

JOHN COOPER  
MAYOR



# METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission  
Sunnyside in Sevier Park

## METRO HISTORIC ZONING COMMISSION (MHZC)

### MINUTES March 16, 2022

**Commissioners Present:** Chair Bell, Leigh Fitts, Mina Johnson, Kaitlyn Jones, Elizabeth Mayhall, David Price  
**Zoning Staff:** Sean Alexander, Melissa Baldock, Kelli Mitchell, Joseph Rose, Melissa Sajid, Robin Zeigler (historic zoning administrator), Ann Mikkelsen (legal counsel)  
**Applicants:** Quan Poole, Ajeya Upadhyaya, Brian Rainwater, Michael Ward, Barry Field, Pablo David, Brandon Johnson, Ryan Stringfellow, John Root, Curtis Lesh, Dave Brawner, Casey Riley  
**Councilmembers:** Brett Withers  
**Public:** Jim Daniel, Seth Harlin

Chair Bell called the meeting to order at 2:04 p.m.

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

#### I. MHZC BUSINESS

##### A. ADOPTION OF FEBRUARY 16, 2022 MINUTES

**Motion: Commissioner Price moved to approve the minutes for February 16, 2022, as presented. Commissioner Jones seconded and the motion passed unanimously.**

##### B. ADOPTION OF AGENDA

Ms. Zeigler provided the following potential revisions to the agenda:

J. 1409 Forrest-removed: revised application to allow for an administrative permit  
S. 708 Monroe-deferred until next month  
V. 255 Cherokee-application rescinded  
CC. 1309 5<sup>th</sup> Ave N-deferred

**Motion:**

**Commissioner Jones moved to accept the revised agenda. Commissioner Fitts seconded, and the motion passed unanimously.**

##### C. COUNCILMEMBER PRESENTATIONS

Councilmember Withers asked to hold his presentation for the specific items he plans to address.

#### II. CONSENT AGENDA

Staff member, Melissa Sajid, presented the items on the consent agenda. As notice to the public, she explained that items on the consent agenda will be voted on at a single time.

**D. ADMINISTRATIVE PERMITS ISSUED FOR PRIOR MONTH**

**E. 1811 LILLIAN ST**

Application: New Construction - Outbuilding  
Council District: 06  
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
Project Lead: Jenny Warren Jenny.Warren@nashville.gov  
PermitID#: T2022013091

**F. 1507 DALLAS AVE**

Application: New Construction - Outbuilding; Setback Determination  
Council District: 18  
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Sajid Melissa.Sajid@nashville.gov  
PermitID#: T2022013118

**G. 600 MONROE ST**

Application: New Construction - Addition; Setback Determination  
Council District: 19  
Overlay: Germantown Historic Preservation Zoning Overlay  
Project Lead: Melissa Sajid Melissa.Sajid@nashville.gov  
PermitID#: T2022013133

**H. 1111 GARTLAND AVE**

Application: New Construction - Addition  
Council District: 06  
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Baldock Melissa.Baldock@nashville.gov  
PermitID#: T2022013574

**I. 330 CHESTERFIELD AVE**

Application: New Construction – Outbuilding; Setback Determination  
Council District: 18  
Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay  
Project Lead: Joseph Rose Joseph.Rose@nashville.gov  
PermitID#: T2022013604

**J. 1409 FORREST AVE**

Application: New Construction - Addition and Outbuilding/Detached Accessory Dwelling Unit  
Council District: 06  
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Baldock, melissa.baldock@nashville.gov  
PermitID#: T2022013617 and T2022013625

**K. 1908 ELLIOTT AVE**

Application: New Construction - Addition  
Council District: 17  
Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay  
Project Lead: Jenny Warren Jenny.Warren@nashville.gov  
PermitID#: T2022013640

**L. 4501 PARK AVE**

Application: Partial Demolition; New Construction - Addition

Council District: 24  
Overlay: Park and Elkins Neighborhood Conservation Zoning Overlay  
Project Lead: Sean Alexander [Sean.Alexander@nashville.gov](mailto:Sean.Alexander@nashville.gov)  
PermitID#: T2022014189

**M. 3932 CAMBRIDGE AVE**

Application: New Construction - Outbuilding; Setback Determination  
Council District: 24  
Overlay: Cherokee Park Neighborhood Conservation Zoning Overlay  
Project Lead: Sean Alexander [Sean.Alexander@nashville.gov](mailto:Sean.Alexander@nashville.gov)  
PermitID#: T2022014190

**N. 203 CHAPEL AVE**

Application: New Construction – Addition  
Council District: 06  
Overlay: Eastwood Neighborhood Conservation Zoning Overlay  
Project Lead: Jenny Warren [Jenny.Warren@nashville.gov](mailto:Jenny.Warren@nashville.gov)  
PermitID#: T2022013656

**O. 1703 VILLA PL**

Application: New Construction - Outbuilding; Setback Determination  
Council District: 17  
Overlay: Edgehill Neighborhood Conservation Zoning Overlay  
Project Lead: Sean Alexander [Sean.Alexander@nashville.gov](mailto:Sean.Alexander@nashville.gov)  
PermitID#: T2022015471

Commissioner Johnson asked for clarification on 1703 Villa Place, based on a letter of public comment that was submitted. Staff member Sean Alexander clarified that access was to be provided for the proposed outbuilding from the alley, and that the neighbor did object. The item was pulled from the consent agenda, to be presented at the end of the agenda.

**Motion:**

**Commissioner Price moved to approve all the items on consent with their applicable conditions, with the exception of 1703 Villa Place. Commissioner Fitts seconded, and the motion passed with Commissioner Mayhall in abstention.**

**III. OVERLAY RECOMMENDATIONS, DESIGN GUIDELINE ADOPTIONS & PRE-1865 RECOMMENDATIONS**

None.

**IV. PRELIMINARY & FINAL SP REVIEW**

None.

**V. VIOLATIONS/ ALTERATIONS TO PREVIOUS APPROVALS/ SHOW CAUSE**

**P. 4311 UTAH AVE**

Application: Demolition/ Violation  
Council District: 24  
Overlay: Bowling House District Neighborhood Conservation Zoning Overlay  
Project Lead: Robin Zeigler, [robin.zeigler@nashville.gov](mailto:robin.zeigler@nashville.gov)

Historic Zoning Administrator Robin Zeigler presented the case. The historic house at 4311 Utah was demolished during pending legislation, which was the expansion of the Bowling House District---and even though the Codes demo permit was held because of the building being eligible for listing in the National Register. The applicant has not provided any information as to why they demolished without a permit or to make the argument that there was economic hardship.

Staff recommends denial of demolition of 4311 Utah Avenue finding that the project does not meet Section III(B) for demolition nor 17.40.420(E) of the zoning ordinance for economic hardship. Staff recommends that an application be submitted for the reconstruction of the historic building by noon, May 30, 2022, the deadline for the May MHZC public hearing and that the building be reconstructed within twelve months of issuance of a reconstruction permit.

Quan Poole, legal representative of the applicant, explained the house was demolished mistakenly in September or October, prior to final designation of the overlay. He claims that the board did not have jurisdiction at the time it was demolished.

Commissioner Jones clarified that the house was demolished without permits. In answer to Commissioner Mayhall's question, Poole said that his client will be fined triple-fees with Codes and there is no violation with MHZC.

There were no requests from the public to speak.

Ann Mikkelsen countered that pending legislation was in effect at the time of the first application to codes and that allowed for the refusal of the permit; therefore the MHZC had jurisdiction. Commissioner Johnson, Jones and Price agreed that pending legislation was in effect and the MHZC did not issue the permit. Commissioner Jones added that the applicant has created their own issue by demolishing without a permit. Chair Bell invited the applicant back. He stated that there is no 90-day for neighborhood conservation zoning overlay. Even if it is pending legislation the only thing that makes it effective is the mayor's signature.

Mikkelsen reiterated that since the MHZC had the authority to deny the permit, based on pending legislation, it has the authority to enforce it. Zeigler read from a legal opinion in 2007 after the Tennessee Supreme Court regarding *Harding Academy v. The Metro Government*. *As we have previously explained, the "pending ordinance doctrine" is a judicially created rule that is intended to protect the ability of the legislative body to adopt important changes in the public policy by preventing a permit applicant from obtaining a permit that would work to defeat the goal of the legislation that is "pending" but has not yet been finally adopted.*

**Motion:**

**Commissioner Jones moved to deny demolition of 4311 Utah Avenue finding that the project does not meet Section III(B) for demolition nor 17.40.420(E) of the zoning ordinance for economic hardship and required that an application be submitted for the reconstruction of the historic building by noon, May 30, 2022, the deadline for the May MHZC public hearing and that the building be reconstructed within twelve months of issuance of a reconstruction permit. Commissioner Johnson seconded and the motion passed unanimously.**

**Q. 400 BROADWAY**

Application: New Construction – Addition/ Violation  
Council District: 19  
Overlay: Broadway Historic Preservation Zoning Overlay  
Project Lead: Robin Zeigler, robin.zeigler@nashville.gov  
PermitID#: T2022013231

Staff member Kelli Mitchell presented the case for 400 Broadway, which is a circa 1870 brick commercial building that contributes to the Broadway Historic Preservation Zoning Overlay. In July 2016, the Commission approved alterations to the building's storefronts as well as new lighting and a rooftop and rear addition. The Commission approved a larger version of the addition in October of that year. The permit was revised again in December of 2016 to allow for a taller elevator overrun. Lights and speakers were not requested or approved as part of the permit or its subsequent revisions.

Staff found lights, poles, and speakers on the rooftop addition on November 2, 2019, which again had not been requested or approved.

Two abatement letters have been sent but there has been no response.

Previously, the Commission has considered lighting on rooftop additions to be “obtrusive” since the lighting highlights an addition which should be visually minimized. Also in the past, elements such as banners and lights have not been allowed to be attached to rooftop railings for similar reasoning. In this case, the violation includes lighting on the railing and lighting on poles in the step-back areas. The lighting does not meet section II(T) of the design guidelines.

Rooftop additions are required to step-back a minimum of thirty feet (30’). This ensures that the new construction is compatible and not visually jarring or contrasting. Features have also not been approved on a railing for the same reasons. Permanent features have not been allowed within this area. Along with the lighting, the violation includes permanently installed features, poles in the step-back area, lights and speakers attached to the railing and the rooftop addition, none of which meets the design guidelines.

Staff recommends that the poles, lighting and speakers installed without a permit be removed within sixty (60) days, finding that the alterations do not meet sections II(T) for lighting and III(I) for rooftop additions. This recommendation would not preclude the applicant from installing features that do not require review or applying for features that would meet the design guidelines.

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

**Motion:**

**Commissioner Jones moved to require that the poles, lighting and speakers installed without a permit be removed within sixty (60) days, finding that the alterations do not meet sections II(T) for lighting and III(I) for rooftop additions. Commissioner Fitts seconded, and the motion passed unanimously.**

**R. 201 2<sup>ND</sup> AVE N**

Application: Rehabilitation – Violation; Signage – Violation

Council District: 19

Overlay: Second Avenue Historic Preservation Zoning Overlay

Project Lead: Kelli Mitchell, kelli.mitchell@nashville.gov

Staff member Kelli Mitchell presented the case for 201 2<sup>nd</sup> Ave North, which was constructed in 1882 and contributes to the Second Avenue Historic Preservation Zoning Overlay. The building was impacted by the 2020 Christmas morning bombing, which caused damage to the storefront, Church Street-side windows, and the upper chamfered corner of masonry. Multiple permits have been issued for the building to include masonry repair, window replacement, stucco repair, and the instillation of a new cornice.

When the violation was originally discovered, it included unpermitted work carried out on the storefront and two first level windows as well as unpermitted signage. Since the staff report was written, the two banner signs have been removed and are no longer part of the violation. This resolves the allotment issues and the questions over materials for the banners.

As previously mentioned, the storefront was impacted by the Christmas Day bombing and was replaced sometime between February 2021 and November 22, 2021, based on Google map images and site inspections. The new storefront does not replicate the previous known storefront, which had an appropriate design.

The window configuration as well as the trim, casings, and mullion have different dimensions and designs from what was there previously. The new storefront does not meet section II(C)(3) in that it does not replicate the previous design and is not appropriate for the building’s style and period.

The storefront design does not meet sections II(A) and II(C) of the guidelines.

With regard to the two lower windows in question, they were altered without approval. Based on available information and photographs, the sashes in both windows were altered to appear to be in one plane. They were previously double hung windows that matched the other three on the first floor of this elevation. The sashes should be replaced to recreate that double hung appearance.

The windows do not meet Sections II(GP) and II(H) of the guidelines.

Finally, there is still one issue with the cabinet sign. It currently has white background. The guidelines require backgrounds be opaque and that only graphics, text and logs may be illuminated. White is considered to be non-opaque in this case as it allows light through when the sign is illuminated. If the lens is changed to have an opaque background, the sign will meet section IV(J) of the guidelines.

With this, staff recommends that the applicant

1. Submit a design for a replacement lens for the cabinet sign;
2. Submit drawings for a new storefront to match the previous one; and,
3. Submit materials, dimensions and make/model for replacement double-hung windows

within sixty (60) days of the Commission's decision, finding that the current storefront does not meet sections II(A), II(C), and II(GP) for a replacement storefront, the side-façade windows do not meet sections II(GP) and II(H) for replacement windows, and the cabinet sign does not meet section IV(J) for internal illumination of signage. Staff further recommends that the storefront and side-façade windows be replaced within sixty (60) days of receiving a permit.

Ajeya Upadhyaya said that has owned the building for ten years and have complied with all the requirements. He explained that he values the ground floor, and they want to continue to maintain the historic windows. The tenant hired someone to replace the glass in the summer of last year, but did not obtain a permit. They can replace the sash to look like a double hung window, but they hate to lose what was done. It will be too hard on them to replace the storefront prior to having a new tenant.

In answer to Chair Bell's question, Upadhyaya said that their tenant did not obtain a permit prior to conducting work.

There were no requests from the public to speak.

Commissioner Price said he was sorry for what they have been going through. Commissioners Price and Mayhall said that who the tenant is should not impact the ability to follow the design guidelines.

Commissioners discussed the length of time needed for correction based on the current supply chain issues.

**Motion:**

**Commissioner Price moved to require the applicant to:**

1. **Submit a design for a replacement lens for the cabinet sign;**
2. **Submit drawings for a new storefront to match the previous one; and,**
3. **Submit materials, dimensions and make/model for replacement double-hung windows**

**within sixty (60) days of the Commission's decision, finding that the current storefront does not meet sections II(A), II(C), and II(GP) for a replacement storefront, the side-façade windows do not meet sections II(GP) and II(H) for replacement windows, and the cabinet sign does not meet section IV(J) for internal illumination of signage. The Commission further requires that the storefront and side-façade windows be ordered (with proof provided to staff) or replaced within ninety days (90) days of receiving a permit. Commissioner Fitts seconded, and the motion passed unanimously.**

**S. 708 MONROE**

Application: New Construction—Addition/ Violation  
Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay  
Project Lead: Kelli Mitchell, kelli.mitchell@nashville.gov

Deferred at the request of the applicant.

#### **T. 207 BROADWAY**

Application: Signage - Violation  
Council District: 19  
Overlay: Broadway Historic Preservation Zoning Overlay  
Project Lead: Kelli Mitchell, kelli.mitchell@nashville.gov

Staff member Kelli Mitchell presented the case for 207 Broadway, which is a circa 1940s two-story commercial structure that does not contribute to the historic character of the Broadway Historic Preservation Zoning Overlay.

The violation is in regard to the mural on the east elevation of the structure. Two letters of abatement have been sent to the building owner but there has been no response to these letters.

While the mural exceeds the square footage allowed for painted murals and is located on the first and second story, which is typically not allowed for murals, staff suggests that the mural could meet the design guidelines as the building is non-contributing and the mural faces surface parking. The goal of having murals be smaller in size on masonry buildings is to limit future damage if the mural is removed. Also having them on upper levels is to follow historic precedent with painted signs. Again, the building is non-contributing and is constructed of concrete block.

Also, the elevation in question was not meant to be exposed since the building is not a corner lot. Staff argues that a mural, in a location like this, on a non-historic building could be more appropriate for the historic character of the district than a solid color or the vinyl signs there now. In addition, there is hope that surface parking will be one day replaced with infill, making a mural such as this somewhat temporary. If the Commission agrees, the only other property that is a non-contributing building with a side facing surface parking is 123 2<sup>nd</sup> Ave South.

With this, staff recommends approval of the mural based on the fact that the building is non-historic and is located on an interior block that is next to a surface parking lot and finding that the signage meets section IV(A) of the guidelines for painted murals.

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

#### **Motion:**

**Commissioner Johnson moved to approve the mural based on the fact that the building is non-historic and is located on an interior block that is next to a surface parking lot and finding that the signage meets section IV(A) of the guidelines for painted murals. Commissioner Mayhall seconded, and the motion passed unanimously.**

### **VI. MHZC ACTIONS**

#### **U. 1712 ASHWOOD AVE**

Application: Demolition – Economic Hardship  
Council District: 18  
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay  
Project Lead: Joseph Rose, joseph.rose@nashville.gov  
PermitID#: T2022013626

Staff member Joseph Rose presented the case. The applicant requests demolition of the contributing home at 1712 Ashwood Avenue, arguing for economic hardship. The house at 1712 Ashwood Avenue is a circa 1915 contributing home in the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay.

1712 Ashwood Avenue has been largely neglected for a number of years, suffering from prolonged hoarding and accumulation of trash. Because of this, the home has fallen into disrepair. It is the Commission's primary goal to ensure the preservation of historic buildings. Demolition requests are reviewed by staff in detail providing not only an analysis of the information given but an analysis of what questions remain. It is the responsibility of the applicant to prove hardship rather than for staff to disprove hardship. Economic hardship is not based on the personal hardship of the owner, whether or not new construction would be cheaper, or the ability of the property owner to realize the highest and best use of the property.

The applicant has provided two engineering reports. The reports describe foundation issues and issues with structural deflection and stress due to years of overload and clutter from the previous owner's hoarding. The reports also discuss issues with moisture damage, termite damage, mold, rot, and general deterioration from years of neglect and clutter. Staff recently visited the home and observed many of the issues described but found most of these issues to be issues commonly found in structures of this age. Repairs and reinforcing are often necessary but rarely require full demolition of the structure. There is no doubt that years of hoarding and general neglect have exacerbated many of these issues in this home. Despite these unfortunate circumstances, staff finds that the home is not beyond repair.

The applicant has also provided a demolition estimate, two cost of compliance estimates, an as-is market value estimate, and a post-restoration market value estimate. The applicant has provided seven nearby comparables to support these estimates. It is possible that the as-is market value of the property is undervalued, given the comparables provided, but staff suspects that the \$800,000-\$900,000 post-renovation market value of the home is, likely, accurate. This estimate does not include the possibility of an addition which would further increase the market value of the home.

The current owner has only owned the property since October 1, 2021, and so is not responsible for the disrepair and deterioration of the home. The current owner agreed to purchase the property sight unseen, without a formal walk-through. Staff finds the applicant created his own hardship by agreeing to purchase a home knowing the issues regarding hoarding and without an appraisal and inspection. He was alerted to potential issues by not being able to obtain a loan. It is incumbent on the applicant to make an informed purchase. Though undiscovered conditions may have existed at time of purchase, staff finds the undiscovered conditions discussed do not necessitate full demolition of a structure as they are described. There is no doubt the hoarding and general lack of upkeep over the years exacerbated the deterioration of the home. Staff finds that the home is not beyond reasonable repair.

Staff recommends denial of demolition of 1712 Ashwood Avenue finding that the project does not meet section III(B)(2) for appropriate demolition and 17.40.420(E) for economic hardship. The project meets section III(B)(1) for inappropriate demolition.

The property owner, Brian Rainwater, provided background on his search for a home, how he came to purchase this building and the construction issues. Rainwater was concerned that he could not get videos to play, and Commissioner Fitts said that there were many photos in the report that were very helpful. He offered to reconstruct with the same design.

There were no requests from the public to speak.

Commissioner Jones said she walked through the house the day prior. After the walk-thru and the report provided, she does not find it practical to keep the house. Commissioner Mayhall disclosed that a neighborhood representative, who was also at the walk-thru, said that there is a spring that runs behind multiple houses and owners have had to make expensive repairs. Commissioner Fitts agreed that any one of the issues is repairable but too much of this house would have to be removed in order to conduct repairs and the entire house is racking. Commissioner Johnson thought a roof beam was in good shape but cannot be saved if the foundation and first level issues are fixed, which is necessary, and that the location of the spring is an additional concern.

Commissioner Price warned people about purchasing a house sight unseen or overpaying for a property. He said that they have seen houses like this in the past and not approved demolition, but he appreciated the input of those commissioners who had an opportunity to walk-thru the building, which he had not.

**Motion:**



**Commissioner Jones moved to approve demolition of 1712 Ashwood Avenue finding the project meets section III(B)(2) for appropriate demolition and 17.40.420(E) for economic hardship and the project does not meet section III(B)(1) for inappropriate demolition. Commissioner Fitts seconded, and the motion passed unanimously.**

#### **V. 255 CHEROKEE RD**

Application: Demolition – Economic Hardship  
Council District: 24  
Overlay: Cherokee Park Neighborhood Conservation Zoning Overlay  
Project Lead: Joseph Rose, joseph.rose@nashville.gov  
PermitID#: T2022013616

Request rescinded.

#### **W. 102 S 14TH ST**

Application: Demolition – Economic Hardship  
Council District: 06  
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
Project Lead: Joseph Rose, joseph.rose@nashville.gov  
PermitID#: T2022013621

Staff member Joseph Rose presented the case. The applicant requests demolition of the contributing home at 102 S 14th Street, arguing for economic hardship. 102 South 14th Street is a contributing circa 1900 Folk Victorian frame house in the Lockeland Springs – East End Neighborhood Conservation Zoning Overlay. The house suffered from a period of neglect and later suffered damage in the March 3, 2020 tornado. On March 19, 2021, one year after the tornado, the home was sold to the current owner. The current owner applied for a Preservation Permit for an addition and restoration of the home in July of 2021. The Commission approved the proposed rear addition and the demolition of the non-contributing outbuilding on July 21, 2021. As partial demolition work began on the home, the applicant states that they discovered the house was in worse condition than originally anticipated. Today, the applicant requests demolition of the home, arguing for economic hardship.

The applicant has provided one engineering report from Barry R. Field, P.E. with Field’s Engineering Consultant Services, LLC. The report notes issues with foundation and framing, including a cracked and unsupported brick foundation, lack of footings in areas, missing and broken roof trusses, decayed and broken floor joists, collapsed chimney, lack of structural supports, and general decay, deterioration, and mold. Staff recently visited the home and staff’s observations of the home agree with the items discussed in the engineering report and application.

The applicant has also provided a demolition estimate, a cost of compliance estimate, an as-is market value estimate, and a post restoration estimate of \$1,000,000. The applicant has provided four nearby comparables to support these estimates. Staff finds the issue for this case is not so much the cost of repairs but the inability to repair and retain the few remaining historic elements of the building due to such extreme deterioration.

Most of the significant damage and deterioration seems to have occurred in the years of neglect leading up to the tornado and in the tornado itself. However, the full extent of this damage and deterioration was not evident until work began on the house. The issue for this case is not the cost of repairs but the inability to repair. The application was presented as an economic hardship request based on the fact that the building is historic. However, between neglect and tornado damage, few historic features remain of the historic home, and of the few that remain, many, if not most, will require replacement. From the information provided and from visual review of the property, staff finds the number of repairs needed would result in a non-contributing building.

Staff recommends approval of full demolition of the house at 102 S 14th Street, finding that demolition meets section III(B)(2)(b) as the necessary demolition required to repair the building will result in a non-contributing building and the project meets section III(B)(2)(a) as repairs are not possible in a manner that retain what is left of the historic building.

Michael Ward, architect for the project, provided a timeline for the project and the reasons for the demolition request. The foundation is brick on dirt, rather than on rock as seen typically, and there are additional structural issues. They hope to preserve one or two features and reinstall them in the new house, such as the mantle. The contractor has a long history of preserving historic houses.

Engineer for the project, Barry Field, provided information about the building. There are multiple portions of the house that need to tie back to the foundation that do not, and he would not put his workers in the house for a rehab, due to the safety concerns.

There were no requests from the public to speak.

Chair Bell and Commissioner Johnson, who had an opportunity to walk-thru the house, explained that it is useful to hear from people with experience in rehabilitating old houses, which is the case here where there was a true attempt to rehab and to protect the building during work. Commissioner Fitts agreed that the team attempted to preserve but during the work, the structural issues became visible. The piers are not resting on rocks, which is just one of many issues. Commissioner Johnson added that she is surprised that the house is still standing, the building was not constructed well to begin with, and that rehab will require removal of all historic features. Commissioner Mayhall agreed.

**Motion:**

**Commissioner Mayhall moved to approve full demolition of the house at 102 S 14th Street, finding that demolition meets section III(B)(2)(b) as the necessary demolition required to repair the building will result in a non-contributing building and the project meets section III(B)(2)(a) as repairs are not possible in a manner that retain what is left of the historic building. Commissioner Price seconded and the motion passed unanimously.**

**X. 200 BROADWAY**

Application: New Construction – Addition; Signage

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

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

PermitID#: T2021076673

Historic Zoning Administrator Robin Zeigler presented the case. The request is to construct a marquee structure with changeable copy and to install a corner projecting sign. Review gets complicated because of the multiple sections of the design guidelines this project touches, including modifications for exceptional design and for tourist-oriented businesses, so I am going to try and simplify it for this presentation and the applicant is here to answer questions.

It does not directly meet the design guidelines because the marquee covers more than the entrance, signage exceeds the allotment by approximately eighty-seven square feet, the projecting sign exceeds the maximum dimensions, and the changeable copy is not on a wall sign and covers more than 50% of the sign area.

Staff recommends approval of the proposal based on the findings of fact in your report and with the conditions that:

1. There be no bare bulbs on any signage; and
  2. The bare bulbs on the underside of the marquee structure be a warm white color and not flash or chase;
- both of which the applicant has agreed to.

Further, if approved, staff recommends that the Commission acknowledge that the building and the tourist-oriented business are unique in the district and approval of the project does not set a precedent for future projects at other locations. Staff suggests that marquees do not meet the design guidelines for buildings that are less than four stories, less than eight feet (80') in width, and that do not meet the qualifications for a tourist-oriented building, ... and that, in general, where marquees are found to be appropriate, they should only span the primary entrance and should not include electronic changeable copy. Width should be determined based on the historic building and not

the width of multiple buildings combined for one business. Number of stories should be determined based on the historic building. Rooftop additions should not be considered when determining number of stories.

Recognizing that the guidelines already consider the massing of a building in terms of appropriate allotment, staff suggests that projecting signs should only be allowed some leeway on signage allotment when they are attached to a building of similar scale to this one, when the building serves as an immediate gateway into another historic district, the proposed signage is allowing for the retention of existing signage conditions, and when the signage is paired with a qualifying “tourist-oriented” business.

Commissioner Mayhall sought clarification that the proposed projecting sign was as tall as the existing sign but will be wider than the existing sign.

Pablo David, representative of AJ Capital, explained that they have the support of Councilmember O’Connell, the Downtown Partnership, Nashville Convention & Visitors Corp and Planning Department. The building has suffered from neglect and inappropriate alterations. They plan a fifty-five million dollar investment into the property. It will be a seated music venue showcasing local artists, and not a bar. They have received preliminary approval to be a “tourist-oriented” business and will be one of three. He explained how the design was created, including the desire to be a gateway into the Second Avenue district.

There were no requests from the public to speak.

At the request of the commissioners, Zeigler provided overview of tourist-oriented businesses as defined in the DTC and the design guidelines and the mandatory referral process for structures that extend over a public right-of-way.

Brandon Johnson, AJ Capital, provided the details for the design of the marquee and answered questions about the design.

Commissioner Mayhall explained that her community work has been in this area. She believes that economic development is what saves these buildings, so she is pleased to see the project. This is the most important corner in all of Nashville. She has not seen any drawings of the Second Avenue façade, but she takes them at their word that they are going to address Second Avenue. She wishes that the marquee was a third of the size and that the missing historic bay windows were reinstalled but she was overall in support of the project.

Commissioner Johnson said that there has not been a marquee in downtown Nashville, which is her biggest reservation. Because there are so many tourist-oriented businesses, how can they avoid setting precedent if they approve this marquee. She said that they have to be careful about stepping out and approving something they have not allowed for in the past. In the previous review, that was deferred, staff expressed concern that the marquee will be “visually jarring” to the building. The size is better from previous submittals, since the logo has moved down. She said the projecting sign’s height could be appropriate because of the existing sign’s height.

Commissioner Price agreed with Commissioner Johnson, noting the drastic difference in staff recommendations from the previous two months and the concessions being requested of the design guidelines. He questioned if the marquee was necessary for the business to succeed. It is not just a sign but rather a front addition. If someone wanted to add a front porch to a house that did not historically have one, they would not allow it. Are they elevating tourist-oriented businesses over other homeowners in Nashville?

Commissioner Jones agreed with Commissioners Johnson and Price, stating that every time they give an inch someone tries to take a mile. She stated the marquee is too large, too obtrusive, covers the windows of the second floor, and she is also concerned others that will then ask for marquees. She agreed that the corner sign could be appropriate as presented due to the existing sign.

Chair Bell said she appreciates the developer wants to be unique, but she is concerned about setting precedent.

Commissioner Mayhall said she hopes there is more effort put into the Second Avenue façade so that it can assist with the redevelopment of Second Avenue, and she agreed that a marquee that was smaller would be better. She noted that prior to the pandemic, ACME was the number one Uber destination in the city because they have a good

product that does not require a large sign and so she hopes that this developer will move forward with their project, no matter what the commission might determine.

Commissioner Johnson said they appreciate the preservation of the building, but the size of the marquee distracts from the historic character of the building and a large sign is not needed for a successful business. She does not feel they need to rush to approve and maybe the applicant will continue to work with staff to make the marquee smaller.

Commissioner Mayhall said there are two businesses with marquees on Broadway: Layla's and Jason Aldean's.

Commissioner Jones said she was not comfortable trying to redesign the project by specifying how much the size should change. Commissioner Johnson agreed and added that the applicant might be willing to redesign and return to the Commission. Commissioner Price said he was not interested in deferring the project.

Commissioner Price said the marquee does not meet the design guidelines or the Secretary of Interior Standards. He encouraged the applicant to work with staff on a smaller marquee.

**Motion:**

**Commissioner Price moved to disapprove the project. Commissioner Johnson seconded and the motion passed with Commissioner Mayhall in opposition.**

[Commission took a short break, returning at 4:32 pm.]

**Y. 2906 BELMONT BLVD**

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](mailto:Melissa.Baldock@nashville.gov)

PermitID#: T2022000247

Staff member Melissa Baldock presented the proposed DADU at 2906 Belmont Boulevard. The house is a c. 1935 brick bungalow that contributes to the historic character of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay.

The lot slopes significantly from front to back, allowing for a full basement level at the rear. MHZC approved an addition to the house in 2021. According to the drawings, the historic house measures approximately 19'9" from the top of the foundation. If the ridge raise is included, that measurement is approximately 21'9" tall from top of the foundation.

The proposed ridge height of the DADU will be twenty-four feet, six inches (24'6") tall from grade. In comparing the height of the historic house to the height of a DADU/outbuilding, the Commission has compared the two proportionally, rather than by grade, to ensure that an outbuilding is compatible with the primary building and applications are reviewed consistently. This is to ensure that lots where the slope drops significantly, the outbuilding is not artificially tall in comparison to the house as seen from the street or that an unusually tall building is placed on the alley or against a shared property line. Also, it ensures that for those lots where the slope rises significantly higher at the rear, the outbuilding is not constrained by having to be lower than the house even though the grade is higher for the outbuilding. To ensure that lots and houses are treated similarly, the Commission has measured the height of the house from the top of the foundation line, as it is the foundation height that varies most with grade.

The height of the historic house at 2906 Belmont Boulevard from the top of the foundation is approximately nineteen feet, nine inches (19'9"). The addition approved for this house in 2021 includes a two-foot (2') ridge raise; since the house is under twenty feet (20') from the top of the foundation, staff finds that it is appropriate in this case to include the two-foot (2') ridge raise in calculating the height of the house, although new construction typically is not used to determine the height of the historic building. With the two-foot (2') ridge raise, the height of the

outbuilding should be limited to twenty-one feet, nine inches (21'9"). Staff therefore recommends that the height of the DADU be reduced to twenty-one feet, nine inches (21'9").

For the vast majority of the outbuildings approved by MHZC staff in recent years, similar calculations for comparison have been made.

The outbuilding meets all setbacks, eave height requirements, and other design guidelines, except for its maximum ridge height, which staff finds should be reduced to twenty-one feet, nine inches (21'9").

Staff recommends approval of the DADU with the following conditions:

1. The height of the DADU be reduced to twenty-one feet, nine inches (21'9"); and,
2. MHZC approve all windows and doors and the roof shingle color prior to purchase and installation.

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

Ryan Stringfellow, applicant, argued that denial would be arbitrary, as the commission has set a precedent to approve outbuildings based on sea level. He examples of other projects and handout a packet of information.

There were no requests from the public to speak.

Commissioner Mayhall recused herself from discussion and voting, as she serves on a board with the applicant and did not feel she could make a fair decision.

Commissioner Jones asked staff to clarify how measurements have been made. Zeigler explained that there was mention of the design guidelines saying measurements are taken from sea level, but that is not the case and she read the italicized section of the design guidelines, noting the actual design guidelines mentioned by Ms. Baldock in her presentation.

*The DADU or outbuilding shall maintain a proportional mass, size, and height to ensure it is not taller or wider than the principal structure on the lot. The roof ridge height of the DADU or outbuilding must be less than the principal building and shall not exceed 25' feet in height.*

Commissioner Price said he was comfortable with continuing to take measurements based on proportion to the existing building. Commissioner Johnson said the Cedar Lane project, mentioned by the applicant, was a unique condition because of the unique topography and the DADU was higher than the historic structure. She explained that the DADU should not be taller but with the detailed research and site specific information, she is swayed by the applicant's presentation.

Commissioner Price said that he felt the compromise, in this case, is to measure the ridge including the ridge raise and the project can still be successful if it meets the design guidelines. Commissioner Jones said that a building could be too tall if it is decided by grade alone and this project does not compare to the Cedar project.

Commissioner Fitts said the proposed outbuilding is clearly taller than the principal historic building, as seen from the front, and this one is reaching a two-story outbuilding behind a one-story house.

**Motion:**

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

1. **The height of the DADU be reduced to twenty-one feet, nine inches (21'9"); and,**
  2. **MHZC approve all windows and doors and the roof shingle color prior to purchase and installation;**
- finding that the proposed DADU meets Section II.B. of the design guidelines for the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay. Commissioner Price seconded and the motion passed unanimously. The motion carried with Commissioner Johnson in opposition and Commissioner Mayhall recusing herself.**

## **Z. 1109 PETWAY AVE**

Application: New Construction – Infill and Outbuilding  
Council District: 06  
Overlay: Eastwood Neighborhood Conservation Zoning Overlay  
Project Lead: Joseph Rose, joseph.rose@nashville.gov  
PermitID#: T2022008494

Staff member Joseph Rose presented the case. The applicant requests new infill at 1109 Petway Avenue. The house at 1109 Petway Avenue was a circa 1915 contributing home in the Eastwood Neighborhood Conservation Zoning Overlay. In 2020, the home was completely destroyed by fire. The MHZC issued a demolition permit for the remaining debris in November 2020 and the site has since been cleared. Today, the applicant requests new infill on the vacant site.

Contributing houses on similar sized lots that make up the context around 1109 Petway Avenue range from one to one-and-one-half stories, are between fifteen feet (15') and twenty-six feet (26') tall, and between twenty-five feet (25') and thirty-three feet (33') wide. The historic house at 1109 Petway Avenue was one-and-one-half stories, approximately twenty-six feet (26') tall, and thirty-two feet (32') wide. Staff finds that a home with a maximum of one-and-one-half stories, maximum height of twenty-six feet (26'), and maximum width of thirty-three (33') may be appropriate for this site, depending on the overall form and massing. The proposal for infill on the site includes a primary residence that is to be a duplex and an outbuilding. A setback determination is needed as the side setbacks for the primary residence and outbuilding on the North 12<sup>th</sup> Street side of the lot will be eleven feet (11'), which does not meet the base zoning setback of thirty feet (30') with the fifty percent reduction to fifteen (15') as described in zoning ordinance 17.12.030(C)(2).

In addition, because the proposed building is wider than the historic context, the rhythm of spacing does not meet the historic context. Staff finds the side setbacks do not meet section V(C)(2) and bulk standards for the street-side setback. The proposed infill is two stories with a ridge height of twenty-eight feet, seven inches (28'7"), and eave height of twenty feet (20'), significantly exceeding the height of the contributing surrounding context; and forty-four feet (44') wide at the street, significantly exceeding the width of the contributing surrounding context on similarly sized lots. Staff finds that the width and heights of the proposed infill do not meet section V(A)(1) of the design guidelines.

The footprint of the proposed outbuilding is 1,012 square feet and the lot is 9,000 square feet. Therefore, the footprint of the outbuilding exceeds the 750 square feet maximum footprint that is allowed for lots under 10,000 square feet. Staff finds that the proposed outbuilding does not meet section VII(B)(1) of the design guidelines. The appropriate height for the outbuilding cannot be determined since staff finds that the primary building does not meet the design guidelines for height.

The wall heights of the proposed outbuilding are seventeen feet (17') from top of finished floor/slab. These wall heights exceed the wall height that the guidelines allow for an outbuilding behind a primary building that is one or one-and-one-half stories, as recommended by staff. Therefore, staff finds that the proposed outbuilding wall heights do not meet the guidelines.

Staff recommends disapproval of the proposed duplex infill and outbuilding/DADU, finding that the project does not meet sections V(A)(1) for form, V(C)(2) and V(C)(4) for building setbacks, VII(A)(3) and VII(B)(1) for outbuilding footprint, VII(B)(2) for outbuilding height, VII(B)(4) for outbuilding massing, nor VII(C)(2) for outbuilding setbacks of Part I and the Eastwood chapter of Part II of the design guidelines for Turn-of-the 20th-Century Districts.

John Root, architect for the project, said they deferred last month to talk with Councilmember Withers and believe they have met all his concerns. He said if they can agree that a two-story house is appropriate here, the outbuilding will be appropriate. He states that not only is the building not too large, it is necessary for this corner lot. This design has been used in other neighborhoods. This concept brings a mixture of housing options, and he asked the commission to keep in mind that this is a conservation district, the lot is zoned RM20, and this is the edge of the historic district. There are two-story apartments surrounding the lot. He asked for approval with the typical conditions required of infill.

Councilmember Withers explained that the area was originally boarding houses up until the 90s. This pocket was not downzoned to RS like the rest of the neighborhood. Neighbors were interested in preserving the existing houses but comfortable with increased density. This location has different context, zoning and feel than the rest of the neighborhood. He feels the uniqueness of the area will not set a precedent and he supports the height. He likes that there are outdoor spaces that are well done and enhance the neighborhood.

Commissioner Jones said that based on the immediate historic context, as they have done in the past, it is too large, but she is swayed by the unique conditions noted by the applicant and the councilman. Commissioner Price shared her concerns, reiterating that they do not typically consider non-contributing properties and stating that it will overwhelm the historic context.

Commissioner Johnson said the plan is bold, creative and maximizes the lot.

Root was invited back to say that if it would be easier for the commission, they can remove the outbuilding from the request.

Commissioner Fitts said that the applicant and councilmember have presented a compelling argument as this is a small pocket of the neighborhood that is surrounded by taller buildings; however, the scale is too overwhelming for the immediate context. Commissioner Jones said the uniqueness of this portion of the neighborhood might allow for some compromises; however, as currently designed it is all too much. Commissioner Price said he would entertain a redesign of one-and-one-half stories.

**Motion:**

**Commissioner Price moved to disapprove the proposed duplex infill and outbuilding/DADU, finding that the project does not meet sections V(A)(1) for form, V(C)(2) and V(C)(4) for building setbacks, VII(A)(3) and VII(B)(1) for outbuilding footprint, VII(B)(2) for outbuilding height, VII(B)(4) for outbuilding massing, nor VII(C)(2) for outbuilding setbacks of Part I and the Eastwood chapter of Part II of the design guidelines for Turn-of-the 20th-Century Districts. Commissioner Fitts seconded, and the motion passed unanimously.**

**AA.209 BROADWAY**

Application: New Construction - Infill

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

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

PermitID#: T2022013231

Staff member Melissa Sajid presented the case. This is an application for the demolition of an existing non-contributing building and the construction of new infill. Here is the existing building at 209-211 Broadway. As outlined in the staff recommendation, this structure dates to 1950 and was constructed on a vacant lot where a three-story building once stood. The yellowish brick veneer, the lack of window headers and the wider window proportions all mark this building as later than the historic structures in the overlay. As the date of construction, the materials and the design are not consistent with the historic character of the district, staff finds that the proposed demolition meets section V for demolition.

The proposed infill will be five stories tall with a height of just below sixty-five feet (65'). There will be a recessed partial sixth floor that reaches a maximum height of eighty feet (80'). The proposal meets the guidelines for height and massing.

The design includes an appropriate street-level storefront system and ample fenestration on the upper floors. The infill meets the guidelines for setbacks, rhythm of openings, roof shape and orientation. A sign is shown on the proposal, but there are not sufficient details to fully review. A full signage application must be submitted separately.

Final review of materials is recommended, including a brick sample, the storefront bulkhead material, the metal paneling and all doors and windows.

The applicant is proposing large multi-paned industrial type windows with sections that function as casements and swing out over the street. Casement windows were not used on historic structures in the Broadway district and as such, the Commission has determined in previous cases that they are not appropriate for either replacement or infill within the overlay. Window types that could be appropriate include fixed windows, operable sash windows (single or double-hung) or windows with sections that operate as hoppers.

In conclusion – and please note the corrected recommendation language in all caps - staff recommends approval of the proposed DEMOLITION AND infill with the following conditions:

1. Casement windows are replaced with another window style that meets the design guidelines;
2. Final review and approval of materials, prior to purchase and installation, including a brick sample, storefront bulkhead material, metal paneling and the final doors and windows.

With these conditions, staff finds that the proposed demolition and infill meet sections III. (New Construction) and V. (Demolition) of the Broadway Historic Preservation Zoning Overlay.

Curtis Lesh, with Tuck Hinton, stated that they agreed with the report with the exception of the windows. They do not believe that it is the intent of the design guidelines to replicate historic windows on a new building. There are examples of the type of windows they are proposing in historic buildings outside of the Broadway district and throughout the United States. They evaluated the use of the hopper window, but it creates headroom problems. The window style proposed creates a visually compatible façade. When closed, there is no visual difference between their proposal and a hopper window.

Jim Daniel, representing the Moxy next door, said that his building was constructed at the same time as this building. They placed concrete shear walls in order to keep their building, as they were told they could not tear it down. Their brick is the same, but they painted it. He has issue with demolition of a perfectly good building that the owners knew was in an overlay when they purchased. Since their building is wider, there is room for shear walls.

Seth Harlan, Robin Realty Company, said he believes the building to be historic and that it was required to be kept when the Westin project was proposed.

Commissioner Jones asked about contributory status. Zeigler explained that it has not been considered contributing for many years, has been planned for demolition since discussions about the Westin Hotel, prior to the overlay, and is not included in the National Register district.

Commissioner Price said he was compelled to allow for casement windows. Commissioner Fitts said when the windows are open all the time, it significantly alters the appearance and is a different look than the historic character, so she is concerned about allowing them. Commissioner Jones asked staff questions regarding previous denial of casement windows in the Broadway overlay. Commissioner Price commented that Commissioner Fitts's point regarding how casements significantly change the streetscape was a good one and well-taken. Commissioner Johnson stated that casement windows were not a concern if the brick is correct, and they will be closed part of the time. The applicant provided clarification of how the windows are proposed to operate.

**Motion:**

**Commissioner Price moved to approve the proposed demolition and infill with the following conditions:**

1. Casement windows are replaced with another window style that meets the design guidelines; and,
2. Final review and approval of materials, prior to purchase and installation, including a brick sample, storefront bulkhead material, metal paneling and the final doors and windows;

**finding that with these conditions, the proposed demolition and infill meet sections III. (New Construction) and V. (Demolition) of the Broadway Historic Preservation Zoning Overlay. Commissioner Johnson seconded and the motion passed with Commissioner Jones in opposition.**

**BB. 1012 S DOUGLAS AVE**

Application: New Construction - Addition and Outbuilding; Partial Demolition



Council District: 17  
Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Sajid Melissa.Sajid@nashville.gov  
PermitID#: T2022014026

Staff member Melissa Sajid noted that Commissioner Fitts is going to recuse herself and she presented the case for 1012 S. Douglas Ave, which is to demolish an existing rear addition, to construct a new rear addition that is both taller and wider than the historic house, and to construct an outbuilding. The house at 1012 S. Douglas Ave is a circa 1914 Victorian cottage that contributes to the historic character of the Waverly-Belmont neighborhood.

The plan includes the demolition of existing shed and hipped roof portions at the rear of the historic house. Since the portions to be demolished are located at the rear and have visibly different cladding material from that of the historic house, staff finds that the partial demolition can be appropriate. Since portions of the rear wall and roof plane will be removed to accommodate the addition, staff recommends that the partial demolition is accomplished manually, the applicant submit a shoring plan prior to permitting, and that there be an inspection after shoring.

The addition is located at the rear of the historic house, and the proposed outbuilding is located in the rear yard. Both structures meet all base zoning setbacks. Since the lot is seventy feet (70') wide and the historic house is shifted to the right of the lot, the subject property meets the criteria for when a wider rear addition can be appropriate.

The rear addition extends wider than the historic house on the left-side. The addition also rises three feet six inches (3'6") taller than the historic house. Since grade rises from the street to the rear of the property, the subject property meets the conditions when a taller addition may be appropriate. As designed the addition has a one-and-one-half story form with eave heights similar to those of the historic house, the additional height sets in at least two feet (2') from the side walls of the historic house, and the additional height is designed so that only roof is visible from the street and so that the new construction does not sit on the roof of the existing house. However, the design guidelines limit additional height to a maximum of two feet (2') above the main roof form of the historic house. For this reason, staff recommends that the additional height be limited to a maximum of two feet (2') taller than the historic house.

Section VI(B)(III) of the guidelines states that "an addition may not be both taller and wider." However, with the condition that the addition is no more than two feet (2') taller than the historic house, staff finds that the inclusion of taller and wider components can be appropriate in this case since the addition is not both taller and wider at the same point and since the wider portion is appropriately scaled and primarily glazing.

The footprint of the addition does not more than double that of the existing house. Staff finds that with the condition that the addition does not extend more than two feet (2') taller than the historic house, the project can meet the guidelines. The proposed outbuilding meets the design guidelines as proposed.

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

1. The addition shall be no more than two feet (2') taller than the historic house;
2. The final details of the steel siding and side porch floor and steps materials shall be approved prior to purchase and installation; and
3. Any new utility meters should be located on the side façade of the building.

With these conditions, staff finds that the project meets sections III. (Demolition), IV. (Materials). (New Construction-Additions), and VII. (New Construction-Detached Outbuildings & Garden Structures) of Part I and the Waverly-Belmont chapter of Part II of the design guidelines for Turn-of-the 20<sup>th</sup>-Century Districts.

Dave Brawner, architect with Pfeffer Torrode, read a letter from the property owner. He explained the reasons behind the design and provided an argument for the additional height. The lot is wider than most, they compressed the volume behind the house, and they have a significant rise in grade in the back.

There were no requests from the public to speak.

In answer to Chair Bell's question regarding the renderings, the applicant is not changing the existing brick.

Commissioner Jones said she was compelled by the design that was respectful of the house by being separated with a small connector and that the raise in grade might be a reason for the additional height.

Commissioner Price said they have held applicants to the two-foot (2') rule, and he is concerned that the addition is two-stories on what is really a one-story house, rather than a one and one-half story house. Commissioner Johnson agreed that it is a great design, but she is concerned about setting a precedent.

**Motion:**

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

- 1. The addition shall be no more than two feet (2') taller than the historic house;**
- 2. The final details of the steel siding and side porch floor and steps materials shall be approved prior to purchase and installation; and**
- 3. Any new utility meters should be located on the side façade of the building;**

**finding that with these conditions, the project meets sections III. (Demolition), IV. (Materials). (New Construction-Additions), and VII. (New Construction-Detached Outbuildings & Garden Structures) of Part I and the Waverly-Belmont chapter of Part II of the design guidelines for Turn-of-the 20<sup>th</sup>-Century Districts. Commissioner Price seconded and the motion passed with Commissioner Fitts in abstention.**

**CC.1309 5TH AVE N**

Application: New Construction—Infill

Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay

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

PermitID#: T2022013588

The project was deferred at the request of the applicant.

**DD.1312 CALVIN AVE**

Application: New Construction - Addition

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

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

PermitID#: T2022013678

Staff member Melissa Baldock, presented the case for 1312 Calvin Avenue.

1312 Calvin Avenue is a pre-1908 Folk Victorian House that contributes to the historic character of the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay. The house is located at the southwest corner of Calvin Avenue and North 14<sup>th</sup> Street. The application is for a rear addition, alteration of a window opening, and new dormers.

First, the applicant is proposing to construct a new roof over the existing patio, where the pergola is currently. Staff finds that this part of the project meets the design guidelines.

The applicant also intends to change a single window opening to a triple window opening on the North 14<sup>th</sup> Street. Staff does not find this alteration to be appropriate because it is highly visible from North 14<sup>th</sup> Street. Moreover, the historic windows are largely single, tall, double hung windows, and this triple set of windows does not match the pattern and proportion of windows on the rest of the house. Staff finds that the proposed demolition of window and door openings does not meet sections III(B)(1)(d) and III(A)(4).

The applicant is also proposing dormers on the side and rear. On this 14<sup>th</sup> Street side façade, staff finds that the dormer's scale is larger than what a typical historic dormer would be. The guidelines state "New dormers should be similar in design and scale to an existing dormer on the building. If there are no existing dormers, new dormers should be similar in design and scale to an existing historic dormer, or another historic building is similar in style and massing." There are no existing dormers on the historic house.

Examples of dormers on front and side roof forms were shown to illustrate that typically dormers are just two windows wide, have hipped roof forms, and have heights that fit a small double hung or fixed window but do not have siding/cladding above and below it.

1312 Calvin's roof has the hipped form and then a flatter form. So the proposed dormers will extend over the valley onto the flat roof form, which staff finds does not meet the design guidelines. I would like to note that after the publication of the staff recommendation, the applicant submitted revised drawings showing a hipped roof rather than a gabled roof, and siding rather than board and batten. They also show more windows in the dormer. While these do address staff's concerns about the roof form and materials, staff find that the dormer's height and width are the same as the initial proposal. In both versions, the dormer is not set off the ridge by two feet (2'), is not two feet (2') from the valley of the side bay roof, and is not two feet (2') back from the main edge of the hipped roof. The dormers are out of scale for the roof.

Staff has provided to the applicant the feedback that a dormer that is just about two windows wide and tall would be most appropriate for this roof form, which is constrained by the side bay and the flatter form.

Staff finds this dormer to be out of scale. The one dormer is not two feet (2') from the valley of the bay, and therefore does not meet the design guidelines. It too should have a hipped roof form to match that of the historic house, and it should have siding rather than board and batten.

Similarly to the other side, staff has provided to the applicant the feedback that a dormer that is just about two windows wide and tall would be most appropriate for this roof form. Another issue with the proposed dormers on this façade is that the rear dormer extends over the ridge of the back hip, which is not typical of historic dormers. Dormers should be two feet (2') from any roof ridge and should not extend over them.

Staff recommends disapproval of the project, finding that that proposed dormers and rooftop demolition do not meet Sections III(A), III(B), VI(A), VI(B), VI(D), and VI(E) of Part I and the Lockeland Springs-East End chapter of Part II of the design guidelines for Turn-of-the 20<sup>th</sup>-Century Districts.

Casey Riley, property owner provided background on the project and an overview of some of the other changes they have made. She stated that their proposal meets the design guidelines, is similar to the neighborhood, and similar to what others have done.

Commissioner Price said that the staff recommendation was consistent with past decisions. Often applicants bring in examples of projects that might have happened prior to the overlay and so they are not relevant. He is open to allow for the window change on the side of the building. He said he appreciated all the research she had done and appreciated that more space is needed, adding that there may be other ways to obtain the additional space.

Commissioner Fitts said that there were new drawings in the handout, and she is concerned as they have not had time to review them. Baldock explained that they may be the same as what staff received but there is still a concern with the scale.

Commissioner Johnson agreed with Commissioner Price, stating that altering the historic roof form is not consistent with the design guidelines. She agrees with staff recommendation.

Commissioner Jones said she was comfortable with window alteration request because it is past the midpoint of the house.

**Motion:**

**Commissioner Price moved to disapprove the project, finding that the proposed dormers and rooftop demolition do not meet Sections III(A), III(B), VI(A), VI(B), VI(D), and VI(E) of Part I and the Lockeland Springs-East End chapter of Part II of the design guidelines for Turn-of-the 20<sup>th</sup>-Century Districts. Commissioner Jones seconded and the motion passed unanimously.**

**EE. 616 MALTA DR**

Application: New Construction - Infill  
Council District: 02  
Overlay: Haynes Heights Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Baldock Melissa.Baldock@nashville.gov  
PermitID#: T2022013527

Staff member Melissa Baldock presented a proposed infill at 616 Malta. The site is a vacant lot that is over thirty-six thousand square feet (36,000 SF). The lot is located in the Haynes Heights Neighborhood Conservation Zoning Overlay, and this is the first infill project proposed in the district. Haynes Heights is currently our only mid-twentieth century ranch district.

The project meets all base zoning setbacks. There is an existing curb cut, and a new driveway will lead to an attached garage, where the garage doors face the side. This meets the design guidelines. The infill is one story in scale at the front. Because of the grade of the lot, the house is a full two stories at the rear, which staff finds to be appropriate. Staff finds that its flat and shed roof forms, mixture of stone and brick primary materials, and overall modern design to be appropriate for Haynes Heights. Overall, staff finds that the proposed infill has a design that is modern, yet respects the scale, materials, and form of the historic neighborhood.

Staff recommends approval of the infill with the following conditions:

1. The finished floor height be consistent with the finished floor heights of adjacent historic houses, to be verified by MHZC in the field;
2. The HVAC shall be located behind the house or on either side, beyond the midpoint of the house, and utility meters be located on the side of the building; and,
3. MHZC approve all masonry samples (brick, stone, tiles), the windows and doors, metal fascia, metal roof and canopy selection, siding material, and driveway pavers prior to purchase and installation.

With these conditions, staff finds that the proposed infill meet sections IV. (Materials) and V. (New Construction-Infill) of Part I and the Haynes Heights chapter of Part II of the design guidelines for Mid-20<sup>th</sup>-Century Districts.

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

**Motion:**

**Commissioner Fitts moved to approve the infill with the following conditions:**

1. **The finished floor height be consistent with the finished floor heights of adjacent historic houses, to be verified by MHZC in the field;**
  2. **The HVAC shall be located behind the house or on either side, beyond the midpoint of the house, and utility meters be located on the side of the building; and,**
  3. **MHZC approve all masonry samples (brick, stone, tiles), the windows and doors, metal fascia, metal roof and canopy selection, siding material, and driveway pavers prior to purchase and installation;**
- finding, with these conditions, the proposed infill meet sections IV. (Materials) and V. (New Construction-Infill) of Part I and the Haynes Heights chapter of Part II of the design guidelines for Mid-20<sup>th</sup>-Century Districts. Commissioner Jones seconded and the motion pass unanimously.**

**FF. 2204 WHITE AVE**

Application: Demolition; New Construction - Infill  
Council District: 17  
Overlay: Woodland-in-Waverly Historic Preservation Zoning Overlay  
Project Lead: Sean Alexander Sean.Alexander@nashville.gov

PermitID#: T2022014188

Staff member, Sean Alexander, presented the case for 2204 White Avenue, an application to demolish an existing house and construct a new two-story house. The existing house was constructed circa 1971 and is a modern-ranch variety but it is not historic and does not contribute to the historic character of the overlay.

Images of the context were shown, including across the street.

The new house is proposed with a front setback averaging the two adjacent houses. Because the adjacent houses are not historic, staff recommends using the two nearest historic houses for establishing the front setback. The width of the building is thirty-six feet (36') which is appropriate, and the results in appropriate side setbacks.

The height of the building is thirty-one feet, ten inches (31'10") from grade to the peak, with a twenty-one inch (21") foundation and twenty foot (20') eave height, above finished floor.

The materials are fiber cement siding, brick foundation and chimney, asphalt and standing seam roofs. With final approval of all windows and doors, asphalt roof color, metal roof selection, brick selection, and paving materials, staff finds that the known materials meet the guidelines.

Window pattern is compatible on the front and left side, on the right-side staff recommends that windows be added so there are no large unbroken wall spaces. Historically, a window every ten to twelve feet (10'-12') is typical.

Staff recommends approval of the application to demolish the non-contributing house at 2204 White Avenue and build a new two-story house with the following conditions:

1. The foundation height is compatible with nearby historic houses, to be verified with an inspection during construction;
2. The front setback is the average of the adjacent house to the right and the nearest historic house to the left (2016 White Avenue), to be verified by inspection at the start of construction;
3. The selections of windows and doors, asphalt roof color, metal roof selection, brick selection, and paving materials are approved;
4. The right façade has windows approximately every ten feet (10') to twelve feet (12') to break up the façade; and
5. The HVAC shall be located behind the house or on either side, beyond the midpoint of the house, and utility meters be located on the side of the building.

With these conditions, staff finds that the proposed infill meets sections III. (New Construction and Additions to Historic and Non-Historic Buildings); IV. (Appurtenances to Historic and Non-Historic Buildings); and V. (Demolition) of the design guidelines for the Woodland-in-Waverly Historic Preservation Zoning Overlay.

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

**Motion:**

**Commissioner Mayhall moved to approve the application to demolish the non-contributing house at 2204 White Avenue and build a new two-story house with the following conditions:**

1. **The foundation height is compatible with nearby historic houses, to be verified with an inspection during construction;**
2. **The front setback is the average of the adjacent house to the right and the nearest historic house to the left (2016 White Avenue), to be verified by inspection at the start of construction;**
3. **The selections of windows and doors, asphalt roof color, metal roof selection, brick selection, and paving materials are approved;**
4. **The right façade has windows approximately every ten feet (10') to twelve feet (12') to break up the façade; and**
5. **The HVAC shall be located behind the house or on either side, beyond the midpoint of the house, and utility meters be located on the side of the building;**

**finding with these conditions, the proposed infill meets sections III. (New Construction and Additions to Historic and Non-Historic Buildings); IV. (Appurtenances to Historic and Non-Historic Buildings); and V.**

**(Demolition) of the design guidelines for the Woodland-in-Waverly Historic Preservation Zoning Overlay. Commissioner Fitts seconded, and the motion passed unanimously.**

**o. 1703 VILLA PL**

Application: New Construction - Outbuilding; Setback Determination

Council District: 17

Overlay: Edgehill Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander Sean.Alexander@nashville.gov

PermitID#: T2022015471

Staff member, Sean Alexander, presented the case for an outbuilding at 1703 Villa Place.

The outbuilding is one and one-half story with a gambrel roof and a footprint of 573 square feet. Gambrel roofs are not typical of the overlay, so staff recommends that the roof be a hip or gable.

The proposal is to locate the building with a three foot (3') rear and three foot (3') side setback. Staff finds the three foot (3') side setback to be appropriate because the out building is smaller than 700 square feet so the bulk zoning would allow three feet (3'). Staff finds that the rear setback should be at least five feet (5') as the guidelines require.

Staff recommended approval of the proposed outbuilding with a three foot (3') side setback with the following conditions:

1. The rear setback is at least five feet (5') and may be increased; thereby lessening the 20' separation between buildings;
2. The roof has a hipped or gabled form more consistent with the historic house;
3. The building has no more than one wall dormer;
4. The window and door selections and the driveway material are approved prior to installation; and
5. The drawings are updated to reflect the conditions and any other revisions prior to permitting;

finding that with these conditions, the proposed addition/infill/outbuilding meets section VII. (New Construction- Detached Outbuildings & Garden Structures) of Part I and the Edgehill chapter of Part II of the design guidelines for Turn-of-the 20<sup>th</sup>-Century Districts.

The applicant was not present. There were no requests from the public to speak but public comment was received via email prior to the meeting and was the reason the item was pulled from consent.

Commissioners discussed the neighbors concern regarding the alley's turn radius.

Commissioner Johnson clarified the setbacks for bulk standards.

Ms. Zeigler suggested that if they wanted to approve the project as presented they might want to add that less than twenty feet (20') between buildings is approved. The applicant might still wish to move the outbuilding up to make it more usable and address their neighbor's concerns, which would result in there not being twenty feet (20') between the two buildings, as normally required. Adding that less is approved would prevent the applicant from having to return to the commission.

**Motion:**

**Commissioner Johnson moved to approve the proposed outbuilding with a three foot (3') side setback with the following conditions:**

1. **The rear setback is at least five feet (5') and may be increased; thereby lessening the 20' separation between buildings;**
2. **The roof has a hipped or gabled form more consistent with the historic house;**
3. **The building has no more than one wall dormer;**
4. **The window and door selections and the driveway material are approved prior to installation; and**
5. **The drawings are updated to reflect the conditions and any other revisions prior to permitting;**

**finding that with these conditions, the proposed addition/infill/outbuilding meets section VII. (New Construction-Detached Outbuildings & Garden Structures) of Part I and the Edgehill chapter of Part II of the design guidelines for Turn-of-the 20<sup>th</sup>-Century Districts. Commissioner Mayhall seconded, and the motion passed unanimously.**

## **VII. OTHER BUSINESS**

Zeigler made three announcements. Councilmember Murphy's BL2021-621 passed on third reading last night. It will require that an applicant of a project that is required to come to the commission provide notice of the project at least 11 days prior to the public hearing. That includes a mailed notice to all property owners within two hundred and fifty feet (250') and the posting of yard signs. The applicant is responsible for the cost and preparation of the notice and for providing proof of compliance. This procedure will be in place for the May 2<sup>nd</sup> deadline for the May public hearing.

Councilmember O'Connell is considering expanding the existing Downtown Historic Preservation Zoning Overlay. Draft boundaries currently include portions of 3<sup>rd</sup> and 4<sup>th</sup> Avenues North and Union Street. A virtual community meeting will be held March 23, 3:30 p.m.

Next month the meeting will be at the Bransford Conference Room at 2602 Bransford Ave (entrance and parking off Berry Road).

Meeting adjourned at 7:05 p.m.