



DR. WILLIE W. HERENTON - Mayor  
KEITH L. McGEE - Chief Administrative Officer  
DIVISION OF PLANNING & DEVELOPMENT



**Memphis Landmarks Commission**

*Helping People Preserve Historic Places for Tomorrow's Generations*

**To:** Memphis City Council and the Landmarks Appeal Committee

**Re:** Appeal of Landmark's Denial of MLC # 08-053 (646 S. McLean)

**Information Packet for Landmarks Appeal:**

646 S. McLean

MLC# 08-053

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**To:** Memphis City Council and the Landmarks Appeal Committee  
**Re:** Appeal of Landmark's Denial of MLC # 08-053 (646 S. McLean)

### **Summary of Case and Staff Opinion**

646 S. McLean (MLC# 08-053)

#### Background

The Memphis Landmarks Commission (MLC) denied the request to build a new 2-story single family residence with attached garage on a currently vacant lot. The subject property is located in the northeast corner of the intersection between McLean and Cowden in the Central Gardens Historic Conservation District.

Prior to the existence of the "underground house" on this site, an Airplane Bungalow facing Cowden was located on this lot. The original Airplane Bungalow was set back to align with the homes to the east along Cowden, and had a detached garage in the rear. The garage was most likely accessed via a driveway from McLean along the northern end of the lot. Although the subject property is located on a corner, the size and shape of the lot is very similar to the parcels located to the east along the north side of Cowden that contain 1-1 ½ story Bungalows.

#### Landmarks Commission Decision

The Landmarks Commission voted 5-1 to deny the requested COA at the December 20, 2007 Commission meeting on the grounds that the application did not meet the requirements of the Central Gardens District Design Guidelines.

#### Landmarks Staff Opinion

The Landmarks Staff is cognizant of the fact that this lot is difficult to work with because of the layout and configuration of the lot and the added restriction of an existing easement along the western property line. The lot also has the challenge of being located on a corner with the accompanying responsibility of adequately addressing two separate building "fronts." Staff believes that while the proposed design does a good job of addressing the corner condition and generally uses materials that fit within the historic palette of the neighborhood, there are still two areas of major concern. First, the location of the attached garage fronting Cowden is clearly inconsistent with the design guidelines. A garage should be attached and not readily visible from the street, or detached and located to the rear of the lot. Secondly, staff believes that the proposed 25ft setback from the southern property line is insufficient, and that the southern end of the building will be perceived as encroaching too far into the established line of front yards along Cowden. This sense of encroachment will be further exacerbated by the fact that the front porch will extend an additional 6ft 4 inches into the already inadequate 25ft setback.

Based upon the established district design guidelines, staff could not recommend approval of this application as submitted. It is the opinion of staff that the most appropriate design solution for this lot would be one that reflected the size, scale, and placement of the original home that was located on site.



REAL ESTATE BROKERAGE AND DEVELOPMENT

Mrs. Lasonya Hall  
CAO  
125 N Main St. #308  
Memphis, TN 38103

Dear Mrs. Hall,

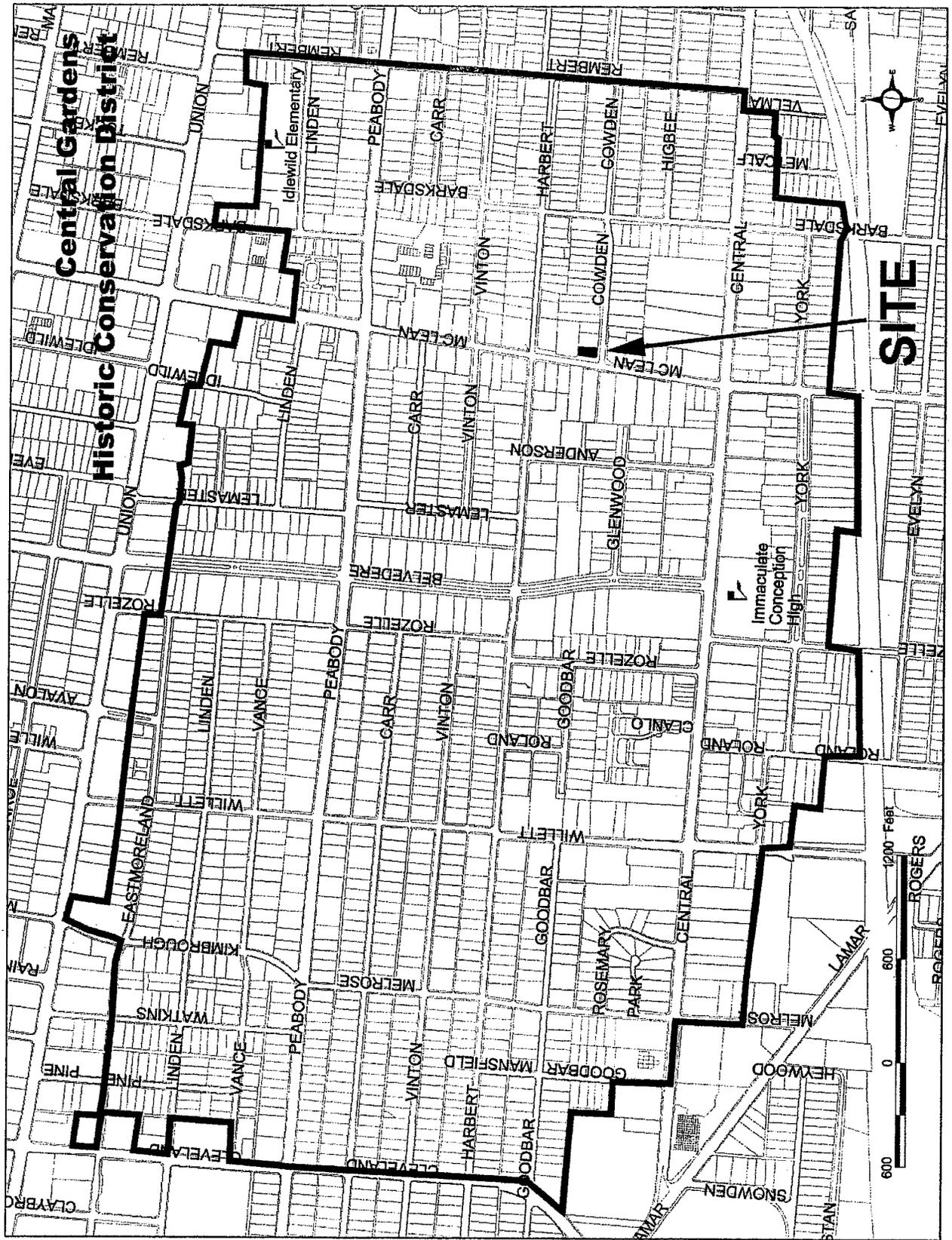
We spoke on the phone Tuesday about our wish to come before the city council to plead our case for 646 South McLean. We were denied permission to build a single family home (for myself) on the property by the Landmarks Commission and hope that we can appeal that decision to the council. I will be out of town for the March meeting; however, we look forward to appearing on the April 1st agenda if possible. I appreciate your time and efforts in assisting us.

Regards,

James Rasberry  
Owner  
646 McLean

# **646 S. McLean**

**Photographs of the Site and  
Neighborhood Context**



Pg. # (one of two)

Memphis Landmarks Commission  
STAFF REPORT

Meeting of December 20, 2007

MLC #08-053

Address: 646 S. McLean

Central Gardens HC District

**District Description:**

This section of McLean primarily consists of two-story structures on larger lots. The style range varies and includes Spanish Revival, Classical, and Craftsman. The properties running along Cowden are primarily 1 ½ story Craftsman bungalows and Tudors.

**Property Description:**

The property is a currently vacant lot at the northeast corner of Cowden and McLean.

**Project Description:**

This application is for a new 2-story residence with attached garage. The subject property is currently vacant, but had previously been the location of the "underground house." The proposed design utilizes a rear facing "u-shaped" plan creating a private courtyard space towards the east side of the lot, and locates an attached garage towards the south end of the lot facing Cowden. The front door is to be located on the west side of the house facing McLean.

The massing of the house consists of three main components. The primary mass of the house is a 2-story block that features a simple gable roof (12/12 pitch) and 4/1 double hung windows found in singles on each side. A small 4-light square window is centered in the open gable end on the south elevation. This primary mass also accommodates the main entry for the house, with the front door located on the west elevation towards the south end. The exterior cladding is proposed to be hardi-board lap siding with a 4 inch exposure. A raised front porch extends along the south and west elevation at the southwest corner of the 2-story section of the house. The porch is to be raised 18-24 inches above grade and will feature a roof of architectural dimensional shingles and exposed rafter tails. Although the submitted drawing originally indicated shingle roof for the porch, the applicant has indicated that their preference for the porch roofing material would be a simple standing seam metal roof. The raised foundation is to be parged CMU block, with the area of the raised foundation around the porch receiving an application of brick veneer. A large stone clad chimney anchors the north end of the 2-story block and is seen as a major element in the composition of the west and south elevations. Corner boards (1x4 trim) are found on each elevation. Matching 1x4 and 1x6 trim is also found around each window. 1x10 trim is used to transition between the parged CMU foundation wall and the beginning of the lap siding.

The second major massing component of the proposed design is the attached garage, located to the east of the 2-story block. The roof configuration and pitch of the garage gives this section the appearance of being around 1 ½ story in height. The garage component is clad in matching hardi-board siding, and features the same roof form, materials, and pitch as the roof of the larger 2-story mass. Two single-bay garage doors face Cowden. The east elevation of the garage component features three small 4-light square windows and corner boards to match the trim of the 2-story section of the house.

The third major massing component of the proposed design is the 1-story section located to the north of both the garage component and the 2-story section of the house. The 1-story section also features hardi-board siding, matching windows and trim, and parged CMU foundation. The roof configuration of the 1-story section, as seen as a part of the north elevation, gives the appearance

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of parallel gables. The west and north elevations of the 1-story massing will be partially obscured from view along McLean due to the presence of a fence running along the rear/east property line and along part of the western property line and ending at the northern edge of the 2-story section. The wood privacy fence at the rear and east property line is to be 6ft in height and will feature a simple 2x4 wood cap running along the top of the fence. The fence located along the west property line, along McLean, will consist of vertically oriented wood boards and a 2x4 cap, and will have 16 inch square CMU columns clad in stucco spaced at intervals of 8 ft 7 inches. Two pedestrian gates are located on either side of the house and are to match the design appearance, materials, and dimensions of the adjacent new fence.

Three new concrete sidewalk connections are to be constructed that lead from the front porch area to the existing public sidewalks along the south and west sides of the subject property. A new paved concrete driveway (17 ft wide) is also proposed to be located to the south of the garage, presumably necessitating a new curb cut at the same location.

**Does the Project Meet the District Guidelines?**

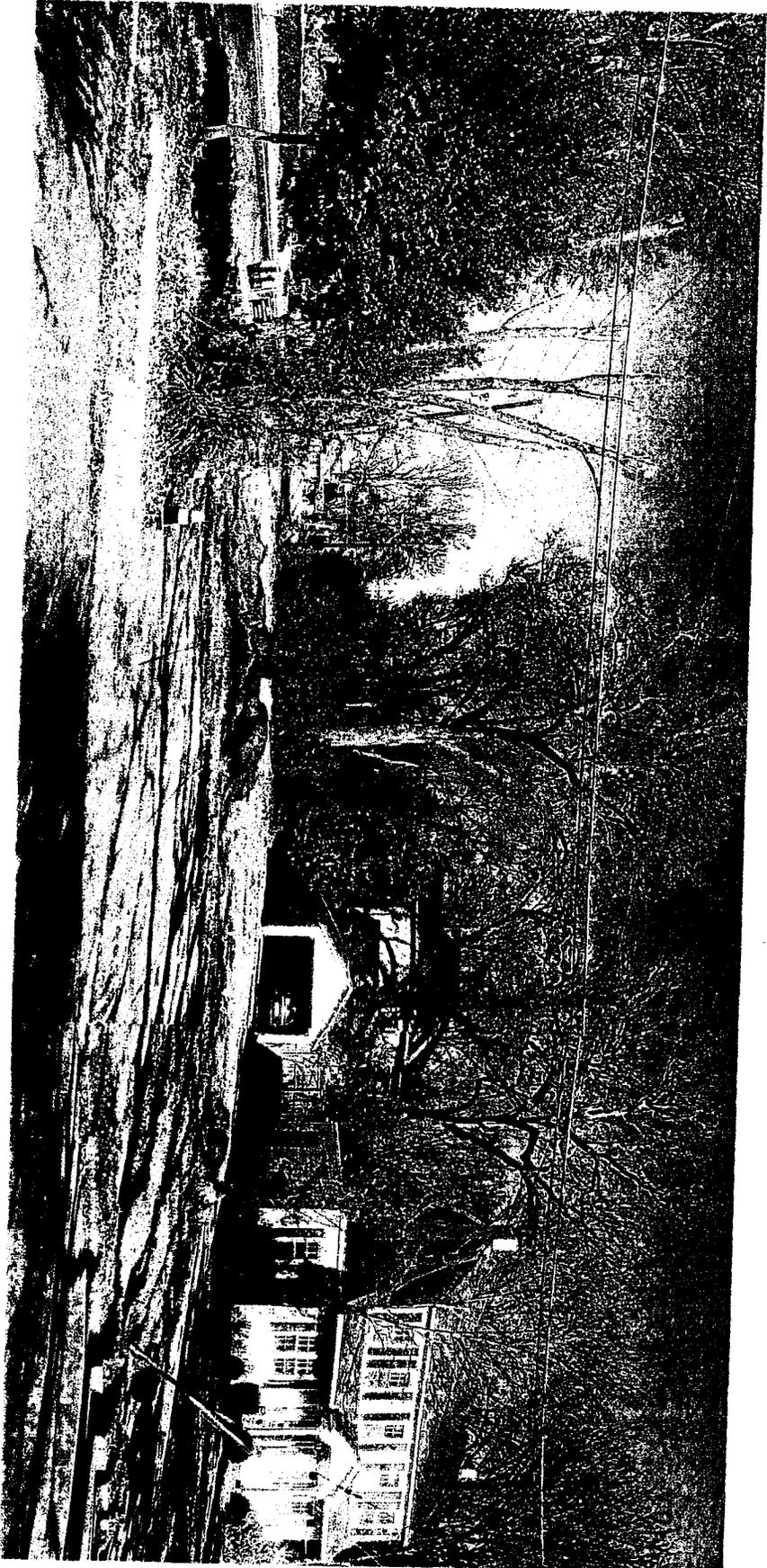
<b>B.1 (N1) Orientation</b>	<b>Maybe:</b> See comments below
<b>B.1 (N2-3) Setbacks</b>	<b>No:</b> See comments below
<b>B.1 (N4) Parking</b>	<b>No:</b> The garage should be detached and located to the rear of the primary structure or attached and not visible from the street
<b>B.1 (N7) Parking</b>	<b>No:</b> Driveway width in excess of the 11ft max suggested in guidelines
<b>B.1 (N9) Parking</b>	<b>Yes:</b> Driveway material of smooth troweled finish concrete
<b>B.1 (N10-15) Fence</b>	<b>Yes:</b> Appropriate for a corner lot
<b>B.1 (N17) Height:</b>	<b>Yes:</b> Compatible with property immediately to the east and south
<b>B.1 (N16-18) Mass:</b>	<b>Maybe:</b> See comments below
<b>B.1 (N19) Roof Form</b>	<b>Maybe:</b> Compatible form; pitch may be too steep for context
<b>B.1 (N21) Eave Detail</b>	<b>No:</b> See comments below
<b>B.1 (N22-N27) Materials</b>	<b>Yes:</b> Hardi-board lap siding as primary cladding material
<b>B.1 (N29, N30) Details</b>	<b>Maybe:</b> See comments below
<b>B.1 (N32) Chimney</b>	<b>Yes:</b> Chimneys are encouraged in district guidelines
<b>B.1 (N35) Porches</b>	<b>No:</b> Minimum porch depth of 8 ft suggested in guidelines
<b>B.1 (N37) Windows</b>	<b>Yes:</b> 4/1 double hung wood or wood clad windows

**Comments:**

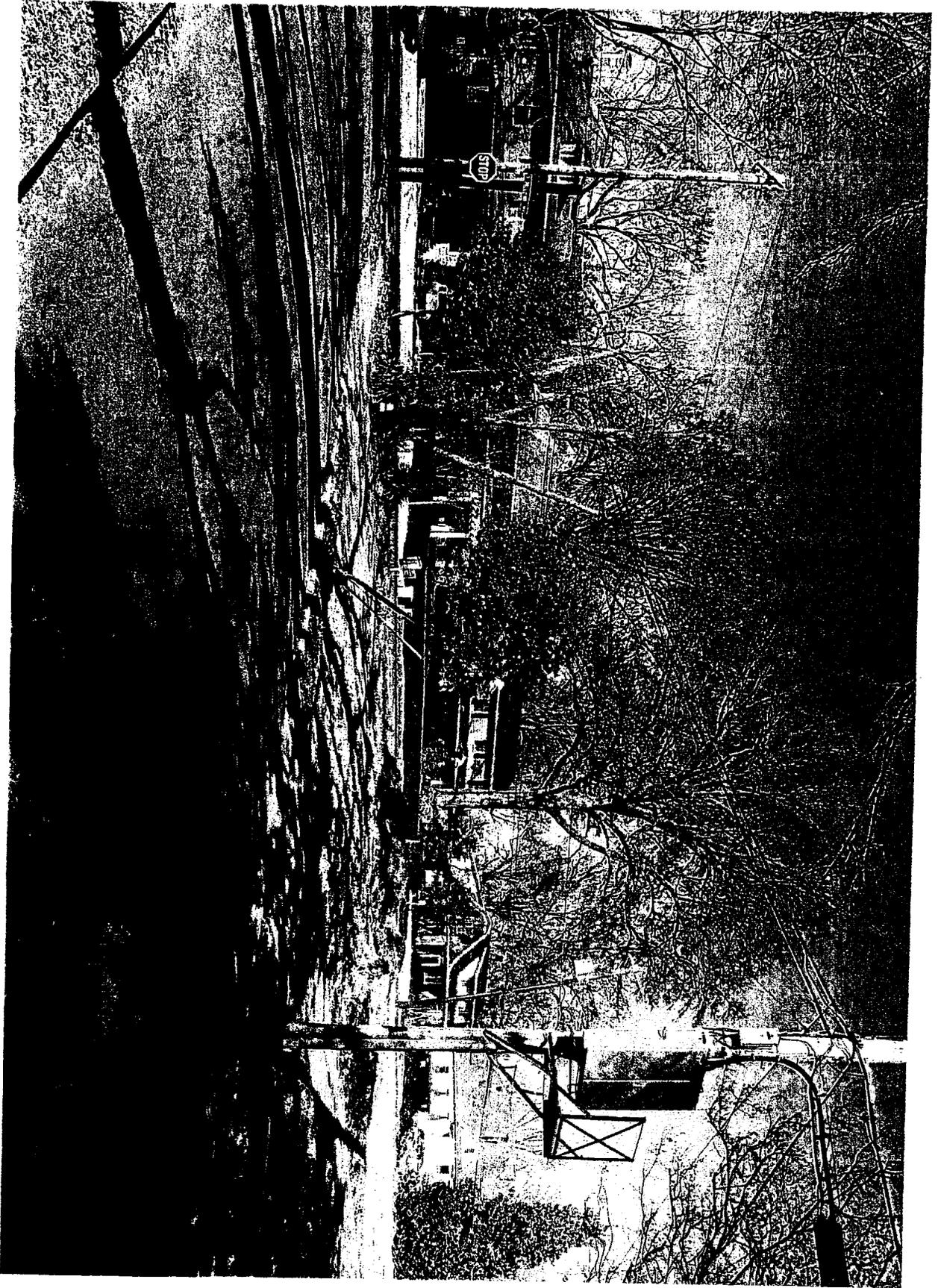
Although the subject property is located on a corner, the size and proportion of the actual parcel of land is consistent with, and very similar to, the lots to the east along Cowden. Prior to the existence of the "underground house", an airplane bungalow facing Cowden was located on this parcel. The home was set back to align with the homes to the east along Cowden, and had a detached rear outbuilding for parking. The rear outbuilding was most likely accessed via a driveway from McLean along the northern end of the lot. It is the staff opinion that based on the historic precedent of the original home located on the site, a new house at this location should face Cowden.

Choosing to orient the front entry of the house towards McLean presents the problem of remaining consistent with the established setbacks of either McLean or Cowden. The lot is simply not wide enough to allow for a front yard setback (on the west side) that is consistent with the established front yard setbacks along McLean. By orienting the house to front McLean, the front yard setback will not be within the range of front yard setbacks of the block, as required by the district guidelines. Also, orienting the house towards McLean in this design necessitates treating the south end of the lot as a "side yard" and locating an attached garage fronting Cowden. Due to

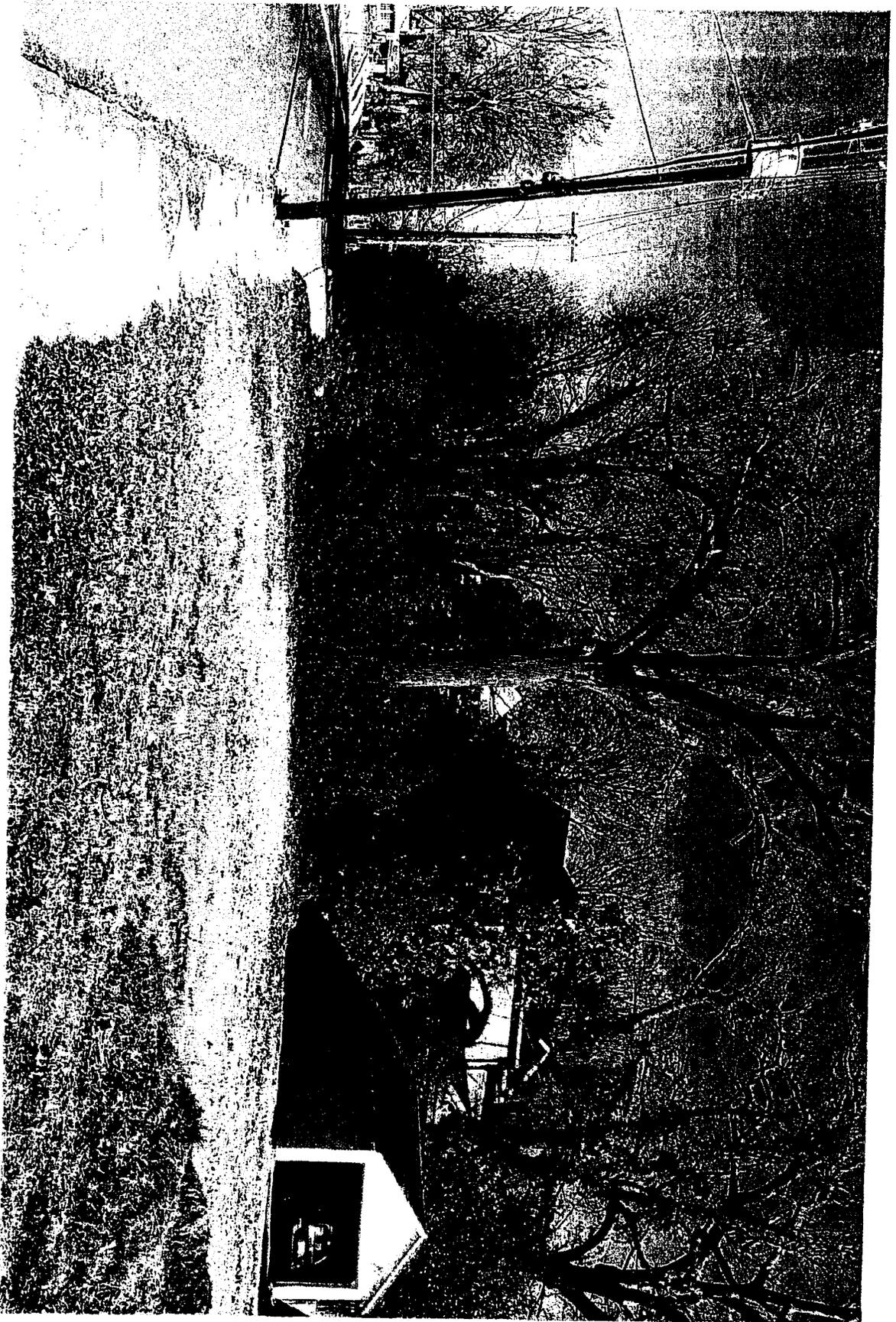




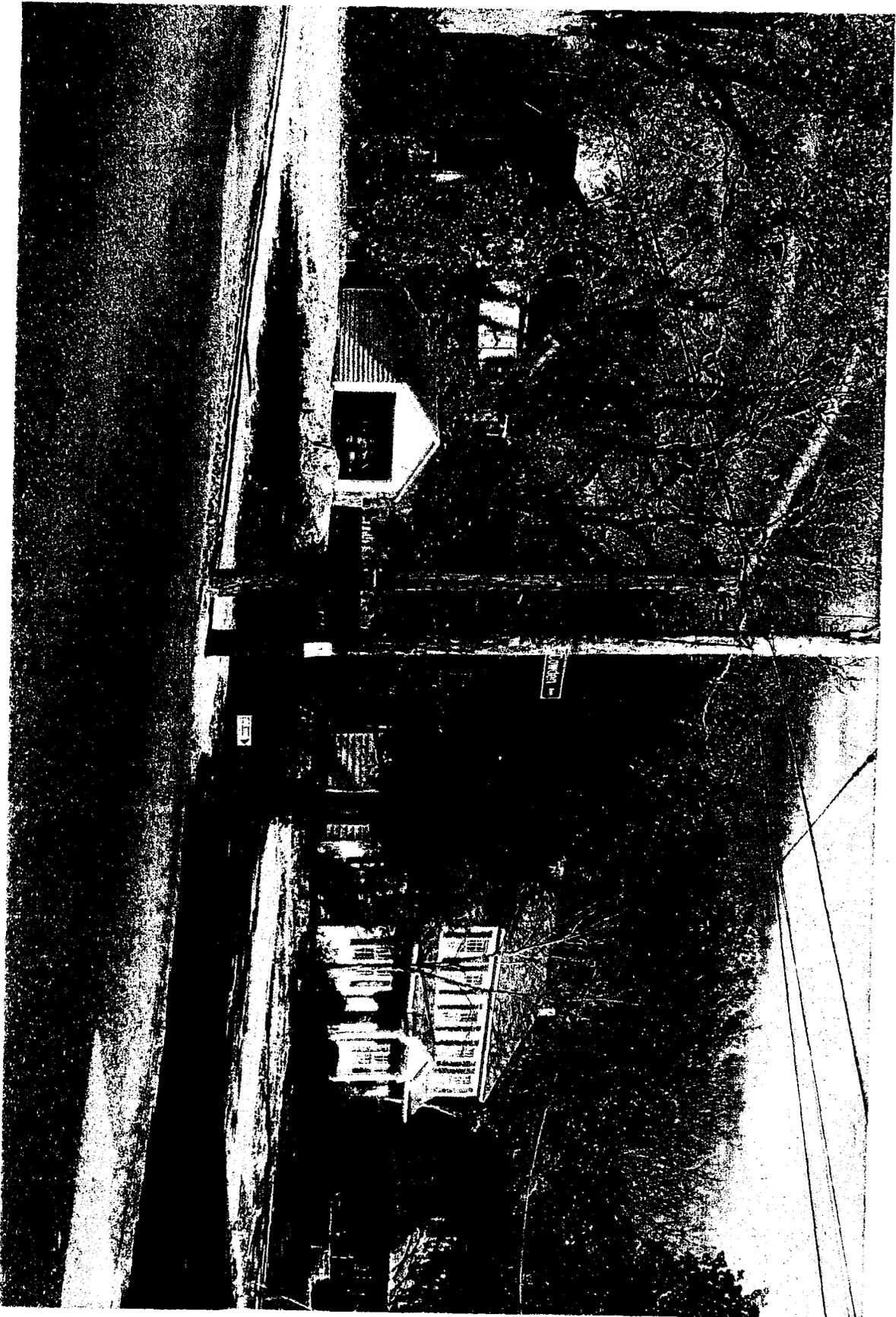
View from Cowden looking north towards site



View from Cowden looking northwest towards McLean



View along western edge of site looking north on McLean



View from McLean and Cowden looking northeast towards the site

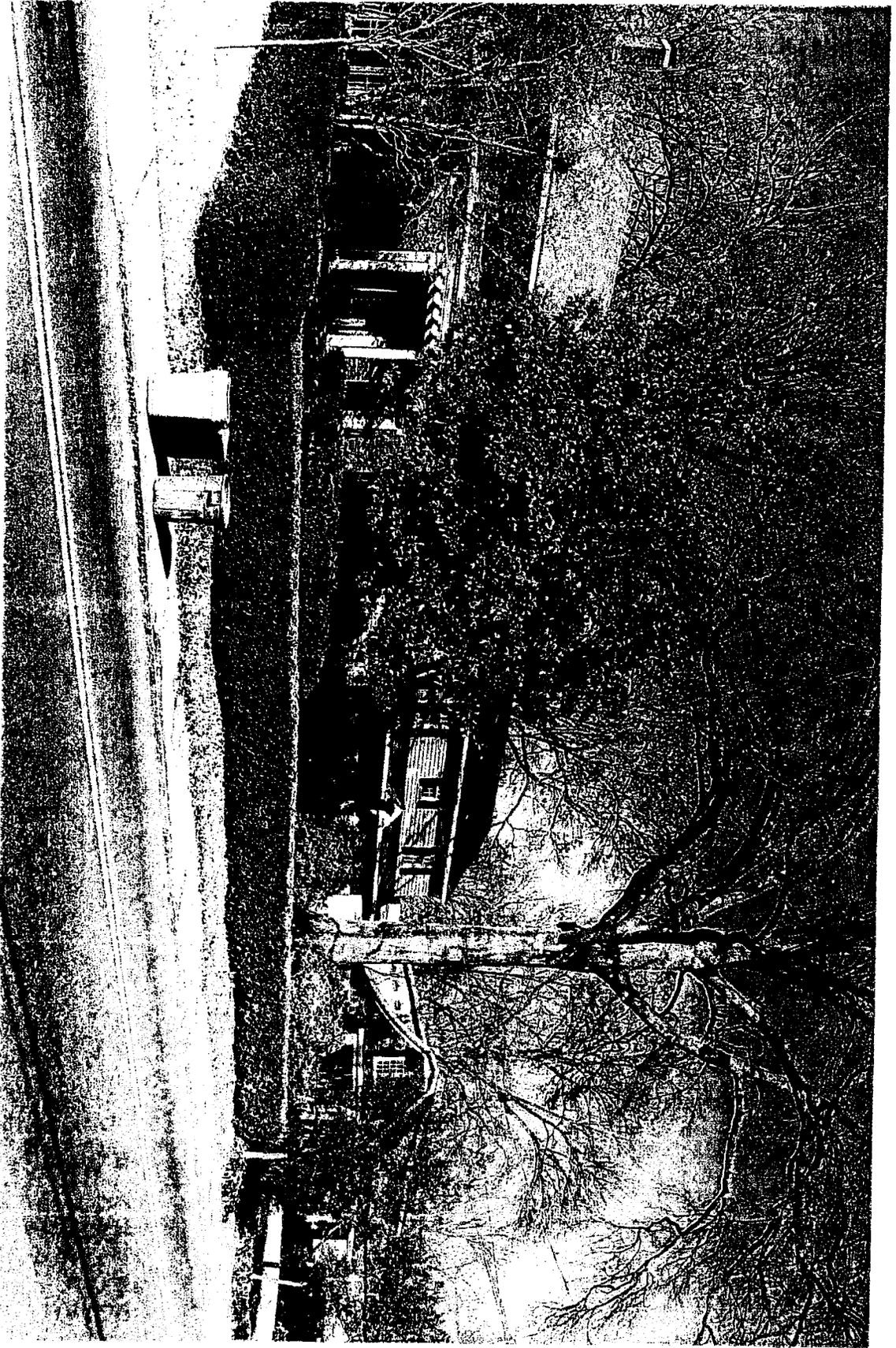


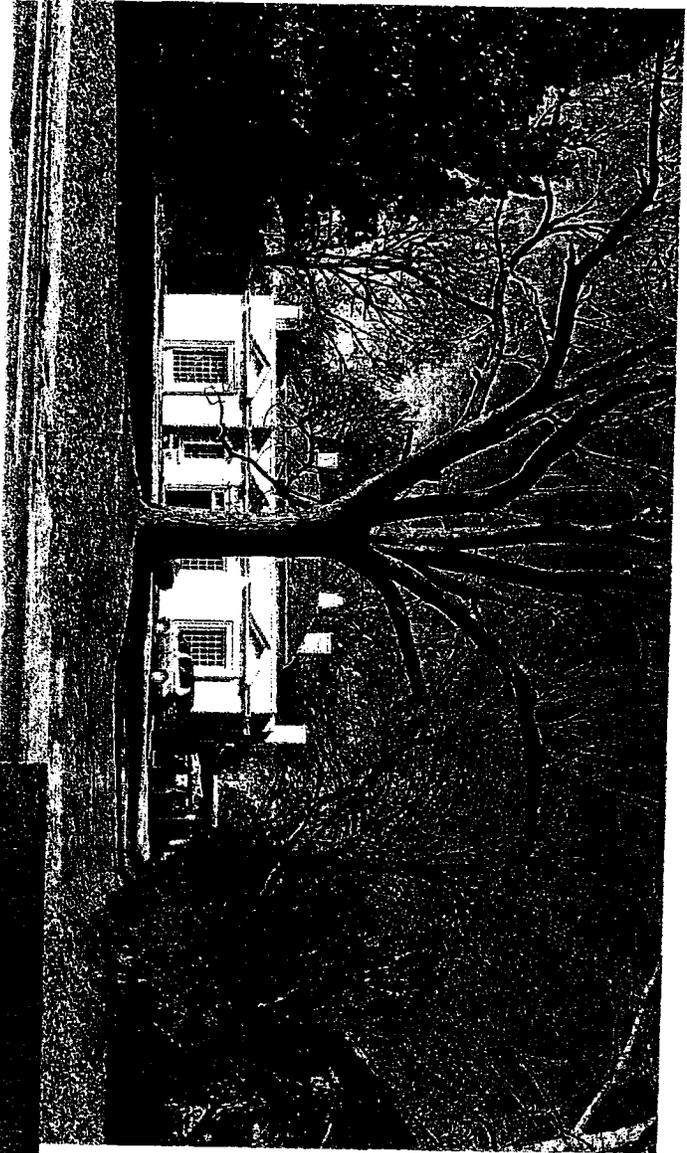
Home located directly to the north of subject property along McLean



Home located directly to the south of subject property

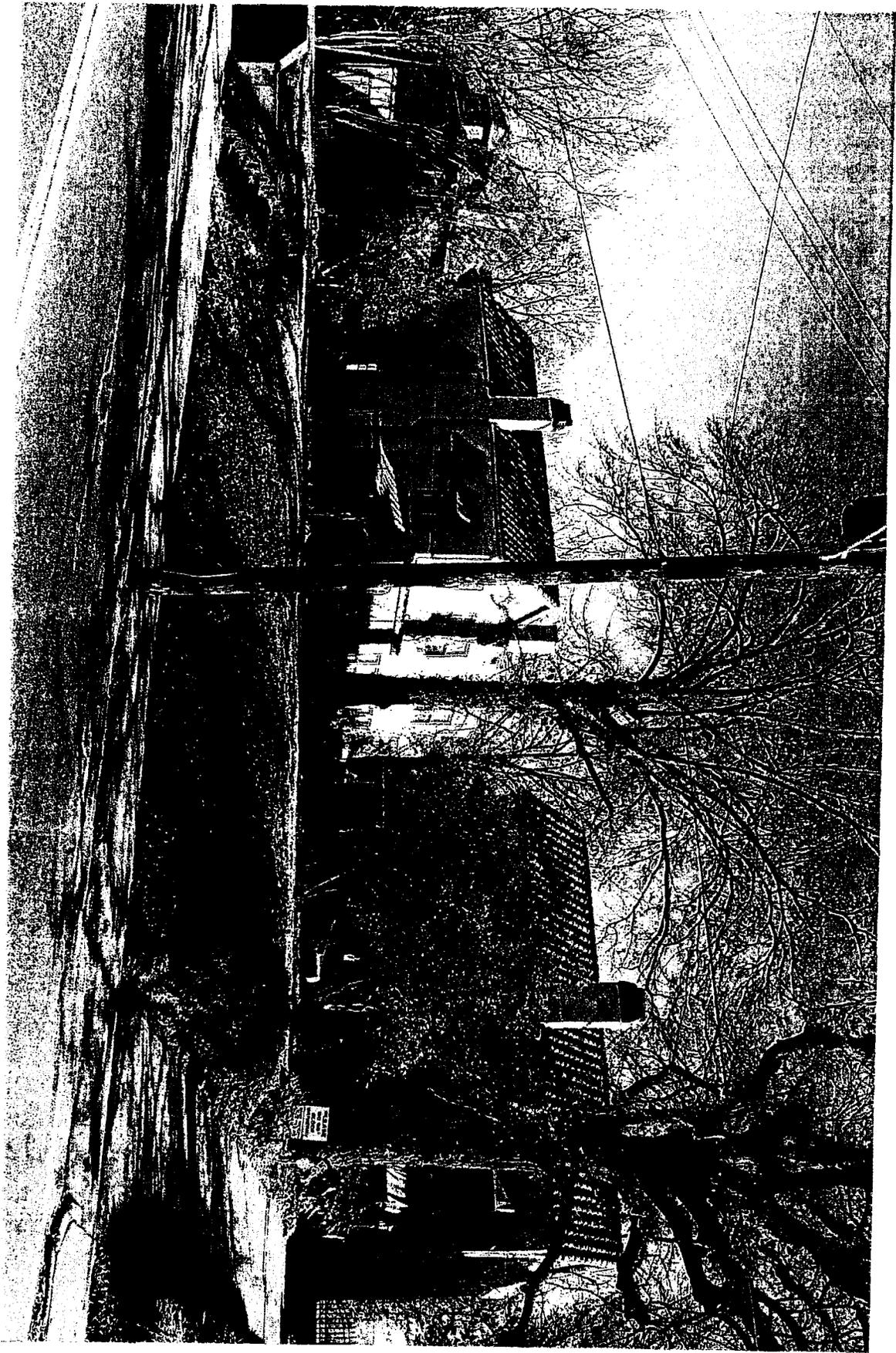
View from McLean looking west towards homes adjacent to subject property



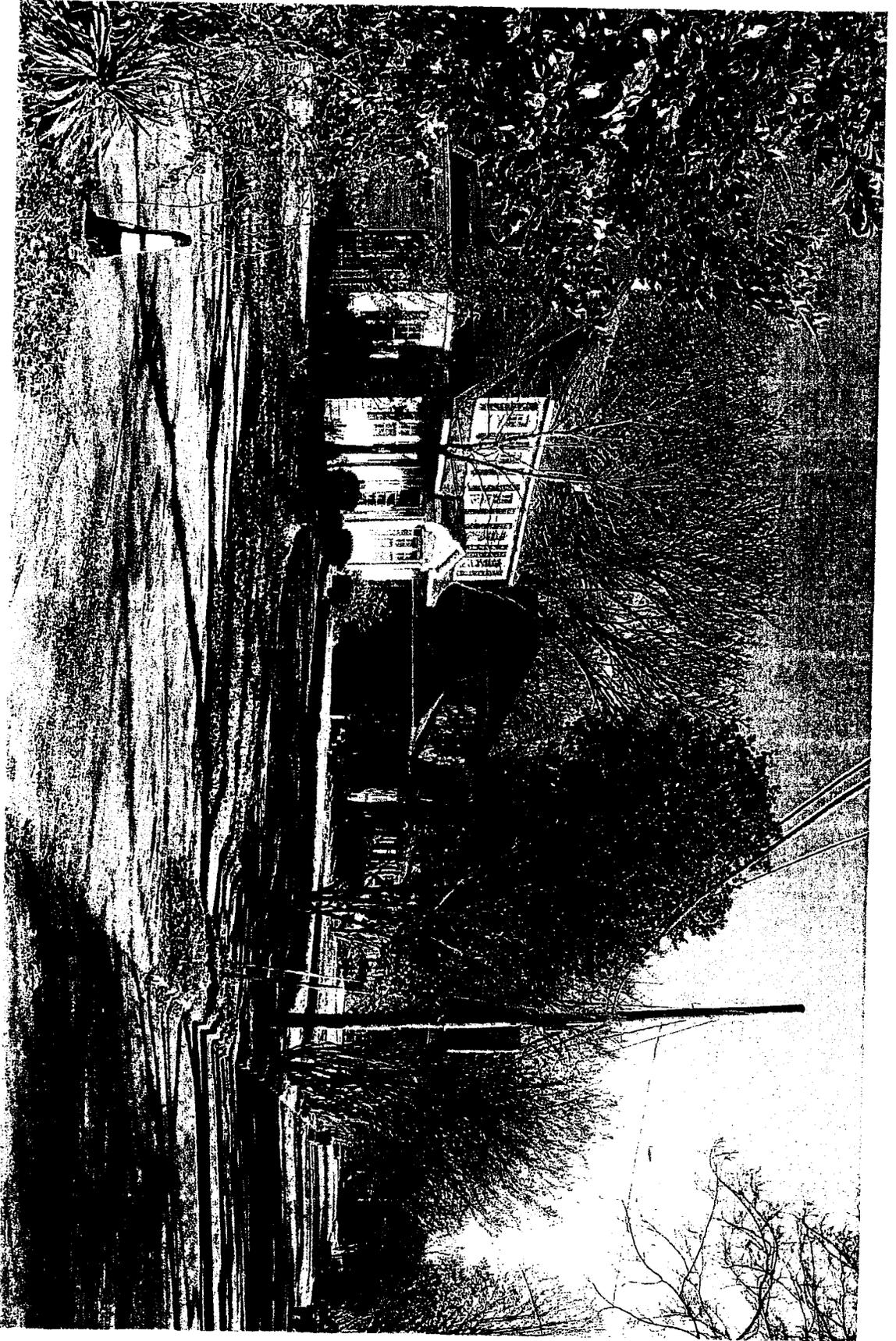


Examples of homes along west  
side of McLean (south of  
subject property)

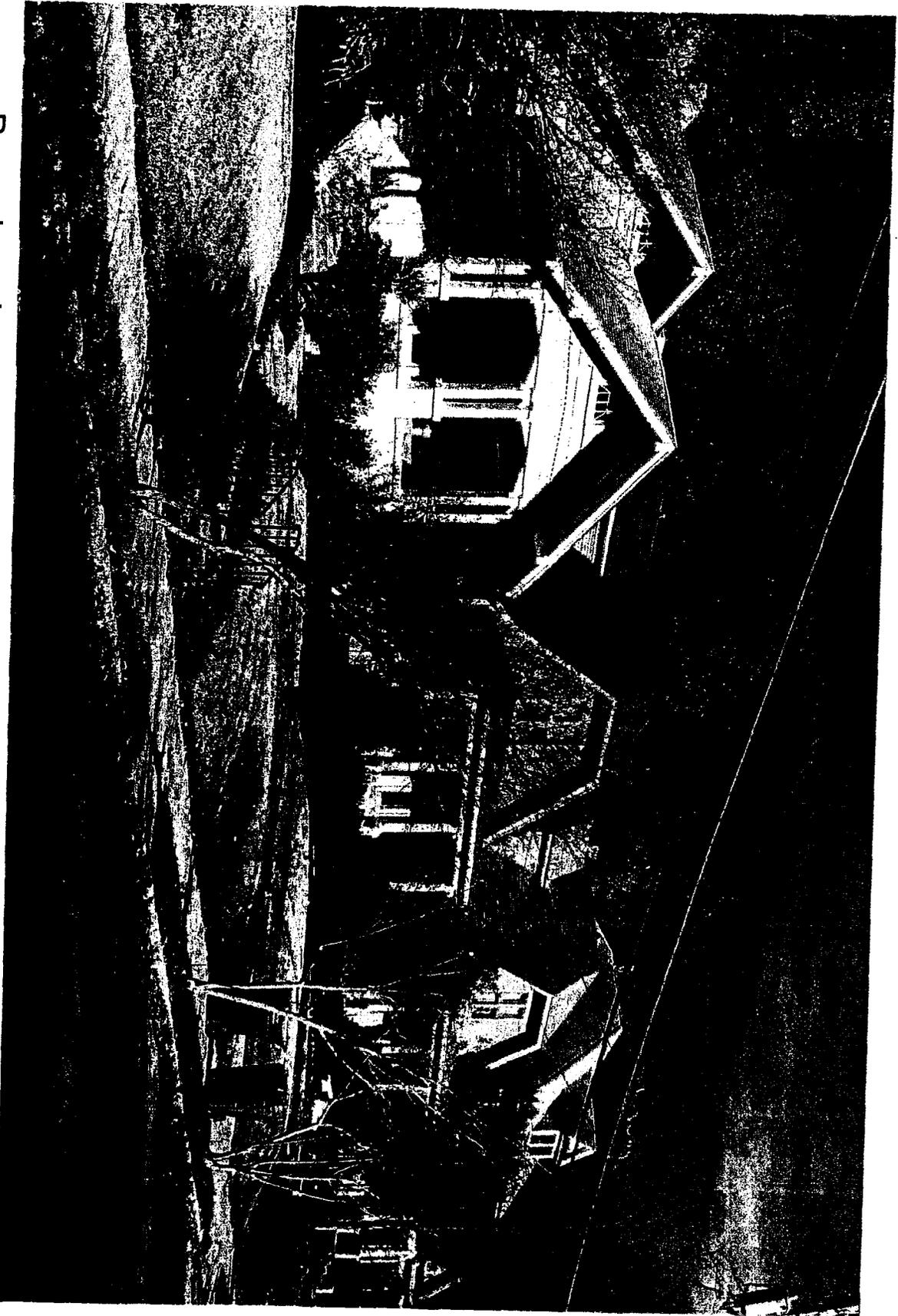




Homes located on the east side of McLean (south of subject property)

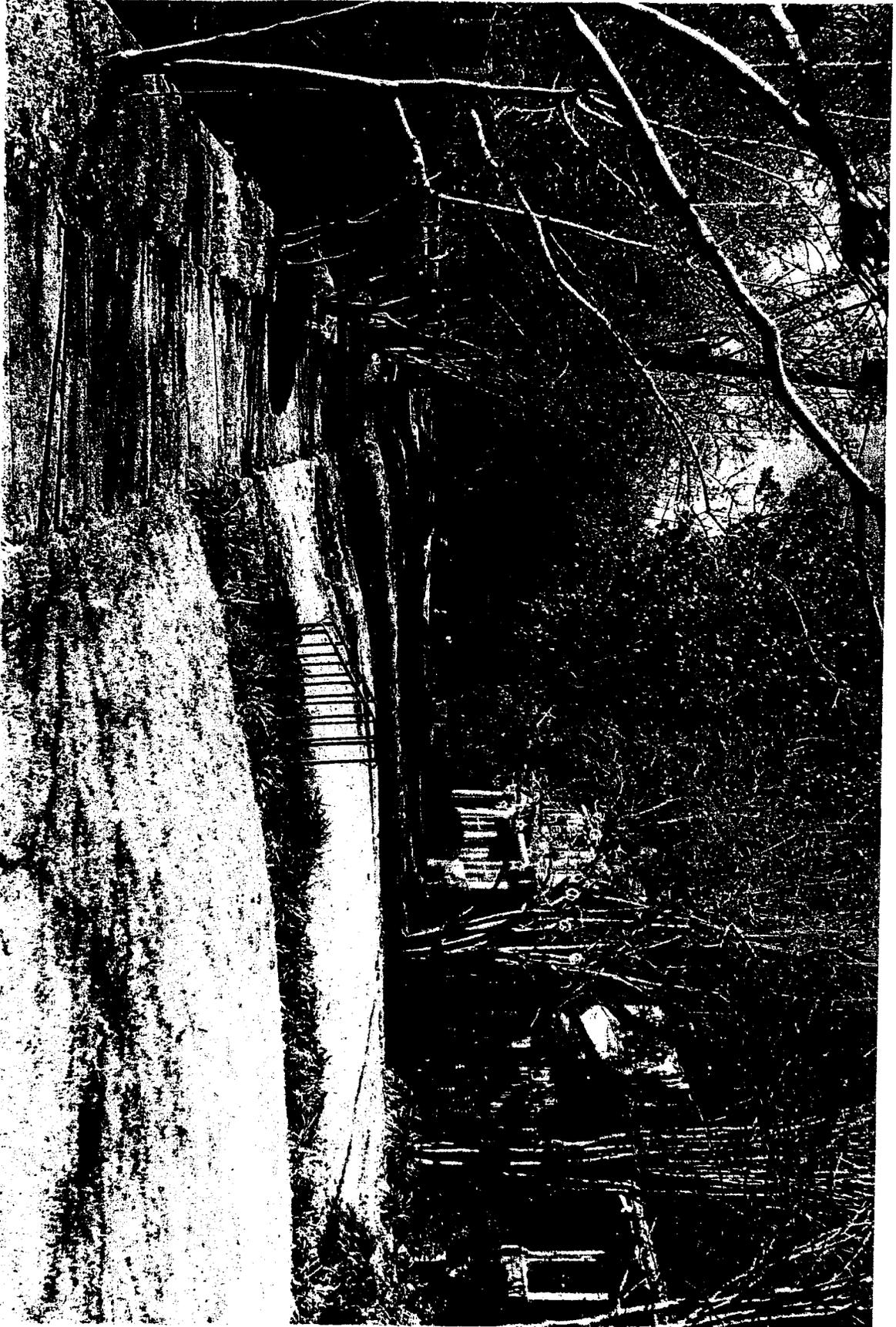


View looking east down Cowden

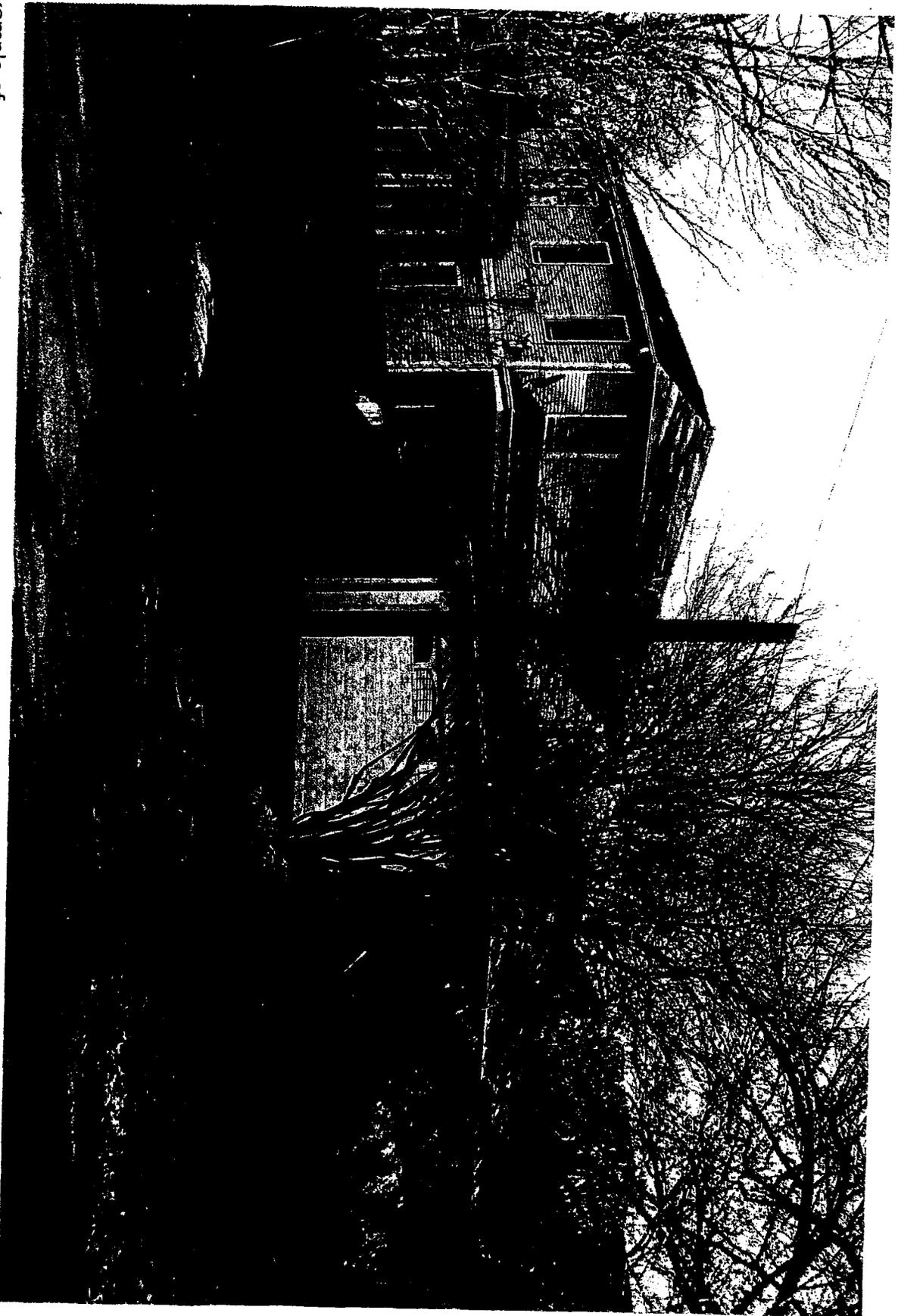


Bungalows located on the north side of Cowden (east of subject property)





View looking west along Cowden towards Subject property. The red dashed line indicates the approximate location of the southern edge of the house as proposed.



Example of a garage-type structure that fronts Cowden within the block. The structure appears to have originally been a carport that has been partially enclosed and now functions as a garage. Cannot be used as precedent because it was not approved by the MLC.

Memphis Landmarks Commission  
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the relatively small setback from Cowden (25ft from the south property line), staff believes that the design as proposed will be out of character with the rhythm and pattern of homes along Cowden, and will perceptibly disrupt the established and consistent line of building fronts clearly evident along the north side of Cowden. The front façade of the original bungalow on site was aligned with the front yard setbacks of the properties to the east along Cowden.

Facing the front of the house towards McLean also presents the problem of remaining consistent with the mass and scale of the adjacent homes along McLean. A front elevation should appear similar in mass and scale to other historic properties in this section of the district. Staff feels that the overall length of the front elevation facing McLean is too long to be typical for the area, and may appear out of character with the surrounding context. The overall mass and size of the building relative to the size of the lot is also a higher proportion than most of the historic homes within this section of the district. Staff does not feel that the proposed floor plan is overly large, but rather the size of the lot is small enough as to make it difficult for the proposal to fit within the established rhythm and pattern of the historic homes on the block. The overall mass of the building will be reduced by the fact that the building is subdivided into three distinct elements, and only the section near the corner will be 2-story in height. Staff believes that the subdivision of the building into three smaller elements is an appropriate attempt to try and reduce the perceived sense of mass of the building.

The eave detail proposed in this design is inconsistent with the Central Gardens Design Guidelines. According to the guidelines, "eave depth, fascia, soffits, and other decorative details should be compatible with the historic homes in the area" (pg.10). The proposed design utilizes a closed eave with no perceivable overhang. The applicant has indicated that a gutter system with downspouts will be designed to manage rainwater run-off. An open eave or a boxed eave with an overhang (of some depth) would be more consistent with the homes along this section of Cowden.

Although it is not considered appropriate to add unnecessary architectural details to a design solely for the sake of ornamentation, the design as proposed expresses a minimalist aesthetic in terms of historically appropriate details and sense of architectural style. The form of the building, as described by the architect, could be seen as a simple "salt box" form and shape that reflects a "Colonial influence". A more direct reference to the architectural details common within the district could help increase the compatibility of the design with regard to the historic character of the neighborhood.

Staff feels that while the design does a good job of addressing the corner condition and uses materials that fit within the historic palette of the neighborhood, there are still two major areas of concern. First, the location of the attached garage fronting Cowden is inconsistent with the design guidelines. A garage should be attached and not readily visible from the street, or detached and located to the rear of the lot. Secondly, staff believes that the 25ft setback from the southern property line is insufficient, and that the southern end of the building will be seen as encroaching too far into the established line of front yards along Cowden. This sense of encroachment will be further exacerbated by the fact that the front porch will extend an additional 6ft 4 inches into the 25ft setback. Based upon the district guidelines, staff cannot recommend approval of this proposal as submitted.

Staff believes that our role in reviewing this proposal is to review it for strict compliance with the Central Gardens Historic Conservation District Design Guidelines. While the Commission members can grant exceptions to the guidelines due to the unique challenges and constraints of a

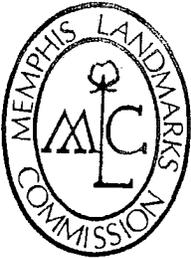
Memphis Landmarks Commission  
STAFF REPORT

particular lot or site, staff must predicate its recommendation on the specific content of the design guidelines. Staff also recognizes the fact that this lot is difficult to work with in terms of layout and configuration, existing easements, and it's relatively small size. The lot also has the challenge of being located on a corner with the accompanying responsibility of adequately addressing two separate building "fronts."

**Staff Recommendations:**

Staff recommends denial of this application in accordance with the above mentioned sections of the Central Gardens Historic Conservation District Guidelines.

**Prepared by: Brett Roler**



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: 646 S. MCLEAN  
Historic District: (HC) CENTRAL GARDENS
2. Name of Owner: JAMES E RASBERRY  
Mailing Address: 1899 CENTRAL AVE ZIP Code: 38104  
Daytime Phone Number: 722 8234 Fax Number: 722 8236
3. Architect/Contractor: JEFFREY BLACKLEDGE  
Mailing Address: 415 S. FRONT ST. Ste 121 ZIP Code: \_\_\_\_\_  
Daytime Phone Number: 526 7507 Fax Number: 529 8062
4. Proposed work is (check):
  - A.  Exterior Building Alteration
  - B.  New Construction:
    - 1)  Primary structure
    - 2)  Outbuilding
    - 3)  Addition
    - 4)  Other: \_\_\_\_\_
  - C.  Site Improvement
    - 1)  Fence
    - 2)  Wall
    - 3)  Other: \_\_\_\_\_
  - D.  Demolition:
    - 1)  Whole primary structure
    - 2)  Part of primary structure
    - 3)  Outbuilding
  - E.  Relocation

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.

DRAWINGS ACCOMPANY THIS APPLICATION

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.

RECEIVED NOV 30 2007  
MLC 08-053

This area for office use only.



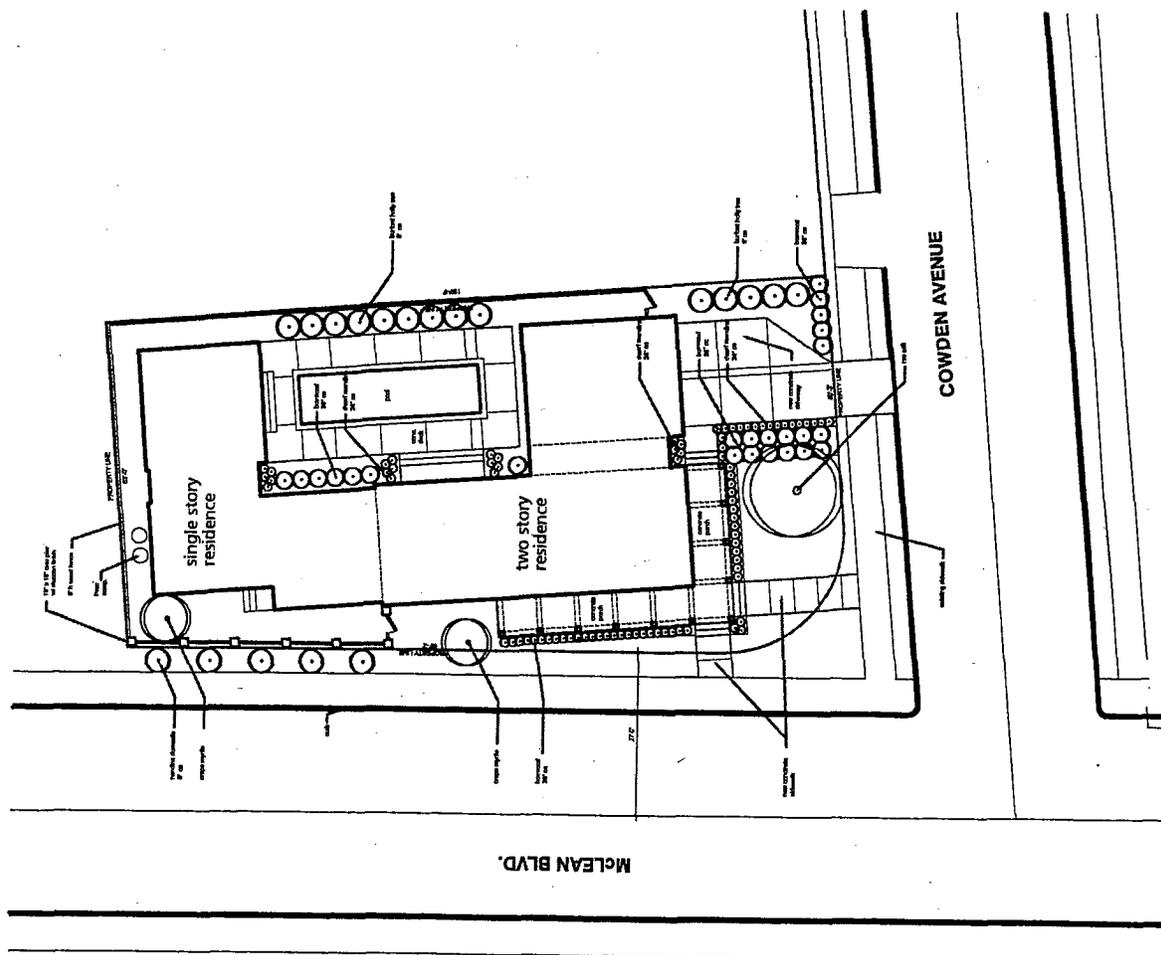
BRUNING ARCHITECTURE  
1111 13th Street, NW  
Atlanta, Georgia 30309  
404.525.1111

070

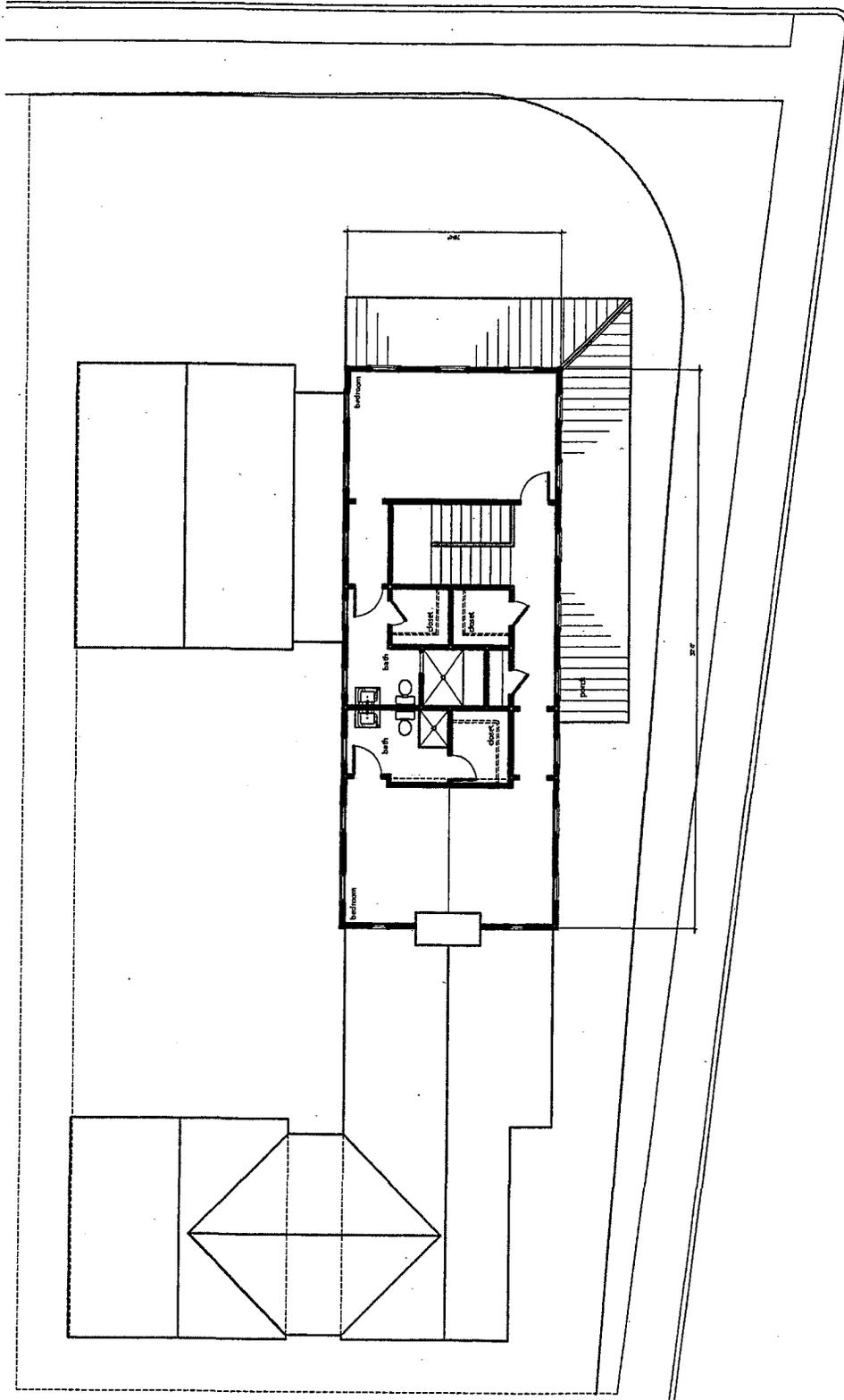
RASBERRY RESIDENCE

A00.2

RECEIVED DEC 06 2007  
MLC 08-053



C2 LANDSCAPE SITE PLAN

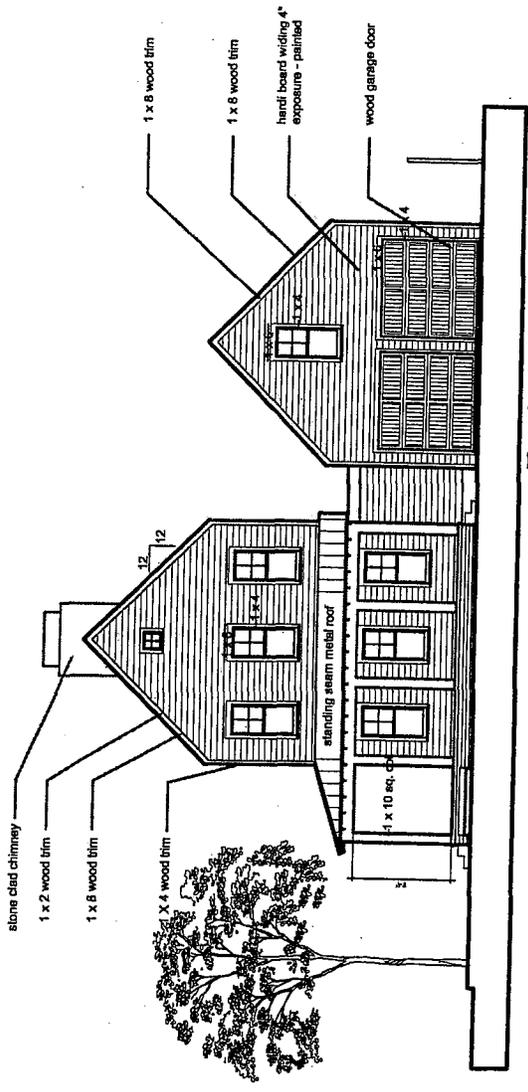


P2 SECOND FLOOR PLAN [proposed]  
SCALE: 1/8" = 1'-0"

RECEIVED DEC 06 2007  
MLC 08-053

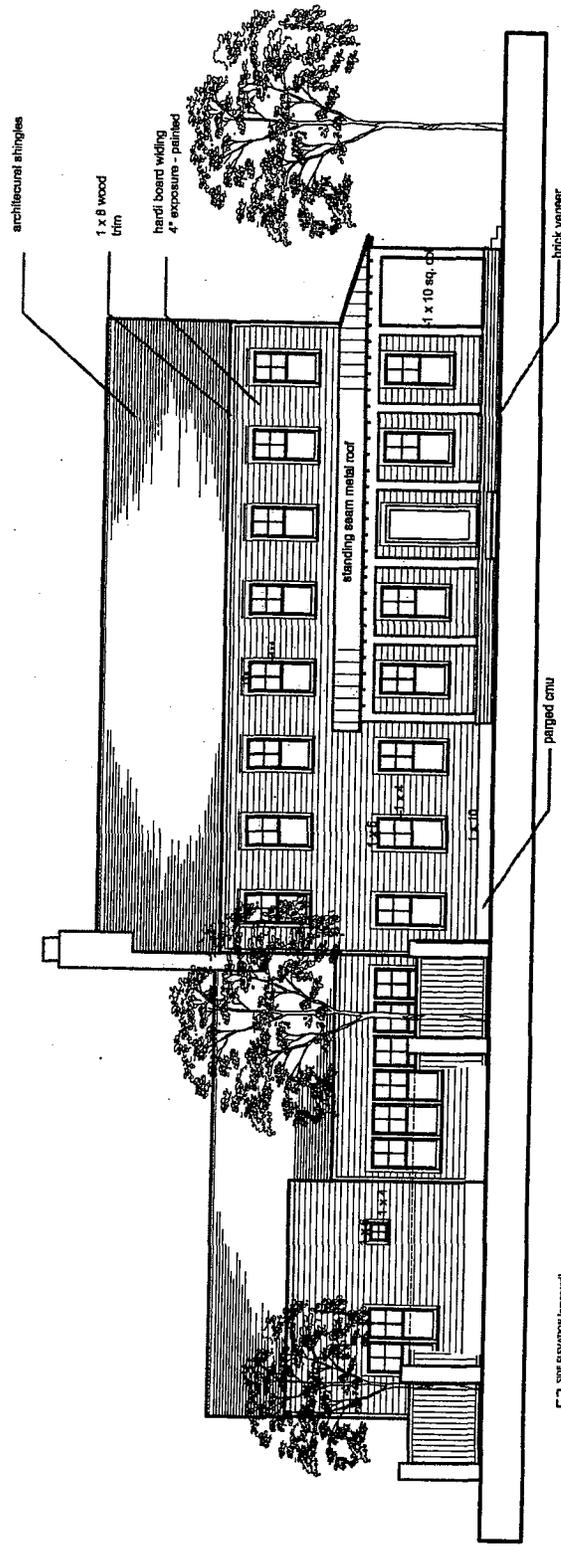
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A 03



COWDEN ELEVATION

E1 INFORMATION

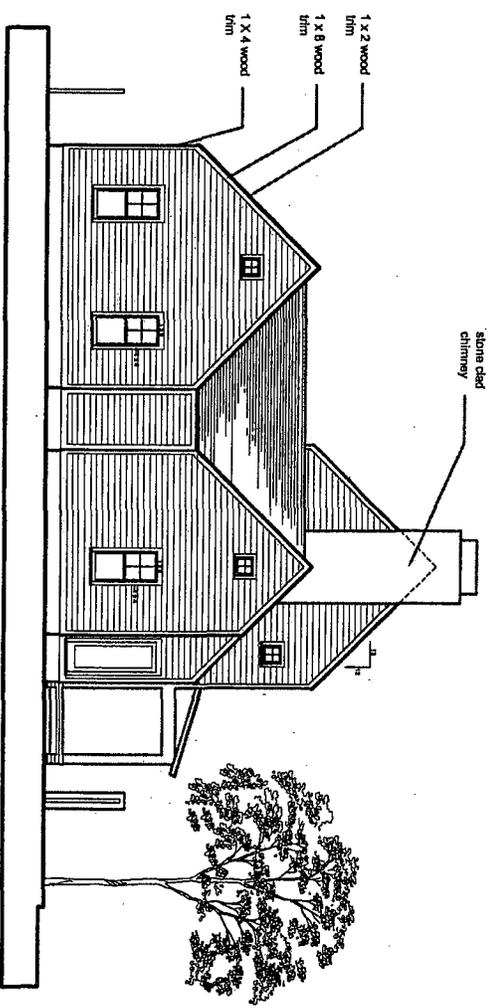


McLEAN ELEVATION

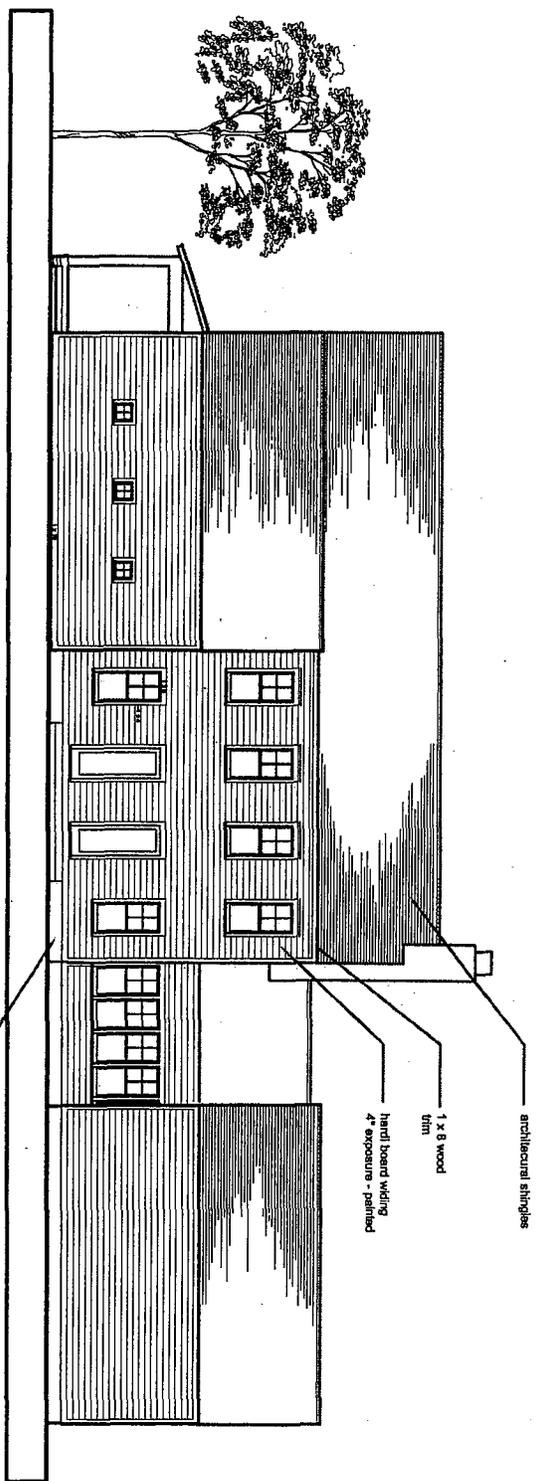
E2 INFORMATION

RECEIVED DEC 06 2007  
 MLC 08-053

E3 REAR ELEVATION [proposed]  
SCALE: 1/8" = 1'-0"



NORTH ELEVATION



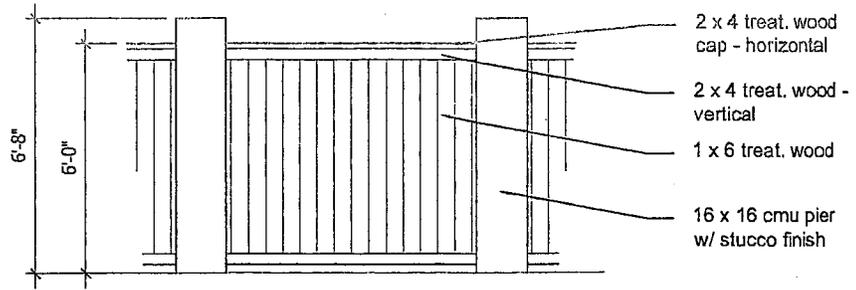
E2 SIDE ELEVATION [proposed]  
SCALE: 1/8" = 1'-0"

EAST ELEVATION

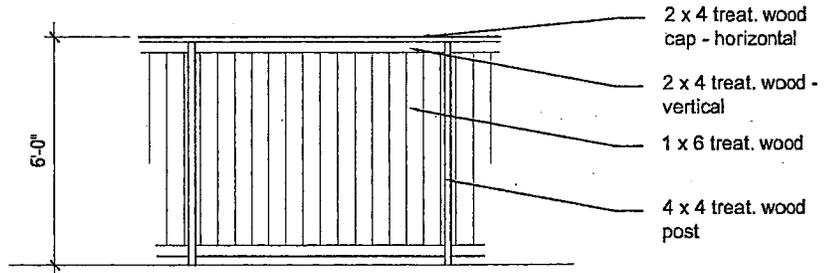
RECEIVED DEC 06 2007  
MLC 08-053

A 03:02

07013  
RASBERRY RESIDENCE  
RASBERRY ARCHITECTURE  
1111 1/2 AVENUE, SUITE 100  
DENVER, CO 80202  
TEL: 303.733.1111  
WWW.RASBERRYARCHITECTURE.COM



**E1** FENCE ELEVATION - street  
SCALE: 1/8" = 1'-0"



**E1** FENCE ELEVATION - property line  
SCALE: 1/8" = 1'-0"



DR. WILLIE W. HERENTON - Mayor  
KEITH L. McGEE - Chief Administrative Officer  
DIVISION OF PLANNING & DEVELOPMENT



**Memphis Landmarks Commission**  
*Helping People Preserve Historic Places for Tomorrow's Generations*

December 21, 2007

Dear Mr Raspberry:

This letter is to officially inform you that on December 20, 2007, the Landmarks Commission denied your request for new construction of a house at 646 S. McLean. The decision was based on the Central Gardens Historic Conservation District Design Guidelines.

You have the right to appeal the Landmarks Commission's decision to the state courts as provided in Chapter 8, Title 27 of the Tennessee Code Annotated or to City Council. To appeal to City Council please contact Dianne Brown in the Chief Administrators Office at 576-6563.

If you have any questions or need any assistance, please feel free to call me at 576-7170.

Sincerely,

Nancy Jane Baker  
Landmarks Manager

**Memphis Landmarks Commission (MLC)  
Minutes from the Meeting on  
Thursday, December 20, 2007  
City Hall, 125 N. Main Street, Council Chambers  
5:00 p.m.**

**Commission Members Present:** Vice-Chairman Bill Nixon and Commissioners Alan G. Crone, Elise Frick, Verna Hawkins-Lambert, Earlice Taylor and James Toles.

**Commission Members Absent:** Suzy Askew, Andy Kitsinger and Bill Scarbrough.

**Others Present:** Nancy Jane Baker, Jeff Blackledge, Carolyn Crum, Ben Duke, Christina Hall, Brad Hansom, Rob Hansom, Richard Kauerz, Alex Labrador, Tommy Pacello, James Raspberry, Brett Roler, Michael Sicuro, Colleen Wainwright, Irwin Watson, and Nancy Wilburn.

**Call to Order and Roll Call**

Vice-Chairman Nixon called the meeting to order at 5:02 p.m. Ms. Baker called the roll. Vice-Chairman Bill Nixon and Commissioners Alan G. Crone, Elise Frick, Verna Hawkins-Lambert, Earlice Taylor and James Toles were present. Commissioners Suzy Askew, Andy Kitsinger, and Bill Scarbrough were not present. There was a quorum.

**Chairman's Opening Remarks**

Vice-Chairman Nixon read the statement of purpose and function of the Commission and reminded the Commissioners of the City's conflict of interest policy.

**Minutes**

Mr. Crone made a motion to adopt the minutes from the November 29, 2007 meeting. Ms. Frick seconded the motion. The motion passed unanimously.

**Minor COAs**

08-037	207 Stonewall	Evergreen Historic Conservation (HC) District
08-043	528-530 S. Main	South Main Historic Preservation (HP) District
08-047	1813 Forrest	Evergreen HC District
08-048	1657 Linden	Central Gardens HC District
08-049	308 Stonewall	Evergreen HC District
08-051	1665 Overton Park	Evergreen HC District
08-052	207 Stonewall	Evergreen HC District
08-055	175 Williford	Lea's Woods HC District

Vice-Chairman Nixon read the minor COAs aloud for the record.

propose a compromise solution that better meets the design guidelines. Commissioner Hawkins-Lambert added a friendly amendment that instructed staff to send a letter to the property owner reminding them of the requirements and associated with the South Main Historic Preservation District. Commissioner Taylor seconded the motion. Chairman Nixon called for the vote and the motion passed unanimously.

**08 – 053 646 S. McLean – Central Gardens Historic Conservation District  
Request for a COA for a new house**

Mr. Roller gave a summary of his staff report and showed photographs of the property and of the neighboring properties. He explained that this was a difficult lot. The front set backs along Cowden and those along McLean created a problem when trying to site a large structure like the proposed structure. Mr. Roler showed a copy of the 1950's Sandborn insurance map which showed the location of the 1920's 1 ½ story bungalow that originally sat on the lot. Mr. Roler pointed out that the proposed south side elevation is 10' closer to Cowden than the other properties facing Cowden and the properties along McLean are estate size lots with large setbacks. Mr. Roler went on to discuss the style of the proposed structure, stating that it was not compatible with the surrounding architectural styles. He also stated that the structures along both streets had garages to the rear of the properties with driveways that went passed the façade of the main structure. This application includes a garage on the south elevation even with the main structures elevation. Mr. Roler felt that there were two main areas of concern. First, the location of the attached garage fronting Cowden is inconsistent with the design guidelines. A garage should be attached and not readily visible from the street, or detached and located to the rear of the lot. Secondly, staff believes that the 25' setback from the southern property line is insufficient, and that the southern end of the building will be seen as encroaching too far into the established line of the front yards along Cowden. This sense of encroachment will be further exacerbated by the fact that the front porch will extend an additional 6'4" into the 25 foot setback. Mr. Roler recommended the application be denied based the Design Guidelines and on compatibility with the structures along Cowden and McLean.

Vice Chair Nixon asked the applicant if he wished to speak. Mr. James Raspberry, 1899 Central, the property owner and Mr. Jeff Blackledge the architect state that they would speak. They explained that the lot only provided a 20'x80' building area. They tried to minimize the Cowden elevation by putting the entry on McLean thereby making the garage in the rear yard. Mr. Blackledge went on to state that the houses to the east and north are Colonial in style and that he had tried to make the proposed house a simple Colonial style structure. The Colonial Saltbox that he had designed has scaled down main mass with smaller appendages. In fact it has two facades with the Cowden side being the simpler. They had thought about putting the front steps on the corner as to address both streets. The proposed landscaping is to hide the area of pavement

on the Cowden elevation so you will not see the driveway from McLean. He is also recommending a small tree on the McLean to soften the look of the structure.

Mr. Raspberry stated that he was a 10 year resident of Central Gardens and that he was involved with commercial activities in the Mid town area. He went on to discuss the fact that corner lots do not have a back yard and that at the corner of Barksdale and Cowden there is a carport/garage that is just like what he is proposing to build. Mr. Raspberry stated that staff was using some pretty ridged rules to adhere to and that the lot has not been lived in for 12 years. He went on the state that he had meet with the neighbors as a group and also had gone to each neighbors house to discuss his plans. The neighbors did not like the style but stated that it was better than the last application for the lot.

Mr. Blackledge said that they had had to met with City Engineering to get 7' of easement back from the City so that they could proposed this structure. He went on to state that even the original bungalow could not be built on this lot with a driveway on McLean because City Engineering stated that the driveway must be off Cowden which was a less busy street.

Vice Chair Nixon called for public comment. Ms. Christina Hall, 1566 Carr, Central Gardens Association Landmarks Committee, thanked the staff for adhering to the Central Gardens Design Guidelines. She went on to state that the Landmarks Committee had several problems: 1. the set back from Cowden and McLean, no matter how it was sited on the lot the set back was going to be a problem with the large size houses; 2. there should be a door on the Cowden side of the porch; 3. the garage should be pushed back from Cowden at least 8' more; and 4. the porch needs to be 8' deep rather than the 6' as proposed. She went on to state that the Cowden side should be made more prominent and that they preferred the shingles for the roofing material rather than standing seem metal. Ms. Hall stated that this proposal is better than the last design proposed for this lot.

Mr. Blackledge stated that if they used standing seam it would be a matte and that they were not sure if they were going to change the material of the roof. Mr. Raspberry stated that the landscaping was being used to hide the driveway by having it run all the way to the street. He also stated that the main core of the structure is less that 50' from Cowden. He went on to state that the gables facing Cowden were there to make it feel more like the façade of the structure.

Vice Chair Nixon opened the floor to the Commissioners by complemented the applicant on the design structure but pointed out that the floor plan and the site plan did not match. Mr. Blackledge stated that the sidewalk comes of the porch in different places to add to the Cowden façade and that the site plan was the correct placement for the sidewalks. Mr. Nixon went on to ask about the curb cuts if they could be wider. Mr. Blackledge stated that they could not be wider.

Mr. Nixon also asked about gutters and downspouts and Mr. Blackledge answered that they would be half rounds. Mr. Nixon asked if the pool could change shape and Mr. Blackledge stated that it was a small pool as it was and really not big enough for a lap pool. Mr. Raspberry stated that it was 30' now in a U shape which was not really large enough for a lap pool and that the windows of the structure were designed to view the pool as it is currently designed.

Ms Frick wanted to see the Sanborn map again and what the property looked like in the 1950's, Mr. Roler show the map on the screen and Mr. Raspberry showed a picture of the original bungalow at the same time. Ms. Frick went on to state that the problem was that the old bungalow fit on the lot with the garage in the appropriate place on the lot. The new structure is very large for the scale of the lot and the set back on Cowden is not compatible with the rest of Cowden. Mr. Toles stated that he had a problem with the size of the proposed structure and the setback along Cowden as well. Mr. Raspberry stated that there were two story houses on McLean and so is the property to the east on Cowden. He also stated that it is not a really large pool.

Mr. Toles stated that there are certain exceptions made for the set backs on corner lots like this one on McLean. Mr. Crone stated that this is a problem lot and that the applicant should understand that others have had similar problems with this lot. The Commission had denied the previous application because of the setbacks on Cowden and the scale of the house was not compatible with the structures on Cowden or McLean. The scale of this application compared to the neighborhood is all wrong. Mr. Crone stated that he could not in good conscious vote to approve this application when the commission had denied the previous application. He went on to state that it was just to much house and that a bungalow style facing Cowden with a good set back and not a 2 story house would be the best fit for the neighborhood. He finished up by stating that he likes the design but he still does not think that the Commission can approve it.

Ms. Frick made the motion to deny the application based on staffs recommendation and the Central Gardens Design Guidelines. Mr. Toles seconded. Vote was 5-1 with Bill Nixon voting in opposition.

**08-054 1467 Eastmoreland – Central Gardens HC District.  
Request for a porch enclosure/addition and fencing**

Ms. Baker gave a summary of her staff report and showed photographs of the property and of neighboring properties. Ms. Baker recommended approval with the condition that there be a widow in the new façade that the fencing be front facing on the façade and street elevations and that the fencing run to the existing tree in the rear yard so as not to harm the tree.

Vice Chair Nixon asked if the applicant would like to speak. Mr. Ben Duke, of 54 S. Cooper, stated that he is not planning on adding an additional front porch