

**FRANKLIN HISTORIC ZONING COMMISSION  
MINUTES  
June 9, 2014**

The Franklin Historic Zoning Commission held its regular scheduled meeting on Monday, June 9<sup>th</sup>, 2014, at 5:00 pm in the City Hall Boardroom at 109 Third Avenue South.

Members Present:      Chairwoman Susan Besser  
                                 Rusty Womack  
                                 Mike Hathaway  
                                 Jay Sheridan  
                                 Trisha Nesbitt  
                                 Jim Roberts  
                                 Mel Thompson

Staff Present:            Amanda Hall, Planning & Sustainability Department  
                                 Meghan Scholl, Planning & Sustainability Department  
                                 Kristen Corn, Law Department  
                                 Shana McCoy, Building and Neighborhood Services Department  
                                 Donald Anthony, Planning & Sustainability Department  
                                 Vernon Gerth, Administration Department  
                                 Catherine Powers, Planning & Sustainability Department  
                                 Brian Walker, Parks Department

Chairwoman Susan Besser called the meeting to order at **5:00 p.m.**

**1. Minutes: April 14, 2014**

Mr. Hathaway moved to approve the April minutes. Ms. Nesbitt seconded the motion, and the motion was approved unanimously (7-0).

**2. Minutes: May 12, 2014**

Chairwoman Besser asked that there be a correction of the word “residing” to “presiding” when announced that Ms. Pearce was to preside on behalf of Chairwoman Besser when she stepped out.

Mr. Sheridan asked to include his own recusal on items 9 and 12.

Mr. Womack asked that the word “buff” on page 10 to be changed to “buffer.”

Mr. Womack then moved to approve the May minutes with corrections. Ms. Nesbitt seconded the motion, and the motion passed unanimously (7-0).

**3. Citizens Comments on Items Not on the Agenda**

Chairwoman Besser asked the public whether there was anyone that wanted to speak about any items that were not on the agenda for June 9<sup>th</sup>. There was no response.

Chairwoman Besser asked whether there were any announcements.

Ms. Hall noted that the new commissioner was present, Mr. Mel Thompson, and that they were happy to have him. The Commissioners welcomed him as well.

**4. Consideration of Alterations (Gate) at City Cemetery, located at 4<sup>th</sup> Ave. N. and N. Margin St.; City of Franklin Parks Dept., Applicant.**

Ms. Hall stated that the applicant is requesting a Certificate of Appropriateness for the installation of an iron gate at the east side of City Cemetery at the location of a break within the stone wall. The gate is proposed to be constructed from iron stock material and to be able to swing open and lock on both sides. The gate is not proposed to attach to the stone wall. Please note that the open area of the gate (as shown on the attached rendering) is meant to show the structure of the gate for illustrative purposes only; there are pickets proposed on both sides of the gate. The proposed alteration is subject to approval by the Tennessee Historical Commission due to the presence of a preservation agreement on the site as part of a grant the City received for the development of a preservation and maintenance plan for the site. Staff has sent the proposed plan to Mr. Louis Jackson, the THC staff contact for the grant project, who subsequently approved the proposal. The proposal is contingent on HZC approval. A representative from the City of Franklin Parks Department appeared before the Design Review Committee to discuss the proposal at its March 17, 2014 meeting.

Ms. Hall continued that the design of the proposed gate is appropriate and consistent with the *Guidelines* and the intent of the Secretary of Interior's Standards for Rehabilitation. The design and material of the proposed gate (simple iron 5/8" square picket design, swing style with fixed center and two gates due to span of opening) is consistent with the *Guidelines* and with the intent of the Secretary of the Interior's Standards for Rehabilitation. The gate has been designed to read more simply in appearance than the historic gate at the formal 4<sup>th</sup> Ave. N. cemetery entrance.

Ms. Hall stated that the height of the proposed gate (approx. 3'-6") is appropriate and consistent with the intent of the Secretary of the Interior's Standards for Rehabilitation. The *Guidelines* recommend that fence heights not exceed three (3) feet in front yards or height than seven (7) feet on side or rear yards. The location of the proposed gate is at location of the 3<sup>rd</sup> Ave. N. extension, at the rear of the formal City Cemetery entrance at 4<sup>th</sup> Ave. N. The height of the proposed gate is consistent with the height of the existing stone wall.

Ms. Hall also mentioned that the placement of the proposed gate (situated within an existing break in the stone wall, but not physically installed to the stone wall) is appropriate and with the intent of the Secretary of the Interior's Standards for Rehabilitation. The gate may be removed in the future without an adverse impact to the stone wall.

Ms. Hall added that the application must meet all the requirements of the Building & Neighborhood Services Department. Any additional changes and/or proposed changes to the HZC-approved plans must be returned to the HZC for review and approval.

Ms. Hall stated that because the applicant is related to the city, she was not able to give the commission a recommendation a staff recommendation.

Chairwoman Besser asked the applicant to please state their name.

Brian Walker from the Parks Department stated his name as the applicant and proceeded to comment on the application proposed. Mr. Walker stated that the purpose of the gate was that since 3<sup>rd</sup> Avenue is extending, the city could close the cemetery off if necessary.

Mr. Hathaway moved to approve the motion as presented.

Mr. Womack seconded the motion; the motion was approved with a unanimous vote (7-0).

#### **5. Consideration of Fencing and Deck at 234 4<sup>th</sup> Ave. S.; Rob Tallman, Applicant.**

Ms. Hall stated that the applicant is requesting a Certificate of Appropriateness for the removal of existing fencing and the construction of a rear deck with arbor and new rear yard fencing (cedar and brick) at 234 4<sup>th</sup> Ave. S.

Ms. Hall added that the proposal is mostly consistent with the *Guidelines* and that staff recommends approval with conditions. The proposed deck is mostly consistent with the *Guidelines*, in which they support the placement of decks to rear or secondary elevations where they are not readily visible from the street. The proposed deck is situated off the rear elevation of the residence and is recessed behind a recently-approved side addition to residence. Also, the proposed deck materials (IPE or TimberTech composite) are appropriate due to the deck's proposed location with limited visibility from the street. The *Guidelines* do not specifically comment on decking materials with the exception of rails, only appropriate deck location. The proposed decking materials have a wood-like appearance.

Ms. Hall continued that the design, height, and location of the proposed perimeter fencing (tying from corner of location of proposed deck to property line, along perimeter of property line to tie into wood garage) are consistent with the *Guidelines*. The cedar plank privacy fencing is proposed at a height of 6', with brick columns with limestone caps incorporated. Staff requests additional information on the proposed gate material.

Ms. Hall stated that the design, height, and location of the proposed courtyard area fencing may be consistent with the *Guidelines*. The fencing measures 3' in height. Staff requests additional information, as no specification information was included within the application to substantiate the 3'-tall fencing, and it appears that the fencing in this location is oriented slightly differently than the existing fencing at this location (Exhibit 1). Also, the proposed design, height, and location of the courtyard fencing wall are consistent with the *Guidelines*. The wall is proposed at a height of 6' with brick columns with limestone caps of 7'. It features an open weave design and is located at the rear right corner of the residence, curving along the driveway to the site of a new paver walkway behind the residence. Staff requests additional information on the proposed gate material.

Ms. Hall noted that the application must meet all the requirements of the Building & Neighborhood Services Department prior to issuance of a building permit. Any additional changes and/or proposed changes to the HZC-approved plans must be returned to the HZC for review and approval.

Chairwoman Besser asked the applicant to please state their name.

Mr. Rob Tallman stated his name as the applicant and proceeded with comments on the application proposed. Mr. Tallman stated that the staff report was very thorough, so he would answer any questions the Commissioners may have.

Chairwoman Besser asked if the limestone caps ended at 7 feet.

Mr. Tallman answered yes.

Mr. Roberts asked what the look of the small fence would be.

Mr. Tallman said that the look would be of a picket fence; the fence will be consistent with what's currently in place.

Chairwoman Besser asked for the applicant to clarify the material Ms. Hall had asked about.

Mr. Tallman stated that the brick columns are located in various locations; the goal is to make the gate disappear within the fence so that it doesn't stand out and that it will also be hidden by landscape. Mr. Tallman stated that in the lower court yard area, there will be a screening wall and that the intent there is to build a gate that will be a cedar product and will be stained. Mr. Tallman then handed out a sample of material.

Mr. Sheridan asked whether the brick lattice would only be on the shorter sections of the fencing.

Mr. Tallman answered yes, the section that curves around to the front. There is a fountain there that will be coming out.

Mr. Womack stated that this would be an improvement.

Mr. Nesbitt asked how tall the fence is.

Mr. Tallman stated that the gate will be approximately 5 feet, the columns will be 7 feet, and the fencing will be 6 feet.

Mr. Thompson asked whether the 3 feet of screen on the right corner would be built up to 6 feet.

Mr. Tallman answered yes, the 3 feet plus a pond with a waterfall.

Mr. Roberts moved that the Franklin Historic Zoning Commission approve with conditions a Certificate of Appropriateness for Project PL #4594 for the deck and fencing with staff's comments, in accordance with the *Franklin Historic District Design Guidelines* and based on the Staff Report & Recommendation dated June 9, 2014.

Mr. Hathaway seconded the motion; the vote was approved unanimously (7-0).

#### **6. Consideration of Alterations (Siding) at 118 3<sup>rd</sup> Ave. N.; Ronald L. Shuff, Applicant.**

Ms. Hall stated that the applicant is requesting a Certificate of Appropriateness for the replacement of siding on the frame areas of the building located at 118 3<sup>rd</sup> Ave. N. The siding—which the applicant notes as consistent of pine wood, spruce wood, poplar wood, and Masonite—appears to either be covered or to be largely removed from the left façade and portions of the frame addition (see Exhibits 1-2). The applicant is requesting to replace the wood and Masonite siding material on the frame portions of the building with concrete siding. The *Historic District Design Guidelines* do not specifically address wood siding on commercial structures; therefore, staff is referencing the Secretary of Interior's Standards for Rehabilitation. The *Historic District Design Guidelines* are based on the Secretary of Interior's Standards for Rehabilitation, ten basic principles created to help preserve the distinctive character of a historic building and its site while allowing for reasonable chance to meet new needs.

Ms. Hall continued that the removal and replacement of the siding on the rear elevations is mostly consistent with the Secretary of Interior's Standards for Rehabilitation. Staff recommends approval with conditions of the following portion of the application. The Secretary of Interior's Standards for Rehabilitation recommend against the removal of distinctive materials or alteration of features, spaces,

and spatial relationships that characterize a property and state that changes to a property that have acquired historic significance in their own right will be retained and preserved. Also, the historic building appears to have undergone additions from its original brick Federal style layout, and investigation of Sanborn Fire Insurance Maps of the subject property suggest from the years 1898, 1903, 1908, 1913, and 1928 that additions were present on the building. As such, wood siding is a distinctive material on the building that characterizes the property and has acquired historic significance in its own right.

Ms. Hall stated that the Secretary of Interior's Standards for Rehabilitation state that deteriorated historic features should be repaired rather than replaced and where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Further, the Standards state that exterior alterations should not destroy historic materials, features, and spatial relationships that characterize a property and that new work shall be differentiated from the old and compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and the environment.

Ms. Hall mentioned that based on the photographic evidence provided by the applicant (see Exhibits 3-5), the level of deterioration of the wood siding on the rear elevations is considerable at some locations. Based on the Standards, cement board siding is a compatible material for the replacement of deteriorated wood siding on rear elevations. As a condition of approval, the proposed siding material must be submitted to staff for review and approval prior to installation. Also, Masonite siding is not a historic material, and it is appropriate to remove Masonite siding from the rear elevation areas of the building it is/was present for replacement. Based on the Standards, cement board siding is a compatible material for the replacement of synthetic siding. As a condition of approval, the proposed siding material must be submitted to staff for review and approval prior to installation.

Ms. Hall continued on about the alterations for the left elevations: Staff does not have enough information to determine if the removal and replacement of the siding on the left elevation is consistent with the Secretary of Interior's Standards for Rehabilitation. Staff recommends deferral of the following portion of the application. The Secretary of Interior's Standards for Rehabilitation recommend against the removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property and state that changes to a property that have acquired historic significance in their own right will be retained and preserved. Also, the historic building appears to have undergone additions from its original brick Federal style layout, and investigation of Sanborn Fire Insurance Maps of the subject property suggest from the years 1898, 1903, 1908, 1913, and 1928 that additions were present on the building. As such, any wood siding on the left elevation addition is a distinctive material on the building that characterizes the property and has acquired historic significance in its own right.

Ms. Hall stated that the Secretary of Interior's Standards for Rehabilitation state that deteriorated historic features should be repaired rather than replaced and where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Further, the Standards state that exterior alterations should not destroy historic materials, features, and spatial relationships that characterize a property and that new work shall be differentiated from the old and compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and the environment. Staff has taken photographs of the existing conditions on site, and it appears that the siding on the left elevation has been either covered or largely removed. Staff requests that the applicant provide additional information about the type (wood or Masonite) and the quality of repair of the siding on the left side elevation in order to determine if its material type is historic and if its level of deterioration is significant enough to require replacement, as recommended by the Secretary of Interior's Standards.

Chairwoman Besser asked the applicant to please state their name.

Mr. Ronald Shuff stated his name as the applicant.

Mr. Sheridan asked Mr. Shuff whether the siding was currently removed or covered.

Mr. Shuff answered both, because he did not think he needed an approval to change the siding but that he received a call from someone in City Hall telling him that he needed a COA. Mr. Shuff explained that he had been wanting to tear the back siding off since it is all rotted out, but when he tore the siding off they found out that the issue was the foundation. Consistency was a priority in his restoration. The original owner of the building was active in the Civil War.

Mr. Womack asked the applicant whether he had been able to maintain consistent exposure.

Mr. Shuff answered yes, 4.5 inches, in which consistent exposure was the purpose of his restoration.

Mr. Womack explained that this was an opportunity to finally give this building consistency and uniform.

Mr. Shuff added that it would not be the same, since the hardi plank was okay, but the wood has rotted.

Mr. Sheridan asked that since the siding is already removed, what the Historic Zoning Commission's motives were.

Ms. Hall reminded the Commission that there still was not enough information for recommendation.

Mr. Womack stated that the siding is in horrible shape and inconsistent, and if they have the opportunity to maintain this building, he will support it.

Mr. Shuff added that the Masonite on the back is from the 60s or 70s.

Mr. Womack moved to approve the hardi plank on the rear elevation with comments by staff.

Mr. Sheridan seconded the motion, and asked whether it would make sense to specify reveal.

Chairwoman Besser answered yes.

Mr. Womack stated that they do not yet have the exact reveal, and to add that to the motion to specify the exposure.

Mr. Womack asked whether the back elevation was okay with consistency.

Mr. Shuff answered that he had asked his contractor to put the exposure of the foundation back to 4.5 inches.

Mr. Corn stated that in order for any additional comments be made to the motion, there would need to be an amendment.

Mr. Thompson made an amendment to include in the motion that the applicant must have a foundation of 4.5-5 inches. Mr. Roberts seconded the amendment. The vote passed unanimously (7-0).

Chairwoman Besser took vote regarding the original motion by Mr. Womack, including the amendment, for the rear elevation: the vote passed unanimously (7-0).

Mr. Womack then moved to approve the hardi siding on the left elevation with exposure of 4.5-5 inches with staff comments. Mr. Sheridan seconded the motion; the vote passed unanimously (7-0).

**7. Consideration of Alterations (Architectural Features, Deck, Entrance, Lighting, Masonry, Ramp, Rear Elevation, Roof, Utilities, Windows) at 232 5<sup>th</sup> Ave. N.; Mitchell Barnett Architect, PC; Applicant.**

Ms. Hall stated that the applicant is requesting a Certificate of Appropriateness for a series of alterations to the ca. 1965 noncontributing commercial building located at 232 5<sup>th</sup> Ave. N. The building is located within the Floodway Fringe Overlay (FFO) and the Historic Preservation Overlay (HPO), and as such, any alterations to the building must meet the floodplain management requirements set forth within Section 5.8.5 (“Floodplain Protection”) of the Franklin Zoning Ordinance as well as receive a Certificate of Appropriateness for the proposed exterior scope of work from the Historic Zoning Commission.

Ms. Hall continued that section 5.8.5(4)(b)(2), as applicable in AE Zones where Base Flood Elevation data is available, states that “new construction and substantial improvement of any commercial, industrial, or nonresidential building shall have the lowest floor, including basement, elevated or flood proofed to no lower than one (1) foot above the level of the Base Flood Elevation.” According to the Elevation Certificate submitted to staff for this property, the Base Flood Elevation is 634.6 and the finished floor elevation (FFE) is 633.3. As such, if the building is substantially improved as proposed, it is necessary for the building’s FFE to measure at least 635.6, which raises the existing FFE by 2.3 ft.

Ms. Hall stated that the proposed exterior alterations are as follows:

- Raising of ceiling height by approximately 2.5 ft. through the removal of the roof and the addition of clerestory windows of a ribbon-banded style between the existing structure on all elevations;
- The placement of a new roof and cornice on top of the new clerestory windows;
- The removal and replacement (with slight modification) of the existing three windows and door at the left side of the front elevation and the front corner of the left elevation (slightly wider with incorporation of transoms);
- The addition of two window openings on the right side of the front elevation, three window openings on the right elevation, and a small walk-up service window on the left elevation;
- The removal of the existing rear door and the placement of a new rear door in a slightly different location;
- The placement of a 400 sq. ft. wood 2x4 deck with steel cable railing and wood handrail and cedar post pergola across the front elevation, extending outward past the left side of the front elevation for wood stair access and proposed ramp access;
- The placement of an accessibility ramp along the left elevation of the building, constructed of concrete, lifted by steel posts, and utilizing steel cable railing and wood handrail;
- The placement of a rear deck off 2x4 wood decking for the purposes of loading/unloading;
- The painting of the existing unpainted masonry;
- The placement of light fixtures to the exterior of the building; and
- The placement and screening of utilities on-site.

Ms. Hall added that the applicant appeared before the Design Review Committee to discuss the first rendition of the proposal at its March 17, 2014 meeting. The applicant then appeared before the Design Review Committee to discuss a new proposal at its May 19, 2014 meeting.

Ms. Hall continued that the subject building is of ca. 1965 construction and is not contributing to the Downtown Franklin Historic District. A minimalist Modern-style commercial building, it is of brick construction, features minimal floor-to-ceiling glass-and-metal fenestration, and has a pronounced, projecting cornice and roofline and helps define the character of the building. As a noncontributing

building to the Downtown Franklin Historic District, it is not determined to add to the historic or architectural value for the period of significance currently defined for the historic district. In the case of proposed alterations to noncontributing buildings, the alterations are reviewed in light of the *Guidelines* specifically in relation to how the proposed alterations would impact the character of the district and the surrounding contributing buildings.

Ms. Hall stated that as for the following proposed alterations are either mostly consistent with the *Guidelines* or determined to be appropriate based on the noncontributing status of the subject building and the level of impact the following proposed alterations would have on the character of the district and the surrounding contributing buildings. Staff recommends approval with conditions of the following portion of the application.

Ms. Hall stated that the proposed removal of the roof, the placement of a new brick wall section with clerestory windows, and the replacement of a roof so as to raise the ceiling height of the building approximately 2.5' (to compensate for the required elevation of the FFE per floodplain management regulations) are appropriate. The *Guidelines* do not specifically address proposals involving the increased height of commercial buildings in this manner. Staff compared the level of height proposed to be added to the building (the minimal height needed to meet floodplain management regulations for substantially improved nonresidential structures) with the heights of the two adjacent buildings. Due to the significant grade difference between the subject property and the adjacent property on its right, the proposed height alteration will not present an adverse impact to the district (see Exhibit 1). Based on City GIS data, the adjacent property to the left appears measure approximately 19-20 ft. tall at approximately 2.5-3 ft. lower elevation than the subject property (see Exhibit 2). As such, the visual impact of an additional 2.5 ft. in tall on the subject building (with an overall proposed height of 15') is minimal.

Ms. Hall explained that the added wall section is proposed to feature clerestory windows of a ribbon-banded style. The window section helps define the location of the new wall section, which differentiates it from the older wall section. The ribbon banding is compatible, however, with the modern architectural style of the building. The *Guidelines* on windows normally require the use of true divided-light or simulated divided-light wood windows for new windows. The building does not currently feature windows of this style, however. The modern architectural style of noncontributing building lends itself to anodized aluminum with dark or bronze finishes, which is also recommended by the *Guidelines*. The *Guidelines* recommend against the use of raw or unpainted aluminum windows. Ms. Hall noted that as a condition of approval, the framing of the new clerestory window section must consist of a finished aluminum for consistency with the existing window units.

Ms. Hall continued that the replacement of the roof in a similar style, as proposed, is appropriate. The roof features pronounced, projecting cornice and roofline and helps define the character of the building, and a similar replacement is encouraged. Staff requests clarification on the proposed roofline material.

Ms. Hall added that the addition of proposed window openings on the front, left, and right elevations are appropriate. The *Guidelines* do not specifically address proposals involving the creation of new window openings on commercial buildings. The proposed window openings are styled in keeping with the original window openings but differentiated within the incorporation of the "transoms" created by the presence of the clerestory windows above them. As a condition of approval, the framing of the new windows must consist of a finished aluminum for consistency with the existing window units. Also, the addition of the proposed "walk-up" window on the left elevation is appropriate. It is styled in keeping with the original windows. As a condition of approval, the framing of the new windows must consist of a finished aluminum for consistency with the existing window units.



Ms. Hall noted that the placement of an accessibility ramp along the left elevation to access the front elevation public entrance is consistent with the *Guidelines*. The *Guidelines* support the use of concrete and wood ramps of simple designs. The use of steel cable railing is consistent with the modern architectural style of the building, explained as follows:

- For consistency with the *Guidelines*, staff recommends the screening of the ramp through plantings to minimize its visual impact.
- For consistency with the *Guidelines*, staff recommends the painting of the ramp in a color compatible with the brick building.

Ms. Hall continued that the relocation of the rear elevation entrance location, the rear door replacement, and the construction of a rear elevation loading deck are consistent with the *Guidelines*. The building is noncontributing, so the maintenance of the existing door and door location is not required. The rear elevation is proposed to be simple in appearance, which is consistent with the *Guidelines*. The proposed deck is designed simply and of wood, which is also consistent with the *Guidelines*, and it is proposed to be situated on a rear elevation with minimal visibility from the street, if any. For consistency with the *Guidelines*, staff recommends that the applicant stain or paint the deck so that the color is compatible with those of the building. Also, the proposed placement of modern style light fixtures on the exterior of the building is consistent with the *Guidelines*. The lighting fixtures, as illustrative, appear unobtrusive.

Ms. Hall then stated that the proposed utilities placement/screening is consistent with the *Guidelines*. The *Guidelines* recommend that HVAC units and service equipment be screened through landscaping or wood and/or brick enclosures. The proposed refuse location is behind the building, out of view from the street, and screened with a simple wood enclosure. As a condition of approval, any proposed mechanical systems must be located behind or on top of the building so as not to be viewed from the street, for consistency with the *Guidelines*.

Ms. Hall continued on about the alterations to the existing windows and door glass material: the following proposed alterations are not consistent with the *Guidelines*. Staff recommends denial of the following portion of the application. The proposed replacement of the existing windows and door glass material and the proposed modification of the existing window openings on the building to include “transoms” as created by the addition of the clerestory window section is not consistent with the *Guidelines*. The *Guidelines* recommend the preservation and maintenance of original windows, opening dimensions, and details, and recommend against the altering of original window openings in any way, including by enclosing openings or obscuring windows with added materials.

Ms. Hall added that the proposed front elevation deck and pergola is not consistent with the *Guidelines*. The *Guidelines* note that decks are modern features, and as such, the *Guidelines* recommend that deck be placed on rear elevations, low visibility side elevations, or on roofs and screened from view if placement is not sufficient. The proposed deck is wider than the front elevation façade, features a pergola, and as such, would present a highly prominent, modern feature into the public visibility of the historic district. Also, the proposed painting of the unpainted masonry is not consistent with the *Guidelines*. The *Guidelines* recommend against the painting of masonry walls that have not been previously painted unless walls have had extensive patching or repointing, resulting in a patchwork of masonry surfaces. The building does not appear to feature significant patching or repointing.

Ms. Hall then noted additional comments. The placement of flood vents along the bottom of at least two elevations (placed no more than 12” above the grade) is required for compliance with Section 5.8.5 of the Franklin Zoning Ordinance (“Floodplain Protection”). The *Guidelines* recommend that utilities/mechanical equipment be located on rear elevations. The flood vents are proposed on the rear and left side elevations (under the ramp) and should have minimal visibility from the street. If the proposal is

issued a COA, the application must meet all the requirements of the Building & Neighborhood Services Department prior to issuance of a building permit. If the proposal is issued a COA, any additional changes and/or proposed changes to the HZC-approved plans must be returned to the HZC for review and approval.

Chairwoman Besser asked the applicant to please state their name.

Mr. Jason Collins stated his name as the applicant and introduced Ms. Laura Sherborne who was with him from Mitchell Barnett Architects.

Mr. Collins stated to the Commission that he would like to request to put the deck on the front of the building structure and the windows to be replaced since they are not energy efficient. There are three main issues: the Historic District, the Fire District, and the Floodway Fringe Overlay District. Mr. Collins explained that there are hopes for the denials to be approved so that upgrading the windows is possible. Mr. Collins also stated the DRC made comment that it had made sense to show the deck, and he stated since the 1960s, it has been non-contributing and non-conforming. The color would also be a good update to fit in with the building materials to match.

Chairwoman Besser asked whether there was any public comment on this item; there was no response.

Mr. Hathaway stated that the DRC discussed which would be better on the front elevation, the deck of the ramp, in which they decided that the deck made more sense to be upfront. Raising the deck up two feet would also be essential. Mr. Hathaway stated that all repairs and changes to this structure are a benefit to the city and will be a huge improvement in this area.

Mr. Womack asked the applicant where the proposed signage would go.

Mr. Collins answered that the signage would ultimately go on the front and north sides of the structure, which would be more appropriate.

Mr. Thompson asked Ms. Hall whether the issue with the deck was because it was a deck or because of how it looks.

Mr. Hall stated that decks are considered modern features and that the placement of the deck would be prominent and would impact the character of the historic district.

Mr. Thompson recommended using painted brick columns in the deck; he stated that it may help the situation.

Ms. Nesbitt asked whether the pergola was discussed at DRC.

Mr. Hathaway answered not so much, mainly just the modern nature of the building, which lends itself to a more modern style with the pergola.

Mr. Sheridan stated that the pergola is an architectural element.

Mr. Hathaway stated that modern architecture is very transparent, so this structure somewhat lends itself to that modern style and that if the deck was metal, it would be better.

Ms. Nesbit stated she was skeptical of the pergola.

Mr. Womack noted that as long as the color was proper, it would work well.

Ms. Nesbitt asked Ms. Hall how the pergola is addressed in the *Guidelines*.

Ms. Hall stated that pergolas are not specifically addressed but that since it is a feature on a deck, she could not recommend approval.

Ms. Nesbitt stated that she does not have an issue with the deck but has an issue with the pergola.

Mr. Collins added that it would be a small restaurant and that the gathering place for their guests had to be separate from the building.

Ms. Nesbitt stated that using tables with umbrellas would be more appropriate; placing a pergola on the porch would make it look like the building was extended.

Mr. Collins noted that from the street you would only see the deck and the wood above.

Ms. Nesbitt clarified that the posts from the pergola would be seen.

Mr. Collins agreed.

Chairwoman Besser asked whether the roof has been altered as well.

Mr. Collins stated that the roof will be replaced by a similar but new roof, and a compressor and new HVAC will be placed toward the back on the roof.

Mr. Womack asked whether it would be covered.

Mr. Collins answered yes.

Chairwoman Besser stated she understood Ms. Nesbitt's issue with the pergola but that it should be a logical and less obtrusive option of covering on the patio. Ms. Besser stated that it is another way of thinking about the structure.

Mr. Womack added that he liked the improvement to this structure and how clean it looks.

Ms. Nesbitt agreed that it was a good look.

Mr. Sheridan also agreed and stated that there is no contributing structure in that area and having something there will encourage foot traffic. Mr. Sheridan also asked whether they would be able to raise the windows when they raise the building itself.

Ms. Hall stated that the framing/style of the window is to be altered but the windows need to be preserved in style and should not incorporate transoms.

Mr. Sheridan asked if the brick needed to be matching.

Mr. Womack answered that if they paint the masonry, the brick needs to match.

Ms. Hall stated that that was recommended.

Mr. Hathaway moved to approve the Certificate of Appropriateness for Project PL #4592 for the placement of a front elevation deck and pergola, the replacement and alteration of the existing windows, and the painting of the building as presented, in accordance with the *Franklin Historic District Design Guidelines* and based on the Staff Report & Recommendation dated June 9, 2014.

Mr. Womack seconded this motion; the vote was approved unanimously (7-0).

Mr. Hathaway then moved to approve with conditions approve with conditions a Certificate of Appropriateness for Project PL #4592 for the following with staff's comments, in accordance with the *Franklin Historic District Design Guidelines* and based on the Staff Report & Recommendation dated June 9, 2014:

- The removal of the roof, the placement of a new brick wall section of clerestory windows, and the replacement of a roof so as the raise the ceiling height of the building approximately 2.5’;
- The placement of new window openings on the front, left, and right elevations;
- The placement of a “walk-up” window on the left elevation;
- The placement of an accessibility ramp along the left elevation;
- The relocation of the rear elevation entrance, the rear door replacement, and the construction of a rear elevation loading deck;
- The installation of modern style light fixtures; and
- The placement of utilities and their screening.

Mr. Womack seconded this motion; the vote approved unanimously (7-0).

**8. Items Approved by the Preservation Planner on Behalf of the Historic Zoning Commission, pursuant to the *Historic District Design Guidelines***

- Sandwich Board Signage at 400 Main St.; Melanie Meyerhoff, Applicant.
- Awning/Signage at 405 Main St.; Bill Bishop, Applicant.
- Fencing at 901 W. Main St.; Duncan Callicott, Applicant.

Ms. Hall stated that if any Commissioners have any questions about any of the stated items, they are welcome to ask.

**9. Consideration of Certificate of Appropriateness (COA) Application Fee and Establishment of Historic Preservation Reserve.**

Ms. Hall introduced Ms. Lynn Osland, the City's Development Services Operations Analyst, whom has been working with the Preservation Planner on a fee schedule. Ms. Hall stated that the purpose of this memorandum is to provide information to the Historic Zoning Commission (HZC) regarding consideration of staff's proposal for the consideration of a fee schedule for the review of Certificate of Appropriateness (COA) applications and establishing a Historic Preservation Reserve in support of long-range preservation planning initiatives. Specified work subject to issuance of COAs on properties located within the City Historic Preservation Overlay (HPO) is defined by Section 2.4.9(2) of the Franklin Zoning Ordinance to include all exterior construction, alteration or rehabilitation, moving, or demolition. The *Historic District Design Guidelines (Guidelines)* further define this exterior work as the alteration/repair of structures requiring a Building Permit (not routine maintenance), new construction, additions, relocation, demolition, signs, awnings, fences and walls, window replacement, and roofing and siding replacement (not routine maintenance or replacement in-kind). The proposed COA Application fee schedule is anticipated to go into effect on November 1, 2014.

Ms. Hall stated that staff conducted research on preservation fee permitting, focusing particularly on Southern cities with historic districts. Some cities charge a one-time, non-refundable application fee ranging from \$15-\$100, whereas other cities assess fees by application or proposal type (see Appendix B, Preservation Permit Fee Research). The proposed COA Application fee schedule would be assessed as follows:

- Level I (Administrative Review)..... \$50**
  - Fencing/Walls
  - Awnings
  - Signage
  - HVAC Placement/Screening
- Level II (HZC Review)..... \$75**
  - Exterior Alterations (not in-kind)
  - Retaining Walls
  - Porches and Decks (non-enclosed)
- Level III (HZC Review).....\$100**
  - Enclosed Additions (to principal or to accessory)
  - Relocations (principal or accessory)
- Level IV (HZC Review).....\$200**
  - Detached New Construction (principal or accessory)
  - Demolition (principal or accessory)

Ms. Hall added that the Planning and Sustainability Department staff works an estimated on average 8.17 hours processing each application submitted. This time amounts to \$156 - \$333 per COA application.

Ms. Osland continued on that a PowerPoint presentation was developed to explain a bit about what goes on in the consideration of COA fees. Meghan had noted in the memorandum she had written that approximately 130 applications are processed per year, which is processed by Ms. Hall, Ms. Meghan Scholl, and Building and Neighborhood Services staff. It costs the City of Franklin money that could be used to help further the Preservation Planning. On the power point, it is shown that it costs the City of Franklin \$32,435 to process the applications. If fee were imposed in 2013, there would be a revenue of approximately \$12,050; this is not a huge amount but it could become significant.

Ms. Osland continued on explaining the power point to the Commissioners.

Mr. Roberts suggested combining levels two and three.

Ms. Hall stated that we would consider that recommendation and explained that level three items are more difficult to review than level two items, but less extensive than level four.

Mr. Roberts asked whether several applicants will be charged for the same application more than once.

Ms. Hall answered that if the applicant is denied their proposal, then yes. If the applicant is deferred by the Commission, then no.

Mr. Hathaway noted that this would be a good way to help applicant organize their applications.

Mr. Thompson asked what the fund would do.

Ms. Hall stated that the fund would go toward long-range planning, especially for in-fill studies within the Historic District and also help identify potential areas for development in the Historic District or boundary alterations. With 700 parcels in the Historic District, it is important to maintain an active engagement with the community and helping them understand the Commission and historic preservation.

Mr. Thompson stated that this would be a good chance to fund money for historic studies, research, and education and recommended adding bullets in the document stating what the Commission would be using the money for.

Mr. Sheridan stated his only question was whether the City of Franklin was focused on marketing.

Ms. Powers stepped up and stated that the City of focused on marketing to an extent, primarily through the CVB, but this will be just for educating more than anything.

Mr. Thompson added that when it came to demolishing a non-contributing structure, being the same price as a contributing structure that that may raise flags.

Ms. Hall stated that that is the main reason why there is a recommendation to go to the Design Review Committee. The Commission and staff would go to the property to calculate those questions. Based on the criteria by which the applicant proposes demolition, that will help determine whether or not the applicant substantiates the *Guidelines*.

Mr. Roberts suggested having accessory structure demolitions in one level and principal structure demolitions in another level.

Ms. Nesbitt suggested making the whole schedule simple, because no matter what the workload will be the same regardless, so making this schedule simpler will be better.

Mr. Womack asked who requested this fee schedule.

Ms. Hall stated that this has been on the table for a couple years.

Ms. Powers stated that structures are looked at by Lynn Osland. Since there was so much work on Historic Zoning applications, the conversation lead to reserves being set aside for the preservation planning since they are the only commission in Franklin that does not have any fees attached. That was the beginning of the discussion. Ms. Meghan Scholl and Ms. Osland did an excellent job pulling information from several different communities and trying to come up with the various levels of fees.

Chairwoman Besser asked whether when it came to applications would pay multiple fees for coming back to the Commission on separate occasions.

Ms. Hall stated that any deferred item or any item asked to attend the Design Review Committee would not pay another fee. However, when an application comes to the HZC with an already approved or approved with conditions proposal that they want to change, or an application that had been denied, then that would constitute a new review, therefore they would pay another fee.

Mr. Hathaway added that at least the denial would not be a surprise if they had been working with Ms. Hall, she would be recommending revisions. It would be a concern if an applicant came to the HZC, thinking they'd done everything right and they were denial their proposal.

Ms. Besser stated that this fee schedule would streamline organization for better applications and better completed applications. This would develop a fund to help education, and hopefully streamline the process for the Commissioners.

Mr. Womack asked if fees would help streamline.

Ms. Besser stated that it would help the applicant have better applications.

Ms. Nesbitt stated she was worried about those who may be denied.

Mr. Sheridan reassured Ms. Nesbitt that denial doesn't happen very often.

Mr. Womack explained that this fee schedule is opening a can of worms and is leading this commission to tread on high waters; he will not support this proposal.

Ms. Nesbitt stated that she agreed with Mr. Womack; they will have a lot of angry people and there is going to have a lot of bad-mouthing.

Mr. Womack answered that the reason for this commission is to encourage the historic district, not discourage it.

Mr. Gerth stated that he would give them a brief history of where they are and where they want to go with development services, which includes historic preservation. Franklin traveled to Cary, NC, about a year and a half ago; Cary is a community that is experiencing the same type of growth that Franklin is. The size of Cary is a bit larger but does not have the historic presence that Franklin does; however, their growth was what they looked after. Mr. Gerth stated one thing they did to respond to the challenges to growth and maintaining their quality of life similar to Franklin, was to critically look at their development services and process. They allowed their elected officials to make decisions based on the reality of what's happening, because it's challenging to our team to have staff to respond to the fluctuation associated with development. Cary had an individual who looked at the processes and the cost of services, so that elected officials could make the decision on where the community was going in the future. As we grow the Franklin community, hopefully our historic amenities and the historic district grows accordingly. With that comes more investment that attract visitors and the citizens of the community's appreciation. The cost to this is the \$12,000 that is shown on the fee schedule proposal is not as important as looking at where we want to be in the future; Mr. Gerth asked if we want to add resources to make sure that we're assisting the property owners with investment in their properties to maintain the history that we want to maintain in this community? Mr. Gerth asked if we want to make sure that as we grow, we're providing these services in a timely manner? Mr. Gerth stated that we're being pulled in a lot of different directions and that a main reason we have talked about this fee schedule is so that we can create a partial fund in a reserve that will go toward long range historic planning and education. This would make things better and easier for those property owners in the historic districts. Mr. Gerth stated that both ideas are hopeful to maintain what we have been doing for so well for so long and that we need the funding to have resources such as Ms. Hall and inspectors to assist property owners.

Chairwoman Besser thanked Mr. Gerth for his words.

Mr. Thompson asked what the current budget looks like.

Ms. Hall stated that she places requests for specific items that are needed on a day-to-day basis. Requests also include things such as evaluations of the National Register Survey for Downtown Franklin to determine the period of significance and whether or not that period of significance needs to be altered to include buildings that have aged.

Mr. Thompson asked for a number ball-park.

Ms. Powers stated that Ms. Hall's budget is included into the Planning & Sustainability Department's budget, which includes her salary and what she needs to do her job. Everything is melted together in the

department, so it's hard to determine what the exact things that were asked for and what was approved or not approved.

Ms. Hall added that surveys for consultants to may help establish boundaries for National Register districts or assistance with development in neighborhood conservation districts, which we don't currently have. Ms. Hall also for the upcoming infill study may require assistance.

Mr. Thompson asked about an overall dollar figure.

Ms. Hall stated that it would be difficult to say when some of it goes into a larger planning study, but for some of the consulting for specific National Register boundary, it could be \$1,500 to \$5,000 depending on the district.

Mr. Hathaway stated that he understands Mr. Womack's point of view; however, this is not about funding the department, but creating responsible submittal process. It's more an accountability of the applicant. It may be better to use a simple flat fee, but it would be good to have some sort of accountability. Either way, people will still be surprised.

Ms. Nesbitt stated that people should be surprised. The flat fee may work, but people will have a hard time understanding.

Mr. Sheridan added that the same thing can be achieved by not allowing the applicant to come back for the same proposal until 6 months later. Mr. Sheridan stated that he cannot support this proposal.

Mr. Womack stated that fees have a way of growing and that accountability makes sense.

Ms. Hall reminded that Commission that this item on the agenda is merely a recommendation to the Board of Mayor and Aldermen and this is not a definitive decision.

Mr. Hathaway made a motion to amend the proposal to a flat fee of \$50 per application, regardless of the level. Mr. Roberts seconded the motion. The motion passed (5-2) with opposing votes from Mr. Womack and Mr. Sheridan.

Mr. Hathaway then asked about when fees would be proposed to go up from \$50 to \$100.

Mr. Gerth answered that no matter what, any change to a fee would go to HZC and then BOMA.

Ms. Corn added that any imposition of fees would go to BOMA several times and will be advertised to the public.

## **10. Other Business**

Chairwoman Besser asked whether there was any other business to be discussed. There was no other business.

## **11. Adjourn**

Mr. Roberts motioned to adjourn; Ms. Nesbitt seconded the motion. The Historic Zoning Commission meeting adjourned at 6:50pm.