request could be a new application because there is a new owner, or it could be a rehearing request because it was a transfer of ownership. The owner sold the house to his son who is the one requesting the rehearing of economic hardship. Ms. Zeigler explained that their decision in March of this year was to deny economic hardship and require a salvage plan and documentation by April 2nd. The

Commission's decision included rescinding the permit for an addition. Once the documentation and plans were received, they were to reconstruct the building and return to the Commission for a request to reinstate the permit for the addition.

The documentation for this second request is largely the same as the first application except there is a new cost for removing the stone, new appraisals and a deed showing transfer of ownership to the original applicant's son. The rule is not to rehear a case unless there is information that could not have been available at the time of the previous hearing. If there is a vote to rehear, staff recommends placing the item at the end of the agenda and including the case in the approval of the revised agenda.

Commissioner Fitts said that their decision was not based on costs so new costs is not relevant; therefore, she is inclined to consider it as a rehearing. Commissioner Price agreed that the ownership change was not relevant.

**Motion: Commissioner Mayhall moved to consider the case a rehearing and to deny the rehearing. Commissioner Price seconded with Commissioner Jones recusing herself and the motion passed.**

[Commissioner Jones arrived at 2:16 p.m.]

### III. ADOPTION OF AGENDA

Staff member, Robin Zeigler, stated that the applicant for 908 McCarn has requested a deferral.

**Motion:**

**Commissioner Williams moved to approve the revised agenda. Commissioner Price seconded and the motion was passed unanimously.**

### COUNCILMEMBER PRESENTATIONS

Councilmember Murphy stated that the neighborhood is pleased that the rehearing was denied. She is supportive of the recommendation at 4122 Aberdeen, but she is not in support of the recommendation for 322 Harvard as she believes that a ridge raise should be approved on a clipped gabled home because the second level is not usable.

Councilmember Cash expressed concern with the fact that there has been a second house demolished without approval in Belmont-Hillsboro and another house in Hillsboro-West had the second level removed. The neighbors who value the guidelines feel something has been taken from their community and they hope it is put back. He is available to work with staff and with legal to prevent this from happening. Better notification is needed. He is also concerned about a project that involves an easement. He understands that private easements are not within the commission's purview, but he hopes the legal issues can be worked out prior to approval.

Councilmember Withers said he would speak when the specific project comes up.

### IV. CONSENT AGENDA

Staff member Melissa Sajid presented the consent agenda.

#### C. ADMINISTRATIVE PERMITS ISSUED FOR PRIOR MONTH

#### D. 2804 OAKLAND AVE

Application: New Construction—Addition and Outbuilding (DADU)

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead:Melissa Sajid Melissa.Sajid@nashville.gov  
PermitID#: T2021027573

**E. 1704 SHELBY AVE**

Application: New Construction—Addition  
Council District: 06  
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
Project Lead:Melissa Baldock Melissa.Baldock@nashville.gov  
PermitID#: T2021033732

**F. 905 N 12TH ST**

Application: New Construction—Addition and Outbuilding  
Council District: 06  
Overlay: Eastwood Neighborhood Conservation Zoning Overlay  
Project Lead:Melissa Baldock Melissa.Baldock@nashville.gov  
PermitID#: T2021033824 and T2021033833

**G. 2618 BARTON AVE**

Application: New Construction—Addition; Setback Determination  
Council District: 18  
Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay  
Project Lead:Sean Alexander Sean.Alexander@nashville.gov  
PermitID#: T2021034724

**H. 1811 BEECHWOOD AVE**

Application: New Construction—Outbuilding/Detached Accessory Dwelling Unit (Revision to Previously Approved Plan)  
Council District: 18  
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay  
Project Lead:Melissa Sajid Melissa.Sajid@nashville.gov  
PermitID#: 2020048999

There were not requests to remove an item from the consent agenda.

**Motion:**

**Commissioner Fitts moved to approve all consent items with their applicable conditions. Commissioner Price seconded and the motion passed unanimously.**

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

None.

**VI. PRELIMINARY & FINAL SP REVIEW**

Robin Zeigler introduced new staff member Joseph Rose.

**I. 945 S DOUGLAS AVE UNIT #6**

Application: New Construction—Infill  
Council District: 17  
Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay  
Project Lead:Jenny Warren Jenny.Warren@nashville.gov  
PermitID#: T2021033851

Staff member Joseph Rose presented the case for new construction at 945 S Douglas. In 2018 the Commission approved an SP for the site at 945 S Douglas. Nineteen houses are planned for the development. The Commission approved specific ridge and eave heights and widths for each unit, and recommended approval to the Planning Commission. The SP was approved. The applicant is returning to this Commission for final design approval of each unit. The Commission has already approved units 1-5. Today's application is for unit #6

This unit was approved at one-and-a-half stories with a maximum ridge height of thirty-five feet (35') and an eave height of twelve feet (12'). The width here was approved at thirty-four feet (34'). The proposed height and width meet all the parameters.

The main roof form presented for this unit is a side-gable with a front-facing gable and gabled dormers. This is an appropriate historic form. However, staff finds that the steep 18/12 pitch of the front-facing gable and dormers, along with the Victorian/gothic detailing, creates a gothic style not seen elsewhere in Waverly-Belmont. The guidelines specify that "residential roof pitches of the main form of a building are between 6/12 -12/12". The Commission did approve a 20/12 slope for a Tudor-style house for Unit #4, but Tudor style homes are more common in this neighborhood, while this type of gothic detailing is not. Staff is concerned that the overall development could end up as a collection of different historic styles, not all of which are found in the neighborhood. Part II of the design guidelines (II.F) encourages new construction inspired by historic styles and discourages replicas. The Secretary of Interior Standards, on which the design guidelines are based and that are included in section I.D. states that new construction should be of its own time and not create a "false sense of historical development."

With the condition that the front-facing gable and dormers are reduced in pitch to not exceed 12/12, staff finds that the proposal is appropriate in terms of height, massing, materials, and roof form. It is consistent with the site plan approved for the SP, and there are no further design issues. In conclusion, Staff recommends approval with the following conditions:

1. The pitch of the front-facing gable and dormers will be reduced to 12/12 or less;
2. Staff shall review and approve the porch roofing, front steps, doors, garage doors and walkway material, prior to purchase and installation; and,
3. The HVAC shall be located on the rear façade, or on a side façade beyond the midpoint of the house, and utility meters shall be located on the side of the building, within five feet (5') of the front corner or on the rear or rear-side within five feet (5') of the rear corner,

finding that the proposed infill meets the conditions of the part I SP approval for massing and Sections IV and V of the Waverly-Belmont Neighborhood Conservation Zoning Overlay Design Guidelines.

Martin Wieck, architect for the project, explained that the Commission approved a turret, on another project on this development, because of the desire for variety on the site; therefore, this project should also be approved. He does not believe that the guideline that discourages replicas is relevant here and they will use more contemporary materials that will be enough to set the buildings apart.

There were no requests from the public to speak.

Commissioner Price said he understands the staff's recommendation of not wanting to create a hodge-podge of styles, especially since a concession has already been approved. Commissioner Fitts stated that she agreed with staff's recommendation.

**Motion:**

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

1. **The pitch of the front-facing gable and dormers will be reduced to 12/12 or less;**
2. **Staff shall review and approve the porch roofing, front steps, doors, garage doors and walkway material, prior to purchase and installation; and,**

- 3. The HVAC shall be located on the rear façade, or on a side façade beyond the midpoint of the house, and utility meters shall be located on the side of the building, within five feet (5') of the front corner or on the rear or rear-side within five feet (5') of the rear corner,**

**finding that the proposed infill meets the conditions of the part I SP approval for massing and Sections IV and V of the Waverly-Belmont Neighborhood Conservation Zoning Overlay Design Guidelines. Commissioner Williams seconded and the motion passed unanimously.**

## **VII. VIOLATIONS/ ALTERATIONS TO PREVIOUS APPROVALS/ SHOW CAUSE**

### **J. 1112 BOSCOBEL ST**

Application: Demolition; Show Cause

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Sajid Melissa.Sajid@nashville.gov

PermitID#: 20200055431 & 2020055451

Staff member, Melissa Sajid, presented the case. The house at 1112 Boscobel is a c. 1900 folk Victorian house that contributes to the historic character of the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay. The front porch was enclosed sometime between 1957 and 1968. In the 1914 and 1957 Sanborn maps, the porch is shown as open, but in the c. 1968 photo, the porch is shown as closed. Metro records do not indicate any subsequent permitted additions or alterations to the house.

In September 2020, the Commission approved an addition and outbuilding for the site. Work on the house was in progress on March 25, 2021 when a windstorm facilitated the collapse of the historic house. However, all the siding, windows, and doors had been removed which made the house more susceptible to full demolition under the conditions of the windstorm. No other nearby homes were severely damaged; therefore, staff concludes that the applicant created their own hardship by not securing the building during rehabilitation. At the time the addition was permitted, removal of siding was not reviewed in the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay. Under the updated guidelines, removal and replacement of siding is reviewed with the hope that unintentional demolitions such as 1112 Boscobel Street can be prevented.

On April 20, 2021, staff issued a permit to reconstruct the house and the previously approved addition; however, no work has begun on the site as of June 2021. Property Standards has begun a violation case, based on a neighborhood complaint, since the site has not been cleared and is “a breeding ground for nuisance animals.” The case documentation further states, “There are a ton of feral cats taking over the neighborhood and breeding in the collapsed structure. There are also a lot of opossum breeding under the rubble.”

The house at 1112 Boscobel Street was an historic house that contributed to the historic character of the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay. (See “Background.”) For that reason, demolition does not meet Section III.B.2.b for appropriate demolition.

Because homes around this one were not damaged in the storm, Staff finds that the applicant is responsible for the collapse. The applicant created their own hardship by not securing the building during rehabilitation.

Since no work has commenced on site since the collapse of the house, staff recommends that the preservation permits for the addition, DADU, and reconstruction with the previously approved addition be rescinded, finding that demolition took place outside of the scope of the permit and work on reconstruction has not yet begun.

If demolition is found to be inappropriate, then the violation still exists and needs to be addressed. Staff recommends the building be fully documented and reconstructed using historic images and measurements from previous plans. Section II.H. of the design guidelines allows for reconstruction if the building was contributing, it had an appropriate massing and scale for the neighborhood and is based on documentary evidence. The building was contributing and was an appropriate massing and scale for the district. Evidence of earlier conditions includes

photographs, Sanborn maps, and parts of previous plans that were to scale. Staff recommends the following conditions.

Reconstruction shall follow historic documentation in the following ways:

- Lap siding shall have mitered corners as it did originally
- The previously enclosed porch shall be unenclosed

Staff recommends that the following information and actions be submitted and taken within 15 days of the decision.

- Scaled plans of the historic house not including the addition permitted with permit #2020055431 be submitted

Staff further recommends no additional Preservation Permits be issued until the reconstruction has been inspected and reviewed by the Commission as to whether it is a true reconstruction of the historic building.

Cory Allen, contractor, explained that they removed the siding with the expectation of having new siding in 5 days that turned out to be 2 weeks. They have been dealing with an insurance company for a couple of months and hope to have that issue resolved by the end of the week. They could not clean up until the insurance issue was resolved.

Commissioner Mayhall asked if they have issue with the conditions noted in the staff report. Mr. Allen said they do not agree with rescinding the permits.

Commissioner Price confirmed that they intend to reconstruct the house as it was.

Chair Pro-Tem Johnson asked for clarification of why the siding was removed when it was, and Mr. Allen responded that it was in poor condition and they didn't want to put new siding on top of the existing.

Councilmember Withers agreed with the staff report, but the neighborhood also wants to move forward as expediently as possible. He said he did not see why delay of the addition is needed.

Commissioner Price explained that this demolition was not intentional but due to natural causes and therefore is different from other demolitions where new construction was rescinded.

**Motion:**

**Commissioner Price moved to disapprove demolition; finding that demo does not meet Section III.B.2.b. and demolition took place outside of the scope of the permit and the house shall be reconstructed based on plans submitted as part of the previously requested addition, #2020055431, finding that reconstruction meets section II.H. of the design guidelines for the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay. Commissioner Mayhall seconded and the motion passed unanimously.**

**K. 1710 LINDEN AVE**

Application: Demolition; Show Cause

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Sajid Melissa.Sajid@nashville.gov

PermitID#: 2020074351

Staff member, Melissa Sajid, presented the case for demolition at 1710 Linden Avenue, which was constructed c. 1920 and contributes to the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay. On December 16, 2020, the Commission approved the request for an addition that included a setback determination for the subject property, and the preservation permit was issued the following day.

On May 20, 2021, a neighbor contacted MHZC staff concerned about the level of demolition. MHZC staff confirmed that all the house had been demolished, except for the front wall and porch, and a stop work order was issued as the work exceeded the scope of all issued permits.

The house at 1710 Linden Avenue contributed to the historic character of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay. For that reason, staff recommends disapproval of demolition; finding that demolition does not meet Section III.B.

No information was submitted by the applicant detailing reasons for the demolition. All Preservation Permits include the following sentence. "Any substitutions or deviation from the approved work requires further review and approval by the MHZC PRIOR to work being undertaken." If staff had been notified there may have been portions of the building that could be saved and there could have been materials salvaged. Since the demolition was accomplished outside the scope of work for the permit and a revision of the permit was not requested, staff recommends that the permit for the addition be rescinded.

If demolition is found to be inappropriate, then the violation still exists and needs to be addressed. Staff recommends the building be fully documented and reconstructed using original materials, if possible, and historic images. Documentation should not include the addition if the Commission rescinds permit #2020074352. Section II.A.4. of the design guidelines allows for reconstruction if the building was contributing, it had an appropriate massing and scale for the neighborhood and is based on documentary evidence. The building was contributing and was an appropriate massing and scale for the district. There is photographic evidence of earlier conditions and there is an opportunity to fully document at least the front wall and porch. The design guidelines also assume that a building is "no longer existing" as a condition for allowing reconstruction and all that remains is the front wall and porch.

Staff recommends the consideration of three votes.

Demolition: Staff recommends disapproval of demolition; finding that demolition does not meet Section III.B.

Show Cause: Staff recommends that Preservation Permit #2020074352 for an addition be rescinded, finding that demolition took place outside of the scope of the permit.

Reconstruction: Staff recommends the building be fully documented and reconstructed using original materials and historic images following the detailed direction of this report and with the following conditions:

1. Plan for removal, storage and reuse of salvage materials be submitted with 15 days;
2. Dimensions of all features be submitted within 15 days;
3. Plans for reconstruction of the house with details on its features and the results of conditions 1-2 be submitted prior to issuance of demolition and new construction permits; plans shall not include the addition permitted by #2020074352 if that permit is rescinded; and,
4. No additional Preservation Permits be issued until the reconstruction has been inspected and reviewed by the Commission as to whether it is a true reconstruction of the historic building;

Staff finds that reconstruction meets Section II.A.4. of the design guidelines for the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay.

Applicant, CJ Sabia, explained that they have been nominated twice for historic preservation awards, he is a preservationist at heart, a member of HNI, and a Nashville native, but his team took the required partial-demolition too far. He is embarrassed for the mistake and he and his team apologize. He has a set of as-is plans that he can submit now for reconstructing the house. He asked that his new construction permit not be rescinded.

There were no requests from the public to speak.

Commissioner Jones noted that this case is different from the previous because it was due to a natural event and this is due to a mistake. She supports the staff recommendation. Commissioners Price, Fitts and Williams agreed. Commissioner Williams added that there needs to be accountability for mistakes made.

**Motion:**

**Commissioner Jones moved to:**

**Disapprove demolition; finding that demolition does not meet Section III.B. Preservation Permit #2020074352 be rescinded, finding that demolition took place outside of the scope of the permit. The building**

**be fully documented and reconstructed using original materials and historic images following the detailed direction of this report and with the following conditions:**

- 1. Plan for removal, storage and reuse of salvage materials be submitted with 15 days;**
  - 2. Dimensions of all features be submitted within 15 days;**
  - 3. Plans for reconstruction of the house with details on its features and the results of conditions 1-2 be submitted prior to issuance of demolition and new construction permits; plans shall not include the addition permitted by #2020074352 if that permit is rescinded; and,**
  - 4. No additional Preservation Permits be issued until the reconstruction has been inspected and reviewed by the Commission as to whether it is a true reconstruction of the historic building;**
- finding that reconstruction meets Section II.A.4. of the design guidelines for the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay. Commissioner Williams seconded and the motion passed unanimously.**

#### **L. 1906 BEECHWOOD AVE**

Application: Violation—Addition and Outbuilding

Council District: 17

Overlay: Woodland-in-Waverly Historic Preservation Zoning Overlay

Project Lead: Melissa Sajid Melissa.Sajid@nashville.gov

PermitID#: T2021033827

Staff member, Melissa Sajid, presented the case. The house located at 1906 Beechwood Avenue is a c. 1938 Tudor-Minimal Traditional transitional house that contributes to the historic character of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay.

On February 12, 2021, staff observed that the front porch had been altered and an outbuilding was constructed without permits; a notice of abatement was sent to the property owner that was listed on the Property Assessor's site at that time. The owner at that time did not respond to the abatement letter. A new abatement letter was sent to the current property owners on April 14, 2021 after staff realized that ownership had changed. The current property owners are working with staff to address the violations but would like to request to keep the alterations to the front porch.

The 1951 Sanborn map does not show a covered porch associated with this house, and the c. 1968 Property Assessor's photo shows the pre-addition porch configuration. There is no physical evidence of a different porch roof or a porch with posts to the ground. The bracketed stoop covering is typical of the era of construction, which is c. 1938.

The new porch roof extends to match the front wall of house and includes a gabled portion that was built around the existing bracketed gable stoop covering, the new gabled roof ties into a shed roof. The new porch roof includes posts to the ground and to an existing brick pedestal. To meet the design guidelines, additions to historic buildings should be located at the rear in a way that will not disturb the front façade. In addition, porches and primary entrances are considered "character defining features" which the Secretary of Interior Standards requires be preserved. For these reasons, staff finds the front porch addition does not meet Section II.B.2.a of the design guidelines for Belmont-Hillsboro and recommends that it be removed and the original bracketed stoop covering remain.

The outbuilding meets all guidelines except for windows which are a generic vinyl window. The applicant is working with staff to replace the windows so that the outbuilding meets the design guidelines.

In conclusion, staff recommends approval of the outbuilding with the condition that the windows be replaced to meet the design guidelines and be approved by staff prior to purchase and installation.

Staff recommends disapproval of the addition to the front porch, finding that it does not meet Section II.B.2.a of the *Belmont-Hillsboro Neighborhood Conservation District: Handbook and Design Guidelines*. Staff further recommends that the unpermitted front porch roof be removed and the original bracketed stoop covering beneath be retained within sixty (60) days.



Willard Younger, applicant, explained that they wanted to live in a historic neighborhood for the protection it provides. They checked with Mr. Alexander who explained that new work would require a permit, so they thought they were good. He noted that the work hadn't come to staff's attention until later. The previous owners said that the porch was needed for water runoff. They are going to replace the windows to meet the design guidelines. They are not adding on to the house and believe the change meets the design guidelines. They asked that the Commission approve the project as-is but if not, they would like 6 months to complete the work, as it is difficult time to get a contractor.

Councilmember Cash explained the new owners reached out to him and he believes that they want to be good neighbors. The issue is with the previous owner who did work without a permit. If the porch needs to be reconstructed, he hopes that they will be given more time.

Commissioner Fitts said that they have rarely allowed for alterations of the front of the house. Its unfortunate that the new owners are stuck with the previous owner's poor decision. She added that there are multiple ways to move water away from a foundation. Commissioner Jones agreed and said she is open to providing more time and hopes that they have recourse with the previous owners. She explained that if allowed, they may have future like-requests that they cannot approve.

**Motion:**

**Commissioner Mayhall moved to approve the outbuilding with the condition that the windows be replaced to meet the design guidelines and be approved by staff prior to purchase and installation and that the addition to the front porch be removed, finding that it does not meet Section II.B.2.a of the *Belmont-Hillsboro Neighborhood Conservation District: Handbook and Design Guidelines*. The unpermitted front porch roof shall be removed and the original bracketed stoop covering beneath be retained within six months. Commissioner Price seconded and the motion passed unanimously.**

**M. 4122 ABERDEEN RD**

Application: Violation—Outbuilding Dormer  
Council District: 24  
Overlay: Cherokee Park Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Baldock, melissa.baldock@nashville.gov  
PermitID#: T2021033919

Staff member Melissa Baldock presented the violation at 4122 Aberdeen Road. 4122 Aberdeen Road is a c. 1940 brick Tudor Revival style home that contributes to the historic character of the Cherokee Park Neighborhood Conservation Zoning Overlay.

In March 2016, MHZC staff issued an administrative preservation permit for the construction of a twenty foot by twenty-two foot (20' X 22') one-story outbuilding that would not be used as a DADU. The applicant subsequently constructed a dormer on the outbuilding which was not part of the approved plans and which did not meet the design guidelines in size and scale at that time.

In 2018, MHZC staff discovered the dormer, which did not meet the preservation permit, nor the design guidelines at that time. The owner then asked the Commission for permission to retain that dormer. Because the design guidelines for the Cherokee Park Neighborhood Conservation Zoning Overlay required that all dormers on outbuildings be inset two feet (2') from the wall below, the Commission determined that the dormer did not meet the design guidelines and should be removed. A key factor in its decision was that the Commission did not want other applicants to think that wall dormers are approvable under the design guidelines.

In May 2021, Cherokee Park's design guidelines were updated as part of the consolidation of the design guidelines for most Neighborhood Conservation Zoning Overlays. In the new design guidelines, outbuildings are permitted one wall dormer, limited to a width of fourteen feet (14'). Given the change in the design guidelines to allow for wall dormers, the owner requests that the Commission reconsider approving the wall dormer at 4122 Aberdeen Road.

The garage is twenty feet by twenty-two feet (20' X 22'), or four hundred and forty square feet (440 sq. ft.). The wall dormer has a width of approximately twenty-one feet (21'). The design guidelines allow for each outbuilding to have a wall dormer with a maximum width of fourteen feet (14'). This wall dormer is wider than what is allowed under the design guidelines, but staff finds that it is still appropriate because the overall height and scale of the outbuilding is much smaller than what could be built under the design guidelines.

Staff recommends approval of the dormer, finding that it meets Section VII.B. of Part I. of the Design Guidelines for Turn of the Century Districts.

Jamie Hollin, representative of the applicant, spoke in favor of the staff recommendation. Mark Gilliam, property owner stated he was available for questions.

There were no requests from the public to speak.

Commissioner Jones and Commissioner Mayhall expressed concern with the idea that the owner did not follow the decision from several years ago and are now benefiting from doing nothing because there are now new design guidelines.

Legal counsel, Mr. Dickerson, said that approval of this violation could set them up to allow for other work that did not meet the previous outbuilding design guidelines.

**Motion:**

**Commissioner Jones moved to approve the dormer, finding that it meets Section VII.B. of Part I. of the Design Guidelines for Turn of the 20<sup>th</sup> Century Districts. Commissioner Williams seconded with Commissioners Price and Mayhall in opposition and Chair Pro Tem Johnson voting in favor. The motion passed.**

## VIII. MHZC ACTIONS

### N. 405 BROADWAY

Application: New Construction—Infill

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Melissa Baldock [Melissa.Baldock@nashville.gov](mailto:Melissa.Baldock@nashville.gov)

PermitID#: T2021033860

Melissa Baldock presented the case for 405 Broadway. This is a vacant, el-shaped lot that also has frontage on 4<sup>th</sup> Avenue South. The application is to construct infill on this lot. The proposed infill will be four stories tall, with a stepped back fifth story. The infill's heights, including its mechanicals and elevator overruns meet the design guidelines. The masonry portion of the infill is three stories, and it is capped by a cornice. Above the cornice, the fourth story of the infill will be primarily glass, which will both mark the structure as infill and also mean that the masonry massing will be three stories, matching the scale of the two structures on either side.

Staff finds that the proposed central, two-story arches on both facades do not meet the guidelines in terms of proportion and rhythm of openings. Two-story arched window openings are not found historically in the Broadway Historic Preservation Zoning Overlay. Moreover, the design feature skews the proportion of openings on the lower three facades. Rather than the window openings on the lower floors being taller than those above, the arches skew the proportions, making the second floors seem taller than the first floors. Staff recommends that the arches be removed, and the second-floor central bays have punched window openings like the third stories.

The second set of design changes have to do with how the infill interacts with the architectural elements of the historic building at 401 Broadway. The infill is designed to extend the entire width of the lots along both Broadway and 4<sup>th</sup> Avenue South and to come up right to the sidewalk line. That meets the historic context along 4<sup>th</sup> Avenue North. However, along Broadway, the historic top cornice and storefront cornice and column of 401 Broadway turn

the corner of the building of and extend into the area of 405 Broadway. The design of 405 Broadway does not currently accommodate these historic features and seems to require their partial removal.

The ground floor storefront elements are restored elements from the 1980s. Previously, a one-story mid-twentieth century structure covered these features. Staff was unable to find early photographs of the structure confirming that the storefront cornice and column did extend into some of the side façade. However, an 1897 Sanborn map, which dates to just a few years after 401-403 Broadway was constructed, shows clearly that there was a small gap between 401-403 Broadway and the one-story store next door. This allowed 401-403 Broadway to have the side windows with metal shutters and also allowed for the front façade architectural elements to turn the corner. Staff therefore finds that the storefront column and cornice likely did turn the corner and that the 1980s restoration of the building restored this historic feature. Because these elements on 401 Broadway are restorations of historic conditions, their partial demolition does not meet the design guidelines. Staff recommends that the design of the infill along Broadway be revised so that the architectural features on 401 Broadway are not altered.

Staff recommends approval of the project with the following conditions:

1. The central two-story arches on both facades be removed and the second-floor central bays have punched window openings like the third stories;
2. The infill be reconfigured so that storefront cornice and column and the top cornice at 401 Broadway can remain unaltered;
3. Staff approve all masonry samples, the ceramic tiles, the storefront systems, all windows and doors, the 4<sup>th</sup> Avenue metal screen, the glass and metal for the 4<sup>th</sup> story, the rooftop railing details, and the cladding for the rooftop structure prior to purchase and installation;
4. Staff approve the final location for all HVAC units and utilities; and
5. The applicant returns to MHZC for approval of signage and all appurtenances not included in these drawings.

With these conditions, staff finds that the proposed infill meets Section III. of the Broadway Historic Preservation Overlay design guidelines.

Gina Emmanuel, architect for the project, said they agreed with the staff recommendations except for the arched entries. She provided examples of historic buildings that were the inspiration for their design.

There were no requests from the public to speak.

Commissioner Mayhall disclosed that she worked with an employee of the architectural firm on a non-profit board, but she did not feel that relationship would affect her decision today.

Commissioner Price said that they typically use the block face for context. He appreciated the applicant showing examples elsewhere in the downtown area, but he was supportive of the staff's recommendation.

Commissioner Jones said she believes that the proposed arches meet the design guidelines by defining the entry. Commissioner Williams said he liked the design but as a new member he is supportive of staff recommendation. Commissioner Fitts said that she finds the arch to be appropriate because it's broken up in a manner that meets the historic context. She added that she wants to see how the Merchant's features that wrap the corner will be resolved.

Commissioner Mayhall said that Broadway is Nashville's crown jewel of historic properties. She thinks it is a great project and design, but the large arch is not consistent with the historic context.

**Motion:**

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

- 1. The central two-story arches on both facades be removed and the second-floor central bays have punched window openings like the third stories;**
- 2. The infill be reconfigured so that storefront cornice and column and the top cornice at 401 Broadway can remain unaltered;**

3. Staff approve all masonry samples, the ceramic tiles, the storefront systems, all windows and doors, the 4<sup>th</sup> Avenue metal screen, the glass and metal for the 4<sup>th</sup> story, the rooftop railing details, and the cladding for the rooftop structure prior to purchase and installation;
4. Staff approve the final location for all HVAC units and utilities; and
5. The applicant returns to MHZC for approval of signage and all appurtenances not included in these drawings;

finding that the proposed infill meets Section III. of the Broadway Historic Preservation Overlay design guidelines. Commissioner Mayhall seconded and the motion passed with Commissioner Jones in opposition.

**O. 908 B MCCARN ST (201 ROSEBANK)**

Application: New Construction—Outbuilding  
 Council District: 06  
 Overlay: Eastwood Neighborhood Conservation Zoning Overlay  
 Project Lead: Sean Alexander Sean.Alexander@nashville.gov  
 PermitID#: T2021034723

Deferred at the request of the applicant.

**P. 322 HARVARD AVE**

Application: New Construction—Addition  
 Council District: 24  
 Overlay: Richland-West End Neighborhood Conservation Zoning Overlay  
 Project Lead: Jenny Warren Jenny.Warren@nashville.gov  
 PermitID#: T2021027495

Staff member Joseph Rose presented the case for 322 Harvard. 322 Harvard is a circa 1925 bungalow that contributes to the Richland West-End Neighborhood Conservation Zoning Overlay. The house has a clipped side gabled roof. The original historic house had a footprint of about one thousand-four hundred square feet (1,400sqft). A modest rear dormer was added in 2005.

Four years later, a rear addition was constructed including a shed roofed and rear-gabled portion. This addition was inset appropriately and approved by staff. It increased the footprint by about eight hundred square feet (800sqft). Then in 2016, the Commission approved a new addition, which increased the main level living space, created a three- car garage at basement level and included a rear screened porch. This project added about one thousand eight hundred square feet (1800sqft) to the house, bringing the total footprint to about four thousand square feet (4,000sqft).

Today, the applicant is asking for another addition, with several different components. First, they would like to enclose a current patio space into a breakfast room, as seen here in blue. Staff finds this to be appropriate as the work will not increase the height or width and involves alterations to a prior addition. Also proposed is the enclosure of a portion of the existing screened porch on the main level. Additionally, the ground level open porch on the rear, indicated by the blue arrow, will be enclosed, and converted into conditioned space. Neither of these alterations will increase the footprint or height of the existing structure, and staff finds them to be appropriate. A covered rear porch and new stairs will be added. This is a modest addition at the rear, which staff also finds appropriate. Finally, a ridge raise, and rear dormer are proposed. The guidelines state that ridge raises are not appropriate atop of roofs with clipped gables. Further, the additional height and massing - added to a modest historic house that has already tripled in footprint due to prior additions - is not compatible with the historic house. The guidelines only allow for additions that step taller than the historic ridge when there is no other option. This house has a very deep rear yard, and even after three previous additions, there remains more than sixty feet (60') to the rear setback line. Due to the slope of the lot, the previous additions have been able to add an additional level of living space below the main level. Adding further space to the rooftop creates three levels of living space at what was once a modest single-story house. Staff finds that additional rooftop massing stepping higher than the original ridge line is not appropriate in this instance, as other options for additions are available and have been utilized.

With the removal of the ridge raise and rooftop massing above the historic ridge height, staff finds that the project meets the guidelines.

Staff recommends approval with the following conditions

1. The ridge raise, and any portion of the addition that goes taller than the original house shall be removed;
2. Staff review and approve the final windows, doors and porch 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, and utility meters shall be located on the side of the building, within five feet (5') of the front corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s);

finding that the project meets II.B of the *Richland-West End Neighborhood Conservation Zoning District Handbook and Design Guidelines*.

Also, please note that the Commission received letters of support from neighbors.

Van Pond, architect for the project, provided a hand-out. They agree with the staff recommendation except for not allowing for a ridge raise on a clipped gable home. This house is different in that the clipped gable is within the overhang, it doesn't increase the visible massing of the house and the neighbors and CM Murphy are in support.

Jim Jacobson, owner, explained why they wanted the ridge raise, which is to obtain more bedrooms and more closet space, because they cannot add to the side of the house, and the stairs are too steep.

Commissioner Jones stated that the house has already seen multiple additions and so a ridge raise is not the only option here. Commissioner Price said that the neighbors all agreed on the terms and the language of the design guidelines and he didn't see any reason not to follow the design guidelines.

**Motion:**

**Commissioner Jones recommended approval with the following conditions**

1. **The ridge raise, and any portion of the addition that goes taller than the original house shall be removed;**
2. **Staff review and approve the final windows, doors and porch 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, and utility meters shall be located on the side of the building, within five feet (5') of the front corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s);**

**finding that the project meets II.B of the *Richland-West End Neighborhood Conservation Zoning District Handbook and Design Guidelines*. Commissioner Price seconded and the motion passed unanimously.**

**Q. 2306 WHITE AVE**

Application: New Construction—Addition

Council District: 17

Overlay: Woodland-in-Waverly Historic Preservation Zoning Overlay

Project Lead:Melissa Sajid Melissa.Sajid@nashville.gov

PermitID#: T2021033827

Staff member, Melissa Sajid, presented the case. The house at 2306 White Avenue is c. 1930 bungalow that contributes to the historic character of the Woodland-in-Waverly Historic Preservation Zoning Overlay. In 2016, the Commission approved a side and rear addition as well as alterations to the historic house. Some of the approved alterations were completed, and the side addition was constructed but the trim and posts were not painted as

specified on the plans associated with the 2016 preservation permit. Construction on the rear addition, however, did not begin, and the preservation permit has since expired.

The proposed addition is located at the rear of the historic house, does not more than double the existing footprint, and is no taller than the existing house.

However, it is a full two-story addition on a modest one and a half story home. The eave height of the addition is approximately nine feet (9') taller than the historic house's eaves. While the Commission found that this two-story form could be appropriate in 2016, the current Commission's interpretation of the guidelines has incorporated the neighborhoods' concerns about the increasing scale of proposed additions and found that two story additions to one or one and one-half story homes may not be the best fit for the guidelines. For this reason, staff recommends that the eave height of the addition be reduced to be similar in height to the eaves of the historic house. Living space in an upper-level can be achieved with a cross-gable roof form or appropriately scaled dormers that meet the guidelines.

In conclusion, staff recommends approval of the project with the following conditions:

1. The eave height of the addition shall be reduced to be similar to the eave height on the historic house;
2. Only the window sashes be removed where windows are to be replaced on the side facades, in order to preserve the window frames;
3. Staff approve all final selections for the roof color, windows, and doors prior to purchase and installation;
4. Staff approve a brick sample;
5. Staff approve any permanent landscape features, including, but not limited to, fences, parking pads, and walkways; and
6. The trim and posts of the previously approved side porch be painted.

With these conditions, staff finds that the project meets Sections II.B. and III.B. of the *Woodland in Waverly Historic Preservation Overlay: Handbook and Design Guidelines*.

James Kennon, architect for the addition, said that they agreed with staff recommendation with the exception of condition 1. The current owner said he was present for questions.

There were no requests from the public to speak.

Commissioner Jones said she understood that its next to a historic infill, but for historic homes they look at the addition, not the context; therefore, she agrees with staff that the addition does not meet the design guidelines for this particular home.

**Motion:**

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

1. **The eave height of the addition shall be reduced to be similar to the eave height on the historic house;**
2. **Only the window sashes be removed where windows are to be replaced on the side facades, in order to preserve the window frames;**
3. **Staff approve all final selections for the roof color, windows, and doors prior to purchase and installation;**
4. **Staff approve a brick sample;**
5. **Staff approve any permanent landscape features, including, but not limited to, fences, parking pads, and walkways; and**
6. **The trim and posts of the previously approved side porch be painted;**

**finding that with these conditions, the project meets Sections II.B. and III.B. of the *Woodland in Waverly Historic Preservation Overlay: Handbook and Design Guidelines*. Commissioner Williams seconded and the motion passed unanimously.**

**R. 2306 SUNSET PL**

Application: New Construction—Infill and Outbuilding

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock [Melissa.Baldock@nashville.gov](mailto:Melissa.Baldock@nashville.gov)

PermitID#: T2021033719 and T2021033724

Staff member, Melissa Baldock, presented the case for a vacant lot at 2306 Sunset Place. MHZC approved the demolition of the house in 2017. The applicant proposes to construct infill and an outbuilding on a vacant lot. Staff finds that the infill and outbuilding meet all the base zoning setbacks and that the front setback is appropriate to the historic context. Staff recommends that a walkway be added from the front porch to the sidewalk.

The infill will be one-and-a-half stories in scale, with a maximum height of twenty-four (24') above the finished floor. The lot slopes up from the front to the back, so the foundation height varies. Staff finds the infill's height and scale to be similar to the historic context where there is a mixture of one and one-and-a-half story historic houses, one large two story house, and several two-story recent infills that are outside of the overlay. The house will have a width of thirty-two feet, four inches (32'4"), and an overall footprint of two thousand, four hundred and forty square feet (2,440 sq.ft.). Staff finds this to meet the historic context.

Since the garage doors face the street, staff recommends that there be two separate garage door bays. Otherwise, the garage meets the design guidelines.

Staff recommends approval of the project with the following conditions:

1. The finished floor height be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;
2. Staff approve all windows and doors, masonry (brick) samples, the metal roof color and specification, the roof shingle color, and the driveway and walkway materials prior to purchase and installation;
3. The front walkway extends from the porch to the sidewalk along Sunset Place;
4. The outbuilding has two separate garage bays rather than one double-wide bay; and,
5. The HVAC be located behind the house or on either side, beyond the mid-point of the house, and utility meters shall be located on the side of the building, within 5' of the front corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s).

With these conditions, staff finds that the proposed infill and outbuilding to meet Section II.B. of the design guidelines for the Hillsboro-West End Neighborhood Conservation Zoning Overlay.

Chris Goldbeck, architect for the project, said they agree with all conditions.

There were no requests from the public to speak.

**Motion:**

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

- 1. The finished floor height be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
- 2. Staff approve all windows and doors, masonry (brick) samples, the metal roof color and specification, the roof shingle color, and the driveway and walkway materials prior to purchase and installation;**
- 3. The front walkway extends from the porch to the sidewalk along Sunset Place;**
- 4. The outbuilding has two separate garage bays rather than one double-wide bay; and,**
- 5. The HVAC be located behind the house or on either side, beyond the mid-point of the house, and utility meters shall be located on the side of the building, within 5' of the front corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s);**

**finding that with these conditions, the proposed infill and outbuilding to meet Section II.B. of the design guidelines for the Hillsboro-West End Neighborhood Conservation Zoning Overlay. Councilmember Jones seconded and the motion passed unanimously.**

**S. 1320 ROSA L PARKS BLVD**

Application: New Construction – Infill

Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay

Project Lead: Jenny Warren [Jenny.Warren@nashville.gov](mailto:Jenny.Warren@nashville.gov)

Permit ID#: T2021033868

Staff member Joseph Rose presented the case for infill on a vacant lot. Rosa Parks Boulevard is the edge of the Germantown Historic Preservation Overlay and there are no historic structures on this block. The application is to construct a new four-story residential infill project.

The proposed structure is a low-midrise, mixed use and commercial building type. As per the guidelines, the structure will contain residences and will address the street frontage on Rosa Parks with a primary entrance and two secondary entrances, all serviced by walkways from the sidewalk. The roof will be flat with a small portion of pitched roofing along the Rosa Parks frontage. The guidelines allow for a potential fifth story stepped back from all street-facing facades a minimum of ten feet (10'). This project does propose a partial fifth floor, which meets these height requirements. The building sits on the front half of the lot with surface parking in the rear, accessed by the alley. Staff finds the siting and setbacks to be appropriate. The site plan is not showing the secondary entrances and walkways on the front elevation – this is an error and the applicant will provide a corrected site plan prior to permitting.

The materials, façade articulation, proportions of openings, windows, roof form, entrances, roof top use, utilities, sidewalks and walkways, exterior lighting, parking, and appurtenances all meet the design guidelines.

Staff recommends approval of the project with the following conditions:

1. A revised site plan shall be provided, showing the secondary entrances on the primary façade, as well as the walkways;
2. MHZC staff shall review and approve the following materials prior to purchase and installation: brick, the metal siding, final doors, garage doors, windows, balcony railings, retaining wall and walkway materials and roofing color; and
3. Staff shall review and approve any exterior lighting, including rooftop lighting; retaining walls, or other appurtenances.

With these conditions, staff finds that the proposed project meets Section III of the *Germantown Historic Preservation Zoning Overlay design guidelines for new construction*.

Blake Rutland, architect for the project, said they met with the neighborhood and will continue to work with them on a few details such as the rooftop deck, primarily lighting and moving the deck area towards the front.

There were no requests from the public to speak.

**Motion:**

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

1. **A revised site plan shall be provided, showing the secondary entrances on the primary façade, as well as the walkways;**
2. **MHZC staff shall review and approve the following materials prior to purchase and installation: brick, the metal siding, final doors, garage doors, windows, balcony railings, retaining wall and walkway materials and roofing color; and**
3. **Staff shall review and approve any exterior lighting, including rooftop lighting; retaining walls, or other appurtenances;**

**finding that with these conditions, the proposed project meets Section III of the *Germantown Historic Preservation Zoning Overlay design guidelines for new construction*. Commissioner Price seconded and the motion passed unanimously.**



## **T. 2415 OAKLAND AVE**

Application: New Construction—Infill; Setback determination

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock [Melissa.Baldock@nashville.gov](mailto:Melissa.Baldock@nashville.gov)

PermitID#: T2021027466

Staff member Melissa Baldock presented the infill at 2415 Oakland Avenue. 2415 Oakland Avenue is a c. 1960 house that does not contribute to the historic character of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay. MHZC staff issued an administrative permit for the house's demolition in May 2021. The lot is shallow at just one hundred and fifteen feet (115'), and it lacks an alley.

The application is to construct two-story infill with an attached garage. The infill requires setback determinations. There is a required twenty foot (20') rear setback, but the applicant proposes a one-story porch that is just ten feet (10') from the rear property line. Staff finds that that the encroachment of the one-story rear porch into the rear setback could be appropriate for several reasons. First, the lot is unusually shallow at just one hundred and fifteen feet (115'). Most neighboring lots have depths of one hundred and seventy-five feet (175'). In addition, the porch is just one story and is partial-width; it will have a width of approximately sixteen feet (16'). Lastly, the porch is pushed back from the Beechwood Avenue façade, where it will have less impact on the house behind it at 1700 Beechwood.

On the right side/Beechwood Avenue façade, there is a projecting bay that is just eight feet (8') from the side property line, whereas, base zoning requires a ten foot (10') setback. Staff finds that the two-story bay's two-foot encroachment into the setback meets the historic context, as the other two-story houses on the corner appear to sit less than ten feet (10') from the side property lines. In addition, the bay is just approximately seven feet, six (7'6") wide, does not extend to the ground, and is overall modestly scaled.

Along Beechwood Avenue, garage doors are supposed to be twenty feet (20') from the side property line, but the proposed infill will have garage doors that are fifteen feet (15') from the property line. Staff finds that the proposed setback of fifteen feet (15') for the garage doors will be sufficient to allow for vehicles to enter and exit safely from the garage without interrupting the sidewalk or street traffic.

The applicant is proposing a two-story house with a height of twenty-nine feet, six inches (29'6") above the foundation line. Staff finds that the two-story scale and the proposed heights meet the historic context, where there are two-story houses on each of the other three corner lots at the intersection of Oakland Avenue and Beechwood Avenue. These two-story houses have heights ranging from thirty-five feet to forty feet (35'-40') from grade. The house will have a primary width of thirty-five feet (35'), although a bay on the left side will add two feet (2') to the width. This is in keeping with the neighboring historic houses. Overall staff finds that the infill's height and scale will be compatible with the historic context, where there are several two-story houses of a similar height, width, and footprint. The attached garage will be located at basement level. Because of the shallowness of the lot, staff finds that it is appropriate to have garage doors face the side street. The applicant intends to remove the existing driveway at the rear and put a new driveway in to go to the attached garage, which staff finds to be appropriate.

Staff recommends approval of the infill with the following conditions:

1. The finished floor height be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;
2. All double and triple window openings have a four to six (4"-6") inch mullion in between them;
3. Staff approve the windows, doors, roof shingle color, and masonry samples prior to purchase and installation; and
4. The HVAC be located behind the house or on either side, beyond the mid-point of the house, and utility meters shall be located on the side of the building, within 5' of the front corner. Alternative mechanical and utility locations must be approved prior to an admin sign-off on Codes permit(s).

With these conditions, staff finds that the proposed infill meets Section II.B. of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay design guidelines.

The applicant, Tyler LeMarinel, explained the original plan which was to place a second level on the existing house but chose instead to build a new house. He explained the site constraints that drove the design. He said that there is question about the existence of a private rear easement, but if it exists, the design accommodates it.

Stewart Clifton said he is friends with two people next door and people across the easement who all have concerns with the setback because of the paved easement, which has been in place for more than 40 years and has a metro-installed curb cut. It is used for recycling and trash pickup.

Councilmember Cash asked the applicant to defer so the easement question can be worked out.

Joe Kovalich, developer, explained that he tried to work out the issue with neighbors and is not interested in deferring. He said that the owner next door has alley access and the previous owner of this lot is the one who installed the curb cut. He explained lot line shifts, the history of the lot, and some background regarding the easement.

Chair Pro Tem Johnson asked Legal if they could request the deeds. Mr. Dickerson said they could ask the applicant to defer to provide that information and continue to work with the neighbors.

Commissioner Price said the easement is not a controlling issue since the house does not encroach into what is believed to be an easement. Commissioner Fitts disagreed and there is no way to know the facts behind it because they do not have the deeds. Additionally, she said that if there is no easement, a ten foot (10') rear setback is too little, and the garage is not setback enough from the sidewalk to allow for a car to park in the driveway without blocking the sidewalk. Commissioner Jones agreed and thinks there is too much house on a small lot to meet historic context. Commissioner Price said he agreed with Commissioner's Fitts regarding the setback of the garage doors.

Commissioner Mayhall said the easement area is active, the neighbors are against it, and she didn't see a reason to allow for reduced setbacks.

In answer to Commissioner Price's question, Mr. LeMarinel explained that the ten foot (10') easement is fully on this property and the proposal does not encroach. He added that the project has already been deferred one month.

Mr. Stewart was invited back to speak.

Commissioner Price moved to approve the infill with the conditions of the staff recommendation and with the additional condition that the garage doors be twenty feet (20') from the side property line. The motion failed with Commissioners Mayhall and Fitts and Chair Pro Tem Johnson voting in opposition.

Commissioner Mayhall moved to approve with the conditions of the staff recommendation and with the added condition that the rear setback be twenty feet (20') and the garage doors be stepped back twenty feet (20'). Motion failed for lack of a second.

**Motion:**

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

- 1. Rear setback shall be twelve feet (12') for the porch as currently designed and the garage doors shall be set back twenty feet (20');**
- 2. The finished floor height be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
- 3. All double and triple window openings have a four to six (4"-6") inch mullion in between them;**
- 4. Staff approve the windows, doors, roof shingle color, and masonry samples prior to purchase and installation; and**
- 5. The HVAC be located behind the house or on either side, beyond the mid-point of the house, and utility meters shall be located on the side of the building, within 5' of the front corner. Alternative mechanical and utility locations must be approved prior to an admin sign-off on Codes permit(s);**

**finding that with these conditions, the proposed infill meets Section II.B. of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay design guidelines. Commissioner Fitts seconded and the motion passed unanimously.**

**IX. OTHER BUSINESS**

**U. COMMISSIONER TRAINING**

*Meeting adjourned at 5:50 p.m. and the Commission continued with training provide by Metro Legal.*

**RATIFIED BY THE COMMISSION ON 7/21/2021**