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MAYOR



**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

Metropolitan Historic Zoning Commission  
Sunnyside in Sevier Park  
3000 Granny White Pike  
Nashville, Tennessee 37204  
Telephone: (615) 862-7970

**STAFF RECOMMENDATION**

**1408 B Boscobel Street**

**March 17, 2021**

**Application:** New Construction--Addition; Setback Determination/Violation  
**District:** Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
**Council District:** 06  
**Base Zoning:** R6  
**Map and Parcel Number:** 083130G00200CO  
**Applicant:** James Williams Dunn and Windle Houge Morgan  
**Project Lead:** Paul Hoffman; [paul.hoffman@nashville.gov](mailto:paul.hoffman@nashville.gov)

<p><b>Description of Project:</b> A rear deck/carport has been constructed without a permit and which encroaches into the twenty foot (20') rear setback.</p> <p><b>Recommendation Summary:</b> Staff recommends disapproval of the setback determination, finding that it does not meet Section II.B.3 of the <i>Lockeland Springs-East End Neighborhood Conservation District: Handbook and Design Guidelines</i>. Staff recommends that the unpermitted structure is removed within sixty days (60 days) of the Commission's decision.</p>	<p><b>Attachments:</b> None</p>
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## Vicinity Map:



## Aerial Map:



## Applicable Design Guidelines:

### II.B. New Construction

#### 3. Setback and Rhythm of Spacing

The setback from front and side yard property lines established by adjacent historic buildings must be maintained. When a definite rhythm along a street is established by uniform lot and building width, infill new buildings should maintain that rhythm.

*The Commission has the ability to reduce building setbacks and extend height limitations of the required underlying base zoning for new construction, additions and accessory structures (ordinance no. 17.40.410).*

*Appropriate setback reductions will be determined based on:*

- The existing setback of the contributing primary buildings and accessory structures found in the immediate vicinity;*
- Setbacks of like structures historically found on the site as determined by historic maps, site plans or photographs;*
- Shape of lot;*
- Alley access or lack thereof;*
- Proximity of adjoining structures; and*
- Property lines.*

*Appropriate height limitations will be based on:*

- Heights of historic buildings in the immediate vicinity*
- Existing or planned slope and grade*

*Infill construction on the 1400 - 1600 blocks of Boscobel Street may have widths up to 40'.*



Figure 1: The rear deck at 1408 B Boscobel Street on January 25, 2021

**Background:** The duplex at 1408 Boscobel Street was constructed in 2013, shortly before the Lockeland Springs - East End Neighborhood Conservation Zoning Overlay was expanded to include this block, so the MHZC did not review this infill.

A permit for a rear deck was begun in December 2020 but never completed and paid for. A note in City Works states that a site plan is needed.

As constructed, the deck intrudes on the twenty feet (20') rear

setback. A notice of violation was sent to the property owners on January 28, 2021. Rather than correct the violation, the applicant wishes to ask the Commission to retain the deck.

### **Analysis and Findings:**

The deck itself (materials and design) does not require MHZC review as it is a rear addition that cannot be seen from the street and is located within the triangular area, shown in the design guidelines, as not requiring a permit. A permit from the Codes Department is required. As constructed, the deck intrudes into the twenty foot (20') rear setback by ten feet (10'). In an historic overlay it is the MHZC that makes setback determinations.

This particular block of Boscobel Street has very little remaining historic context; however, the few contributing houses nearby sit well within the twenty foot (20') rear setback, as do the newer infill structures.



Figure 2: Aerial of block from before construction of the rear deck. Immediately to the left is the location of a similar request that was disapproved. On far left is 1400 Boscobel, the only contributing house.

The Commission's ability to reduce setbacks is so that it can easily address historic conditions. This property has no existing historic conditions. A similar request at 1406 Boscobel Street was denied in August 2020. Staff does not see a compelling reason for the decks to be allowed within the setback and finds that the proposal does not meet Section II.B.3. of the design guidelines.

**Recommendation:** Staff recommends disapproval of the setback determination, finding that it does not meet Section II.B.3 of the *Lockeland Springs-East End Neighborhood Conservation District: Handbook and Design Guidelines*. Staff recommends that the unpermitted structure is removed within sixty days (60 days) of the Commission's decision.