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MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park

METRO HISTORIC ZONING COMMISSION (MHZC) MINUTES

March 21, 2018

Commissioners Present: Vice-Chair Menié Bell, LaDonna Boyd, Eric Brown, Elizabeth Mayhall, Cyril Stewart
Zoning Staff: Sean Alexander, Melissa Baldock, Paul Hoffman, Melissa Sajid, Jenny Warren, Robin Zeigler (historic zoning administrator), Susan Jones (city attorney)
Applicants: Jeff Goff, Katherine Everett, Susan Hagar and Bill Lawrence
Councilmembers: Scott Davis
Public:

Vice-chairman Bell called the meeting to order at 2:12 p.m. She read aloud information about the public hearing, appeals and the consent agenda.

I. ADOPTION OF AGENDA

Ms. Zeigler noted that 422 Broadway was deferred at the request of the applicant and that the revision to Rules of Order and Procedure and training would be scheduled for another meeting.

Vice-chairman Bell asked for legal advice regarding multiple deferrals for the court order regarding 422 Broadway. Ms. Jones explained that typical applications are someone is seeking approval for a project but this one is different in that it has been ordered by the courts for the property owner to apply to the MHZC. She understands that council for the applicant requested the deferral but will be back before the commission next month. Because there is a court order, the result of multiple deferrals is delayed compliance.

I. RECOGNITION OF COUNCILMEMBERS

II. APPROVAL OF MINUTES

a. February 21, 2018

Motion: Commissioner Stewart moved to approve the minutes as presented. Commissioner Boyd seconded and the motion passed unanimously.

III. CONSENT AGENDA

NOTICE TO THE PUBLIC: Items on the Consent Agenda will be voted on at a single time. No individual public hearing will be held, nor will the Commission debate these items unless a member of the audience or the Commission requests that the item be removed from the Consent Agenda. Items pulled from the consent agenda will be heard at the end of the agenda.

b. 2519 BLAIR BLVD

Application: New construction-Addition; Partial Demolition
Council District: 18
Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Sajid

c. 3102 BLAKEMORE AVE

Application: New construction-addition

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander

d. 515 MADISON ST

Application: Signage

Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay

Project Lead: Melissa Sajid

e. 3801 RICHLAND AVE

Application: New construction-addition

Council District: 24

Overlay: Richland-West End Neighborhood Conservation Zoning Overlay

Project Lead: Paul Hoffman

Sean Alexander read the items proposed for the consent agenda. There were no requests to remove items from the consent agenda.

Motion: Commissioner Mayhall moved to approve all items on consent with their applicable conditions. Commissioner Stewart seconded and the motion passed unanimously.

IV. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTIONS

None

V. PREVIOUSLY DEFERRED ITEMS

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

f. 422 BROADWAY

Application: Signage

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Robin Zeigler

The item was deferred at the request of the applicant.

g. 934 MCFERRIN AVE

Application: New construction-infill

Council District: 05

Overlay: Greenwood Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

Staff member, Melissa Baldock presented the case for infill development at 934 McFerrin. 934 McFerrin Avenue is located at the corner of McFerrin Avenue and Seymour Avenue. The lot is one hundred and fifty feet wide (150') along Seymour Avenue, which is the width of three standard lots in the area. It is one hundred and sixty-eight feet (168') deep along McFerrin. In 2017, the Councilmember supported a rezoning of the property to allow for increased density. Twelve units are proposed. The existing house at 934 McFerrin Avenue was constructed c. 1948, later than the period of significance for the Greenwood Neighborhood Conservation Zoning Overlay. Staff finds that the house's date of construction, materials, and orientation towards McFerrin Avenue does not contribute to the

historic character of the Greenwood Neighborhood Conservation Zoning Overlay. Staff is recommending approval of the demolition.

The applicant is proposing six residential structures with a total of twelve residential units. The number of units is allowed under the existing zoning. Staff is recommending disapproval of the new construction. The proposed development will be largely oriented to face Seymour Avenue, which is appropriate. There will be three duplex structures facing Seymour Avenue. At the back, there will be three smaller structures also containing two residential units each.

Vehicular access to the site will be via new curb cut and shared driveway off of McFerrin, towards the back of the lot, in between the two sets of structures. The driveway is approximately twenty-nine feet (29') at the street. Typically the Commission has not allowed for driveways that exceed twelve feet (12') in width. Because of the density of the lot, staff finds the wider drive to be appropriate but is concerned about its visual impact on the historic neighborhood. Each unit will have attached parking, which is not typically allowed for the front units, but staff finds it to be appropriate in this instance because of the density of the site.

Most of the units facing Seymour Avenue have walkways leading from the front porches to the sidewalks. However, Unit 6, which is located at the corner of McFerrin and Seymour Avenue, has a corner entrance and one walkway leading to the sidewalk along McFerrin Avenue. In order for the project to meet the design guidelines and to address both streets, Unit 6 should have one walkway to Seymour Avenue and one walkway to McFerrin Avenue.

While the project does meet all base zoning setbacks, staff has concerns about the spacing of the structures on the lot. First, the site plan does not reflect the current sidewalk regulations for new development in this neighborhood. Neither Seymour nor McFerrin Avenue have sidewalks currently. The site plan shows a five foot (5') sidewalk along both McFerrin Avenue and Seymour Avenue, with no grass strips. According to the Metro Planning Department, the development should have a six foot (6') grass strip along McFerrin at the edge of the street and then a six foot (6') sidewalk, for a total sidewalk width of twelve feet (12'). Along Seymour, there should be a four foot (4') grass strip at the edge of the street and a five foot (5') sidewalk, for a total sidewalk width of nine feet (9').

The wider sidewalk requirements will affect the setbacks of the structures, particularly along McFerrin Avenue where the Unit 6 is just nine feet (9') from the side property line. Given the required sidewalk width along McFerrin Avenue, Unit 6 should likely be pushed further back from McFerrin Avenue. The front setbacks, proposed to be twenty-nine feet (29') from Seymour Avenue are likely appropriate, even with the wider sidewalk, since this 800 block of Seymour Avenue does not have any contributing buildings. Staff's primary concern is the McFerrin setback.

Staff also has concerns about the amount of space in between the units facing Seymour Avenue. The applicant is proposing just eight feet (8') in between the structures. Staff finds that this rhythm of spacing does not meet the historic context, where historic houses are generally a minimum of ten to fifteen feet (10'-15') apart, and are often even wider apart. The units facing Seymour Avenue should be a minimum of ten feet (10') apart in order to meet the historic context's rhythm of spacing. The applicant is proposing twenty-six feet, ten inches (26' 10") in between the houses facing Seymour Avenue and those at the rear. Staff finds that this distance is greater than what is typically required for spacing between primary structures and outbuildings and is appropriate.

The houses have a maximum width of 40'. Note that the houses will actually sit closer together than they appear in this drawing. The houses are drawn as being about 10' apart in this drawing, but the site plan shows that they are planned to be just 8' apart. Staff finds that the overall heights and number of stories of the units facing Seymour Avenue could be appropriate, as there are a handful of historic houses that are between thirty and thirty-four feet (30'-34') tall in vicinity and there are no historic buildings on the block-face. However, staff finds the proposed widths of forty feet (40') for Units 1 – 6 are too wide and do not meet the historic context. There are no historic houses wider than thirty-seven feet (37') in the immediate vicinity. Even though Units 3 & 4 and 5 & 6 are designed so that they have a narrower width at the front, the maximum width of forty feet (40') occurs not far back from the front and will be easily perceived on the street. The proposed widths result in houses that are over-scaled for the historic context. Moreover, the widths of forty feet (40') create a situation where the houses are too close together and are too close to the McFerrin Avenue property line.

On units 1 and 2, there are expanses of nearly fifteen feet (15') along the side facades, near the front, which does not meet the design guidelines. Staff finds that the expanses of wall space without a door or window opening further back are appropriate in this instance because they are located so far back and will not be highly visible from the street.

The three rear structures are identical in design. The design guidelines state that for multi-unit developments, *“Interior dwellings should be subordinate to those that front the street. Subordinate generally means the width and height of the buildings are less than the primary building(s) that face the street.”* Staff finds that in this case, the rear units are sufficiently subordinate in both height and width to the structures facing Seymour Avenue. They are approximately six feet, eight inches (6'8") narrower and between one foot, ten inches and five foot, two inches (1'10" – 5'2") shorter than the houses facing Seymour Avenue.

Ms. Baldock reiterated the main concerns with the development and why staff is recommending disapproval rather than approval with conditions. First, The eight foot (8') separation between the units facing Seymour Avenue is inadequate and does not meet the historic context; Second, The 40' widths of the houses facing Seymour Avenue are wider than what is found in the historic context and result in houses that are too close together; And Third, The plans do not include the required sidewalk widths, and the required sidewalk widths will likely mean that Unit 6 should be pushed back further from the McFerrin property line.

While staff's other concerns regarding window openings and adding a walkway for Unit 6 to Seymour Avenue could likely be worked out at staff level, staff is recommending disapproval because reducing the overall widths and massing will require a redesign.

In conclusion, Staff recommends approval of the demolition of the existing structure on the lot, finding that its demolition meets Section III.B.2. of the design guidelines.

Staff recommends disapproval of the new construction, finding that the proposed development does not meet Sections II.B.1.a (Height), II.B.1.b. (Scale), II.B.1.c. (Setback & Rhythm of Spacing), II.B.1.f (Orientation), II.B.1.g. (Proportion and Rhythm of Openings), and II.B.1.k. (Multi-unit Detached Developments/ Cottage Developments) of the design guidelines for the Greenwood Neighborhood Conservation Zoning Overlay.

Jeff Goff, with Root Architecture, said the project was deferred a month to work on the issues and meet with the neighborhood. To reduce the density they designed 1.5 story buildings and to manage parking, they designed wide homes to accommodate interior parking. They tried to make the rear units subservient. Michael Garrigan is available if there are any site questions.

Councilmember Davis stated his support of the project. The project is at an odd intersection. Public Works is in the design process of a sidewalk further down the road that includes moving the center line while also trying to preserve a historic wall. He is concerned that if the buildings are smaller the project may have to use on-street parking, which will likely concern the neighborhood. He thinks they look historic. They have a meeting scheduled on Monday with Public Works.

Vice-chairman noted that public comment was sent via email.

Commissioner Stewart asked for a clarification of sidewalks. Mr. Goff noted that the drawing is just a drawing and they know they will have to meet the requirements, they just aren't sure what they are.

Commissioner Stewart agreed that the spacing between buildings and the width of the buildings is not appropriate for the historic context.

Motion: Commissioner Stewart voted to approve demolition and disapproval of the new construction. Commissioner Mayhall seconded and the motion passed unanimously.

VI. PRELIMINARY & FINAL SP REVIEW

None.

VII. VIOLATIONS

None.

VIII. MHZC ACTIONS

h. 1303 EASTLAND AVE

Application: DADU Conversion

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

Staff member, Melissa Baldock presented the case for a DADU at 1303 Eastland Avenue. 1303 Eastland Avenue is an application to convert an existing outbuilding into a DADU. First, some background. In 2015, MHZC staff issued an administrative permit to build a half-story on top of the existing garage. The 2015 preservation permit for the outbuilding states that the outbuilding is “not a detached accessory dwelling unit (DADU).” MHZC staff found that the addition to the garage met the design guidelines for outbuildings; however, the design requirements for a DADU were not applied. The addition to the outbuilding was done under a previous owner.

The outbuilding is 484 sq. ft. on a lot that is approximately 12,000 sq. ft. Its footprint is well under the maximum of 1,000 sq. ft. allowed, and its eave and ridge heights meet the DADU ordinance. The structure’s materials are appropriate, and the outbuilding meets the base zoning setbacks. The dormer that faces the street meets the DADU ordinance. However, the dormer that faces the alley does not meet the DADU ordinance. The DADU ordinance requires that dormers be set back two feet from the wall below. The alley dormer stacks on the wall below. In 2015, staff found that the dormer that stacks on the rear wall met the design guidelines, even if it did not meet the stricter requirements for DADUs. Because the rear dormer stacks on the wall below, it does not meet the DADU ordinance and cannot be legally used as a dwelling unit.

The DADU ordinance states that “any existing or proposed” outbuilding must meet the regulations of the ordinance. Therefore existing outbuildings cannot contain a dwelling unit if they don’t meet all the standards of the DADU ordinance. For 1303 Eastland, staff recommends that the rear dormer be altered to be inset two feet (2’) from the wall below in order to be compliant with the DADU ordinance.

Staff recommends approval of converting the existing outbuilding into a detached accessory dwelling unit with the condition that the rear wall dormer step back from the wall below a minimum of two feet (2’). With this condition, Staff finds the project to meet Section 17.16.030.G. of the Metro Code.

Katherine Everett, owner, explained that seller notes stated that the rear unit was used as a dwelling unit but later found out that it is not approved for that use. It is her understanding that it meets all the requirements with the exception of the dormer setback. She proposes that the lack of dormer step back is appropriate due to the small footprint of the building, which could be up to 1000 square feet. She received the signature of all adjacent neighbors, none of who had concern. [The signatures were not provided to Staff or the MHZC.]

There were no requests from the public to speak.

Vice-chairman Bell noted that the Commission has been treating both outbuildings and DADUs similar to provide consistency to the staff and to their decisions.

Commissioner Mayhall said that because the building is so much smaller than what could be constructed, she finds the proposal to be appropriate. Commissioner Boyd stated that she agreed with staff recommendation.

Commissioner Stewart said this is an ongoing issue that is somewhat easier if the same owner is involved, which is not the case here. He believes in enforcing the regulations consistently but this may be a different case due to the small size of the building.

Ms. Jones explained that their goal is to apply the design guidelines and the ordinance, where it is consistent with the design guidelines. In this case, the two are the same. Ultimately, they need to find whether or not it is appropriate for the neighborhood.

The applicant returned to state that the building was approved a few years ago as an outbuilding; therefore, it must be appropriate for the neighborhood. Commissioner Stewart stated that information was included in their report; however, they are trying to treat the two the same.

Commissioner Boyd moved to adopt the staff recommendation. Motion failed due to lack of a second.

Motion:

Commissioner Mayhall moved to approve the building as-is for a DADU. Commissioner Brown seconded and the motion passed unanimously.

i. 2006 19TH AVE S

Application: Partial Demolition

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Sajid

Staff member, Melissa Sajid, presented the case for partial-demolition at 2006 19th Ave S, which is a c. 1915 brick bungalow that contributes to the character of the Belmont-Hillsboro NCZO. The request is to alter two window openings on the left side façade of the historic house, which is considered partial demolition.

The applicant requests to remove the two window openings located on the ground level near the front of the house on the left side façade. The windows are outlined in red, and the image on the left is the existing and the image on the right shows the proposed changes.

Staff finds that changing the window opening located at the midpoint to a door is appropriate since the opening is located near the midpoint and the location and width of the proposed door opening are similar to that of the existing window opening. Given the location, the changes to the opening will not be highly visible from the street, and the alteration of this opening keeps with previous decisions by the Commission to permit alterations to openings that are located at or beyond the midpoint of a historic house. In addition, the Commission has permitted roof overhangs that do not include posts to the ground since this type of alteration is removable. For these reasons, staff finds that changing this window to a door meets Section V.2 for appropriate demolition and does not meet Section V.1 for inappropriate demolition.

The plan also proposes to replace the single window closest to the front of the house with paired windows. Staff finds this to be inappropriate. Windows are considered character defining features of historic houses, and the window opening located on the left side façade near the front is much more visible than the window near the midpoint. In addition, the proposed alteration doubles the width of the opening whereas the proposed door at the midpoint maintains a width similar to the existing opening. For these reasons, staff finds that the alteration of the window opening on the left side façade near the front of the house meets Section V.1 for inappropriate demolition and does not meet Section V.2 for appropriate demolition. Staff, therefore, recommends that this opening remain unaltered.

Staff recommends approval of the project with the conditions that the window opening on the left side façade of the house near the front shall remain unaltered; and Staff approve the final details, dimensions, and materials of the door and stoop cover prior to purchase and installation.

Susan Hagar, architect for the project, explained that due to water issues all the brick will be removed and reinstalled. The request is due to dark interior space.

Bill Lawrence, contractor for the project, provided photographs to show the water damage and explained that all the brick will need to be removed and reinstalled. He explained that they requested to use lap siding instead and were told that was inappropriate. He took pictures of bungalows and the window configurations vary greatly.

Commissioner Mayhall explained that at her own house, when she purchased it, the walls were moving and a tuck-pointing process fixed the situation. She felt the windows will result in a more balanced design.

Commissioner Stewart said that the photographs show that the brick definitely needs to be removed. The closer features are to the front of the structure, the more difficult the design guidelines are to meet in terms of alterations and removal therefor existing conditions should be maintained. He did not find a compelling case to change what exists.

Ms. Zeigler advised the Commission to include removal and reinstallation of the brick in their deliberation and motion as the need to do that is new information for Staff and so was not reviewed.

Motion: Commissioner Stewart moved to approve the project with the condition that the brick be removed, salvaged and reinstalled, the window opening on the left side façade of the house near the front shall remain unaltered; and Staff shall approve the final details, dimensions, and materials of the door and stoop cover prior to purchase and installation. Commissioner Bell seconded and the motion passed unanimously.

IX. OTHER BUSINESS

j. REVISION TO RULES OF ORDER AND PROCEDURE

This item was deferred.

k. COMMISSIONER TRAINING

This item was deferred.

X. ADMINISTRATIVE ACTIONS & UPDATES

I. ADMINISTRATIVE PERMITS ISSUED FOR PRIOR MONTH