

JOHN COOPER
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park

METRO HISTORIC ZONING COMMISSION (MHZC)

MINUTES July 21, 2021

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

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

Applicants: Jose Hurtado (Leoncio Dominguez), William Smallman, Chad Smith, Troy Harper, Kaitlyn Smous, Brent Hunter, Preston Quirk, Matt Lewis, Nicole Piersiak, Craig Kennedy

Councilmembers: Tom Cash, Brett Withers

Public: Teresa Blackburn, Ron Hogan, Gary Gaston, Susan Foxman, Carol Williams, Kelly Collier, Gracie Porter, Emily Richer, Ryan Schimmell, Brian Gibson, Rob Cowles, Sam Ellis, Vaden Lackey, Jim Hoobler, Pete Greaves, Mona Lisa Warren, Sawnie Aldredge, Bob Campbell-Smith, Carol Norton, Frank Zier, Kristen Hackett, Tina, Thomsen, Lois Layne, Mark Buchanan, Alice Forrester,

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. ADOPTION OF MINUTES

A. June 16, 2021

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

Chair-Bell asked if there were any councilmembers interested in speaking.

Councilmember Cash expressed support for the project at 1501 Cedar and explained why the neighborhood chose to opt out of the consolidation project.

II. ADOPTION OF AGENDA

Ms. Zeigler provided the following cases where applicants requested deferral: 312 Broadway, 322 Harvard, 1012 Mansfield, 308-310 Broadway, 1501 Fatherland, 170-176 Second Avenue.

Motion: Commissioner Mosley moved to revise the agenda by deferring 312 Broadway, 322 Harvard, 1012 Mansfield, 308-310 Broadway, 1501 Fatherland, 170-176 Second Avenue. Commissioner Williams seconded and the motion passed unanimously.

III. CONSENT AGENDA

Staff member, Melissa Baldock, read the cases for the consent agenda.

B. ADMINISTRATIVE PERMITS ISSUED FOR PRIOR MONTH

C. 323 S 15TH ST

Application: New Construction—Addition and Outbuilding
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Baldock, Melissa.Baldock@nashville.gov
PermitID#: T2021042053 and T2021042063

D. 115 SCOTT AVE

Application: New Construction—Addition
Council District: 06
Overlay: Eastwood Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Baldock Melissa.Baldock@nashville.gov
PermitID#: T2021042069

E. 1411 HOLLY 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
PermitID#: T2021042085

F. 102 S 14TH ST

Application: New Construction—Addition; Partial Demolition
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: Melissa Baldock Melissa.Baldock@nashville.gov
PermitID#: T2021042334

G. 2618 BARTON AVE

Application: New Construction—Addition; Setback Determination
Council District: 18
Overlay: Hillsboro West End Neighborhood Conservation Zoning Overlay
Project Lead: Sean Alexander, sean.alexander@nashville.gov
PermitID#: T2021034724

H. 601 MADISON/1101 6TH AVE N

Application: New Construction—Addition (Alteration to previously approved plans)
Council District: 19
Overlay: Germantown Historic Preservation Zoning Overlay
Project Lead: Melissa Baldock, melissa.baldock@nashville.gov
PermitID#: T2021043820

I. 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#: T2021042191

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

V. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTIONS

None.

VI. PRELIMINARY & FINAL SP REVIEW

None.

VII. VIOLATIONS/ ALTERATIONS TO PREVIOUS APPROVALS/ SHOW CAUSE

J. 1204 RUSSELL ST

Application: Violation

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

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

PermitID#: T2021043020

Staff member Sean Alexander presented the case regarding a contributing house, constructed at or just before the beginning of the 20th century.

In April of this year, the current owner got a permit for partial demolition and repairs. The permit clearly indicated which sections of the building were approved to be demolished, primarily an old outbuilding that had been attached at some point. In conducting a routine inspection, Staff discovered that the applicant exceeded the approved scope of demolition. They had removed most of the walls and roof off two rear-facing gables, both of which were contributing portions of the building.

The rear gabled wing was removed. They did remove siding, which is reviewed now, but that work was started under an older version of design guidelines where that was not always reviewed. On the right side, they also took off the siding, additionally they took off the roof, which you can see is missing through the ceiling in this photo. On this photo you can see these Italianate brackets under the eaves, but they've since been removed as well.

Overly aggressive demolition has happened several times over the years, and it's unfortunate but the Commission has seen it before and required reconstruction and the outcome has generally been good. In this case, in addition to the demolition beyond the approved scope, the applicant has constructed a two-story addition as well without a permit. No permit for an addition, from us, Codes, or any other department. Staff is not able to formally review the addition to make a recommendation since we do not have drawings, but even without drawings it is clear that the scale of what is being constructed does not meet the guidelines.

Staff recommends consideration of two motions.

Regarding the unapproved demolition of major portions of a building that contributes to the historic character of the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay district, Staff recommends that the applicant be required to replace or reconstruct portions of the building that were not approved to be removed and provide drawings showing the detail and dimensions of the portion to be reconstructed, finding the partial-demolition does not meet section B.1 of the design guidelines for partial-demolition.

Regarding the construction of an addition without a Preservation Permit or Building Permit, staff recommends that the unpermitted addition be removed in its entirety, finding that the new addition does not meet section VI for additions.

Leoncio Dominguez from Water Services was present to provide translation services. Mr. Jose Hurtado explained that when he purchased the house, he had not realized the requirements. He said got an application to demolish the rear and he did not understand that it did not include also building in the rear. He said he is willing to do whatever is needed but he does not have a lot of money and he hopes to keep the addition as constructed. He is working on drawings and has hired an engineer as the house is not usable. He has attempted to leave historic pieces of the house and will put it back as it was.

Councilmember Withers explained that he spoke to the applicant on site. He requested that the Commission delay the demolition order until Mr. Hurtado can submit plans and have those plans reviewed.

Commissioner Johnson said it is an offensive violation and agrees with the staff recommendation; however, hearing from the applicant and councilman she is open to halting construction as-is rather than requiring demolition and requiring the house be secured and protected until an addition can be reviewed.

Commissioner Mosley said the changes to the house and the addition could be dealt with separately as they do not have to follow the same timeline.

Chair Bell invited Mr. Hurtado back to make sure that he understood he could not continue work. Mr. Hurtado explained why he continued work after being told to stop on three different occasions.

Commissioner Fitts agreed with Commissioner Johnson that the removed sections need to be replaced and demo of new construction can wait until new plans have been reviewed. Commissioner Price agreed with the compromise.

Motion:

Vice-chair Stewart moved to require work to cease until plans are approved and any new construction that cannot be administratively reviewed come back to the Commission, within the next 30 days finding that the new addition does not meet section VI for additions and to reconstruct the portions of the building that were not approved to be removed and provide drawings showing the detail and dimensions of the portion to be reconstructed, finding the partial-demolition does not meet section B.1 of the design guidelines for partial-demolition. Commissioner Price seconded and the motion passed unanimously.

K. 1514 FERGUSON AVE

Application: New Construction- Violation

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

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

Permit ID#: Permit 2020008106

Staff member, Kelli Mitchell, presented the case for a violation at 1514 Ferguson. In February of 2020, the Commission approved a rear addition, ridge raise, and basement garage at 1514 Ferguson. The proposal for the project was approved. A permit was issued on February 20th, 2020.

The chimney was constructed with lap siding rather than the masonry shown on the plans. This material does not meet the guidelines, which states that “Clapboard sided chimneys are generally not appropriate. Masonry or stucco is appropriate.” In the past, the Commission has denied requests for lap sided chimneys.

Staff recommends disapproval of the lap siding added to a chimney on an infill at 1514 Ferguson Avenue finding that these materials do not meet Section II.B.d of the guidelines. Staff recommends that the siding be removed and replaced with a staff approved material (masonry or stucco) within sixty (60) days of the Commission’s decision.

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

Commissioner Joes said that she agreed with staff as the project was not constructed as per the plans.

Commissioner Mosley mentioned that while staff mentioned that the chimney should be brick-to-grade, that split block CMU at the foundation line and below was also appropriate.

Motion:

Commissioner Jones moved to disapprove the lap siding added to a chimney on an infill at 1514 Ferguson Avenue finding that these materials do not meet Section II.B.d of the guidelines to require the siding be

removed and replaced with a staff approved material (masonry or stucco) within sixty (60) days of the Commission’s decision. Vice-chair Stewart seconded, and the motion passed unanimously.

L. 312 BROADWAY

Application: New Construction, Rehabilitation, Signage (violation and new request)
Council District: 19
Overlay: Broadway Historic Preservation Zoning Overlay
Project Lead: Melissa Sajid, Melissa.sajid@nashville.gov
PermitID#: T2020040975

Deferred at the request of the applicant.

M. 308-310 BROADWAY

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

Deferred at the request of the applicant.

N. 1012 MANSFIELD ST

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

Deferred at the request of the applicant.

O. 2012 CEDAR LN

Application: Revision to Permit – Application to not demolish garage
Council District: 18
Overlay: Belmont- Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: Jenny Warren, Jenny.Warren@nashville.gov
PermitID#: 2020068892

Staff member Jenny Warren presented the case for 2012 Cedar Lane. This is a revision to a previously approved application at 2012 Cedar Lane. The Commission approved an addition to this contributing house back in 2020. The plans at the time indicated that this existing garage would be demolished.

The addition was proposed to be built within three feet (3’) of the existing garage. The guidelines require a twenty-foot (20’) separation between houses and outbuildings, and there is a concern about fire code. Staff would not have recommended approval of the addition if the garage was not noted to be demolished. The addition is nearly complete, and the applicant would now like to retain the garage and not demolish it. The addition has been built per the plan and sits about twenty-eight inches (28”) from the side of the garage. The Commission has reduced the required separation before, but not to within three feet (3’).

In conclusion, staff recommends disapproval of the permit revision, finding that it does not meet section II.B.1.i of the design guidelines for the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay.

William Smallman, owner, explained that he thought the outbuilding was not salvageable, but it is not as bad as he thought, and it is historic. He provided a copy of a map. It fits into the context of other outbuildings on the block.

He explained that no one will be able to see how far apart that the buildings are. He read the design guidelines for new outbuildings.

Susan Foxman, 2006 Cedar Lane, spoke in opposition of the request and asked that her block receive the full benefit of the overlay.

Mr. Smallman said Ms. Foxman's comments are likely based on a different project, but he will work to communicate better.

Commissioner Jones agreed with the report since the addition would not have been approved as constructed if the garage had remained in place. Vice-Chair Stewart said it is not about a garage, or an addition, but the entirety of the project.

Motion: Vice-chairman Stewart moved to disapprove the permit revision, finding that it does not meet section II.B.1.i of the design guidelines for the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay. Commissioner Johnson seconded the motion passed unanimously.

P. 1121 5TH AVE N

Application: Signage

Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay

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

PermitID#: T2021043407

Historic Zoning Administrator, Robin Zeigler, presented the case. This is a case of staff error. A neon wall sign was administratively permitted at the corner of this multi-use building. Once the error was known, the permit was rescinded, and notice was sent. Staff and the applicant discussed several options, that either do not work for the applicant or may make the sign more noticeable, while technically meeting the design guidelines.

Staff recommends approval based on staff error, because the building is not historic, there is no immediate historic context and the visual impact is mitigated by being placed on a chamfered corner with a recessed entry and beneath a large overhanging canopy.

You have received multiple public comments requesting that the sign be removed.

Commissioner Mosley disclosed that he was contacted by a neighbor via email regarding this project, but that he did not respond and that he does not believe that it will impact his ability to hear the case.

Teresa Blackburn provided a multi-page handout and spoke in opposition to the neon sign remaining. Gary Gaston, 1200 6th Ave N, spoke in opposition and said that the sign is out of character with all other signage in the neighborhood and is very bright at night. He acknowledged that mistakes happen, but said that a mistake should not dictate what is allowed where there are guidelines in place. Ron Hogan, 1227 5th Avenue N, representing the neighborhood association spoke in opposition and provided a handout showing another option.

Chad Smith with Visual Image Group, the applicant for the permit, explained the neon is recessed into a channel letter. They are willing to work on a solution. He claimed that one of the handouts provide appeared to be manipulated to make it look worse. He said that they could replace the transformer, so the light is dimmer than what it is now.

Commissioner Johnson asked if he had number to express the current brightness and what he is proposing. Mr. Smith said he didn't have numbers.

Commissioner Price said that he understands mistakes happen but when the applicant makes a mistake, they have to correct it. He said that the gooseneck lighting might be a solution and agreed that the neighborhood has a legitimate grievance. Commissioner Jones agreed with Commissioner Price as the guidelines are clear and the applicant should be held to that standard. Its hard to make them incur the expense of replacing the sign so maybe the solution

is that the sign is not turned on at night. Commissioner Jones added that the neighborhood should not be caused a grievance because of a staff mistake. Reducing the brightness may be a solution but enforcement would be difficult. The illumination is not acceptable. Commissioner Johnson agreed that the neighborhood should not have to live with a staff mistake and leaving it as-is is not an acceptable solution. She agreed that gooseneck lighting might be a solution.

Motion: Vice-chair Stewart moved to bring the sign into compliance with the design guidelines. Commissioner Price seconded and the motion passed unanimously.

VIII. MHZC ACTIONS

Q. 170-176 SECOND AVE N

Application: Demolition

Council District: 19

Overlay: Second Avenue Historic Preservation Zoning Overlay

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

Deferred at the request of the applicant.

R. 949 RUSSELL ST

Application: Demolition

Council District: 06

Overlay: Edgefield Historic Preservation Zoning Overlay

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

PermitID#: T2021007298

Staff member Joseph Rose presented the case. This is a request for demolition of 949 Russell Street which is a contributing home in the Edgefield Historic Preservation Zoning Overlay and the National Register of Historic Place's Edgefield Historic District nomination from 1977. It was constructed in 1899.

The house was damaged in the March 2020 tornado. The rear wall, roofing material, and some windows were removed by the storm. An application for demolition was submitted to the Codes department in July 2020. Staff and some commissioners reviewed the property at that time, but the applicant did not move forward with the permit request until March 2021. That request was deferred, and a new owner now requests demolition.

In March and now in July, owners have produced four engineer's reports that state demolition is necessary based on storm damage that was greater than it could have been due to years of deferred maintenance.

EMC's report, which is dated June 16, 2021, is based on a recent inspection. Mr. Mark Buchanan P.E., with EMC has experience with historic properties and rehabilitation solutions of historic buildings. This report documents extensive long-term termite activity, water damage, evidence of past repairs which all point to structural concerns, further exacerbated by the high winds of the March 3rd, 2020 tornado. For instance, he noted more than thirty (30) floor joists have been affected by termites; the left sidewall has been displaced; and the right sidewall, the two interior hallway walls and the left sidewall have racked approximately one-half inch in a span of only four feet. The EMC report provides several recommendations for repair which include some reconstruction, replacement and installation of cable braces; however, he ultimately recommends demolition based on the amount of historic material that would have to be removed and the fact that the repair solutions are likely to uncover additional deficiencies, or even cause additional issues.

Staff enlisted the assistance of engineer Nick DeBlasis P.E. who provided a pro bono peer review of the reports provided the applicant. He states,

I've reviewed the engineering reports for the historic structure at 949 Russell St. and agree with the general opinion that the superstructure is in such a state of disrepair that it should be replaced. First, it appears that the

house was in poor condition prior to the tornado. The degradation observed that *isn't* a direct cause of the tornado is extensive and appears to have significantly weakened the structure. Visual evidence points to years of neglect leaving much of the house vulnerable to accelerated deterioration and damage from extreme weather events. As such, it is likely that damage beyond what can be visually observed has occurred because of the tornado.

Although not requested, the applicant provided renderings of what they might like to build in place of this building and staff finds that the proposal does not meet the design guidelines.

Staff recommends approval of the application to demolish the contributing building, finding that the applicant has met the burden of proof for sections 1, 2, 5 and 8 of section 17.40.420 D of the ordinance and Section V.B (2) (c) of the design guidelines for appropriate demolition, as well as section V.B. (2) (a) due to the lack of historic integrity that the structure would retain when all necessary repairs and replacements are performed.

Troy Harper, applicant, said that he hopes everyone has had a chance to review the engineer's reports.

Speaking in opposition of demolition: Alice Forrester, representative of the Edgefield neighborhood; Carol Williams; Kelly Collier, 208 S 10th Street; Gracie Porter, 806 and 808 Russell; Emily Richer, 820 Russell; Ryan Schimmell, 1310 Eastland; Brian Gibson, 820 Russell; Rob Cowles, 706 Fatherland St; Sam Ellis, 616 Shelby; Vaden Lackey, 818 Russell; Jim Hoobler, 607 Fatherland St; Pete Greaves, 913 Fatherland; Mona Lisa Warren, 606 Fatherland; Sawnie Aldredge, 821 Fatherland St; Bob Campbell-Smith, 803 Fatherland; Carol Norton, 801 Boscobel, representing ReDiscover East; Frank Zier, 812 Fatherland St; Kristen Hackett, 1410 Eastland; Tina, Thomsen, 719 Fatherland St; Lois Layne, 817 Russell (Several speakers brought handouts or showed large-format photographs.)

Councilmember Withers suggested that it would have been helpful for the applicant to communicate with the neighborhood earlier in the process. He explained that the engineer reports were compelling, the house has been in poor shape for years, and he is aware of other potential buyers who didn't purchase it because of the amount of work needed. He suggested that the Commission and the applicant consider a way to preserve at least the front of the building to preserve neighborhood character, if not the building itself. He is not convinced an economic hardship exists at this time.

Troy Harper rebutted public comment.

Chair Bell said that more demolitions come before the commission than they would like, and they are concerned about demolition-by-neglect.

Commissioner Price said he is an East Nashville resident and he reviewed the materials very carefully. He does not agree with the staff recommendation, he agrees with neighbor concerns, demo does not meet the requirements of economic hardship. Economic Hardship would be if an owner is denied all reasonable use, which he does not find to be the case and the cost of rehab exceeds the post-rehab value. He would like a meeting to discuss what economic hardship is. He has issue with staff saying that the reports recommend demolition.

Commissioner Johnson explained why she disagreed that the project meets section 1, 2, 5, and 8 of the economic hardship criteria. There is not enough information to evaluate #1. Engineering reports were submitted for #2 but they are not convincing enough to meet hardship. #5 has not been met because it is unclear why the building was sold twice in one day and then an individual with a corporation that's business model is to purchase developable property. The company does not respect historic context. The fact that they decided on a tall-skinny duplex early in the process, shows that they never intended on trying to preserve the building. The project does not meet section 8 because the owner has not done anything, other than tarping, to try and protect the building. They have created their own hardship.

Commissioner Mosley said it is a quality historic property and does not find that sections 1, 3 and 8 have been met. He visited in March of 2020. The house has not been secured, beyond a tarp and no evidence has been presented that action was taken to keep out the weather and prevent further damage. Therefore, he finds that they have created

their own hardship. He does not find the engineer reports are as compelling as the comps provided. The applicant would not suffer an economic hardship. It is not their charge to guarantee a profit to the owner.

Commissioner Jones agreed with Commissioners Johnson and Mosley. She feels that not enough information is provided, and a contractor and engineer need to work together on a plan to save the property.

Commissioner Mayhall said the project would not be easy but based on what was paid for the property and what is needed to rehabilitate, it is a viable project.

Vice-chair Stewart said he respects the engineers who have provided reports. He said it is not a small amount of work, but a rehabilitation plan is outlined in the EMC report. He does not find the comparables and the cost estimate to make a compelling case for economic hardship.

Commissioner Williams commended the public for their response. He did not see where steps were taken to preserve the property; therefore, he feels the applicant has created their own hardship.

Commissioner Fitts agreed with her fellow commissioners.

Motion:

Vice-chair Stewart moved to deny the application finding that the project does not meet section 17.40.420 D of the ordinance. Commissioner Mosley seconded and the motion passed unanimously.

Commission took a short break at 4:55 p.m.

S. 1501 CEDAR ST

Application: New Construction – Outbuilding

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

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

Staff member Jenny Warren presented the case for 1501 Cedar. This is an application for the construction of an outbuilding in Belmont-Hillsboro. Ms. Warren reminded the commissioners that Councilmember Cash spoke in favor of the project at the beginning of the meeting.

There are two issues with the design. First: the guidelines do not allow for wall dormers, and the project proposes one. Staff recommends that this dormer be inset by the required two feet (2'). The second issue is the ridge height. According to the applicable guidelines, the ridge is capped at twenty-five feet (25') but cannot exceed the height of the primary structure. The Commission has previously considered the height of primary structures from finished floor to help account for changes in grade. This house is a good example of a primary structure that picks up some foundation height in the rear, but where the primary structure is quite modest. Staff measured the house from finished floor, at this red line and found it to be twenty feet (20') tall. The outbuilding is proposed to be twenty-five feet (25') tall.

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

1. The dormers shall be inset two feet (2') from the wall below;
2. The ridge height shall be reduced to be no higher than the house as measured from finished floor; and,
3. Staff approve the final masonry, cladding, roof color, windows, doors and garage doors prior to purchase and installation;

finding that the project meets Section II.B of the *Belmont-Hillsboro Neighborhood Conservation District Handbook and Design Guidelines*.

William Smallman, applicant, said that neighbors are in favor of the project and reminded the Commission that Councilmember Cash spoke in favor of the project. The height is because the owner wants to park a camper in the small garage, and they were told by staff that the outbuilding could be twenty-five feet (25'). He claims the additional height is appropriate because of the slope of the lot.

There were no requests from the public to speak.

Commissioner Mosley he is compelled by the applicant's presentation and he recalls times that a drop in grade has allowed for some additional height. Commissioner Jones and Johnson agreed, clarifying that it should not be higher than the house, and the difference is minimal. The Commissioners asked clarifying questions and were told that the proposed outbuilding would be the same height or lower than the house as measured by sealevel.

Motion:

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

- 1. The dormers shall be inset two feet (2') from the wall below;**
- 2. The ridge height shall be less than the ridge height of the house as measured from sea level and be no taller than twenty-five feet (25'); and,**
- 3. Staff approve the final masonry, cladding, roof color, windows, doors and garage doors prior to purchase and installation;**

finding that the project meets Section II.B of the *Belmont-Hillsboro Neighborhood Conservation District: Handbook and Design Guidelines*. Commissioner Mayhall seconded and the motion passed unanimously.

T. 1501 FATHERLAND ST

Application: New Construction; Infill and Outbuilding

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

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

PermitID#: T2021042061 & T2021042067

Deferred at the request of the applicant.

U. 2111 EARLY AVE

Application: New Construction—Addition; Partial Demolition

Council District: 06

Overlay: Eastwood Neighborhood Conservation Zoning Overlay

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

PermitID#: T2021042196

Staff member, Melissa Sajid, presented the case at 2111 Early Ave is a c. 1925 bungalow that contributes to the historic character of the Eastwood Neighborhood Conservation Zoning Overlay. The request is to demolish an existing rear addition and to construct a new addition that extends four feet (4') taller than the historic house. Staff finds the proposed demolition of the existing covered exterior access to the basement can be appropriate given its location at the rear and separate roof form. The proposed addition is located at the rear of the historic house, inset per the guidelines, and meets all base zoning setbacks.

The application is for a one and a half story addition to a one story house. As proposed, the addition would be four feet (4') taller than the historic house. Section VI.B.5 of the design guidelines states that taller rear additions may be appropriate when "the historic building is one or one and one-half stories tall and one to two-feet of additional height will allow for usable second-story space that otherwise is unavailable." This section further states the addition should not extend more than two feet (2') above the main roof form of the historic building and that the portion that extends taller should be all roof as seen from the street.

In this case, the house is approximately nineteen feet, eight inches (19'8") tall, and it appears that an addition that extends only two feet (2') taller may not be able to achieve usable second-story space. In addition, the proposal incorporates a front-facing dormer that would be visible from the street and accentuates the large massing of the addition. This dormer does not meet Section VI.B.5 of the guidelines which states that "the portion of the proposed addition that extends taller than the historic building is all roof, as seen from the street."

The addition has a complicated roof form. The primary form is a clipped side gable with a 6/12 pitch, but the addition ties into the hipped roof form of the historic house with a flat roof connection. The flat roof portion terminates below the eaves of a hipped roof portion that extends four feet (4') taller than the historic house. While

the roof forms and pitches could be appropriate for an addition, staff finds that the roof forms do not meet Section VI.B.9 given that the addition exceeds the two feet (2') of additional height that may be appropriate per the design guidelines.

In conclusion, staff recommends disapproval of the project, finding that the addition does not meet Sections VI.A.1 (design), VI.B.2 (scale), VI.B.3 (scale), VI.B.5 (taller rear additions), VI.B.8 (height), and VI.B.9 (roof slope).

Kaitlyn Smous, architect for the project, reiterated that the house is less than twenty feet (20') tall and they are disadvantaged by the hipped roof form. They want a taller addition for second level space and so they do not lose green space in the rear. They have tried to mitigate the additional height, as seen from the street in a number of ways.

Councilmember Withers said that this area is unique for the neighborhood. He is sympathetic to the homeowners and appreciates the work of the architect, but he is concerned by the number of features that are not in keeping with the design guidelines.

Ms. Smous rebutted that the only issue is the dormer and the height and Ms. Sajid listed the concerns. In answer of Commissioner Mosley's question, Ms. Smous said the goal is to make the house a three-bedroom house.

Commissioner Jones appreciated the work of the designer; however, the house is a small house and the guidelines do not allow for small houses to necessarily become larger houses. Commissioner Mosley said that the architect has done all they can to minimize the addition for a two-level addition but the answer to plan a larger footprint and a one-story addition. Vice-chair Stewart and Commissioner Price said that the addition is a compact layout, but he agrees with Commissioner Mosley.

Motion:

Commissioner Price moved to disapprove the project, finding that the addition does not meet Sections VI.A.1 (design), VI.B.2 (scale), VI.B.3 (scale), VI.B.5 (taller rear additions), VI.B.8 (height), and VI.B.9 (roof slope). Commissioner Johnson seconded and the motion passed unanimously.

V. 1109 PORTER RD

Application: Demolition; New Construction—Infill and Outbuilding

Council District: 06

Overlay: Eastwood Neighborhood Conservation Zoning Overlay

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

PermitID#: T2021042208

Staff member, Melissa Sajid, presented the case. The application is to demolish a non-contributing house and to construct a new duplex infill and outbuilding that does not include a dwelling unit. The house at 1109 Porter Road was permitted in 1988. Given the later date of construction, staff finds that the house does not contribute to the historic context of the Eastwood Neighborhood Conservation Zoning Overlay and that its demolition meets Section III.B.2.b of the design guidelines.

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

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

The proposed infill for 1109 Porter Road is twenty-five feet (25') tall and thirty-four feet (34') wide, which matches the maximum height and width of the historic context. The new construction reads as one and one-half stories at the front and incorporates front dormers that are each approximately nine feet (9') wide and accommodate triple windows; front dormers on historic homes on this block are smaller and typically accommodate a paired window.

While the infill reads as one and a half stories at the front, the side elevations are a full two-stories with approximately nineteen foot (19') eaves for most of the depth. Staff finds that the two-story scale on the side elevations combined with the width of the front dormers as well as the overall height and width push the overall scale to a large one and a half story infill that is inappropriate for the historic context.

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

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

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

Brent Hunter, architect for the project, explained the reasoning behind the design.

Council Member Withers stated that he has concern about the visibility of the additional height. A compromise might be for it to be wider towards the rear and use dormers on the side and bring the eaves down. He warned the applicant that the alley is difficult to navigate which could be an issue for accessing the outbuilding from the alley.

Commissioner Mosley agreed with the recommendation and offered some potential solutions. Commissioner Johnson agreed. Commissioner Jones said she was uncomfortable with a new design being wider, as discussed previously, since its already at the maximum for the context.

Motion:

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

W. 3923 KIMPALONG AVE

Application: New Construction—Addition and Outbuilding (DADU)

Council District: 24

Overlay: Woodlawn West Neighborhood Conservation Zoning Overlay

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

PermitID#: T2021042216

Staff member, Melissa Sajid, presented the case for the project at 3923 Kimpalong Avenue, which was constructed c. 1930 and contributes to the historic character of the Woodlawn West Neighborhood Conservation. The request is to construct a rear addition that extends wider than the historic house and to construct an outbuilding that includes a dwelling unit.

The plan includes re-working existing board-and-batten clad rear additions that were permitted in 2007. The work includes replacing the cladding with smooth Hardie plank siding and adding windows to the both the rear and side façades as well as a recessed porch with bracketed shed awning on the left-side façade. Given that the proposed partial demolition is to a later addition, staff finds that it meets Section III.B.1 of the guidelines.

The new construction would add a one-story addition to a modest one and a half story house. The addition does not more than double the existing footprint and is not taller than the existing house, but it does extend nine to ten feet (9'-10') wider on the right side. The subject property has one-hundred feet (100') of street frontage; while the lot is wide, it is typical for this block of Kimpalong Avenue. However, given the width of the lot coupled with the one-story scale of the addition, staff finds that a rear addition that extends wider can meet the design guidelines if the design of the addition meets all of the standards of Section VI.B.4. The portion of the addition that extends wider is one-story with a ridge and eave heights that do not exceed that of the historic building.

The design guidelines also require that "the addition is designed to leave the corners of the building visible and intact" and to "not wrap around a corner." The proposed addition sets in one foot (1') from the corner of the side-gabled portion of the house on the right-side and wraps around the rear corner that appears on the 1931 Sanborn map.

The applicant included a plan that illustrates where staff recommends that the addition should attach based on the 1931 footprint to leave the rear corner intact and meet the design guidelines. On the left-side façade, the addition sets in one foot (1') from the rear corner of an existing rear addition that tied in flush with a side porch that was enclosed at some point. With the condition that the addition does not wrap the right rear corner, staff finds that the project can meet Sections VI.A and VI.B.

The addition is to be clad in brick veneer and siding with the foundation shown as brick to grade where the cladding is masonry and unknown in the areas with siding. Section IV.B.3 of the guidelines states that "foundation lines should be visually distinct from the predominant exterior wall material." This is often accomplished with a change in material at the foundation line such as that seen on the historic house. With the conditions that there be a change in material at the foundation line and that staff approve the final selections of the foundation materials, windows and doors, trim, all porch materials, and a brick sample prior to purchase and installation, the project can meet Section IV.

The proposed left elevation includes two oval windows on the left-side façade that are not representative of the window patterns of the historic building. Staff finds that the proposed oval window openings are not appropriate on the side façades and could be replaced with square openings or smaller rectangular openings that are twice as tall as they are wide. Also, it would be appropriate to relocate the oval openings to the rear façade if desired.

The proposed right elevation is shown at the top while the right elevation that preserves the rear corner is shown at the bottom. The proposed addition meets all base zoning setbacks as does the DADU that is proposed with this project.

The proposed DADU is one and a half stories and meets the guidelines for everything except the awnings add-on option. The plans incorporate awnings on the front and right-side elevations. The awning on the front elevation covers the garage doors, does not cover more than two feet (2') on either side, and meets the design guidelines for depth. The awning proposed for the right-side façade also meets the design guidelines for depth but does not meet the requirements for the width as it extends nearly the full width of the façade including approximately twenty-four feet (24') of wall space that does not include a window or door. With the condition that the width of awnings on the outbuilding does not cover more than two feet (2') on either side of the proposed doors, staff finds that the outbuilding can meet the design guidelines.

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

1. The addition shall not wrap the rear corner on the right-side of the historic house;
2. The oval window openings on the left-side façade be either square openings or rectangular openings that are twice as tall as they are wide;
3. The width of awnings on the outbuilding does not cover more than two feet (2') on either side of the proposed doors;
4. There be a change in material at the foundation line;
5. Staff shall approve the final selections of the foundation materials, windows and doors, trim, all porch materials, and a brick sample prior to purchase and installation;
6. Staff shall approve the final selection of the stone, brick, windows, and doors for the DADU prior to purchase and installation; and

7. The HVAC shall be located behind the house or on either side, beyond the mid-point of the house, and utility meters shall be located on the side of the building, within 5' of the front corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s).

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

Preston Quirk, architect for the project, explained the house, the lot, and the reasons behind his proposal and why they are not in support of the conditions. The owners would like to avoid pushing the addition back and creating a portion of yard difficult to access. They feel the proposed siting is appropriate and that the project will not look different from the street than if it were sited in the location staff is supporting. He emphasized that the footprint is unusual and thus allowing this addition will not set a precedent.

Commissioner Mosley and Fitts and Vice-chair Stewart determined that the true rear corner of the historic house is further up on the building and they were compelled by the applicant's description. Commissioner Price agreed.

Motion:

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

1. **The oval window openings on the left-side façade be either square openings or rectangular openings that are twice as tall as they are wide;**
2. **The width of awnings on the outbuilding does not cover more than two feet (2') on either side of the proposed doors;**
3. **There be a change in material at the foundation line;**
4. **Staff shall approve the final selections of the foundation materials, windows and doors, trim, all porch materials, and a brick sample prior to purchase and installation;**
5. **Staff shall approve the final selection of the stone, brick, windows, and doors for the DADU prior to purchase and installation; and**
6. **The HVAC shall be located behind the house or on either side, beyond the mid-point of the house, and utility meters shall be located on the side of the building, within 5' of the front corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s);**

finding that with these conditions, the project meets Sections IV, VI, and VII. of the of Part I and the Woodlawn West chapter of Part II. of the consolidated design guidelines for the turn-of-the-century neighborhood conservation zoning overlays. Commissioner Williams seconded and the motion passed unanimously.

X. 1500 HOLLY 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

PermitID#: T2021042383

Staff member Jenny Warren presented the case. This is an application for infill on a vacant lot where a historic house was destroyed by storms. A DADU shows on the site plan but is not a part of this application.

The setbacks are appropriate and meet base zoning. There is room on the site for an outbuilding to be added later and maintain the required twenty feet (20') of distance from the primary structure. The design fits into the historic context in terms of height, width, massing and scale. The applicant provided this streetscape and cross-section of the street showing how the proposed house fits into the context. The form of this infill reads like a historic house with a lower, appropriately scaled addition. The side-gabled roof form with dormers is appropriate to the overlay.

Two small issues to note: the porch post should have a base and capital and corner boards should be provided. In conclusion, Staff recommends approval with the following conditions:

1. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;
2. Staff shall approve the final siding, the metal roofing, the trim material, the porch floor and steps, the porch post and railing, the rear steps, the walkway material and all doors and windows prior to purchase and installation; and,
3. Four inch (4") nominal corner boards shall be provided at the face of each exposed corner;
4. A base and capital shall be added to the front porch column;
5. Utility meters shall be located on the side of the building, within 5' of the front corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s);

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

The applicant, Craig Kennedy, declined to speak and there were no comments from the public.

Motion:

Commissioner Jones moved to approve the project with the conditions that:

- 1. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
- 2. Staff shall approve the final siding, the metal roofing, the trim material, the porch floor and steps, the porch post and railing, the rear steps, the walkway material and all doors and windows prior to purchase and installation; and,**
- 3. Four inches (4") nominal corner boards shall be provided at the face of each exposed corner;**
- 4. A base and capital shall be added to the front porch column;**
- 5. Utility meters shall be located on the side of the building, within 5' of the front corner. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit(s);**

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

Y. 1409 GARTLAND AVE

Application: New Construction—Addition and Outbuilding

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

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

PermitID#: T2021043016

Staff member, Sean Alexander presented the case for 1409 Gartland Avenue. The applicant is proposing to construct a rear addition and an outbuilding.

The addition will be at the first story, stepped in on the right side and a change in material differentiating it from the historic house on the left. Two windows on the left at the midpoint of the building will be replaced with three – the new windows match the pattern and size of other windows on the house. Staff finds the addition to meet the design guidelines.

The proposal also includes a new outbuilding. The outbuilding will be a carport with a low-pitched roof, and will be constructed with exposed steel framing, possibly spare tube but it was not clear, and with a metal roof. It will have an enclosed shed portion with cement-fiber siding and polycarbonate windows.

The eave overhang on one side of the building is more than five feet (5'), whereas the guidelines limit eaves to two feet (2'). The purpose of this guideline is to prevent a loophole where someone meets a seven-hundred-fifty (750) square foot maximum for outbuilding footprint and then extends the eaves, effectively putting significantly more area under the roof.

The roof pitch is also lower than 4/12, but the guidelines say roof should have a pitch of at least 4/12. With the low pitch and metal frame material, staff found the building to be similar to a type of metal carport structure that has not been approved previously.

Staff recommends approval of the proposed addition and outbuilding with the following conditions:

1. The partial demolition is accomplished manually, and the applicant be required to submit a demolition and shoring plan;
2. The material of the rear porch columns and the window and door selections are approved prior to construction;
3. The outbuilding has a roof pitch of at least 4/12;
4. The outbuilding's eaves do not extend more than two feet (2'); and
5. The outbuilding is constructed of compatible materials.

Meeting those conditions, Staff finds that the proposal meets the design guidelines for the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay.

Matt Lewis, architect for the project explained that they agreed with the first two conditions and their goals with the proposed design for the outbuilding.

There were no requests from the public to speak.

Commissioner Price said he supported the staff report. Although the outbuilding design is cool, it does not comply with the design guidelines. Vice-chair Stewart agreed, explaining that a study of outbuildings was conducted, and they received public comment that drove the current design guidelines. Commissioner Johnson did not find a reason not to meet the guidelines.

Commissioner Mosley appreciated the simplicity of the design in terms of meeting the design guidelines for a utilitarian design.

Motion:

Commissioner Price moved to approve the addition and outbuilding with the following conditions:

- 1. The partial demolition is accomplished manually, and the applicant be required to submit a demolition and shoring plan;**
- 2. The material of the rear porch columns and the window and door selections are approved prior to construction;**
- 3. The outbuilding has a roof pitch of at least 4/12;**
- 4. The outbuilding's eaves do not extend more than two feet (2'); and**
- 5. The outbuilding is constructed of compatible materials;**

finding that with those conditions, the proposal meets the design guidelines for the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay. Commissioner Johnson seconded and the motion passed unanimously.

Z. 1501 LINDEN AVE

Application: Demolition; New Construction—Outbuilding

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

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

PermitID#: T2021043014

Staff member, Sean Alexander, presented the case at 1501 Linden Avenue. The applicant proposes to demolish the existing outbuilding and construct a new outbuilding. The existing outbuilding is non-contributing, in fact it is only about ten years old – so demolition meets the design guidelines.

The outbuilding will be less than the one thousand (1000) square feet permitted on this lot, the setbacks, materials, window proportions are appropriate. The roof is cross gabled with a “clerestory tower” or cupola atop the primary ridge. This is not a typical feature of nearby outbuildings historically.

Staff recommends approval of the proposed outbuilding and pool house with the following conditions:

1. The tower or cupola element shall be eliminated; and
2. Staff shall approve the window and door selections prior to purchase and installation.

With these conditions, staff finds that the outbuilding meets Section II.B of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines.

Kaitlyn Smous pointed out that cupolas are features that were discussed as a part of the consolidation and that it is an element that the Commission could consider here. She explained that the height of the cupola is within the height limits

There were no requests from the public to speak.

Commissioner Fitts agreed with staff recommendation.

Motion:

Commissioner Fitts moved to approve the proposed outbuilding and pool house with the following conditions:

- 1. The tower or cupola element shall be eliminated; and**
- 2. Staff shall approve the window and door selections prior to purchase and installation;**

finding that with these conditions, the outbuilding meets Section II.B of the *Belmont-Hillsboro Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines*. Commissioner Johnson seconded and the motion passed unanimously.

Commissioner Mosley clarified that the it is not punitive that a neighborhood chose not to be a part of the consolidation, but they cannot cherry pick the guidelines.

AA. 322 HARVARD AVE

Application: New Construction – Addition

Council District: 24

Overlay: Richland-West End Neighborhood Conservation Zoning Overlay

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

PermitID#: T2021042176

Deferred at the request of the applicant.

BB. 1702 FORREST AVE

Application: Economic Hardship

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: Joseph Rose

PermitID#: T2021042828

Staff member, Joseph Rose, presented the case for demolition of a house and outbuilding. The house at 1702 Forrest Avenue is a circa 1918 contributing home in the Lockeland Springs – East End Neighborhood Conservation Zoning Overlay. The property includes a non-historic outbuilding. The porch posts were replaced sometime prior to 1985,

possibly in 1982 when a permit was issued for general repairs. A front dormer was removed sometime between 1986 and 2007.

1702 Forrest Avenue has been largely neglected for a number of years. Because of this, the home has fallen into extreme disrepair, including years of accumulated animal urine/feces, structural deterioration, and dilapidated walls, ceilings, and floors. Today, the applicant requests demolition of the contributing home and a non-contributing outbuilding due to extreme disrepair, arguing for economic hardship.

The applicant has provided two engineering reports. The reports state that the bearing walls and support systems of the home are almost all completely compromised and that the support systems in place are failing, from wooden members down to the footings. Furthermore, they state that the structural systems of the home were not originally built properly and now have been further compromised by significant termite damage and years of rot. The structural system of the home is now damaged and rotten to the extent that it isn't feasible to repair. Complete replacement of foundations is not unusual for a historic building; however, in this case, the report surmises that foundation replacement is likely not possible in a manner that preserves the historic framing due to its poor condition.

Staff recently visited the home and their observations of the home agree with the analysis provided by both engineer reports. Staff finds that if both framing and foundation need to be replaced, there will not be much of the original home remaining to salvage and, therefore, the resulting building will be non-contributing.

Staff recommends approval of full demolition of all structures at 1702 Forrest, finding that demolition meets section III.B (2) (b) as the necessary demolition required to repair the primary building will result in a non-contributing building and the outbuilding is a non-contributing building and the project meets section III.B (2) (a) as repairs are not possible in a manner that retain the historic building.

Also, please note that the Commission received letters of support for demolition from neighbors.

Nicole Piersiak, property owner, explained her intent was to rehab the house and move back to the neighborhood but she did not realize what poor condition it is in. She was not able to find a contractor willing to take on the project. A general contractor provided her an estimate of \$600,000 as a starting project but thought that there may be more needs that would become evident as more layers were peeled off.

There were no requests from the public to speak.

Commissioner Johnson said that she has not seen enough evidence for economic hardship but she finds that it will meet the design guidelines for demolition. Commissioner Price agreed that economic hardship was not an issue here because of the amount of loss of character defining features. It would not be contributing for the National Register of Historic Places.

Commissioner Mayhall moved to approve demolition finding that demolition meets section III.B (2) (b) as the necessary demolition required to repair the primary building will result in a non-contributing building and the outbuilding is a non-contributing building and the project meets section III.B (2) (a) as repairs are not possible in a manner that retain the historic building. Vice-chair Stewart seconded and the motion passed unanimously.

CC. 2224 LINDELL AVE and DD. 2236 LINDELL AVE

Application: New Construction—Infill

Council District: 17

Overlay: Woodland-in-Waverly Historic Preservation Zoning Overlay

Project Lead: Joseph Rose

PermitID#: T2021027625 and T2021027629

Staff member, Joseph Rose, presented the case. The next two were presented together since they are similar in massing. The applications are to construct single-family infills on the, now empty lots at 2224 and 2236 Lindell. The proposed infills will both be one and a half stories and twenty-six feet (26') tall from grade.

Staff finds that the two infill projects meet the design guidelines for Height & Scale, Roof form, Orientation, Proportion and Rhythm of Openings, and Appurtenances & Utilities. Staff finds that the two infill projects will meet the guidelines for Setback & Rhythm of Spacing and Materials, Texture, and Details and Material Color with the conditions listed below.

Staff recommends approval of the project with the following conditions:

1. Alignment of the front setbacks of 2224 and 2236 Lindell; the new established setback should be determined by the setback that is most common to the contributing buildings at 2308-2314 Lindell Avenue.
2. Staff approve masonry samples;
3. Staff approve all windows and door prior to purchase and installation;
4. Staff approve the roof material and color;
5. Staff approve cladding material, texture, and color
6. The HVAC shall be located behind the house or on either side, beyond the midpoint of the house;
7. 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; and,
8. Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit.

With these conditions, staff finds that the project meets Sections III.B.2 of the Woodland-in-Waverly Historic Preservation Zoning Overlay design guidelines for new construction.

Roger Potter, applicant, said he was available for questions.

Motion:

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

1. **Alignment of the front setbacks of 2224 and 2236 Lindell; the new established setback should be determined by the setback that is most common to the contributing buildings at 2308-2314 Lindell Avenue.**
2. **Staff approve masonry samples;**
3. **Staff approve all windows and door prior to purchase and installation;**
4. **Staff approve the roof material and color;**
5. **Staff approve cladding material, texture, and color**
6. **The HVAC shall be located behind the house or on either side, beyond the midpoint of the house;**
7. **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; and,**
8. **Alternative mechanical and utility locations must be approved prior to an administrative sign-off on building permit;**

finding that with these conditions, the project meets Sections III.B.2 of the Woodland-in-Waverly Historic Preservation Zoning Overlay design guidelines for new construction. Vice-chair Stewart seconded and the motion passed unanimously.

IX. OTHER BUSINESS

DD. TAX ABATEMENT PROGRAM ADMINISTRATION

In accordance with state enabling legislation, Councilmember Syracuse and the Metro Historical Commission have initiated a project to incentivize long-term protection of historic properties with the creation of a Historic Property Improvement and Restoration Tax Abatement Program. The incentive itself will be voted on by Council. CM Syracuse requests that the Commission determine how the program will be administered before Council makes its final decision.

The abatement will allow a property owner to freeze the buildings value at a pre-rehab rate for ten (10) years. The draft program you received lays out the eligibility requirements, the timeline for review, and the application and review process.

Staff recommends approval of the administrative proposal for the Historic Property Improvement and Restoration Tax Abatement Program to go into effect on the date specified by Metro Council, if approved by council.

Commissioner Mosley moved to approve as submitted. Vice-chair Stewart seconded and the motion passed unanimously.

Vice-chair Stewart noted that most states do not have a state tax incentive but the general assembly approved a grant program.

Meeting adjourned at 6:55 p.m.