

DAVID BRILEY  
MAYOR



# METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission  
Sunnyside in Sevier Park

## METRO HISTORIC ZONING COMMISSION (MHZC) MINUTES July 17, 2019

**Commissioners Present:** Chairman Bell, LaDonna Boyd, Leigh Fitts, Kaitlyn Jones, Elizabeth Mayhall, Ben Mosley

**Zoning Staff:** Sean Alexander, Melissa Baldock, Paul Hoffman, Melissa Sajid, Jenny Warren, Robin Zeigler (historic zoning administrator), Susan Jones (legal counsel)

**Applicants:** Lesley Beeman, Jason Peveler, Jeff Zeitlin, Luther Moore, Preston Quirk, Tom Mayhugh, Kaitlyn Smous, Martin Wieck, Rich McCoy, Brittney Mount

**Councilmembers:** None

**Public:** Kathryn McGill, Grace & Hugh Renshaw, Ben Bailey, Christophe Jamar

Chairman Bell called the meeting to order at 2:17 p.m.

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

### I. ADOPTION OF AGENDA

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

Robin Zeigler stated that the applicants for items K, M, and R have requested deferral. The addresses are: 300 Broadway, 1000 Paris, and 1210 Stratford. This is a first request for all except for 300 Broadway. It is a second request for 300 Broadway.

**Motion:**

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

### II. RECOGNITION OF COUNCILMEMBERS

There were no councilmembers in attendance.

### III. APPROVAL OF MINUTES

a. June 19, 2019

**Motion:**

**Commissioner Jones moved to accept the minutes as presented. Commissioner Boyd seconded and the motion passed unanimously.**

### IV. CONSENT AGENDA

Staff member, Melissa Sajid, presented the cases for the consent agenda.

b. **1405 RUSSELL ST**

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#: T2019039071

**c. 3700 RICHLAND AVE**

Application: New Construction—Addition; Setback determination  
Council District: 24  
Overlay: Richland-West End Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Baldock, [melissa.baldock@nashville.gov](mailto:melissa.baldock@nashville.gov)  
PermitID#: T2019039090

**d. 1815 SWEETBRIAR AVE**

Application: New Construction—Addition and Outbuilding (DADU)  
Council District: 18  
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Baldock, [melissa.baldock@nashville.gov](mailto:melissa.baldock@nashville.gov)  
PermitID#: T2019039075 and T2019039084

**e. 1925 19TH AVE S**

Application: New Construction--Addition; Partial Demolition  
Council District: 18  
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Sajid, [Melissa.Sajid@nashville.gov](mailto:Melissa.Sajid@nashville.gov)  
PermitID#: T2019039505

**f. 2038 ELLIOTT AVE**

Application: New Construction--Addition  
Council District: 17  
Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Sajid [Melissa.Sajid@nashville.gov](mailto:Melissa.Sajid@nashville.gov)  
PermitID#: T2019039541

**g. 901 MERIDIAN ST**

Application: Planning Commission Recommendation for SP Revision  
Council District: 05  
Overlay: Historic Landmark Zoning Overlay  
Project Lead: Robin Zeigler, [robin.zeigler@nashville.gov](mailto:robin.zeigler@nashville.gov)

**h. 320 44<sup>th</sup> AVE N**

Application: Planning Commission Review Regarding a Neighborhood Landmark  
Council District: 24  
Overlay: Park & Elkins Neighborhood Conservation Zoning Overlay  
Project Lead: Robin Zeigler, [robin.zeigler@nashville.gov](mailto:robin.zeigler@nashville.gov)

**i. 1222 VILLA PL**

Application: New Construction—Addition and 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#: T2019040282 and T2019040283

[Public comment received via email and forwarded to the Commission in regards to 1222 Villa Place.]

**Motion:**

**Commissioner Tibbs moved to approve all consent items with their applicable conditions. Commissioner Jones seconded, and the motion passed unanimously.**

## V. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTIONS

None

## VI. PREVIOUSLY DEFERRED ITEMS

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

*Commissioner Mosley arrived at 2:21pm, prior to the presentation for 1309 Woodland.*

### j. 1309 WOODLAND ST

Application: New Construction—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](mailto:Melissa.Baldock@nashville.gov)

PermitID#: T2019033833

[Public comment received and forwarded to the Commission via email.]

Staff member, Melissa Baldock presented the case for an outbuilding at 1309 Woodland. 1309 Woodland Street is a c. 1900 contributing house. The application is to construct a detached accessory dwelling unit. The Commission did receive letters of support for this project from neighbors, and those were emailed to you yesterday. The DADU meets all base zoning requirements for setbacks. MHZC measures footprints of DADUs from exterior wall to exterior wall. In this case, the footprint of the DADU is slightly larger than the seven hundred and fifty (750) square foot maximum allowed under the DADU ordinance and the design guidelines. Staff recommends that the footprint be reduced to be no larger than seven hundred and fifty (750) square feet when measured from exterior wall to exterior wall.

The DADU's maximum ridge height of twenty-five feet (25') meets the guidelines and the DADU ordinance. However, the eave heights are taller than what is typically allowed. Because of the lot's slope, the eave heights vary, but they range from nine feet to twelve feet, six inches (9'- 12'6"). By contrast, ten feet (10') is the maximum eave height allowed for DADUs. The DADU ordinance states, "The detached accessory dwelling shall maintain a proportional mass, size, and height to ensure it is not taller than the principal structure on the lot. The detached accessory dwelling height shall not exceed the height of the principal structure as measured to the eave line, with a maximum eave height of ten feet for single-story and seventeen feet for two-story detached accessory dwellings."

The Commission has routinely interpreted the eave height requirements for DADUs and outbuildings as limiting the eave heights of one-and-one-half story outbuildings and DADUs to ten feet (10'). The Commission's interpretation has long been to treat one-and-one-half story outbuildings like a one story outbuilding and limit the eave height to ten feet (10'). In addition, because of variations in grade, the Commission has determined that the eave and ridge height measurements of the historic house should be taken from the foundation and/or finished floor line. In this case, the applicant is proposing a structure with eave heights along the alley that are over twelve feet (12'), which exceeds the ten foot (10') limit called out in the DADU ordinance. Staff therefore recommends that the eave heights be no taller than ten feet (10').

Staff recommends approval of the DADU with the following conditions:

1. All eave heights be no taller than ten feet (10');
2. The footprint of the structure, as measured from exterior wall to exterior wall, be no greater than seven hundred and fifty (750 sq. ft);
3. The lap siding have a maximum reveal of five inches (5"); and
4. Staff approve all windows and doors and the roof shingle color prior to purchase and installation.

With these conditions, staff finds that the DADU meets Section II.B. of the design guidelines and 17.16.30.G, the DADU ordinance.

Lesley Beeman, Manual Zeitlin Architects, explained the design, the reason for the proposal, and that they received comments from neighbors in support of the project.

Commissioner Jones said that two-story DADUs are not allowed behind one-and-one-half story buildings so she supported staff recommendation.

**Motion:**

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

- 1. All eave heights be no taller than ten feet (10’);**
- 2. The footprint of the structure, as measured from exterior wall to exterior wall, be no greater than seven hundred and fifty (750) square feet;**
- 3. The lap siding have a maximum reveal of five inches (5”); and**
- 4. Staff approve all windows and doors and the roof shingle color prior to purchase and installation;**

**finding that with these conditions, the DADU meets Section II.B. of the design guidelines and 17.16.30.G, the DADU ordinance. Commissioner Boyd seconded and the motion passed unanimously.**

**k. 300 BROADWAY**

Application: Violation; Alterations-Exterior Lighting

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Robin Zeigler, [robin.zeigler@nashville.gov](mailto:robin.zeigler@nashville.gov)

The applicant requested deferral.

**VII. PRELIMINARY & FINAL SP REVIEW**

None

**VIII. VIOLATIONS/ ALTERATIONS TO PREVIOUS APPROVALS**

**I. 1207 DALLAS AVE**

Application: Violation/Show Cause; New Construction--Addition and Outbuilding

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander, [sean.alexander@nashville.gov](mailto:sean.alexander@nashville.gov)

PermitID#: 2018070250

Staff member, Sean Alexander, presented the case for a violation at 1207 Dallas, a show cause hearing regarding an addition and outbuilding at 1207 Dallas Avenue. The addition and outbuilding were approved by the MHZC in December of 2018. Construction on the project is underway, and on a framing inspection conducted on May 21<sup>st</sup>, it was discovered that the addition had deviated from the approved design.

There are two main issues with the way the addition has been constructed:

One issue is that the addition was approved to tie in to the house at the rear and go wider to the left, but it was not to impact the front, sides, or roof of the historic house. The addition has been built tying into the roof, increasing the height and changing the form of the roof.

The other issue is that the addition was approved with its roof lower than the ridge height of the original roof, with the eave height of the addition matching the eaves of the historic house. The addition has been built with eaves and a roof ridge significantly taller than those of the historic house.

Photographs of the building’s front, left, right, and rear were shown along with the approved drawings with an approximation of the roof and eave lines as they have been actually built were shown for comparison.

Staff recommends that the addition and outbuilding be reconstructed in a manner that matches the permits issued in December of 2018: HCP 2018070250 (Addition) and HCP 2018079303 (Outbuilding), with the non-compliant portions removed within sixty days (60) of the date of this hearing.

Staff finds that the addition and outbuilding, as currently constructed, do not meet the design guidelines for the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay, Sections II.B.1.a. (Height), II.B.1.b. (Scale), II.B.1.e. (Roof Shape), II.B.1.g. (Proportion and Rhythm of Openings), II.B.2 (Additions - subsections a & e), and II.B.2 III.B.h. (Outbuildings).

Commissioner Mosley asked when the photographs were taken. Mr. Alexander explained that the photographs were taken at the time of the framing inspection and staff did not believe any additional work has taken place since that time.

Jason Peebler said he owns the mistake; however, the addition could not be constructed as drawn and the elevations are incorrect. He described some potential solutions.

There were no requests from the public to speak.

*Elizabeth Mayhall arrived at 2:42 pm.*

Mr. Peebler returned to explain eave heights. Commissioner Tibbs asked clarifying questions.

Commissioner Mosley noted that the approved drawings had half the space that is now in the constructed addition and that the approved addition and the constructed addition are not close to each other in design; therefore he is concerned that the proposed solutions are not enough to meet the requirements of the permit and design guidelines. It is not ideal to ask someone to deconstruct something; however, this addition has gone far from what was approved and is out of scale. Commissioner Jones agreed that what was constructed is in no way similar to what was presented for approval.

Commissioner Mosley thought an additional thirty (30) days might be necessary, especially since adequate and correct drawings are necessary.

Commissioner Tibbs made a motion that was withdrawn.

Commissioners and legal counsel discussed proper procedure and potential motion language.

**Motion:**

**Commissioner Mosley moved to defer and require the applicant to return to the Commission in thirty (30) days with accurate drawings that significantly address the violation and for staff to issue a stop-work-order. Commissioner Tibbs seconded and the motion passed unanimously.**

**m. 1000 PARIS AVE**

Application: Violation/Show Cause; New Construction--Addition

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander, [sean.alexander@nashville.gov](mailto:sean.alexander@nashville.gov)

PermitID#: 20190040012

The applicant requested deferral.

## IX. MHZC ACTIONS

### n. 1823 5<sup>TH</sup> AVE N

Application: New Construction--Addition and Outbuildings; Partial Demolition

Council District: 19

Overlay: Salemtown Neighborhood Conservation Zoning Overlay

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

PermitID#: T2019039524 and T2019039532

Staff member, Melissa Sajid, provided the Commission with an email from Councilmember O'Connell and a hand out from the applicant. She presented the case for new construction at 1823 5<sup>th</sup> Avenue North.

The house located at 1823 5<sup>th</sup> Avenue North is a circa 1930 bungalow. It is a contributing structure to the Salemtown Neighborhood Conservation Zoning Overlay. The application is to construct an addition to the historic house and two single-story detached outbuildings. The addition will more than double the footprint of the historic house. The plan also includes altering an existing window opening on the right-side façade.

The existing house has a footprint of approximately one thousand, one hundred-ninety-three (1,193) square feet. This includes the front porch. The addition has a footprint of approximately one thousand, four hundred-eight (1,408) square feet. The footprint as well as the depth of the addition more than doubles that of the historic house, which is not something that has been approved recently, except in cases of exceptionally small historic houses. This case is similar to one that the Commission heard last month for the house next door at 1821 5<sup>th</sup> Ave N.

The addition is inset properly from the rear corners of the house, and the addition meets all setbacks per the zoning code. The outbuildings are located at the rear of the lot and also meet all setbacks.

The proposed addition will be one-and-one-half stories and two feet (2') taller in ridge height and has an eave height that is similar to that of the historic house. The design guidelines allow for two-foot (2') ridge raises for side gables houses. A hipped roof like the one at 1823 5<sup>th</sup> Avenue North is not eligible for a ridge raise, but staff does find that an addition that is two feet (2') taller than the historic house could be appropriate if the rest of the addition's scale is subordinate to the historic house.

The addition will be one-and-one-half stories in height, with dormers on the second level that are inset the required two feet (2') from the wall below. While the historic house is single-story, staff finds the one-and-one-half story form to be appropriate since the additional half story can be accomplished in only two feet (2') of additional height. The addition also takes advantage of the slope of the lot, and the foundation and floor line of the addition sit lower than those of the historic house.

The applicant proposes to elongate an existing window opening on the right-side façade near the rear of the house and to add a door near the midpoint. Staff finds that both proposed changes can be appropriate since they are located on a side façade at or beyond the midpoint.

The rear façade also includes a dormer. Staff finds that the larger footprint is not appropriate in this case since the house's footprint is not exceptionally small. In addition, the addition is proposed to be taller than the historic house and having a footprint that is larger than the footprint of the historic house makes the overall height and scale of the addition inappropriate. Staff recommends that the addition, including all covered porches, have a footprint no larger than that of the historic house, which is one thousand, one hundred-ninety-three (1,193) square feet.

Staff recommends approval of the project with the following conditions:

1. The footprint of the addition, including all covered porches, have a footprint no larger than one thousand, one hundred, and ninety-three square feet (1,193 sq. ft.), which is the footprint of the historic house;
2. Staff approve the final details, dimensions and materials of windows, doors, trim, roof color, and garage doors prior to purchase and installation;

3. The HVAC be located behind the house or on either side, beyond the mid-point of the house; and
4. Utility meters be located on the sides or rear of the building. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on the building permit(s).

With these conditions, staff finds that the proposed addition meets Sections III. and I.V. of the Salemtown Neighborhood Conservation Zoning Overlay design guidelines.

Commissioner Tibbs asked why staff was not recommending the size of the addition. Ms. Sajid said that additions that are larger than the house have only been approved for buildings less than one thousand (1,000) square feet and this case is similar to the house next door that received a similar recommendation recently.

Jeff Zeitlin said that they are in support of all the recommendations except for the first one, regarding the footprint size. What is proposed is a nine percent (9%) increase or an additional one hundred-twenty-six (126) square feet. The size of the addition is needed to make the project work economically. They cannot move forward with the project if the size is not approved. The project fits with the new house to the right and the substantially bigger house to the left. The increase in length helps the project meet the design guidelines.

Luther Moore, part owner of the property, stated that he would like the project approved as presented. He is trying to sell so that he can care for his family. The condition of the house is too poor to rehabilitate.

Preston Quirk, architect for the project, asked for approval. The proposed footprint is a small amount over what it should be.

There were no requests from the public to speak.

Commissioners asked clarifying questions of the applicant and staff.

Commissioner Tibbs said the smaller one presented by the applicant, but not proposed, looks more appropriate.

Commissioner Boyd said that there is such a nominal amount of square footage that is over, it could possibly be removed in other ways. She stated that she appreciated the work that has been done to preserve the house and she agreed with Councilmember O'Connell, who provided a letter with his comments.

Commissioner Mosley suggested that the addition could step back out after the inset which might help it to look more appropriate.

**Motion:**

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

1. **Staff approve the final details, dimensions and materials of windows, doors, trim, roof color, and garage doors prior to purchase and installation;**
2. **The HVAC be located behind the house or on either side, beyond the mid-point of the house; and**
3. **Utility meters be located on the sides or rear of the building. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on the building permit(s);**

**finding, that with these conditions, the proposed addition meets Sections III. and I.V. of the Salemtown Neighborhood Conservation Zoning Overlay design guidelines. Commissioner Tibbs seconded and the motion passed unanimously.**

**o. 218 MOCKINGBIRD ROAD**

Application: New Construction—Detached Accessory Dwelling Unit (DADU); Setback determination

Council District: 24

Overlay: Cherokee Park Neighborhood Conservation Zoning Overlay

Project Lead: Paul Hoffman [paul.hoffman@nashville.gov](mailto:paul.hoffman@nashville.gov)

PermitID#: T2019039587

[Public comment received and forwarded to the Commission via email.]

Staff member Paul Hoffman presented the case for 218 Mockingbird Road, an application for construction of a two-story detached accessory dwelling unit at the rear of this lot.

The proposed new DADU meets the design guidelines for massing, roof, materials, design as well as the general requirements for outbuildings and DADUs. The proposed location is ten feet (10') from the rear property line, fourteen feet (14') from the house, and one foot (1') from the left side property line. Because of the atypical lot size and shape, staff finds the reduced distance between the house and outbuilding to be appropriate in this case. However at this square footage, Code requires five feet (5') side setback, and staff recommends keeping that setback at the footprint of the building that was submitted.

The applicant has told staff that he is willing to reduce the footprint to seven hundred square feet and abide by the setbacks in that case, which would be three feet (3'). However staff is given to understand that neighbors have questions about the project.

Staff recommends approval of the detached accessory dwelling unit, with the following condition:

1. Staff approval of materials, and
2. the outbuilding is located five feet (5') from the left side property line.

With these conditions the DADU will meet section II.B.h of the design guidelines and 17.16.030.G of Code.

Legal counsel, Susan Jones, provide procedural advice.

Tom Mayhugh, owner, confirmed that he wanted to withdraw and submit a smaller building that would allow for a three foot (3') side-setback

Grace Renshaw, 220 Mockingbird, asked that the project be approved with a side setback of eight feet (8').

Kathryn McGill opposed the project because of water drainage concerns.

Hugh Renshaw, 220 Mockingbird, opposed the project because of its proximity to his carport.

Ben Bailey, 217 Mayfair Road, opposed the project because of a wall that was constructed. He requested a five to eight foot (5'-8') side-setback.

Mr. Mayhugh explained that the wall is approximately four feet (4') tall and three feet (3') off the sewer. He intends to lower the height of the garage by three feet (3').

Commissioner Mosley noted that bulk standards were approved by Council. Commissioner Jones clarified that the bulk standards are a minimum but that the Commission has the authority to set the appropriate setback. Commissioner Jones and Chairman Bell clarified that the wall, mentioned by neighbors, trees and water runoff issues were not issues under their purview.

Commissioner Mosley stated that to create something more punitive for one property owner because of the conditions next door is a tough legal argument for him to overcome, but he agreed that they have that authority. Commissioner Fitts agreed that the revised plan proposed was fair. Commissioner Mosley also stated that just because three feet (3') might seem appropriate it might not be realistic, in terms of how the doors open or potential fencing.

**Motion:**

**Commissioner Tibbs moved to approve with the conditions:**

1. **The footprint not exceed seven hundred (700) square feet;**
2. **That the outbuilding is located at least three (3') from the left side property line to meet base setback requirements;**
3. **Staff have final approval of trim, windows, doors and roofing color; and,**
4. **The building be three feet (3') shorter than proposed in the submitted drawings;**



**finding that with these conditions, the proposed DADU will meet Section II.B.h of the design guidelines and 17.16.030.G of Metro Code pertaining to DADUs. Commissioner Boyd seconded and the motion passed unanimously.**

**p. 1606 16TH AVE S**

Application: New Construction—Addition and Outbuilding; Setback determination

Council District: 17

Overlay: South Music Row Neighborhood Conservation Zoning Overlay

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

PermitID#: T2019039090 and T2019039294

[Public comment received and forwarded to the Commission via email.]

Staff member, Melissa Baldock, presented the case for an addition at 1606 16<sup>th</sup> Ave South. 1606 16<sup>th</sup> Avenue South is a one-story brick cottage constructed c. 1930. The house contributes to the historic character of the South Music Row Neighborhood Conservation Zoning Overlay. The area is zoned OR20, and many of the former residences in the area are currently used for businesses. Application is to construct an addition to the historic building and to construct a rear structure. Because the base zoning is OR20, the rear structure is not considered to be a detached accessory dwelling unit (DADU). The rear structure requires a change in the rear setback from twenty feet (20') to five feet (5').

The outbuilding meets the base zoning five-foot (5') side setbacks. However, it does not meet the twenty-foot (20') rear setback that is typically required in OR20 under base zoning. The applicant is proposing a five foot, two inch (5'2") rear setback. Staff finds the reduced rear setback to be appropriate because historically, outbuildings were located close to the alley. Pushing the structure closer to the alley also allows for more space in between the back of the main house and the outbuilding.

The Commissioners were emailed copies of a letter expressing concern about the parking provided for on the lot. The site plan shows that the parking will be accommodated in the driveway, which runs from an existing curb cut to the back of the historic house and into the rear yard. The Commission does not have a say in the number of parking spaces required, but can review things like the driveway and parking materials, configuration, and location.

The rear addition is one-story in height and is inset one foot (1') from both back corners of the house for its entire depth of twelve feet (12'). It is approximately three hundred (300) square feet. Overall, staff finds that the addition is appropriately and even modestly scaled for this historic house.

The outbuilding will be used as a dwelling unit, but it is not considered to be a detached accessory dwelling unit (DADU), as the site is zoned OR20, which is for office and residential use. The DADU ordinance does not cover sites that are zoned OR20.

The overall height, scale, and footprint of the proposed outbuilding are larger than what is typically allowed under the design guidelines. The proposed footprint is approximately nine hundred and twenty (920) square feet. While this is over five hundred (500) square feet smaller than the footprint of the historic building, with the new addition, it is one hundred and seventy (170) square feet larger than the seven hundred and fifty (750) square feet typically allowed.

The outbuilding will be two (2) stories, with an eave height of seventeen feet, four inches (17'4") and a ridge height of twenty-six feet, five inches (26'5"). By comparison, the historic house is one-story, with an eave height of eleven feet, six inches (11'6") and a ridge height of nineteen feet, three inches (19'3"). When taking grade into consideration, the outbuilding will be approximately six feet (6') taller than the historic house. Typically, the Commission limits outbuildings to a height of twenty-five feet (25') or the height of the historic house, whichever is less. In this case, staff recommends that the average height of the house from grade be reduced by approximately one foot, five inches (1'5"), so that it is no taller than twenty-five feet (25').

Staff is supportive of the fact that the outbuilding is taller in overall height and in the number of stories and the fact that the footprint exceeds the typical limit by one hundred and seventy (170) square feet for two reasons. The new outbuilding is combined with a minimal addition. Another reason is because of the unique character of South Music Row. The composition of South Music Row is unique in that it was historically a residential neighborhood but many of the buildings have been used and adapted for other uses since the 1950s. The broader Music Row area is a mix of office and multi-family buildings in a variety of forms from a variety of eras. Rear yards in this district are typically parking areas so the Commission, in the past, has approved new construction that takes up more area of the lot and is larger in scale than would be appropriate in another district with similar historic residential forms.

The rear structure will be entirely detached from the historic house and separated from it by fifteen feet, six inches (15'6"). It will therefore not directly impact the historic house, as a larger addition would. In this case, staff finds that a smaller addition with a larger outbuilding, as proposed, has less effect on the historic house and the historic context and is more appropriate than a larger addition would be. In addition, because the outbuilding is located over one hundred feet (100') from the street, its impact on the historic character of 16<sup>th</sup> Avenue South will be muted.

Staff is asking that the height be reduced to no taller than twenty five feet (25'), from average grade, to keep its overall height and form in check. The structure is larger than seven hundred-fifty (750) square feet, is two stories behind a one-story historic house, is several feet taller than the historic house, and does not meet the base zoning rear setback. Staff finds that reducing the height to twenty-five feet (25') will help to keep the overall scale of the structure more in keeping with the historic area and the design guidelines.

Staff recommends approval of the project with the following conditions:

1. Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation;
2. Staff approve the roof color;
3. The HVAC be located behind the house or on either side, beyond the mid-point of the house;
4. Utility meters be located on the side of the building, within 5' of the front corner or on the rear or rear-side within five feet (5') of the rear corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s); and,
5. The outbuilding be reduced in height so that its average ridge height, from grade, is no taller than twenty-five feet (25').

With these conditions, staff finds that the proposed addition and rear structure meet Sections II.B.1. and II.B.2. of the design guidelines.

Kaitlyn Smous, architect for the project, addressed the parking situation by explaining that the driveway will extend from the front to the alley, which will accommodate the required five (5) spaces. They agree with all the conditions except for the height. It is zoned OR20 and she argued that that the historic home is not a principal building and therefore the new building is not an outbuilding. The height request seems arbitrary to her and the height will not be visible from the street.

Christophe Jamar, 1609 Villa Place, is concerned about the precedent set. The applicant processed a request for a short-term rental application, which he did not oppose, but at that time he didn't know they were going to build such a large building. The one foot height difference makes a difference to him.

Commissioners Jones and Mosley expressed surprise of the size of the building. Commissioner Tibbs said he was comfortable with staff's recommendation. Commissioner Mosley noted that a great deal of concessions have already been made therefore a requirement of a maximum of twenty-five feet (25') is reasonable. He cautioned the application to be careful what you ask for. He would be equally concerned about the project, even if it was an addition rather than an outbuilding.

**Motion:**

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

1. **Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation;**

2. Staff approve the roof color;
3. The HVAC be located behind the house or on either side, beyond the mid-point of the house;
4. Utility meters be located on the side of the building, within 5' of the front corner or on the rear or rear-side within 5' of the rear corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s); and,
5. The outbuilding be reduced in height so that its average ridge height, from grade, is no taller than twenty-five feet (25');

finding that with these conditions, the proposed addition and rear structure meet Sections II.B.1. and II.B.2. of the design guidelines. Commissioner Boyd seconded and the motion passed with Commissioner Jones in opposition.

*Commissioner Mosley left the meeting at 4:13pm and returned at 4:16pm.*

**q. 2137 ASHWOOD AVE**

Application: New Construction - Infill

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

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

PermitID#: T2019039621

[Public comment received and forwarded to the Commission via email.]

Staff member, Jenny Warren, presented the case for infill at 2137 Ashwood Ave.

The structure at 2137 Ashwood is a non-contributing structure within the Hillsboro-West End Neighborhood Conservation Zoning Overlay. Staff has issued an administrative permit for demolition. This is an application for infill.

The immediate historic context consists of one and one-and-one-half story houses. These range in height from about seventeen to twenty-nine feet (17'-29'). These contributing houses are to the left of the subject property, these are to the right and these are across the street.

The proposed infill is a tall one-and-one-half story house with a total height of about thirty feet (30'). The historic house to the left, measures about twenty-six feet (26') tall, so the proposed infill will sit about four feet (4') taller than this house. The house on the other side is one of the tallest on the street and is about twenty-nine (29') tall, so the infill will be taller than this house as well. Staff recommends that the overall height be pulled down at least one foot (1').

The proposed eaves are about sixteen feet (16') from finished floor. This eave height creates a second-story knee wall with shingled wall facing the street below the eave line. This is not a typical historic element. Staff recommends that those eave heights be pulled down at least two feet (2'), eliminating the knee wall. The foundation is tall, as seen here, but that is consistent with the historic houses on the block. As usual, the foundation height will be field checked by staff.

MHZC usually requires the front setback for infill to be the average of the historic house on either side. In this case, the historic house to the right (shown in purple) is set back further than the other historic houses on the block (in green). Staff finds that the proposed setback of the infill (in pink) is appropriate as it aligns with the majority of the historic houses on the block.

The materials are appropriate with final staff review and approval. The house has a cross gabled roof form with clipped gables with a 12/12 pitch. As seen here, the west elevation has a shed roofed dormer that opens onto a balcony. Such balconies have been approved in the past for infill when the deck/porch is hidden behind pitched roofing. In this case, the "railing" is not a pitched roof but a wall. Staff finds it to be appropriate as the material will match that of the two gable-fields walls on either side and the overall width is minimal at approximately sixteen feet (16').

On the east elevation is another shed roofed dormer. This one is a wall dormer. Again, wall dormers are not typical historic features, but have been approved in the past on secondary elevations for infill when they do not project further than the main wall.

In conclusion, Staff recommends approval of the infill with the following conditions:

1. The ridge height shall be lowered at least one foot (1');
2. The primary eave height shall be lowered at least two feet (2);
3. The front setback will be verified by MHZC staff in the field at staking;
4. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;
5. Staff approve the roofing color, porch posts, door selections, porch hood materials and walkway material; and
6. The HVAC shall be located behind the house or on either side, beyond the midpoint of the house, and utility meters shall be located on the side of the building, within five feet (5') of the front corner or on the rear or rear-side within five feet (5') of the rear corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s),

finding that with these conditions, the proposal meets the design guidelines for the Hillsboro-West End Neighborhood Conservation Zoning Overlay.

Martin Wieck, architect for the project, explained the proposed height, stating that it similar to the house next door. They are using modern construction methods which adds height in comparison to older buildings. He stated that the house next door would be allowed a ridge-raise, which would be in keeping with their proposal.

In answer to Commissioner Fitts question regarding height, Ms. Warren said that Staff recommends not allowing new construction to match the tallest house on the block.

There were no requests from the public to speak.

Commissioner Jones said the scale is too large for the context so she agreed with staff's recommendation.

**Motion:**

**Commissioner Tibbs recommended approval Staff recommends approval of the infill with the following conditions:**

- 1. The ridge height shall be lowered at least one foot (1');**
- 2. The primary eave height shall be lowered at least two feet (2);**
- 3. The front setback will be verified by MHZC staff in the field at staking;**
- 4. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
- 5. Staff approve the roofing color, porch posts, door selections, porch hood materials and walkway material; and**
- 6. The HVAC shall be located behind the house or on either side, beyond the midpoint of the house, and utility meters shall be located on the side of the building, within five feet (5') of the front corner or on the rear or rear-side within five feet (5') of the rear corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s);**

**finding that with these conditions, the proposal meets the design guidelines for the Hillsboro-West End Neighborhood Conservation Zoning Overlay. Commissioner Jones seconded and the motion passed with Commissioner Mosley recusing himself.**

**r. 0 [1210] STRATFORD AVE**

Application: New Construction--Infill and Outbuilding  
Council District: 07

Overlay: Inglewood Place Neighborhood Conservation Zoning Overlay  
Project Lead: Sean Alexander, [sean.alexander@nashville.gov](mailto:sean.alexander@nashville.gov)  
PermitID#: T2019039976

Deferred by the applicant.

**s. 712 FATHERLAND STREET**

Application: New Construction; Detached Accessory Dwelling Structure  
Council District: 06  
Overlay: Edgefield Historic Preservation Zoning Overlay  
Project Lead: Jenny Warren, [jenny.warren@nashville.gov](mailto:jenny.warren@nashville.gov)  
PermitID#: T2019040213

Staff member, Jenny Warren, presented the case for an outbuilding at 712 Fatherland.

712 Fatherland is a circa 1895 house that contributes to the character of the Edgefield Historic Preservation Zoning Overlay.

There is an existing garage on the alley. This is an application to add a second floor to the garage and create a DADU. The footprint of the existing garage will be slightly increased with the addition of a porch. The total square footage will be about six hundred and seventy (670) square feet, which meets the guidelines.

The proposed DADU meets all of the guidelines for setbacks, materials, dormers, design, etc. The only issues are with the height. The guidelines state that the ridge height of an outbuilding can be as tall as twenty-five feet (25') but cannot be taller than the ridge height of the primary house. The proposed ridge height is about twenty-three feet, six inches (23'6"), the applicant intends to match the ridge of the primary structure, but it appears that the house may be shorter than this. The overall height needs to be verified in the field, but the ridge of the outbuilding may not exceed the ridge of the primary house.

The historic house is a tall one story, with eave heights that are approximately fifteen feet (15') high. The applicant proposes to meet this eave height. However, in the past, the Commission has interpreted the guidelines to mean that when the historic house is one (or even one-and-one-half) story, the eave heights on the outbuilding are limited to ten feet (10'). Therefore, staff recommends that the eave height in this case be reduced to a maximum of ten feet (10')

Staff recommends approval of the proposed DADU with the following conditions:

1. Staff shall approve the roof color, windows, doors and garage doors;
2. The ridge height shall not exceed the ridge of the main house as measured from finished floor; and
3. The maximum eave height shall be ten feet (10')

finding that it meets Section III.B.h of the Edgefield Historic Preservation Zoning Overlay design guidelines for outbuildings and the design standards of the DADU Ordinance.

Rich McCoy, architect for the project, said that they agreed with all the conditions with the exception of the eave height. The house the outbuilding is associated with is unusually short. They are using an existing building and need the height to accommodate stairs. The scale is appropriate for the principal building and still smaller than other outbuildings approved previously.

There were no requests from the public to speak.

Ms. Warren confirmed that a one-thousand (1,000) square foot footprint was possible, because of the size of the lot, but not at the location proposed, due to side setback requirements.

Commissioner Jones commended the applicant for reusing what is there and the small square footage. The taller eave height could be appropriate because of the small square footage and the average of the existing eave heights.

Commissioner Mosley stated that the proposal is a utilitarian building, the principal house is unique with a unique eave height, the proposal is a small building, smaller than the maximum allowed, the proposed roof form is in keeping with the house, and the building is in-keeping with the historic context. The reason for the eave height maximum is to keep the outbuildings from becoming massive. Commissioner Tibbs agreed. He said that the proposal does not read as a two-story building.

**Motion:**

**Commissioner Mosley moved to approve the proposed DADU with the following conditions:**

- 1. Staff shall approve the roof color, windows, doors and garage doors; and**
- 2. The ridge height shall not exceed the ridge of the main house as measured from finished floor, finding that it meets Section III.B.h of the Edgefield Historic Preservation Zoning Overlay design guidelines for outbuildings and the design standards of the DADU Ordinance. Commissioner Jones seconded and the motion passed unanimously.**

**t. 1506 BOSCOBEL ST**

Application: New Construction – Infill

Council District: 06

Overlay: Lockeland Springs – East End Neighborhood Conservation Zoning Overlay

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

Permit ID#: T2019039619

Staff member Jenny Warren presented the case for infill at 1506 Boscobel.

1506 Boscobel Street is a vacant lot in the Lockeland Springs-East End NCZO. This particular block of Boscobel has very little historic context and was added to the overlay in 2014. At the time, it was understood that infill on this block would follow the existing context, rather than the historic context of the larger neighborhood.

The context consists primarily of large two and three-story single family houses and duplexes.

The proposed infill will be two stories tall with a partial recessed third level. The maximum height from grade is about thirty-five feet (35'). The houses on the block range from about nineteen to about thirty-eight feet (19-38') tall. Staff finds the height to be appropriate to this specific context.

The width is proposed to be forty-four feet (44') wide, which is specifically permitted on this block by the guidelines. The front setback will align with the neighboring houses and should be field checked by MHZC staff at staking. The materials, roof form, orientation and proportion and rhythm of openings are all appropriate for this context.

The applicant is proposing an attached garage on the rear elevation at the alley. Staff finds that the attached garage could be appropriate in this instance because the lot is narrow, the slope would make a detached outbuilding problematic and the lack of historic context creates a condition where an attached garage would not be out of place.

Staff recommends approval of the proposed infill with the conditions that:

1. Staff shall approve the front setback in the field at staking;
2. Staff shall approve the roofing color, brick sample, trim material, metal railing and final door, garage door and window selections;
3. There shall be no paved parking in front of the house along Boscobel Street; and
4. The HVAC shall be located behind the house or on either side, beyond the midpoint of the house, and utility meters shall be located on the side of the building, within five feet (5') of the front corner or on the rear or rear-side within five feet (5') of the rear corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s),

finding that the proposal meets the design guidelines for infill construction in the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay.

The applicant was present and indicated agreement with the proposed conditions. There were no requests from the public to speak.

**Motion:**

**Commissioner Tibbs moved to approve the proposed infill with the following conditions:**

- 1. Staff shall approve the front setback in the field at staking;**
- 2. Staff shall approve the roofing color, brick sample, trim material, metal railing and final door, garage door and window selections;**
- 3. There shall be no paved parking in front of the house along Boscobel Street; and**
- 4. The HVAC shall be located behind the house or on either side, beyond the midpoint of the house, and utility meters shall be located on the side of the building, within five feet (5') of the front corner or on the rear or rear-side within five feet (5') of the rear corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s),**

**finding that the proposal meets the design guidelines for infill construction in the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay. Commissioner Boyd seconded and the motion passed unanimously.**

**u. 1110 A MONTROSE AVE**

Application: Demolition, New Construction; Infill

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay

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

PermitID#: T2019039622

Staff member Jenny Warren presented the cases for infill at both 1110 and 1112 Montrose Avenue.

The next two items on the agenda are side-by-side and have been submitted by the same applicant, so I am going to present them together. They are two separate applications though, so the Commission will need to make two separate motions, one for each address. Here is the site, at 1110 and 1112 Montrose Avenue. These existing structures are non-contributing buildings within the Waverly-Belmont Neighborhood Conservation Zoning Overlay. Staff is supportive of the demolition of these two structures.

These are the last two residential lots within the overlay boundaries. Next door, is a parking lot and a tall mixed use development along 12<sup>th</sup> Avenue South. The applicant believes that this location should allow for increased height on the site, to transition from the lower-scale houses to the larger commercial construction on 12th. Staff disagrees, reminding the Commission that in 2011, in a similar situation on Grantland Ave, the Commission used the height of a neighboring commercial building outside of the overlay to help determine context. After construction, the Commission found that this infill was too large and no longer uses buildings outside of the overlay to determine appropriate infill height.

The historic context is exclusively one and one-and-a-half story houses with a maximum height of about twenty-four feet (24'). A two foot (2') high foundation is common and the average eaves are about ten to eleven feet (10'-11'). The house to the left is immediately next door to the site and measures about twenty feet (20') tall. The house on the bottom is across the street from the site and is the tallest historic house on the block. It measures about twenty-four feet (24') from grade to the ridge line.

The proposal is for two one-and-one-half story duplexes with a second unit facing the alley. Staff analysis finds that the materials, roof form, orientation and proportion and rhythm of openings all meet the guidelines.

The proposed side and rear setbacks all meet the base zoning requirements. The front setback will align with the historic houses on the street, to be verified by staff in the field. The width of both houses will be thirty-four feet (34'), which is appropriate to the block. We will look at the design and height separately.

First, #1110 Montrose; this is a tall one-and-one-half story house with a total height of more than twenty-nine feet (29') from grade. So, approximately nine feet (9') taller than this house next door. The eave heights are about fifteen feet (15') tall, as opposed to the ten foot (10') eave next door. The foundation height is nearly five feet (5') at its tallest point, as compared to two feet (2') next door. Staff finds that the overall height and scale is too tall.

On the side elevation, you can see how the depth of the infill creates the high foundation at the front, due to grade.

The proposed house at 1112 Montrose will be even taller, with a ridge height of about thirty-two feet (32') – a full eight feet (8') higher than the tallest house historic house on the block. Again, the foundation height is about five feet (5') tall. The eaves here are from thirteen feet (13') to fourteen feet, five inches (14'5") tall.

The rear elevations mirror the fronts, just with a lower foundation height, given the change in grade.

Staff recommends approval of the infill with the following conditions:

1. The overall height shall not exceed twenty-five feet (25') high;
2. The eave height shall not exceed twelve feet (12');
3. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;
4. Staff shall approve the front setback in the field at staking;
5. Staff shall approve the roofing color, porch materials, windows, doors and driveway and walkway materials prior to purchase and installation; and,
6. The HVAC shall be located behind the house or on either side, beyond the midpoint of the house, and utility meters shall be located on the side of the building, within five feet (5') of the front corner or on the rear or rear-side within five feet (5') of the rear corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s),

finding that, with these conditions, the project meets Section III of the *Waverly-Belmont Neighborhood Conservation District: Handbook and Design Guidelines*.

Kaitlyn Smous, architect for the project, argued that the lot is transitional between the residential neighborhood and the commercial area on 12<sup>th</sup> Avenue South. She claimed that the historic context within the overlay is low. She provide an example of a house on a different street that was the same height as proposed and wider. They have to build what the market demands and to current standards and codes. The grade rises front-to-back so they considered a different floor line but were concerned that would make the fact that it is a duplex obvious. They are trying to be respectful of the context, while getting the space they need.

There were no requests from the public to speak.

Commissioner Fitts noted that the forms outside of the district are different from the residential forms in the overlay and so should not be used for context, it would not accomplish a transition. Chairman Bell said that when they have taken into account the context outside of the overlay, the projects have not been successful. Commissioner Mosley said that the solution to getting the project to meet the recommended conditions is simple and “use” is the wrong measuring stick, it should be form. One solution might be splitting the house so the front unit can be pushed down further. Commissioner Jones agreed with Commissioner Fitts and Bell.

#### **Motion:**

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

- 1. The overall height shall not exceed twenty-five feet (25') high;**
- 2. The eave height shall not exceed twelve feet (12');**
- 3. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
- 4. Staff shall approve the front setback in the field at staking;**
- 5. Staff shall approve the roofing color, porch materials, windows, doors and driveway and walkway materials prior to purchase and installation; and,**
- 6. The HVAC shall be located behind the house or on either side, beyond the midpoint of the house, and utility meters shall be located on the side of the building, within five feet (5') of the front corner or on**



the rear or rear-side within five feet (5') of the rear corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s); finding that, with these conditions, the project meets Section III of the *Waverly-Belmont Neighborhood Conservation District: Handbook and Design Guidelines*. Commissioner Boyd seconded and the motion passed unanimously.

**v. 1112 A MONTROSE AVE**

Application: Demolition, New Construction; Infill

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay

Project Lead: Jenny Warren, jenny.warren@nashville.gov

PermitID#: T2019039625

[1112 and 1110 Montrose were presented together.]

**Motion:**

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

1. The overall height shall not exceed twenty-five feet (25') high;
2. The eave height shall not exceed twelve feet (12');
3. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;
4. Staff shall approve the front setback in the field at staking;
5. Staff shall approve the roofing color, porch materials, windows, doors and driveway and walkway materials prior to purchase and installation; and,
6. The HVAC shall be located behind the house or on either side, beyond the midpoint of the house, and utility meters shall be located on the side of the building, within five feet (5') of the front corner or on the rear or rear-side within five feet (5') of the rear corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s);

finding that, with these conditions, the project meets Section III of the *Waverly-Belmont Neighborhood Conservation District: Handbook and Design Guidelines*. Commissioner Boyd seconded and the motion passed unanimously.

**X. OTHER BUSINESS**

**a. ADMINISTRATIVE ACTIONS & UPDATES**

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

Ms. Zeigler let everyone know that Chairman Bell was reappointed by the Metro Historical Commission as their representative on this board. A Realtor course is being planned for October to be held at Hastings Architecture. She reminded Commissioners that they will be meeting at the same location next month.

Meeting adjourned at 4:58

**RATIFIED BY THE COMMISSION ON 8/21/19**