



Memphis Landmarks Commission (MLC)
Minutes from the Meeting on
Thursday, May 26, 2016
City Hall, 125 N. Main Street, City Council Chambers
4:00 p.m.

Commission Members Present: Chairman Stanley Hyland and Commissioners Roshun Austin, Alison England, Keith Kays, Robert Norcross, Niel Prosser, Cyndy Tucker and Andre C. Wharton.

Commission Members Not Present: Commissioner Joyce Cox.

OPD/Landmarks Staff: Josh Whitehead, Planning Director, Nancy Jane Baker, MLC Manager, Brian Bacchus, Principal Planner (LUCB) and Verlean Kelly, Secretary A.

City Legal Staff: None.

Others Present: Ben Duke, Mark Fleischer, Hill Hudson, Kelly Sowell and Barbara Supar.

Call to Order and Roll Call

Chairman Hyland called the meeting to order at 4:00 p.m. Nancy Jane Baker called the roll. Chairman Stanley Hyland and Commissioners Roshun Austin, Alison England, Keith Kays, Niel Prosser and Cyndy Tucker were present. There was a quorum.

Chairman's Opening Remarks

Chairman Hyland read the statement of purpose and functions of the Commission.

Changes to the Agenda

Chairman Hyland asked if there were any changes to the agenda. Nancy Jane Baker noted that MLC #16-073 under "Old Business" had been withdrawn.

Minutes

Chairman Hyland asked the Commissioners if there were any corrections to the minutes from the April 28, 2016 MLC Meeting. Commissioner England noted an error under "New Business" that stated Commissioner Kays was out sick but he was actually present at April's Meeting. Also, Commissioner Prosser noted the reference to MLC Case #16-115 regarding the dormer not being visible from the street and in compliance to the Design Guidelines was incorrect. Commissioner England made a motion to approve the minutes from April 28, 2016 meeting with the noted changes. The motion was seconded by Commissioner Norcross. The motion passed unanimously.

Minor COAs – Chairman Hyland read the minors for the record.

16-118	1916 Central Ave.	Central Gardens Historic District
16-119	1242 Peabody Ave.	Annesdale Park Historic District

16-120	1973 Carr Ave.	Central Gardens Historic District
16-122	660 Jefferson Ave.	Victorian Village Historic District
16-123	245 S. Watkins St.	Central Gardens Historic District
16-125	1801 Linden Ave.	Central Gardens Historic District
16-126	1363 Harbert Ave.	Central Gardens Historic District
16-127	1946 Foster	Glenview Historic District
16-129	222 Stonewall St.	Evergreen Historic District
16-131	1668 Autumn Ave.	Evergreen Historic District
16-132	1888 Netherwood Ave.	Glenview Historic District

Commissioners Rob Norcross and Andre Wharton came in.

Current COA Applications

Chairman Hyland explained the procedure for hearing the MLC cases; 5 minutes staff presentation for each case; 5 minutes comments from applicant/applicant’s representative; 3 minutes each of comments from the public; 2 minutes rebuttal from applicant; and then the motion with Commission’s discussion and action. He then called the first case.

**16-128 1475 Vinton Avenue – Central Gardens Historic District
Request for COA for site improvements with the addition of
masonry fireplace on front porch, fencing and retaining wall.**

Chairman Hyland asked if the applicant was present to come forward, state their name and address and if they were in agreement with staff’s recommendations.

Ben Duke, the applicant approached and stated his name and address as 54 S. Cooper and that he was in agreement with Staff’s recommendation.

Chairman Hyland asked the Commissioners if any of them would like to hear a staff report. Commissioner Prosser stated that he would.

Chairman Hyland asked MLC staff to make a presentation of the Staff Report.

Nancy Jane Baker proceeded with her staff’s report presentation of the case. She gave a brief Project Description of the case. She stated the location, showed various photos of the site property, aerial view and various elevations. Nancy Jane Baker explained that the proposed location and design plan which consisted of replacing garage doors; 8’ wood fence which would step down to 7’ and 6’; a retaining wall; 36” iron fence; 6’ entry gate and driveway gate; repositioning of front sidewalk and location of brick fireplace and chimney. Staff recommended approval according to the current Central Gardens Historic District Design Guidelines.

Commissioner Prosser wanted clarity regarding the materials of the fireplace and chimney. He seemingly expressed concern regarding the Staff Report referencing the fireplace and the chimney being of the same materials of the structure. He noted the structure was all stone but the chimney would be stucco. Commissioner Prosser also noted the 4’ height of the wall in the Staff Report was incorrect due to the 48” wrought iron fencing and the 12” retaining wall which made the height 5’.

Chairman Hyland asked the applicant to give comments regarding the application.

Mr. Duke approached and addressed the issues that Commissioner Prosser mentioned. He explained the height of the fireplace [16' from floor to top of chimney]; the fencing with stucco columns and stone caps totaling 54" and the connection with the stucco and stone materials used. He noted other properties within Central Gardens with similar designs and materials and felt his was a median of those.

Commissioner Prosser then questioned the location and plan for the fence, especially running across in front of the yard. He stated in Central Gardens Guidelines, front yard fencing was not allowed.

Mr. Duke explained that other properties have the side yards fenced but his lot is the only Estate lot on the block that encompasses (3) lots and for safety and security, felt the front yard fencing was needed.

Commissioner Kays stated that with the size of the Estate lot, the fencing was acceptable and justifiable.

Commissioner Prosser then questioned the width of the driveway in front of the gate, feeling it would become a front parking space. Mr. Duke stated that driveway had been previously approved and does not plan to change the design. Mr. Duke added that he did not see the gate having an effect on the width of the driveway if someone uses it as a parking pad or not, especially guests visiting the resident.

Chairman Hyland asked if there was anyone for the general public who would like to speak in favor or in opposition to the case.

Kelly Sowell [representing Central Gardens] approached and stated her name and address as 675 S. Mansfield St. She stated she had concerns with the following as well as recommendations:

1. The size and location of fence
 - a. Recommendation to pull the fence back to the NE Corner of the lot.
2. Height, Scale and Location of the chimney
 - a. Recommendation to lower the height and move to the S side of the porte cochere.
3. Height of retaining wall
 - a. Recommendation to maintain the slope to stay in character with the other properties.
4. How the generator would be shielded from the driveway.

Chairman Hyland asked the applicant to give rebuttal comments.

Mr. Duke stated the chimney had been addressed per Codes as well as the fence. He added there would be a solid landscape behind the fence to shield the generator and the fireplace was positioned so that the general public would not be looking into a fireplace as they pass by.

Chairman Hyland asked for a motion. Commissioner Kays made a motion to approve MLC Case #16-128 (1475 Vinton Ave.) with staff's recommendations as written and verbally articulated in the staff report accordance with the Central Gardens Design Guidelines. The motion was seconded by Commissioner England.

He then opened the floor for Commission Discussion to make comments.

Commissioner Prosser quoted from the Central Gardens Guidelines regarding the fence, stating the application/design does not meet the guidelines and felt if approved it would set precedence for the neighborhood. He felt the side yards should be fenced but not the front of the main structure.

Commissioner Kays stated that he empathized with the owner trying to turn the porte cochere into a nice family living space. He added that due the size and location of the lot, the design would be a unique addition to the neighborhood and very much appropriate.

Commissioner Wharton stated that he's confident and comfortable with the staff's recommendation. Commissioner Austin stated that the Commission should adhere to the guidelines regarding the fence. Commissioner England stated that an exception to the guidelines should be made for this application due to size being inclusive of (3) lots instead of just one. She felt the guidelines may have focused on just one home and not the collaboration of site equivalent to (3) homes.

Commissioner Prosser had concerns regarding the fireplace, its location, size and materials being used. He noted that he's okay with the material of chimney if moved so not to be the first thing seen as you approach the house. He also reiterated his issue with the gate, stating it would encourage front yard parking which the neighborhood is against. He quoted from the guidelines regarding front yard parking and that it should not be allowed. He reminded the Commissioners of the task and duty they have which is to adhere to the guidelines.

After being asked by Commissioner England, Nancy Jane Baker quoted from the guidelines that parking in the front yard of your own driveway is acceptable. She added the design was for guests to park and walk to the driveway gate instead of the front door. Commissioner Kays added also that he views it as a practical design and does not have any issues.

Chairman Hyland asked for a vote on the motion on the floor.

Commissioner Prosser made another motion to bifurcate the recommendation. The motion was seconded by Commissioner Norcross. The motion passed unanimously.

Commissioner Prosser made a motion to not approve staff's recommendation for the front yard fence but instead for applicant to work with staff on a fence that does not extend in front of the porte cochere/house and not return for review to the Commission.

Commissioner Kays disagreed with the motion, noting that the Commissioners should not design an applicant's plan during the meeting. He just wanted a vote and let the applicant decide to

redesign and work with staff. Nancy Jane Baker stated the applicant agreed to just an up or down vote on the entire application. Commissioner Prosser withdrew his motion to bifurcate the recommendation in regards to the fence. Commissioner Norcross seconded the motion.

Since the motion to withdraw was only for the fence, Commissioner England made a motion to approve the front yard fence as designed by the recommendation of staff. The motion was seconded by Commissioner Wharton. The motion passed with a 5-2 vote.

Commissioner Prosser made a motion to approve the fireplace as designed, submitted and in accordance to the staff's recommendation.

Prior to voting, the applicant agreed to move the fireplace. Motion made by Commissioner Prosser to move the fireplace and seconded by Commissioner Norcross. The motion passed unanimously.

Commissioner Prosser made a motion to approve the driveway gate in accordance to the staff's recommendation. The motion was seconded by Commissioner England. The motion passed with a 5-1 vote. Commissioner Wharton left after the vote regarding the front yard fence.

**16-130 1944 Cowden Ave. – Central Gardens Historic District
Request for COA for site improvement with a wooden picket fence.**

Chairman Hyland asked if the applicant was present to come forward, state their name and address and if they were in agreement with staff's recommendations.

Alexandria Hare, the renter of the property approached and stated her name and address as 1944 Cowden, Memphis, TN and that she had read or received a copy of the Staff's recommendation.

Josh Whitehead explained the Commissioners and the applicant/renter of the case being a retroactive request for the wooden picket fence and staff had rejected the application.

Chairman Hyland asked Nancy Jane Baker to present the staff report.

Nancy Jane Baker proceeded with her staff's report presentation of the case. She gave a brief Project Description of the case showing why it's a retroactive application because the fence was already installed. She stated the location and showed various photos of the site property. Nancy Jane Baker explained that the enclosure of the front yard wooden picket fence was not appropriate nor did represent the character or historic period of the house. Staff recommended denial according to the current Central Gardens Historic District Design Guidelines.

Chairman Hyland asked the applicant to give comments regarding the application.

Ms. Hare apologized for not seeking the approval from the Landmarks Commission or getting any advisement from the Central Gardens Neighborhood Association prior to installing the fence. She explained the installation of the fence was for the safety of their dog and cat to roam freely in the yard. She noted, the landscaping added to the site improvement of the property.

Ms. Hare mentioned a few other properties on the street which does have front yard fencing and had been told by neighbors the overall enhancement the fence added to the property as well as the neighborhood.

Chairman Hyland asked if there was anyone for the general public who would like to speak in favor or in opposition to the case.

Kelly Sowell [representing Central Gardens] approached and stated her name and address as 675 S. Mansfield St. She stated she the fence is not in keeping with the character of the neighborhood and agrees with staff's recommendation for denial.

Chairman Hyland opened the floor for Commission Discussion to make comments and/or ask questions to Staff or Applicant.

Commissioner Prosser stated he drove the neighbor/street and did not see any front yard fencing. Applicant again stated that (2) doors down, there were two homes with front yard fencing. One was full wrought iron and the other was front wrought iron and the side was wooden. Commissioner England confirmed the (2) homes the applicant was referencing because she also drove the area.

Chairman Hyland asked for a motion. Commissioner Kays made a motion to approve MLC Case #16-130 [1944 Cowden Ave.], a retroactive application for a front yard wooden picket fence. The motion was seconded by Commissioner Tucker. The motion was rejected unanimously.

New Business

1. Nancy Jane Baker announced that the Neighborhood USA Conference (NUSA) was going very well. Chairman Hyland commended Nancy Jane Baker for her role with the Conference for the organization of about 20 tours within the Historic Districts.

Next Meeting

June 23, 2016 at 4:00 p.m. – 4th Floor, Conference Room A.

Adjournment

Moved by Commissioner Tucker at 6:10 p.m.

Respectfully submitted,

Ms. Verlean Kelly

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