

**Memphis Landmarks Commission
STAFF REPORT**

Meeting of January 27, 2011

MLC # 11-072

Address: 1769 Overton Park

**Evergreen Historic
Conservation District**

District Description:

This area of the Evergreen Historic Conservation District is composed of a blending of new and old houses. The center of the block contains the Galloway Mansion, by far the grandest structure in Evergreen. The structures across the streets around the outside of the block containing the Mansion are two stories in a variety of styles.

Property Description:

This is an interesting property. It was the backyard of the 1960's ranch style house that faces Hawthorne. This structure was an out building/workshop accessory building for the Hawthorne residence. The property was put up for sale and it was decided to divide the property into three lots – one with the existing house, one with the accessory structure and one vacant lot. When the lots were divided this structure became the primary structure for this lot. The problem is that the structure sits at the rear of the property not in line with the other structures facing Overton Park. So there is not backyard and there is a large front yard.

Project Description:

This application is for a tool shed accessory building to be built in the side yard and a front yard fence. The proposed tool shed will be 25' off the rear property line and 10' off the side property line. The tool shed will be 8' x 8' square and 7' tall side on the east side with a metal door and 4" corner boards with 6" exposer hard-1-plank siding. The west side will be 6' in height. It will have a shed asphalt roof wit a 6" fascia.

The wooden rail picket fence will be set in line with the facades of the properties facing Overton Park to the west of this property and be a total of 4'± tall including the cap on the post. The rail pickets will be 3' tall set off the ground 4"- 6". The proposed front yard fence will begin at the existing wooden rear yard (of the house facing Hawthorne)fence to the east and approximately 108' to the west property line where it will turn the corner and meet up with the existing wooden fence on the west property line.

Does the Project Meet the District Guidelines?

II.D Outbuildings **Yes:** The location and design of the tool shed is not visually disruptive and it is located at the rear of the lot.

Maybe: This main structure does not have a character that the tool shed can reflect so the design is plain and functional.

II.D Appurtenances **Yes:** ...fencing ...shall be visually compatible with the environment of the existing buildings and sites;

Fencing **Yes:** the fencing is open and low so that the front yard can be seen it is also set back to create what should be façade line of the streetscape.

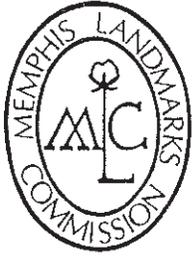
Comments:

This is an unusual situation give the main structure is sited at the rear of the property which makes this and exceptional case as far as fencing and utility buildings. The applicant is making an effort to comply with the requirements for the placement of the fence and tool shed. If the applicant would do some landscaping around the street side of the tool shed to screen the shed and along the street side of the fence the requested improvements would not be as visible. Unfortunately, this is not the only property in Evergreen to be so sited; however, the rest seem to be historic in nature.

Staff Recommendations:

Staff recommends approval in accordance with the above Evergreen Preservation Design Guidelines.

Prepared by: Nancy Jane Baker



Within local historic districts, exterior changes to property visible from a street must be reviewed and approved by the Memphis Landmarks Commission (MLC). The types and extent of changes which must be reviewed depend on a district's historic zoning (see list of districts and zones on reverse). Proposed work must meet MLC design guidelines to receive a Certificate of Appropriateness (COA). District design guidelines are available upon request.

Memphis Landmarks Commission
City Hall
125 North Main Street, Room 443
Memphis, TN 38103-2084
phone (901) 576-7191

PLEASE NOTE: We cannot accept faxed applications.

Please print or type.

Application for a Certificate of Appropriateness (COA)

1. Property Address: 1769 OVERTON PARK
 Historic District: EVERGREEN

2. Name of Owner: CALEB & MELISSA SWEAZY
 Mailing Address: 505 TENNESSEE ST #419 ZIP Code: 38103
 Daytime Phone Number: 901 359 3246 Fax Number: _____

3. Architect/Contractor: _____
 Mailing Address: _____ ZIP Code: _____
 Daytime Phone Number: _____ Fax Number: _____

4. Proposed work is (check):

A. _____ Exterior Building Alteration

B. New Construction: 1) _____ Primary structure
 2) _____ Outbuilding
 3) _____ Addition *Removed from application*
 4) Other: teal shed

C. Site Improvement
 1) Fence
 2) _____ Wall
 3) _____ Other: _____

D. _____ Demolition: 1) _____ Whole primary structure
 2) _____ Part of primary structure
 3) _____ Outbuilding

E. _____ Relocation

DISK HAS MORE PHOTO & ADDRESS ETC

5. Briefly describe the work. Use another sheet if necessary. Copies of all material submitted with an application are retained by the Memphis Landmarks Commission.

6. On an attached sheet, list the names and mailing addresses of the property owners within 150' of the property address. See the COA application instructions sheet for how to obtain this information.
7. Sign the attached COA Application Certification Form and include it with this application.
8. Include the required application materials and fee. Materials samples (e.g. brick, stone, stucco, mortar, etc.) must be presented for Commission review. Checks should be made out to City of Memphis.

MEMPHIS LANDMARKS COMMISSION

COA APPROVED

This area for office use only.

MLC#

11-072

[Signature]

1/31/11
(DATE)

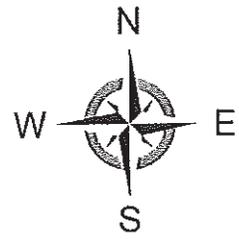
PRESERVATION PLANNER

RECEIVED NOV 24 2010

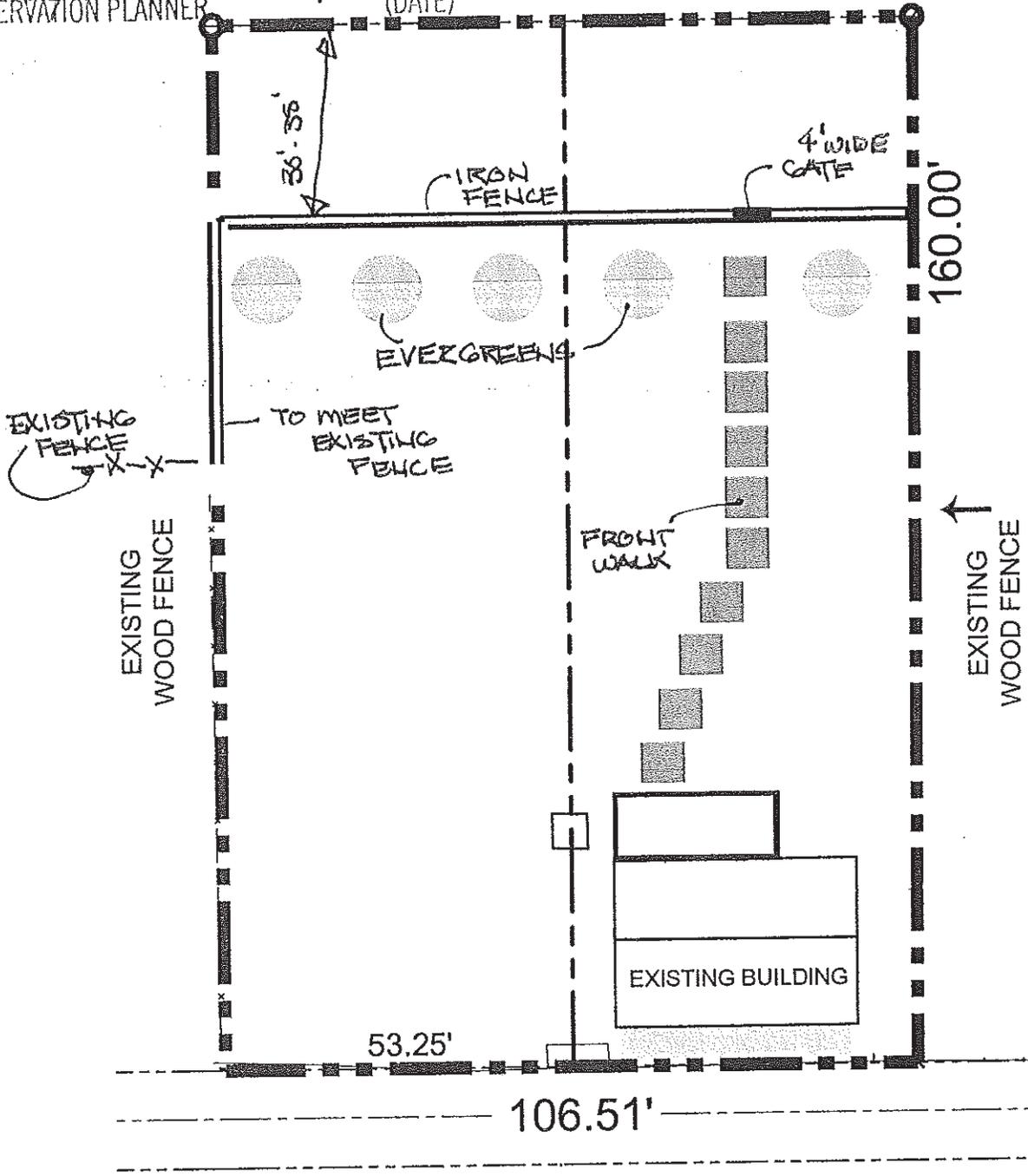
1769 OVERTON PARK AVE

MEMPHIS LANDMARKS COMMISSION

COA APPROVED



QAB
PRESERVATION PLANNER *1/31/11* (DATE)

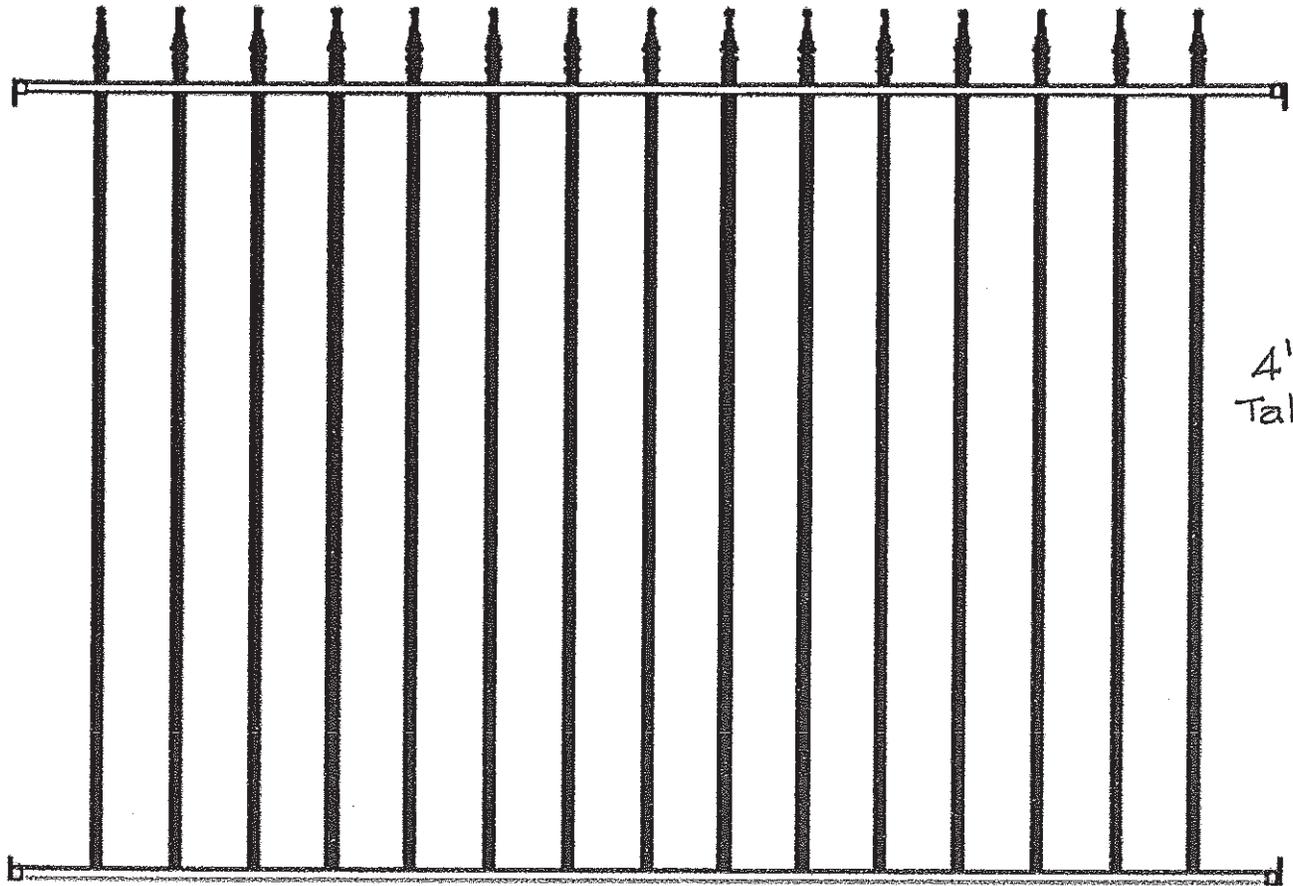


Lot Size = 8654 sq.ft.
Existing Residence = 1621 sq.ft.

Site Address
1769 Overton Park Ave
Memphis, TN 38112

Ownership Information
Mr. & Mrs. Sweazy
505 Tennessee St. #419
Memphis, TN 38103
90-359-3246

MLC 11-072
RECEIVED IN MEETING 1/27/11



4'
Tall

4' IRON WITH GATE MLC 11-072
RECEIVED IN MEETING 1/27/11

MEMPHIS LANDMARKS COMMISSION
COA APPROVED


PRESERVATION PLANNER 1/31/11 (DATE)

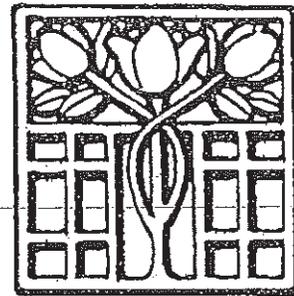
MLC 11-072

EVERGREEN

HISTORIC DISTRICT ASSOCIATION

P.O. BOX 820411 MEMPHIS, TN 38182-0411

STATEMENT REGARDING FENCES APPROVED
BY THE BOARD OF EHDA, MAR 17, 1998



RECEIVED MAR 18 1998

The introduction to the Design Review Guidelines includes the following description of the neighborhood, that establishes the rationale for the Evergreen District's opposition to front yard fences:

Through careful maintenance of the buildings and wooded lots, the historical and architectural integrity of the District has been retained, with streetscapes remarkably still as they were 50 to 75 years ago.... these architectural and landscape design qualities made the area a successful early twentieth century development and can account for the stability and popularity of the District through the years. Careful conservation of these features is necessary to insure the future success and stability of the District.

Therefore, the District continues its position that front yard fences are not in keeping with the open, parklike stretches on either side of the street, a hallmark of the City Beautiful movement of the early 20th Century.

* If, for unusual or compelling reasons, the necessity for a fence is an overriding issue that sets one yard apart from its neighbors, Evergreen suggests the Landmarks Commission take this into consideration in its response to requests. This is particularly true of corner lots on busy and well traveled streets. We strongly recommend that any front yard fencing be open fencing.

* The District supports back yard and side yard fencing, and feels that too much regulation destroys the character of the alleys hitherto part of their turn-of-the-century charm. There is nothing in the guidelines that suggests the backyard and side yard fencing is not thoroughly consistent with the early twentieth century look, and that variety was a part of that landscape feature, just as variety was a hallmark of the houses that make up the district. Where the side yard fence joins the house should be back of the mid-point of the house.

There should be no razor wire or barbed wire rolls on commercial fencing.

Lawn furniture, such as benches, fountains, trellises, arches, lighting are not to be considered permanent structures, (and in the case of lighting may be considered safety features) and are not to be reviewed. What are to be reviewed are street elements outside private yard as described on page 8 of the Guidelines.



Memphis Landmarks Commission
Certificate of Appropriateness
(COA)

MLC#: 11-072 Address: 1769 Overton Park

Historic District: Evergreen Historic District

Date Approved: January 31, 2011

Conditions of Approval:

Construction shall be completed according to the plans submitted, Nov. 24, 2010 and Jan. 27, 2011. The Construction of all exterior details shall be completed and approved by the Landmarks Commission staff prior to Final Approval by the Office of Construction Code Enforcement.

Additional conditions attached: No

Plans attached: Yes

Any substitutions or deviations from the approved plans require further review and approval by the Memphis Landmarks Commission or its staff. Any changes or substitutions that are not approved are subject to removal. Before making any changes you must contact staff at 576-7191.

This is not a building permit. No work can begin without appropriate review and approval by the Memphis/Shelby County Office of Construction Code Enforcement, and validation of a preservation permit.

This COA expires one year from the date of issue if a valid preservation permit has not been obtained.

Issued By: MLC Staff Member

Date Issued

In receiving a Certificate of Appropriateness (COA) from the Memphis Landmarks Commission (MLC) the owner and/or owner's authorized representative agree to abide by the approved plans and conditions contained in or attached to this COA.

This area for office use only.

Memphis Landmarks Commission (MLC)
Minutes from the Meeting on
Thursday, January 27, 2011
City Hall, 125 N. Main Street, Conference Room A (4th Floor)
5:00 p.m.

Commission Members Present: Chairman Elise Frick and Commissioners Suzanne Askew, Verna Hawkins-Lambert, Stanley Hyland, Keith Kays, William Nixon, Earlice Taylor and James Toles.

Others Present: Anas, Aldeek, Penny Aviotti, Pete Aviotti, Kyle Archer, Nancy Jane Baker, Scott Bosko, Rob Clark, Theresa Cook, Christina Hall, Linda Harris, Allison, Hennie, Lora Jobe, Verlean Kelly, Pat Mahoney, Frank Ricks, Demar Roberts, Caleb Sweazy, James Wainwright.

OPD Staff: Josh Whitehead, Director of Office of Planning and Zoning

Call to Order and Roll Call

Chairman Frick called the meeting to order at 5:00 p.m. Ms. Nancy Jane Baker called the roll. Chairman Frick and Commissioners Suzanne Askew, Verna Hawkins-Lambert, Stanley Hyland, William Nixon, Earlice Taylor and James Toles were present. Commissioner Keith Kays was not present. There was a quorum.

Chairman's Opening Remarks

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

Agenda

Chairman Frick asked if there were any changes to the agenda. Ms. Nancy Jane Baker responded saying that there were no changes.

Minutes

Chairman Frick asked the Commissioners if there were any corrections to the minutes from the December 16, 2010 MLC Meeting. None were stated and the Chairman asked for a motion. Commissioner Hyland made a motion to approve the minutes. Commissioner Hawkins-Lambert seconded the motion. The motion passed unanimously.

Minor COAs

Chairman Frick read the minor COAs into the record.

11-076	435 Garland Street	Evergreen Historic District
11-081	624 S. Willett	Central Gardens Historic District

Chairman Frick reminded the Commissioners of the City's conflict of interest policy

Current Applications

Chairman Frick explained the procedure for hearing the applications; staff presentation for each application; applicant comments; comments from the public; time limits; rebuttal; and the Commission's discussion and action. She then called the first case.

11-072 1769 Overton Park – Evergreen Historic District
Request for a COA for construction of tool shed and front yard fence

Chairman Frick asked if the applicant were present and if they agreed with staff's recommendations.

Caleb Sweazy, the applicant approached and stated his name and current address as 505 Tennessee Street and that he was not sure if he agreed with staff's recommendation. Once Chairman Frick read staff's recommendation of approval in accordance with the Evergreen Design Guidelines, he stated he was not aware staff had previously approved his application.

Commissioner Frick asked if there was anyone present to speak in favor or opposition of the case. There were several residents present who were opposition of the case and staff's recommendation.

Then Commissioner Askew asked MLC staff to present the staff report.

Nancy Jane Baker gave a summary of staff report and showed photos of the case property from various angles and pointing out details. She recommended approval of the fence in accordance with the Evergreen Historic Design Guidelines because it setback in line with the façade and property to the West. She also showed material to be used for the fence and added that the approval was also based on it being an exceptional lot with no rear yard and to have enclosed yard, the fencing across the front is necessary to allow for the same activity space as the other homes.

Commissioner Kays arrived.

Commissioner Frick asked if the applicant would like to give any comments.

Caleb Sweazy noted that he brought an updated drawing of the plot. He went on to say that he did meet with some of the neighbors to discuss their concerns about the fence. He stated that he wanted to bring the fence across the property and then back with landscaping behind the fence. He added that that would help diminish the fence and keep in line with the houses on Overton Park. He also mentioned the complaint of having his backyard visible; adding some evergreens along the fence line would pose year round privacy for his yard and from the neighbors across the street.

Chairman Frick asked if there was anyone present to speak in favor or opposition of the case. Chairman also noted that by mutual agreement, six residents (3 mins. each), in opposition of the case, allowed Mr. Frank Ricks to use their allotted time and speak on their behalf.

Frank Ricks, a resident, approached stating his name and current address as 1746 Overton Park Ave. Mr. Ricks gave a brief presentation and showed photos of the privacy fence and lots of other properties in the area. He also showed the proposed fence of the case property from various angles

and pointing out details. He added that the location of the fence for the property to the east of the current application is inappropriate and it should be setback at least 15-20 feet. Mr. Ricks proposed a plan for a privacy fence and wrought iron fence for this application to be considered that would allow for appropriate backyard space.

Chairman Frick asked if the applicant would like to rebuttal.

Caleb stated that he would lose a considerable amount of space, bringing the fence back as far as Mr. Ricks suggested. He added that his future plan is to install a garage on the backyard part of the property.

Chairman Frick asked for a motion from the Commissioners. Commissioner Hyland made a motion to approved case 11-072 in agreement with staff's recommendation in accordance with the Evergreen Design Guidelines. The motion was seconded by Commissioner Askew. Chairman Frick opened the floor to the Commissioners for discussion.

Commissioner Nixon stated that his questions were the same as before due the fact, the applicant continues to present bits and pieces of the project. He added that the applicant has not submitted a clear proposed scope of work and outline of the entire property, i.e., sidewalks, location of gate, or parking before the commission.

Commissioner Toles noted the indication of a privacy fence that went back halfway across the lot sits back about 70ft. from the sidewalk and wanted to know if it was within the guidelines.

Nancy Jane Baker responded stating, it would have to line up with what's currently there to the west.

Commissioner Askew stated that their dilemma is which is best, which would look best for the neighborhood and for the applicant and to follow the guidelines. She added that she realizes that the applicant and other residents are thinking about the property value. She went on to say that she appreciates the consideration for the change in the fence style, added a sidewalk and gate but she noted that the applicant was willing to change over to some of the neighbors way of thinking.

Mr. Sweazy responded saying his preference would be the way he submitted.

Commissioner Hyland asked staff if the applicant's plans are within the district's design guideline and staff responded that it was an exceptional lot front yard fencing is allowed. Then he stated that it remains unclear to him why not to accept staff's recommendation.

Chairman Frick allowed Mr. Ricks another opportunity to address the Commissioners.

Mr. Ricks stated that guidelines are guidelines and with this being a non-conforming lot, he sees that staff uses the term exceptional. He went on to say that if a garage is built, the entire backyard space would be exposed to the street and not be consistent with the intent of the guidelines. He then stated that the applicant's fence should be at 35' back from the front façade

of the houses.

Chairman Frick stated to let the record show that Keith Kays is in attendance.

Commissioner Kays asked if there were other lots in the vicinity of the case property that had houses built on 50' wide lots. He then asked if there were the houses across the street on double lots.

Nancy Jane Baker responded saying yes, most of them are on plats of 50' wide lots and the houses across the street from case property are not on double lots.

Commissioner Kays noted that the issue before the Commissioners is what the character of that street should be like, either a 100 ft. privacy fence that is 6ft. high or a 100 ft. transparency fence that is 4 ft. high.

Commissioner Askew stated that her fear of continuing the privacy fence was that what's on the public side would get ignored, which in this case would be the streetscape.

Chairman Frick asked Mr. Sweazy, the applicant, if he owned both lots. He replied, yes. Chairman Frick the made note that he has the right in the future to tear down his current structure and build a house in the middle of the lots.

Commissioner Nixon added that he could also sub-divide the lots and build two houses of sell one of the lots.

Commissioner Kays stated that those comments are speculation of what could happen but what's before them is to decide what it's going to be like a month from now. He went on to say that the motion before them is that staff had recommended approval of the wrought iron fence going across 100 ft.

Commissioner Nixon asked the applicant if he would consider moving the entire wrought iron fence back to line up with the privacy fence on the west side.

Mr. Sweazy responded saying that it had been discussed before and he felt it would be asking him to give up a considerable amount of his front yard.

Chairman Frick placed MLC Case #11-072 on hold as Mayor A C Wharton, Jr. entered to swear in two Commissioners (Frick and Nixon).

Chairman Frick convened MLC Case #11-072 with Commissioner Nixon's question. Mr. Sweazy's response to the suggestion of moving the fence was no.

Chairman Frick if there was any further discussion. There was none, so then she restated what the recommendation and motion was on the floor and asked for a vote on the motion.

The motion passed with a 5 yeas and 3 nays vote. Chairman Frick and Commissioners Askew, Hyland, Kays, Toles voted in favor of the motion and Commissioners Hawkins-Lambert, Nixon, and Taylor voted in opposition of the motion. Director Josh Whitehead left the meeting.

**11-079 1490 Linden Avenue – Central Gardens Historic District
Request for a COA for glassing in a side front porch**

Chairman Frick asked if the applicant were present and if they agreed with staff's recommendations.

Theresa Cook, the applicant approached and stated her name and current address as 1490 Linden Avenue and Mr. Patrick Mahoney, the contractor approached and stated his name and current address as 2200 Cordes Road. Mrs. Cook stated that she was not sure if she agreed with staff's recommendation, not knowing exactly what the location of the rear side of the porch was referring to move of the HT/AC unit.

Chairman Frick asked if there was anyone present to speak in favor or opposition of the case. There was someone present.

Then Chairman Frick asked MLC staff to present the staff report.

Nancy Jane Baker gave a summary of staff report and showed photos of the case property from various angles and pointing out details. She recommended approval of the glass enclosure on the side porch in accordance with the Central Gardens Historic Design Guidelines. She also stated her concern about the AC unit being display on the front even with the current owner placing bushes in front of the unit. Ms. Baker went on to state that if another owner decides to remove the bushes, then there will be a clear view of the AC unit, which would be out of character for the neighborhood, the neighborhood association would not be in favor, and was not in keeping with the Central Gardens design guidelines.

Commissioner Frick asked if the applicant would like to give any comments.

Mrs. Cook stated that the porch was originally screened in. She continued to say that if the AC unit was positioned on the side, it would be visible from the street and from the driveway area but if placed up front it could easily be camouflaged. Also, Mr. Mahoney stated that after checking with a mechanical crew, it would be impossible to run a duct even from upstairs on that side. He also added saying that if the AC and bushes were on the side, it would pose more of an eyesore and standout than being on the front where it would blend better.

Chairman Frick asked if there was anyone present to speak in favor or opposition of the case.

Christina Hall approached, stated her name and current address as 1566 Carr Avenue, and she represented Central Gardens Neighborhood Assn. She stated that her concern with the AC window unit being on the front with the bushes in front would pose a hazard for the ventilation, air flow of the unit and/or the bushes dying due to seasonal weather conditions. She added, with

