

JOHN COOPER
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park

METRO HISTORIC ZONING COMMISSION (MHZC) MINUTES January 15, 2020

Commissioners Present: Chairperson Bell, LaDonna Boyd, Kaitlyn Jones, David Price, Cyril Stewart
Zoning Staff: Sean Alexander, Melissa Baldock, Paul Hoffman, Melissa Sajid, Jenny Warren, Robin Zeigler (historic zoning administrator), Alex Dickerson (legal counsel)
Applicants: Cheyenne Smith, Lynn Taylor, Craig Kennedy, Josh Duckworth, Joe Cain
Councilmembers: None
Public: Martha Stinson

Chairperson Bell called the meeting to order at 2:06 p.m.

Chairperson Bell read information about the amount of time people have to speak, the process regarding the consent agenda, and the process for appeals.

I. ADOPTION OF AGENDA

NOTICE TO THE PUBLIC: Items on the agenda may be removed or moved at this time.

Ms. Zeigler request that the discussion of the design guideline consolidation be moved to the end of the agenda.

Commissioner Boyd moved to approve the revised agenda. Commissioner Jones seconded and the motion passed unanimously.

II. RECOGNITION OF COUNCILMEMBERS

There were no councilmembers present.

III. APPROVAL OF MINUTES

a. December 18, 2019

Motion: Commissioner Stewart moved to approve the minutes and Commissioner Jones seconded. The motion passed unanimously.

IV. CONSENT AGENDA

b. ADMINISTRATIVE PERMITS ISSUED FOR PRIOR MONTH

c. 1629 SHELBY AVE

Application: Demolition—Outbuilding; New Construction—Outbuilding

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

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

PermitID#: T2020000141

d. 1535 DOUGLAS AVE

Application: New Construction—Addition
Council District: 06
Overlay: Eastwood Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Baldock Melissa.Baldock@nashville.gov
PermitID#: T2020000160

e. 1815 LILLIAN ST

Application: New Construction—Outbuilding (Detached Accessory Dwelling Unit)
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Sajid Melissa.Sajid@nashville.gov
PermitID#: T2020000263

f. 3620 MEADOWBROOK AVE

Application: New Construction; Rear addition and Enclosing Existing Carport
Council District: 24
Overlay: Richland-West End Neighborhood Conservation Zoning Overlay
Project Lead: Jenny Warren Jenny.Warren@nashville.gov
PermitID#: T2020000406 and T2020000438

g. 1500 DALLAS AV

Application: New Construction—Addition
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: Sean Alexander, sean.alexander@nashville.gov
PermitID#: T2020000753

Ms. Sajid presented the consent agenda.

Decision:

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

V. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTIONS

h. 1006 MONROE ST

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

This is a third of an acre lot on which there is an historic house. The house was constructed in 1904 by a Mr Leo D. Wege for a cost of \$6,000. Mr. Wege was a business owner and entrepreneur, and later in life became involved in a violent encounter with a competitor.

The house is one and one-half stories, constructed of brick with a clay tile roof. The house has a hipped roof with projecting gables on the front and rear. The house also features hipped dormers on the front, sides, and rear, and a wrap-around porch with round Doric columns.

The form of the house is typical with the folk Victorian era, but the style and ornamentation is more consistent with Classical revival. This shows the significance of the period of construction, a time of transition between two major architectural traditions.

The house recently had a fire in the upperstory so the roof and some windows will need repair. Much of the interior had already been altered when the house was divided for apartments over the years.

Staff suggests that the Metro Historic Zoning Commission recommend approval of the historic landmark to the Planning Commission and Metro Council and the adoption of the existing Historic Landmark Design Guidelines to apply to exterior alterations. Staff finds that the building is a contributing building to the Buena Vista National Register district and therefore meets the requirements of section 17.36.120.

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

Motion:

Commissioner Jones moved to the recommend approval of the historic landmark to the Planning Commission and Metro Council and the adoption of the existing Historic Landmark Design Guidelines to apply to exterior alterations; finding that the building is a contributing building to the Buena Vista National Register district and therefore meets the requirements of section 17.36.120. Commissioner Stewart seconded and the motion passed unanimously.

i. CONSOLIDATION OF NEIGHBORHOOD CONSERVATION ZONING OVERLAY

[The discussion of the design guidelines consolidation was moved to the end of the agenda.]

VI. PREVIOUSLY DEFERRED/DECIDED ITEMS

VII. PRELIMINARY & FINAL SP REVIEW

None

VIII. VIOLATIONS/ ALTERATIONS TO PREVIOUS APPROVALS/ SHOW CAUSE

None

IX. MHZC ACTIONS

j. 1501 FATHERLAND ST

Application: Demolition

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Paul Hoffman; paul.hoffman@nashville.gov

PermitID#: T2020000869

Staff member, Paul Hoffman, presented the case for 1501 Fatherland, an application for demolition, arguing for economic hardship of this home built c. 1930. The building has a compromised foundation and support system. When you first get underneath, the joists and subfloor are dry and intact, but as you go farther forward however, the condition of the beams and joists get more deteriorated. The front of the house is built very close to grade, with the front right corner being below grade due to the flow of water runoff down the street. On staff's first visit to the building, we thought the structure was in good enough condition to permit rehabilitation and adding on. Although the grading and foundation obviously needed to be addressed, we hoped that the structure could be rehabilitated and perhaps raised onto a new foundation. Once the owners looked into getting work done, they told staff that they had trouble getting contractors to do the work, as the required structural work was dangerous.

The engineer's report notes the compromised condition of the structural elements, with undersized and poorly-constructed framing leading to sagging and damaged structural components over time. The floor and support systems have settled, leaving a difference of more than ten inches in the floor level. The engineer told staff by email that the foundation needs replacement, and that it would necessitate further rebuilding of the framing, as that has

settled with the foundation. Due to the amount of replacement required once the foundation is fixed, staff finds that the building would not at that point maintain its historic integrity.

Comparable sales from 2018 and 2019 of rehabilitated homes get a fair market value of \$361,709. The owners paid \$250,000 in 2017. Staff was able to adjust the estimate for work to \$241,450. Combined, the expense shows a loss of \$129,741. Staff therefore recommends approval of the application for demolition, finding that the cost of necessary repairs exceeds the value of the home. The proposed demolition meets Section III.B.2 for appropriate demolition.

Applicant Josh Duckworth, explained that his original intent was to rehabilitate; however, after an inspection by a structural engineer he determined that a renovation was not viable. The house is a liability as three contractors will not touch the house since they would not be able to warranty the final product.

There were no requests from the public to speak.

Commissioner Price said the problems were common and he was skeptical of the report. Ms. Zeigler reminded the Commission that they could ask the applicant to defer. She explained that the director feels he will be able to obtain funding from the MHC Foundation to pay a consultant for a second opinion and staff could set up an onsite review for Commissioners. Commissioner Stewart agreed that additional information is needed. Ms. Zeigler confirmed that the applicant stated from the audience that he was willing to defer.

Chairperson Bell noted that public comment was received from the neighborhood association and Councilmember Withers. She explained that the Commission is very cautious about every request to demolish a historic building.

Motion:

Commissioner Jones moved to accept the deferral. Commissioner Boyd seconded and the motion passed unanimously.

k. 1411 BOSCOBEL ST

Application: New Construction—Infill

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

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

PermitID#: T2020000203

1411 Boscobel Street is a 1950s house that does not contribute to the historic context of the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay. The applicant proposes infill. The Commission has approved two different designs for this site – first in February 2016 and later in November 2016. This current application is a re-design of the previously-approved plans for the duplex.

The 1400 block of Boscobel has little historic context, and many two- to three-story, modern homes were built on the block prior to the expansion of the conservation zoning overlay. On this block of Boscobel, the design guidelines allow for larger homes and more modern roof forms because of the lack of historic context.

The Design guidelines allow for two-story infill on this block. The proposed infill is two stories tall with a maximum height of approximately thirty-two feet (32') above the foundation line. The site has a significant cross slope, so the foundation height will vary. The structure should have an average height of approximately thirty-four feet, eight inches (34'8") tall above grade. Staff finds this to be appropriate on this block of Boscobel where there is little historic context and new infill construction is thirty feet (30') or taller. Because of the cross slope, staff's inspection of the foundation height and finished floor height will be extremely important during construction.

The house will be forty feet (40') wide and will have a footprint of two thousand, nine hundred and twenty square feet (2,920 sq. ft.). Staff finds that to be appropriate for this lot. The infill includes a rooftop deck at the very back. Staff finds this to be appropriate because it will not be highly visible from the street, it is contained within the roof area, and because this block of Boscobel has little historic context. Overall, staff finds that the infill's height, scale, window pattern, orientation, setbacks, roof form, materials and overall design meet 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 the final details, dimensions and materials of windows and doors prior to purchase and installation;
3. Staff approve the roof color;
4. Staff approve the materials of the front and rear porch floors, stairs, and railings;
5. The existing front gravel driveway be removed; and
6. The HVAC be located behind the house or on either side, beyond the mid-point of the house.

With these conditions, staff finds that the proposed demolition and infill meet Section II.B. of the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay design guidelines.

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

Motion:

Commissioner Jones moved to approve the construction of the new duplex 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. **Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation;**
3. **Staff approve the roof color;**
4. **Staff approve the materials of the front and rear porch floors, stairs, and railings;**
5. **The existing front gravel driveway be removed; and**
6. **The HVAC be located behind the house or on either side, beyond the mid-point of the house;**

finding that with those conditions, the proposal will meet the design guidelines for New Construction in the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay. Commissioner Stewart seconded and the motion passed unanimously.

I. 33 PEABODY ST

Application: New Construction

Council District: 19

Overlay: Historic Landmark

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

Commissioner Jones state that she would recuse herself from this case, as her employer is involved in the project.

Ms. Zeigler presented the case for a parking structure at the Historic Public Works Bus Barns located at 33 Peabody, a historic landmark site. She provided information about the location of the building, the materials and the height. She explained that although taller than what they would normally want to see, this Landmark is unusual in that the bus barns do not address the street in the same manner that a typical historic building does and that the closest building to the new construction does not even have a primary façade.

Joe Cain, Director of Urban Development for MDHA said that he has been working on this community-based project for 15 years. They worked with the owners of the adjoining historic art deco building and have worked to ensure that lighting will not negatively affect that owners. They want the project to be in the best interest of everyone involved.

Ms. Zeigler noted that public comment was received and forwarded to the Commission via email.

Commissioner Price said it is a well-designed project for the area and will work well between two historic buildings.

Commissioner Price made a motion to approve that was seconded by Commissioner Stewart; however, the motion failed without four concurring votes. Commissioner Boyd voted against the project based on public comment. She asked about public meetings and if the height could be lowered.

Mr. Cain handed out a rendering of the view from the art deco building and explained that art deco building is approximately fifty feet (50') away from the parking structure, which is essentially a street between the two buildings. He has been in direct contact with the author of the letter and shared all drawings. They looked into cost sharing the expense of placing part of the structure below grade but the neighbors were unable to participate in a cost sharing plan; therefore, lowering the height will require reducing the number of spaces, which is not possible due to the demand.

Ms. Zeigler clarified that the historic landmark includes the bus barns and not the art deco building.

Commissioner Stewart stated that he respected the comments from the public but if development was based on views, development in Nashville would come to a standstill. Commissioner Boyd clarified that her issue was not the view but the overall aesthetic impact on the area. She stated that she reluctantly agrees to approve the project.

Motion:

Commissioner Stewart moved to approve the new construction with the condition that the applicant obtain final review of materials before purchase and installation and the applicant return for any exterior lighting or signage, finding that the project meets the design guidelines for new construction on the campus of a Historic Landmark. Commissioner Price seconded and the motion passed unanimously, with Commissioner Jones recused and Chairperson Bell voting in favor of the project.

X. OTHER BUSINESS

m. ADMINISTRATIVE ACTIONS & UPDATES

Ms. Zeigler explained that a slight change is recommended for the rules of order, based on the policy created by the Commission on December 18, 2019. A sentence regarding the ability to defer cases regarding violations is proposed for section VI.G. The underlined language is what is proposed to be added:

- G. Deferrals. For new applications, the applicant may request, and the Commission may grant, up to two deferrals. Any request for a deferral after the second deferral shall be treated as a withdrawal. For violations, the applicant may request, and the Commission may grant one deferral.

Motion: Commissioner Stewart moved to approve the new language. Commissioner Boyd seconded and the motion passed unanimously.

V. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTIONS

CONSOLIDATION OF NEIGHBORHOOD CONSERVATION ZONING OVERLAY

Ms. Zeigler reminded the commission that the Historic Zoning Commission received funding from the Tennessee Historical Commission for a design guideline consolidation project. The project began in January 2019, and the grant period ended on September 30, 2019. A draft came to the Commission on September 18, 2019 and was deferred until March 2020.

The staff report available online at the Nashville.gov website provides more in-depth information about the project and the process, for anyone that may be unfamiliar with it. Previous public hearings where introductory information was given are also available to be viewed on YouTube.

The project was first presented to the Commission in three parts. Part I is a consolidation of all the neighborhood conservation design guidelines into one universal set of design guidelines, with Part II being individual chapters for

each district. All the neighborhood conservation design guidelines are already very similar, but the consolidation will provide an opportunity to reorganize and add clarifying language. The third component is to create new design guidelines and a plans book for outbuildings, to provide more flexibility in terms of size and design and clearer guidance.

As a reminder, in November the Commission voted to remove Part III, the form book, from consideration and to break the discussion up into different sections at each meeting.

These are design guidelines and not hard and fast rules, so the language here does not preclude you from continuing to make decisions on a case by case basis based on the physical conditions of the site.

We recommend that you now take public comment on any portion of the design guidelines and then I have some information to guide your discussion on the sections you approved to discuss today which is new construction.

Chairperson Bell asked how the project would change the application process and Ms. Zeigler explained that the application process is not a part of the guideline project.

Martha Stinson, representing the Hillsboro-West End Neighborhood Association, reiterated that the board opposes the project and if passed they would like to opt out of the project. There are twenty-three (23) Neighborhood Conservation Zoning Overlays which would mean that they are one of twenty-three (23) voices and therefore their voice would be diluted and reduced in the case of any future changes. Their ability to carry out their mission will be compromised and will eventually lead to a loss of identity.

Commissioners asked Ms. Stinson to clarify her comments and provide additional insight. She explained that changes would be more readily administered because the guidelines would become all one document. Separate design guidelines allow the neighborhoods to control their voice. Amendments would have an easier road to travel.

Commissioner Price asked Ms. Stinson if the neighborhood was opposed to any specific changes. She said they are but it is the consolidation itself that is the problem. There have been changes along the way and enough is enough. Chapter II is primarily the unique histories of the neighborhoods, she explained, the majority of the design guidelines will be in Part I. If its possible to negotiate changes in Part II then they would rather not be in Part I.

Ms. Zeigler led the Commission in a discussion of the proposed changes for the new construction in Part I. She explained that there was concern that the new consolidated draft is much longer than it used to be but that is mainly because of the repetition of guidelines. Several people said that it was unclear what applied to an addition, what applied to infill and what applied to an outbuilding so rather than referencing sections in another section the information was repeated in each applicable section.

One change is clarity in how “context” is determined. For background, context of surrounding historic buildings is used for infill—a new primary building within a district. For additions, the context is the historic building to which the addition is attached.

The draft adds clarity for how “context” for infill will usually be determined, which is the “block face.” Using context far away from a proposed project has been a concern voiced by numerous neighborhoods over multiple years. The commission will retain the ability to define “block face” in situations where that is unclear or expand the context beyond the block face where the immediate context is not considered relevant.

Other than that, there are no real changes for infill other than making italicized information non-italicized in some districts. Much of it is already non-italicized for later districts. Italicized language helps to inform staff and applicants on generally how you have made decisions in the past—how you have interpreted existing design guidelines. They are not new guidelines but interpretations. Making them unitalicized does not preclude the commission from continuing to take projects on a case-by-case basis.

In terms of additions, the draft tightens up how tall an addition can generally be. Most of the current guidelines state that “an addition should be situated at the rear of a building in such a way that it will not disturb either front or side

facades.” Over the years that has been interpreted as not taller or wider and no side additions; however, there have been many cases where taller and wider additions have been approved and side additions have been approved. We have received public comment over the years, expressing concern with that policy.

The National Register considers historic buildings non-contributing if they start to have more new construction than old. This image shows a true-one story house with a significantly taller addition, partially due to grade but also because two-stories was desired behind the one-story house. So, the current draft states that additions should not exceed the number of stories of the primary house and that additions should have a cap of two feet (2') taller than the historic building to keep additions appropriately scaled. Two feet (2') would not overwhelm the historic building and will be minimally visible in most cases. Again, this design guideline would not preclude you from allowing more than two feet (2') in cases where existing conditions might warrant it, but it provides clear guidance to applicants and staff.

Commissioner Jones agreed that a tighter context, in most cases, is appropriate.

Chairperson Bell asked commissioners to discuss the language regarding contemporary design for new construction. Commissioner Boyd agreed with the current language.

Commissioner Mayhall arrived at 3:01pm

Ms. Zeigler said that there have been concerns regarding ridge raises. This is only italicized information in most of the guidelines, so the consolidation will make the ability to have a ridge raise more “official” and provide more guidance as to when they are appropriate. When a ridge raise was first created it was used in conjunction with a rear dormer for the purpose of providing more usable second-story space which is cheaper to accomplish than an addition with a new foundation. In more recent years, the ridge raise has been included with large additions, obliterating the original intent. The current draft recommends that a ridge raise is inappropriate in the following instances:

- The building is more than 1.5 stories (already policy but not specified)
- The roof form is anything other than side-gable without clipped gables (already policy but not specified)
- There is also a planned rear addition that more than doubles the existing footprint (this bullet point will likely come out of the next draft, based on public comment)
- There is also a planned rear addition that is wider than the house or has a side addition
- There is also a planned roof deck

Commissioner Jones agreed with the draft and the removal of the third bullet point. She noted that the new language really was not new in terms of how the commission has applied the design guidelines.

Ms. Zeigler explained the difference between rooftop decks, which are a fairly new request and not something that was contemplated when the guidelines were written and upper level decks, noting that the revised draft will include definitions for each. The draft guidelines would not allow for a rooftop deck on top of an existing roof form, as it is not a historic form found in the district.

The current draft also does not allow for rooftop decks on side additions or the side of rear additions but may be appropriate on the back of a rear addition if the deck is surrounded on all sides by an appropriately pitched roof, and if the addition does not include a ridge raise and is no taller than the historic house.

Commissioners Jones and Price agreed with the proposed language and Commissioner Price noted that rooftop decks are not a feature of historic districts. Commissioner Price asked about situations where flat roof buildings are allowed, such as a couple of blocks of Boscobel and areas with commercial buildings. Ms. Zeigler said that they would look into that issue further.

Ms. Zeigler explained that the current draft recommends language that clarifies building types vs. building use. For instance, if there is an area with historic residential building types but it is zoned commercial, and someone wants to construct a new commercial building, it should match the residential building types. Commissioners agreed with the proposed language.

Ms. Zeigler reminded the Commission that for next month they will discuss outbuildings. She said that staff will most likely post a draft, based on current public comment, soon after this meeting to give everyone maximum time to review but that the March draft will likely be different since public comment will continue to be accepted. She said that posting of the draft on the website would be communicated to stakeholders, councilmembers and interested parties, those that have said they would like to receive information or have participated in the process in some way.

The meeting adjourned at 3:14 pm.

RATIFIED BY COMMISSION ON 1/19/2020