

JOHN COOPER
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park

METRO HISTORIC ZONING COMMISSION (MHZC)

MINUTES August 18, 2021

Commissioners Present: Chair Bell, Vice-Chair Stewart, Leigh Fitts, Mina Johnson, Kaitlyn Jones, Elizabeth Mayhall, Ben Mosley, David Price, Learotha Williams

Zoning Staff: Sean Alexander, Melissa Baldock, Kelli Mitchell, Joseph Rose, Melissa Sajid, Robin Zeigler (historic zoning administrator), Lora Fox (legal counsel)

Applicants: Dan Holleran, Evaniel Johnson, Dr. Gregory, Brandon LeCompte, Christopher Lundquist, Brett Diaz, Brent Hunter, Tracey Ford, Mark Sanders, Stewart Dorn, Kirk Clements

Councilmembers: None

Public: Julie Hagen, Grace Renshaw, Melinda Morrisey, Jack Morgan, Randy Horrick

Chair Bell called the meeting to order at 2:00 p.m.

Chair Bell presented certificates of appreciation to former Chair Tibbs and Commissioner Boyd.

Chair Bell read information about the procedures for the meeting and process for appealing a decision.

I. ADOPTION OF MINUTES

A. July 21, 2021

Motion: Vice-chair Stewart moved to approve the minutes as presented. Commissioner Johnson seconded and the motion passed unanimously.

II. ADOPTION OF AGENDA

Robin Zeigler, historic zoning administrator, provided the following changes:

- 1228 6th Ave N removed from agenda as they made changes that resulted in a project that could receive an administrative permit
- 515 Madison removed from agenda. They plan on submitting a new proposal.
- 308-310 Broadway-requested deferral
- 1417 Russell- requested deferral
- 1021 Russell/120 S 11th-requested to be removed from consent for a public hearing
- 119-121 3rd Ave S-requested to be removed from consent for a public hearing

That will leave us two items on consent. The applicant for 105 Broadway has requested to be moved to the end of the agenda

Motion: Vice-chair Stewart moved to accept new agenda and Commissioner Mayhall seconded. The motion passed unanimously.

III. CONSENT AGENDA

Staff member, Sean Alexander, read the cases for the consent agenda.

B. ADMINISTRATIVE PERMITS ISSUED FOR PRIOR MONTH

C. 1602 SHELBY AVE

Application: New Construction-Addition
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: Jenny Warren Jenny.Warren@nashville.gov
PermitID#: T2021049006

D. 1228 6TH AVE N

Application: New Construction-Addition; Alteration
Council District: 19
Overlay: Germantown Historic Preservation Zoning Overlay
Project Lead: Melissa Baldock Melissa.Baldock@nashville.gov
PermitID#: T2021049033

[Revised for an Administrative approval.]

E. 119-121 3RD AVE S

Application: New Construction-Addition
Council District: 19
Overlay: Broadway Historic Preservation Zoning Overlay
Project Lead: Melissa Baldock Melissa.Baldock@nashville.gov
PermitID#: T2021049590 and T2021049590

[Removed from consent.]

F. 1021 RUSSELL ST

Application: New Construction—Addition; Partial Demolition
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Sajid Melissa.Sajid@nashville.gov
PermitID#: T2021049018

[Removed from consent.]

G. 1121 5TH AVE N (515 MADISON ST)

Application: Signage
Council District: 19
Overlay: Germantown Historic Preservation Zoning Overlay
Project Lead: Robin Zeigler, robin.zeigler@nashville.gov
PermitID#: T2021043407

[Removed at the request of the applicant.]

H. 1502 PARIS AVE

Application: New Construction—Outbuilding (Detached Accessory Dwelling Unit)
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Baldock Melissa.Baldock@nashville.gov
PermitID#: T2021048948

Motion:

Commissioner Mayhall moved to approve all projects with their applicable design guidelines, with the exception of 1228 6th Ave N, 1121 5th Ave N, 119-121 3rd Ave s, and 1021 Russell. Commissioner Price seconded and the motion passed unanimously.

V. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTIONS

I. 435 OLD HICKORY (91 DONNA DR)

Application: Historic Landmark

Council District:

Project Lead: Robin Zeigler, robin.zeigler@nashville.gov

Robin Zeigler presented Councilmember VanReece’s request for a Historic Landmark for the property at 435 Old Hickory as part of a Neighborhood Landmark rezoning.

The Nichols-Sadler house is significant for its association with Harry Sadler who influenced the development of commercial Madison and as a prime example of the Neoclassical revival style and so meets 17.36.120 (B) (2) and (3) of the ordinance, qualifying to be Historic Landmark. The house, garage and pool were constructed in 1945, likely by the Nichols family. The Sadler family owned the property from 1961 to 2017. Harry Sadler moved his auto dealership from Goodlettsville to Madison. In 1958, Governor Clement appointed him to the Tennessee Motor Vehicle Commission. He was active in politics and numerous civic organizations until his death in 1987.

Staff suggests that the Commission recommend approve 435 Old Hickory as a Historic Landmark, finding the property to meet 17.36.120 (B) (2) and (3). Staff recommends the adoption of the existing Historic Landmark guidelines to apply to this property, finding that they are consistent with the Secretary of Interior’s Standards.

Motion:

Vice-chair Stewart moved to recommend approval of 435 Old Hickory as a Historic Landmark, finding the property to meet 17.36.120 (B) (2) and (3) and to adopt the existing Historic Landmark guidelines to apply to this property, finding that they are consistent with the Secretary of Interior’s Standards. Commissioner Williams seconded and the motion passed unanimously.

J. HISTORIC LANDMARK SIGNAGE

Application: Review of New Design Guidelines and Recommendation to Council

Council District: Multiple

Project Lead: Robin Zeigler, robin.zeigler@nashville.gov

Staff member, Robin Zeigler, explained that Councilmember Roberts has requested a new type of overlay specific to signage. The request is a revision to a current ordinance that will allow for long-term protection of historic signs.

The draft design guidelines are based on the Secretary of Interior Standards, meeting section 17.40.410, which requires design guidelines be consistent with the Historic Preservation Act of 1966, as amended.

Staff suggests recommendation of the new type of overlay and recommends adoption of the design guidelines proposed, finding they are consistent with the Secretary of Interior’s Standards.

There were no requests from the public to speak.

Motion:

Commissioner Price moved to recommend the Historic Landmark-Signage overlay to Council and to adopt the design guidelines, finding they are consistent with the Secretary of Interior's Standards. Commissioner Vice-Stewart seconded, and the motion passed unanimously.

VI. PRELIMINARY & FINAL SP REVIEW

None.

VII. VIOLATIONS/ ALTERATIONS TO PREVIOUS APPROVALS/ SHOW CAUSE

K. 308-310 BROADWAY

Application: Rehabilitation-Violation
Council District: 19
Overlay: Broadway Historic Preservation Zoning Overlay
Project Lead: Melissa Sajid, Melissa.sajid@nashville.gov

Deferred at the request of the applicant.

M. 1417 RUSSELL ST

Application: New Construction-Infill; Violation/Show Cause
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: Kelli Mitchell Kelli.Mitchell@nashville.gov
PermitID#: 2021006638

Deferred at the request of the applicant

N. 1012 MANSFIELD ST

Application: New Construction-Materials; Violation/Show Cause
Council District: 05
Overlay: Maxwell Heights Neighborhood Conservation Zoning Overlay
Project Lead: Kelli Mitchell, kelli.mitchell@nashville.gov
Permit ID#: 2020001047

Staff member Kelli Mitchell presented the case for 1012 Mansfield Avenue in the Maxwell Heights Neighborhood Conservation Zoning Overlay district. Back in January of 2020, a permit was issued to replace a rear dormer on an existing addition and to replace the siding on the existing addition. Upon inspection, it was found that faux grain siding was installed on the building. The notes within the permit stated that the siding should be smooth faced. This is required under Guideline IV.B, which also states that wood grained siding is not appropriate.

The windows on the addition have also been replaced. The project was originally approved to have double hung windows. The windows that were installed are 6/6 double hung windows with interior grilles. These do not meet section IV.C of the guidelines.

Staff recommends disapproval of the new windows and the siding on 1012 Mansfield Avenue finding that these materials do not meet Section IV.B and IV.C of the guidelines. Staff recommends that the new windows and siding be removed and replaced with compatible materials within sixty (60) days of the Commission's decision.

Dan Collieran, owner, explained the timeline of the project. He proposed installing an exterior grid so the existing windows could be kept and explained that replacement of siding would be challenging.

Commissioner Johnson noted that the permit says in multiple places that the siding shall not have a faux grain and the windows cannot have interior grids. She asked how this was missed. Colleran said that was a question for the contractor. Commissioner Price asked if he had discussed replacement with his contractor, and Colleran said he had.

Commissioner Fitts said she understands that there can be miscommunications; however, in similar situations they have required the siding and windows to be replaced. Commissioner Jones agreed.

There were no requests from the public to speak.

Motion:

Commissioner Jones moved to disapprove the new windows and the siding on 1012 Mansfield Avenue finding that these materials do not meet Section IV.B and IV.C of the guidelines and to require that the new windows and siding be removed and replaced with compatible materials within one-hundred and twenty (120) days of the Commission’s decision. Commissioner Johnson seconded and the motion passed unanimously.

O. 1609 DOUGLAS AVE

Application: New Construction-Addition; Violation/Show Cause
Council District: 06
Overlay: Eastwood Neighborhood Conservation Zoning Overlay
Project Lead: Kelli Mitchell, kelli.mitchell@nashville.gov
PermitID#: 2021036910

Staff member Kelli Mitchell presented the case for 1609 Douglas, a non-contributing house located in the Eastwood Neighborhood Conservation Zoning Overlay. On June 11, 2021, an administrative permit was issued for a two-story rear addition that was to be no taller than the existing building. The permit also included an uncovered porch in the rear.

An inspection of the property in late July found that the work had exceed the scope of the permit. The overall footprint of the addition is larger than what was permitted, and the addition is significantly taller than the existing building. A front dormer was constructed that was not previously requested. Staff has requested as-built drawings, but they had not been provided at the time of this presentation.

Staff is willing to work with the applicant to address the concerns raised in this project, but we require additional information about the current addition and about any additional proposed work such as a rear deck. Such information includes as-built drawings and information about proposed materials. This will allow us to better understand the scale and size of the structure, the new and proposed setbacks, and the structure’s relationship to surrounding buildings. Lacking this, we cannot provide additional guidance on how to proceed with what was constructed.

At this time, staff recommends disapproval of the new addition at 1609 Douglas finding that the project does not meet Section IV for materials and Section VI for additions. Staff recommends that permit HCP2021-036910 be rescinded and the addition be removed within 60 days.

Evaniel Johnson, contractor, handed out as-built drawings and additional information. Dr. Gregory, owner, explained the timeline of the project and the direction she and her contractor received. When they started construction, they realized they needed to go up with the addition. She is one of the original residents, the house is very small, and it is not historic. The houses around her look just like hers. Johnson said he believed he didn’t need to follow the guidelines because the house is not historic. They are not violating codes.

Julie Hagan (1607 B Douglas Ave); Grace Renshaw (owner of a property next door), Melinda Morrissey (1608 Douglas), Jake Morgan (1607 Douglas), Randy Horrick (owner of a property next door), spoke in support of the project.

Dr. Gregory returned to talk about her life in the neighborhood. She only received the stop-work-order because someone in the neighborhood called to complain.

Commissioner Jones explained that they are stewards of the overlays. There were drawings approved and what was constructed did not match the plans.

Vice chair Stewart asked how they got to a point of building something different than what was approved. Johnson explained that part of the footprint had to be reconstructed and he did not understand he needed to come back if there were changes. Commissioner Price reiterated that the plans are attached to the permit and there is language in the permit, instructing an applicant to return if there are changes.

Commissioner Johnson said she understood the applicant's situation, but the recommendation is following the procedure and following the design guidelines. What was submitted and was constructed are different. She wished the contractor had followed staff's recommendation and resubmitted new documents for an earlier remedy. Since they just received the as-built drawings today they could not give specific direction.

Commissioner Mayhall noted that what was proposed to be built does not match what was constructed.

Commissioner Mosley explained that the process is to submit plans and then a permit is given. The permit is not based on emails or handshake agreements, but the drawings attached to the permit. He challenged the neighbors and applicant to look at the drawings and say that what was built matches them. Commissioner Fitts agreed that what was built and what was submitted are different. She asked if there was a way that it could be modified to meet the guidelines.

Vice-Chair Stewart said that what was built is a significant deviation from what was approved, and he read the permit requirement that changes needed to come back to the Commissioner before work is done. He asked if the applicant was willing to defer.

Commissioner Williams said he is sympathetic, but they are bound by rules and design guidelines. He would be supportive of changes that make the addition approvable.

Dr. Gregory requested a deferral.

Motion:

Commissioner Price moved to defer. Vice-chair Stewart seconded, and the motion passed unanimously.

P. 1405 RUSSELL ST

Application: New Construction-Addition/Materials

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

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

PermitID#: 2021002974

Staff member Melissa Baldock presented the case for 1405 Russell Street, a c.1951-57 front-facing gabled house that does not contribute to the historic character of the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay. The house suffered damage in the March 2020 tornado, and after the tornado, the owner replaced the siding with wide embossed siding and the windows with vinyl windows. At that time, MHZC did not review the replacement of windows and siding in conservation overlays like Lockeland Springs.

In January 2021, MHZC staff issued preservation permit for an addition to 1405 Russell Street. A few months later in April 2021, the Commission adopted new design guidelines for the Lockeland-Springs East End Neighborhood Conservation Zoning Overlay; these design guidelines became effective May 20, 2021.

The applicant wishes to install siding and windows on the addition that match those currently on the historic house. Since the permit was issued under the older design guidelines for Lockeland Springs, staff thought it most

appropriate to see if the proposed materials meet either the older design guidelines or the new, consolidated design guidelines.

The existing house's siding is the Select Cedarmill Hardie Plank (cement fiberboard) line with an eight and one-fourth inch (8 ¼") size which results in a seven-inch (7") reveal. This siding is embossed with a wood grain texture.

The current, consolidated design guidelines do allow for siding reveal to be 7", but neither set of design guidelines allow for embossed wood grain. Both sets of design guidelines require that the siding be smooth. Staff therefore recommends that the Commission require smooth siding as the textured siding on the existing house could be replaced at some time with a material more appropriate for the district.

The existing house's windows are the YKK residential, style-view series / sliders. These are a vinyl window. The applicant would like to use these windows in the addition as well. Because window manufacturers and lines are updated frequently and new models come on the market at a fast pace, neither set of design guidelines provide specifics about window selection.

Typically, when looking at windows, staff assesses the material, design/construction details; such as heat/solvent-welded mitered corners, and vent/weepholes in the sash frames, type of grills, and dimensions. There are very few vinyl windows that staff has found that meets our window standards. In this case, staff finds that the heat/solvent-welded mitered corners and vent/weepholes in the sash frames do not meet MHZC's standards. In addition, the style of window should be a single- or double-hung rather than sliding windows, to be consistent with the historic context and past decisions.

Staff recommends disapproval of the YKK residential, style-view series / sliders, finding that they do not meet the standards of window choices for neighborhood conservation zoning overlay.

Staff recommends disapproval of the request to use embossed siding and vinyl windows, finding that these materials do not meet Section II.B.4. of the *Lockeland Springs-East End Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines* nor Section IV. (Materials) of Part I of the design guidelines for the turn of the 20th century districts and the Lockeland Springs-East End chapter of Part II. of the consolidated design guidelines.

Brandon LeCompte, contractor, requested that the siding match the existing siding.

There were no requests from the public to speak.

Commissioner Price said he understands why the owner would want the new siding to match the existing. He said the windows are low-quality and will fail. Vice-chair Stewart said that it is different than usual since it is a non-contributing house so using the same materials as the existing house is appropriate.

Motion:

Vice-chair Stewart moved to approve the materials as-is finding that the materials match existing materials on a non-contributing building. Commissioner Williams seconded and the motion passed with Commissioner Mosley in opposition.

Q. 706 FATHERLAND ST

Application: New Construction—Outbuilding (Detached Accessory Dwelling Unit)

Council District: 06

Overlay: Edgefield Historic Preservation Zoning Overlay

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

PermitID#: 2021030495

Staff member, Melissa Sajid presented the request to construct a DADU at 706 Fatherland St. The plan meets all of the DADU standards except for ridge height as it is taller than the historic house. The house is a one-story frame cottage that was constructed c. 1920 and contributes to the Edgefield Historic Preservation Zoning Overlay. The

Commission approved a one-story addition in August 2020, and staff administratively permitted a one-story outbuilding in May 2021 which has not yet been constructed.

The proposed outbuilding is 1.5 stories and is eighteen feet, six inches (18'6") from grade whereas the historic house is sixteen feet, ten inches (16'10") from grade and fifteen feet, six inches (15'6") from finished floor. While it is often possible to have a one and one-half story outbuilding behind a one-story home, the modest scale of the historic home at 706 Fatherland Street may not make that feasible in this case. Since the lot is larger, it would be possible to increase the footprint to up to one thousand square feet (1000 sq. ft.).

In conclusion, staff recommends disapproval of the project, finding that the DADU does not meet Section III.B.2.h.1 of the *Edgefield Historic Zoning District: Handbook and Design Guidelines*.

Christopher Lundquist, representing the homeowner, read information from the owner and the designer, Brittney Blanton, requesting that the DADU be approved due to the constrictions of the existing house, the deep lot, the significant distance between the house and proposed outbuilding, and the height of existing outbuildings nearby. The owner, wrote that the project is for his father and they have made it as short as possible, landscaping will hide it, and it will be smaller than most nearby outbuildings.

There were no requests from the public to speak.

Commissioner Mosley agreed that the height is mitigated to the point it can be and it is in keeping with the size of other outbuildings.

Commissioner Price pointed out that it is a dwelling unit as well as 2-car garage; therefore, a DADU is possible, in a manner that meets the design guidelines if it was not also a garage.

Commissioner Johnson said an outbuilding at a taller height is appropriate because the amount requested over the design guidelines is minimal and the building will sit far back.

Commissioner Price said he is not inclined to vary from the design guidelines as there is a design solution that would meet the guidelines.

Vice-chair Stewart said he they are used to granting leeway from the guidelines but, in this case, not all options have been explored.

Motion:

Vice-chair Stewart moved to disapprove the project, finding that the DADU does not meet Section III.B.2.h.1 of the *Edgefield Historic Zoning District: Handbook and Design Guidelines*. Commissioner Price seconded and the motion passed with Commissioner Mosley in opposition.

[Commission took a break between 3:56 p.m. and 4:05 p.m.]

VIII. MHZC ACTIONS

R. 1501 FATHERLAND ST

Application: New Construction-Infill and Outbuilding

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Jenny Warren Jenny.Warren@nashville.gov

PermitID#: T2021042061 & T2021042067

Staff member Jenny Warren presented the case. This is an application for infill and an outbuilding on a vacant corner lot in Lockeland Springs. The project meets the guidelines in terms of form, siting, setback, orientation, rhythm of spacing, proportion and rhythm of openings and with final staff approvals, it is also appropriate for materials.

The widths of the historic houses range from about twenty-eight to thirty-two feet (28'-32') wide. The proposed infill is appropriate in width at twenty-eight feet (28') at the street, stepping wider to a maximum of thirty-two feet (32').

The historic context here is one and one and a half story house with ridge heights of about seventeen to twenty-five feet (17'-25') tall. Some of the pyramidal roofs are a few feet taller at the peak. Two houses across the street and up the hill a bit both measure about twenty-five feet (25') from grade to the ridge of the front gable.

The proposed infill will be about twenty-seven feet eight inches (27'8") from average grade at the front. The proposal involves dropping the grade as well, with the intent of creating an extra foot of building height, without rising any higher in elevation. Staff finds this to be inappropriate. The grade should not be dropped, and the proposed ridge height should be a maximum of twenty-four to twenty-five feet (24'-25').

The commission may recall that the former house on this lot suffered from water infiltration at the front right corner. Staff is concerned that the foundation at this corner, currently proposed to be about four inches (4") tall, may need to be taller. This would push the foundation height taller around the entire site. With the ridge already exceeding the maximum appropriate height, any increase in foundation height will push the ridge height to be far too tall. Staff finds that if the ridge height were reduced to be a maximum of twenty-four to twenty-five feet (24'-25') from unaltered grade at the front, the overall height could tolerate moderate foundation adjustments in the field and still be contextually appropriate.

The applicant has been responsive to staff's feedback regarding the one-and-a-half story form and has reduced the eave heights to largely be about ten to twelve feet (10'-12') from foundation. Here is the rear elevation. The lowest point of grade is here on the street-side back corner. The proposed outbuilding meets the guidelines for outbuildings.

Staff recommends approval with the following conditions:

1. The grade shall not be dropped;
2. The ridge height shall be reduced to be no more than twenty-four to twenty-five feet (24'-25') as measured from unaltered grade at the front;
3. 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;
4. Staff shall approve the final metal roofing, the porch roofing, a brick sample, porch post material and doors, prior to purchase and installation; and,
5. 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 the project meets Sections IV and V of the *Neighborhood Conservation Zoning Design Guidelines for Turn-of-the-20th-Century Districts: Part I*.

Brett Diaz, representing the owner, provided context for the street. Their survey showed that there are houses that exceed thirty feet (30') on the block. There is eight feet (8') of grade change from the sidewalk and they are at the lowest point on the block. He described houses in the neighborhood and their heights. Their proposal for a one foot tall retaining wall as a way to bring down the perceived height.

Commissioner Mosley confirmed that the proposed building is a slab on grade.

There were no requests from the public to speak.

Commissioner Johnson asked why staff has different height measurements from what the applicant claimed. Ms. Warren explained that she measured the homes herself and she cannot speak for how the applicant took measurements. She also pointed out that staff did not consider non-historic houses as the context.

Commissioner Price said they routinely approve one-and-a-half story designs that meet the historic context, without changing grade, so he believes a solution is possible

Commissioner Mosley asked how measurements are taken, and Ms. Warren explained that it would be taken from existing grade and be an average.

Motion:

Commissioner Price moved to recommend approval with the following conditions:

1. **The grade shall not be dropped;**
2. **The ridge height shall be reduced to be no more than twenty-four to twenty-five feet (24'-25') as measured from unaltered grade at the front;**
3. **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;**
4. **Staff shall approve the final metal roofing, the porch roofing, a brick sample, porch post material and doors, prior to purchase and installation; and,**
5. **The location of utility meters and mechanicals shall be reviewed prior to an administrative sign-off on building permit(s) if located anywhere forward of the midpoint of the house;**

finding that the project meets Sections IV and V of the *Neighborhood Conservation Zoning Design Guidelines for Turn-of-the-20th-Century Districts: Part I*. Commissioner Mosley seconded and the motion passed unanimously.

S. 1109 PORTER RD

Application: New Construction-Infill and Outbuilding

Council District: 06

Overlay: Eastwood Neighborhood Conservation Zoning Overlay

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

PermitID#: T2021049005 and T2021049009

Staff member, Melissa Sajid, presented the case for new construction. The application is to construct a new duplex infill and outbuilding that does not include a dwelling unit. Last month, the Commission approved the demolition of the non-contributing building and disapproved infill and an outbuilding on this site, finding the scale to be inappropriate for the historic context.

The lot at 1109 Porter Road is large with seventy five feet (75') of frontage and approximately two-hundred-thirty-nine feet (239') of depth, it is not atypical of the context as lots with historic homes on this block of Porter Road tend to be large with street frontage that ranges from fifty to one hundred feet (50' – 100').

The historic context on this block of Porter Road includes three historic homes; one is located to the left of the subject property (1111 Porter Road – top photo) and two are located to the right (1101 and 1105 Porter Road – bottom photos). All three of these historic homes are a modest one and one-half stories. The maximum height and width of those contributing houses are approximately twenty-five feet (25') and thirty-four feet (34'), respectively.

The current proposal is similar to the plan that was disapproved last month. The height and width, which match the maximum height and width of the historic context, are the same. The new construction reads as one and one-half stories at the front and incorporates front dormers that are each approximately nine feet (9') wide and accommodate triple windows; front dormers on historic homes on this block are smaller and typically accommodate a paired window.

While the infill reads as one-and-a-half stories at the front, the side elevations are a full two-stories. With the revised plan, the eaves have been reduced from approximately nineteen feet (19') to seventeen feet (17'), and the depth has increased from approximately ninety-five feet (95') to ninety-seven feet (97'). Staff finds that the two-story scale on the side elevations combined with the width of the front dormers as well as the overall height and width push the overall scale to a large one and one-half story infill that is inappropriate for the historic context.

While a one-and-a-half story infill would be appropriate for this lot, staff finds that the height and scale of the proposed infill overwhelm the historic context. Since a revised plan addressing staff's concerns over the height and scale would likely result in a redesign of the project, staff recommends disapproval since the proposed infill does not meet Sections V.A and V.B. of the design guidelines.

The proposed infill meets all base zoning setbacks and includes an outbuilding in the rear yard that also meets all setbacks.

The proposed outbuilding is one-story and meets the guidelines. Although the outbuilding meets the design guidelines, it is not known how it will compare to a revised infill design if the current proposal is disapproved. In addition, Codes will not allow for the construction of an outbuilding without a primary building. For those reasons, staff recommends disapproval of the outbuilding as well.

In conclusion, staff recommends approval of the demolition of the non-contributing house at 1109 Porter Road, finding that its demolition meets Section III.B.2.b of the design guidelines. Staff recommends disapproval of the proposed infill and outbuilding, finding that the project does not meet Sections V.A (Massing and Scale) and V.B (Form) of Part I of the consolidated design guidelines for the turn-of-the-century neighborhood conservation zoning overlays.

Brent Hunter, architect, explained that they made changes based on feedback from the commission and staff.

Commissioner Fitts said it still reads as a two-story form and the lowering some eaves alone was not enough. Commissioner Jones and Johnson agreed. The proposal is attractive but does not meet the design guidelines for massing.

Motion:

Commissioner Price moved to approve demolition of the non-contributing house at 1109 Porter Road, finding that its demolition meets Section III.B (2) (b) of the design guidelines and to disapprove the proposed infill and outbuilding, finding that the project does not meet Sections V.A (Massing and Scale) and V.B (Form) of Part I of the consolidated design guidelines for the turn-of-the-century neighborhood conservation zoning overlays. Commissioner Williams seconded and the motion passed unanimously.

T. 120 S 11TH ST (1021 Russell)

Application: New Construction-Addition

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

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

PermitID#: T2021049018

Staff member, Melissa Sajid, presented the case for new construction at 120 S 11th, pointing out that Councilmember Withers submitted written comment prior to the meeting. The application is to reconstruct the tower at 1021 Russell Street that was damaged by the March 2020 tornado and to construct a new infill structure at 120 S. 11th Street that is attached to the rear of the historic church at 1021 Russell Street. The building at 1021 Russell Street was constructed c. 1910-1911 as the Russell Street Presbyterian Church. The historic house that was located at 120 S. 11th Street was constructed c. 1895, and the structure was significantly damaged in the March 2021 tornado. Staff issued an emergency permit to demolish the structure at 120 S. 11th Street in June 2020.

The structure at 1021 Russell Street was significantly damaged by the March 2020 tornado. In November 2020, staff issued a permit to stabilize and repair/reconstruct much of the historic structure based on an engineer's report that was submitted by the property owner. The preservation permit did not include the reconstruction of the tower, which is now proposed with this application. The applicant proposes to reconstruct the tower with the same dimensions as what was there originally but proposes to use metal and insulated frosted glass as a contemporary version of what was lost. While replacing historic materials does not meet the guidelines, the historic materials are no longer there due to circumstances beyond the owner's control. Staff finds that reconstructing the tower at the

same scale but with contemporary materials can meet Section III.B (1) of the design guidelines since the tower is a character-defining feature.

Although the Commission does not typically approve attached structures, this site is unusual in the Lockeland Springs-East End neighborhood. The properties at 1021 Russell Street and 120 S. 11th Street are under common ownership, and together total approximately twenty-two thousand, eight hundred square feet (22,800 sq. ft.). As proposed, the addition can satisfy the design guidelines criteria for location and scale of an addition while also reading as appropriately scaled infill along the S. 11th Street frontage. As proposed, the addition meets all setbacks and ties into the rear of the historic church with an appropriate connector.

The proposed addition is a full two stories in height and is neither taller nor wider than the historic building. The addition is located at the rear of the historic building and ties into the rear of the historic church with a flat-roofed two-story connector that matches the eave height of the church and proposed addition. Staff finds that new construction meets the design guidelines for an addition while also reading as an appropriately scaled, foursquare infill on the S. 11th Street facade. Where the addition reads as infill, staff finds that the scale meets the historic context, as there are several two-story houses in the immediate vicinity. While the addition has a residential form, it accommodates non-residential uses that are permitted by the base zoning. In order to serve these uses, the project incorporates some details that are more typical of non-residential forms but in proportions that are appropriate for the historic context at this location. For example, the ground-level openings on the S. 11th Street façade are an aluminum storefront system, and the recessed first-floor wall on that façade is at an angle that reads as a front porch. Staff finds that the design of the addition appropriately addresses the historic context while also serving the non-residential uses.

The flat roof portion that is slightly taller than the eaves is a deck for mechanicals. The design guidelines state that roof decks are inappropriate unless surrounded on all sides by an appropriately pitched roof. In this case, the deck is accessed via a hatch rather than a stair tower, and the purpose is to accommodate mechanical units for the non-residential use. Since the deck is located at the rear and does not serve as occupiable space, staff finds that it can meet the design guidelines in this case.

In conclusion, staff recommends approval with the following conditions:

1. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;
2. Staff approve the final details, dimensions and materials of foundation material, trim, windows, doors, trim, porch floors and railings, walkway material, and retaining wall material; and,
3. Staff approve the roof color and masonry color, dimensions and texture.

With these conditions, staff finds that the project meets Sections IV, VI, and VII of Part I and the Lockeland Springs-East End chapter of Part II of the consolidated design guidelines for the turn-of-the-century neighborhood conservation zoning overlays.

Tracey Ford, architect, passed around some additional photographs to explain the existing proposal. She stated that they agree with all the conditions of the recommendation, and she explained the design approach of the tower.

There were no requests from the public to speak.

Commissioner Mosley noted that the proposed foundation is taller than the house next door. Ford explained that the stepped grade is to lessen the height of the foundation while also matching the floor line of the existing building.

Mark Sanders explained some of the potential uses of the new construction.

Motion:

Vice-chair Stewart moved to approve with the following conditions:

1. **The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
2. **Staff approve the final details, dimensions and materials of foundation material, trim, windows, doors, trim, porch floors and railings, walkway material, and retaining wall material; and,**

3. Staff approve the roof color and masonry color, dimensions and texture; finding that with these conditions, the project meets Sections IV, VI, and VII of Part I and the Lockeland Springs-East End chapter of Part II of the consolidated design guidelines for the turn-of-the-20th-century neighborhood conservation zoning overlays. Commissioner Fitts seconded, and the motion passed unanimously.

U. 1826 5TH AVE N

Application: New Construction—Infill

Council District: 19

Overlay: Salemtown Neighborhood Conservation Zoning Overlay

Project Lead: Joseph Rose Joseph.Rose@nashville.gov

PermitID#: T2021049040

Staff member Joseph Rose presented the case for a new duplex infill and two three hundred and fifty square foot (350 sq. ft.) garages at 1826 5th Avenue N. The house at 1826 5th Avenue N is non-contributing and received an administrative permit for demolition in August 2021. The proposed structures include a two-story duplex that is thirty-three feet, ten inches (33'-10") tall from grade and two single story garages in the rear that are each thirteen feet, two and one quarter inches (13'-2 ¼") tall from grade. Staff finds that the duplex and two garages meet all the guidelines for massing & scale, form, siting, setback and orientation, proportion and rhythm of openings, and appurtenances & utilities. Staff finds that the known materials of the project meet the guidelines, but additional information is needed on other selections. With staff review of the final material selections for roof color, masonry, windows, doors, trim, porch elements, and driveway materials prior to purchase and installation, staff finds that the project meets the design guidelines for materials.

Staff recommends approval of the project with the following conditions:

1. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;
2. Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation;
3. Staff approve the shingle and the metal roof color;
4. Staff approve the materials for the porch elements, including porch floor and steps; and,
5. Staff approve masonry samples.
6. Paired and ribbons of multiple windows should have a four inch to six-inch (4" to 6") mullion in between each window.

With these conditions, staff finds that the project meets Sections IV, V, and VII of the *Neighborhood Conservation Zoning Design Guidelines for Turn-Of-The-20th Century Districts*.

There were no requests from the applicant or the public to speak.

Commissioner Mosley clarified that there should not be a full wall between the porches.

Motion:

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

- 1. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
- 2. Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation;**
- 3. Staff approve the shingle and the metal roof color;**
- 4. Staff approve the materials for the porch elements, including porch floor and steps; and,**
- 5. Staff approve masonry samples.**

6. Paired and ribbons of multiple windows should have a four inch to six-inch (4" to 6") mullion in between each window;

finding that with these conditions, the project meets Sections IV, V, and VII of the *Neighborhood Conservation Zoning Design Guidelines for Turn-Of-The-20th Century Districts*. Vice-chair Stewart seconded, and the motion passed unanimously.

E. 119-121 3RD AVE S

Application: New Construction-Addition

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

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

PermitID#: T2021049590 and T2021049590

Staff member, Melissa Baldock presented the case for an addition at 119 and 121 3rd Avenue South. 119 and 121 3rd Avenue South are two separate structures. 121 3rd Avenue South is a two-story commercial structure constructed c. 1890. 119 3rd Avenue South is a two-story commercial structure constructed c. 1920. Both structures contribute to the Broadway Historic Preservation Zoning Overlay. They share the same owner.

Applicant proposes two rooftop additions; one over 119 3rd Avenue South and one over 121 3rd Avenue South.

Although both historic structures are two-stories in scale, they are different heights. 121 3rd Avenue South is approximately ten feet (10') taller than 119 3rd Avenue South. Most of the rooftop additions on both structures meet the requirement that the rooftop addition should not be taller than one story and fifteen feet (15') above any parapet.

Because the two roofs are at separate heights, share the same owner, and the owner wishes to connect the two rooftop spaces, there is a small portion of the rooftop addition over 119 3rd Avenue South that exceeds the fifteen foot (15') tall requirement and is twenty feet (20') tall. Staff finds this taller portion to be appropriate in this instance for two reasons. One, the taller portion only covers a small portion of the roof over 119 3rd Avenue south – it is just approximately ten feet (10') wide, whereas the overall width of the roof is close to eighty feet (80'). And two, the application has stepped this taller portion of the addition back approximately forty-five feet (45'), helping to reduce its visibility and impact on the scale of the historic structure. Overall, staff finds that this taller portion is modest in scale and will not be highly visible.

The rooftop additions meet the requirement that they be stepped back thirty feet (30') from the front façade. The project includes rooftop railings that are stepped back at least eight feet (8') from the front wall.

The materials for the rooftop structure and railings have not yet been determined, but the applicant indicated that they will be largely steel and glass. Staff finds that these materials would be appropriate for a rooftop addition but recommends approval of all final material choices prior to purchase and installation

With the condition that staff approve all final material choices prior to purchase and installation, staff finds that the proposed rooftop additions meet Section III. of the design guidelines for the Broadway Historic Preservation Zoning Overlay.

Ms. Baldock answered clarifying questions of Commissioner Fitts.

Stewart Dorn, architect, said he was available for questions. There were no requests from the public to speak.

Motion: Vice-chair Stewart moved to approve with the condition that staff approve all final material choices prior to purchase and installation, finding that proposed rooftop additions meet Section III. of the design guidelines for the Broadway Historic Preservation Zoning Overlay. Commissioner Mayhall seconded, and the motion passed unanimously.

K. 105 BROADWAY

Application: New Construction-Violation
Council District: 19
Overlay: Broadway Historic Preservation Zoning Overlay
Project Lead: Kelli Mitchell, kelli.mitchell@nashville.gov
Parcel#: 09306210100

105 Broadway is located in the Broadway Historic Preservation Zoning Overlay. The main structure was constructed in 1935 as a produce warehouse and currently houses a restaurant and offices. It is four-stories tall and constructed of reinforced concrete and brick curtain walls.

The violation is for a one-story detached wood structure that faces Broadway and sits to the right of the building in space which previously used was an alley. The structure was constructed without a permit.

The shed is considered new construction and so should follow the guidelines for new construction.

The shed, as it currently stands, is one-story tall, is constructed with wood planks, and has a gambrel roof. It is not compatible in height or scale to adjacent buildings and does not meet the height requirements stated in the guidelines. It is also significantly smaller than surrounding structures, does not have a similar massing, and does not have the three-part design discussed in the guidelines.

Given that many of the surrounding structures are large scale masonry commercial buildings, the shed is generally not compatible as it does not have the elements seen in commercial structures such as a defined primary entrance, flat or low-pitched roof, or a similar opening pattern seen in commercial buildings. Materially, it also not appropriate as wood is not commonly used as a primary cladding.

Based on this, staff recommends disapproval of the shed building at 105 Broadway finding that the project does not meet section III for new construction. Staff recommends that the structure is removed within sixty (60) days of the Commission's decision.

Kirk Clements, legal counsel for the property owner, noted that it is a portable structure used to sell food and for storage. He argued that it doesn't require approval and they sometimes push it back. He explained it has been up for two years. He provided photos of hot dog stands that are rolled away each night. Zeigler explained that staff had delayed enforcing on violations in the three downtown districts due to effects of vandalism and COVID on downtown businesses.

In answer to Commissioner Price's question, Clements said it is hooked up to an extension cord. Commissioner Price said this is a creative attempt to find a loophole but does not meet the design guidelines or the character of the district. Commissioner Johnson agreed saying that it doesn't meet the design guidelines and is not comparable to the hot dog stands mentioned as their supplies are stored inside the associated building.

Motion:

Commissioner Mayhall moved to disapprove the shed building at 105 Broadway finding that the project does not meet section III for new construction and to require that the structure be removed within sixty (60) days of the Commission's decision. Commissioner Johnson seconded and the motion passed unanimously.

Meeting adjourned at 5:22p.m.

RATIFIED AT THE SEPTEMBER 15, 2021 PUBLIC HEARING.