

MEGAN BARRY  
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  
Fax: (615) 862-7974

**STAFF RECOMMENDATION**  
**2008 Benjamin Street**  
**July 20, 2016**

**Application:** New construction—detached accessory dwelling unit  
**District:** Eastwood Neighborhood Conservation Zoning Overlay  
**Council District:** 06  
**Map and Parcel Number:** 08306016700  
**Applicant:** Paul Slivka, Owner  
**Project Lead:** Sean Alexander, sean.alexander@nashville.gov

**Description of Project:** This is an application to construct a detached accessory dwelling unit (DADU) behind the principal building. The structure requires will have a one and one-half story front-gabled form with a ridge height at twenty-two feet tall. The footprint of the building will cover four hundred square feet (400 sf).

**Recommendation Summary:** Staff recommends approval of the detached accessory dwelling unit with the following conditions:

1. Staff shall approve the window and door selections prior to selection and installation;
2. Staff shall receive a copy of the filed restrictive covenant for the detached accessory dwelling unit prior to issuance of a permit.

With these conditions, staff finds that the detached accessory dwelling unit meets Ordinance 17.16.030. G. and Section II.B.h of the Eastwood Neighborhood Conservation Zoning Overlay design guidelines.

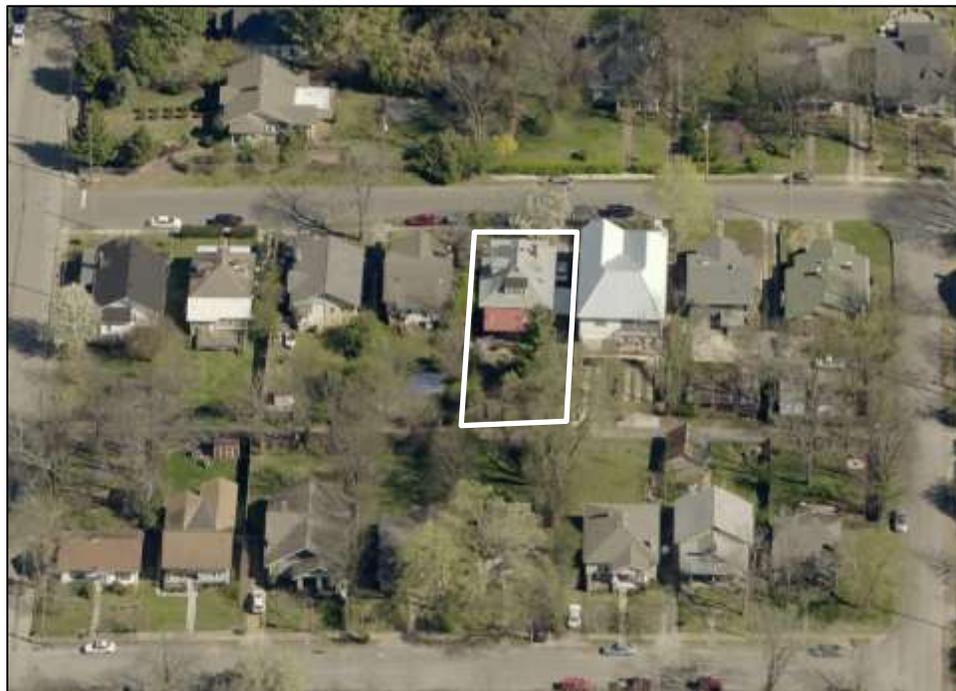
The Commission does not have the authority to approve the use. This recommendation is for the design of the building based on the proposed use.

**Attachments**  
**A:** Photographs  
**B:** Site Plan  
**C:** Floorplans  
**D:** Elevations

**Vicinity Map:**



**Aerial Map:**



## Applicable Design Guidelines:

### 17.16.030. G. Standards for Accessory Dwelling Units:

An accessory dwelling unit should follow the design guidelines for the historic overlay and the following standards:

1. Applicability.
  - a. While the following conditions listed below apply to a detached accessory dwelling they do not counter-act or over-ride the applicable life safety standards found in the code editions adopted by the Metropolitan Government of Nashville.
  - b. No accessory structure shall exceed two hundred square feet when there is a detached accessory dwelling on the lot.
2. Lot Area. The lot area on which the detached accessory dwelling is to be placed shall comply with Table 17.12.020A.
3. Ownership.
  - a. No more than one detached accessory dwelling shall be permitted on a single lot in conjunction with the principal structure.
  - b. The detached accessory dwelling cannot be divided from the property ownership of the principal dwelling.
  - c. The detached accessory dwelling shall be owned by the same person as the principal structure and one of the two dwellings shall be owner-occupied.
4. Setbacks. The setbacks for a detached accessory dwelling shall meet the setbacks found in Section 17.12.040.E. for accessory buildings.

*The Commission has the ability to determine appropriate building setbacks of the required underlying base zoning for new construction, additions and accessory structures (ordinance no. BL2007-45).*

*Generally appropriate side setbacks for outbuildings is 3' for buildings with a 750 square foot footprint or less and 5' for buildings with a footprint greater than 750 square feet. Appropriate rear setbacks may be as close as 5'.*

5. Site Requirements. A detached accessory dwelling may only be located behind the principal structure.
6. Driveway Access.
  - a. On lots with no alley access, the lot shall have no more than one curb-cut from any public street for driveway access to the principal structure as well as the detached accessory dwelling.
  - b. On lots with alley access, any additional access shall be from the alley and no new curb cuts shall be provided from public streets.
  - c. Parking accessed from any public street shall be limited to one driveway for the lot with a maximum width of twelve feet.
7. Bulk and Massing.
  - a. The living space of a detached accessory dwelling shall not exceed seven hundred square feet.
  - b. On lots less than ten thousand square feet, the footprint of a detached accessory dwelling shall not exceed seven hundred fifty square feet
  - c. On lots ten thousand square feet or greater, the footprint of a detached accessory dwelling shall not exceed one thousand square feet.
  - d. The detached accessory dwelling shall maintain a proportional mass, size, and height to ensure it is not taller than the principal structure on the lot. The detached accessory dwelling height shall not exceed the height of the principal structure as measured to the eave line, with a maximum eave height of ten feet for single-story and seventeen feet for two-story detached accessory dwellings.
  - e. The roof ridge line of the detached accessory dwelling must be less than the primary structure and shall not exceed twenty-seven feet in height.

*In conjunction with the neighborhoods where DADUs are possible and using research of historic outbuildings, the Commission has determined that a 25' maximum is appropriate for historic neighborhoods. Please see design guidelines for outbuildings.*

## 8.Design Standards.

- a.The detached accessory dwelling shall be of similar style, design and material color as used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.
- b.The detached accessory dwelling may have dormers that relate to the style and proportion of windows on the detached accessory dwelling and shall be subordinate to the roofslope by covering no more than fifty percent of the roof.
- c.Detached accessory dwellings may have dormers that are setback a minimum of two feet from the exterior wall.

## 9.Historic Properties.

- a.Metro Historic Zoning Commission Action. Any existing or proposed detached accessory dwelling in a historic overlay district shall comply with the adopted regulations and guidelines of the applicable historic overlay.
- b.Detached accessory dwellings with a second story dwelling unit shall enclose the stairs interior to the structure and properly fire rate them per the applicable life safety standards found in the code editions adopted by the Metropolitan Government of Nashville.

10.Restrictive Covenant. Prior to the issuance of a permit, an instrument shall be prepared and recorded with the register's office covenanting that the detached accessory dwelling is being established accessory to a principal structure and may only be used under the conditions listed above.

*Note: The "use" of a DADU will require approval from the Department of Codes and Building Safety. The MHZC reviews the exterior design only, based on the intended use.*

## II.B.1. New Construction

### h. Outbuildings

*(Although the MHZC does not review use itself there are additional ordinance requirements for buildings are or have a Detached Accessory Dwelling Unit (DADU) required by ordinance 17.16.030 that are reviewed by the MHZC. This information is provided for informational purposes only and does not replace ordinance 17.16.030.)*

- 1) A new garage or storage building should reflect the character of the period of the house to which the outbuilding will be related. The outbuilding should be compatible, by not contrasting greatly, with surrounding historic outbuildings in terms of height, scale, roof shape, materials, texture, and details.

#### *Outbuildings: Height & Scale*

- *On lots less than 10,000 square feet, the footprint of a DADU or outbuilding shall not exceed seven hundred fifty square feet or fifty percent of the first floor area of the principal structure, whichever is less.*
- *On lots 10,000 square feet or greater, the footprint of a DADU or outbuilding shall not exceed one thousand square feet.*
- *The DADU or outbuilding shall maintain a proportional mass, size, and height to ensure it is not taller or wider than the principal structure on the lot. The DADU or outbuilding height shall not exceed the height of the principal structure, with a maximum eave height of 10' for one-story DADU's or outbuildings and 17' for two-story DADUs or outbuildings. The roof ridge height of the DADU or outbuilding must be less than the principal building and shall not exceed 25' feet in height.*

#### *Outbuildings: Character, Materials and Details*

- *Historically, outbuildings were either very utilitarian in character, or (particularly with more extravagant houses) they repeated the roof forms and architectural details of the houses to which they related. Generally, either approach is appropriate for new outbuildings. DADUs or out buildings located on corner lots should have similar architectural characteristics, including roof form and pitch, to the existing principal structure.*
- *DADUs or outbuildings with a second story shall enclose the stairs interior to the structure and properly fire rate them per the applicable life safety standards found in the code editions adopted by the Metropolitan Government of Nashville.*

*Outbuildings: Roof*

- *Roof slopes on simple, utilitarian buildings do not have to match the roof slopes of the main structure, but generally should maintain at least a 4/12 pitch.*
- *The DADU or outbuilding may have dormers that relate to the style and proportion of windows on the DADU and shall be subordinate to the roof slope by covering no more than fifty percent of the roof plane and should sit back from the exterior wall by 2'.*

*Outbuildings: Windows and Doors*

- *Publicly visible windows should be appropriate to the style of the house.*
- *Double-hung windows are generally twice as tall as they are wide and of the single-light sash variety.*
- *Publicly visible pedestrian doors must either be appropriate for the style of house to which the outbuilding relates or be flat with no panels.*
- *Metal overhead doors are acceptable on garages when they are simple and devoid of overly decorative elements typical on high-style wooden doors. Decorative raised panels on publicly visible garage doors are generally not appropriate.*
- *For street-facing facades, garages with more than one-bay should have multiple single doors rather than one large door to accommodate more than one bay.*

*Outbuildings: Siding and Trim*

- *Brick, weatherboard, and board-and-batten are typical siding materials.*
- *Exterior siding may match the existing contributing building's original siding; otherwise, siding should be wood or smooth cement-fiberboard lap siding with a maximum exposure of five inches (5"), wood or smooth cement-fiberboard board-and-batten or masonry.*
- *Four inch (4" nominal) corner-boards are required at the face of each exposed corner.*
- *Stud wall lumber and embossed wood grain are prohibited.*
- *Four inch (4" nominal) casings are required around doors, windows, and vents within clapboard walls. Trim should be thick enough to extend beyond the clapboard. Double or triple windows should have a 4" to 6" mullion in between.*
- *Brick molding is required around doors, windows, and vents within masonry walls but is not appropriate on non-masonry clad buildings.*

2) Outbuildings should be situated on a lot as is historically typical for surrounding historic buildings.

*Generally new garages should be placed close to the alley, at the rear of the lot, or in the original location of an historic accessory structure.*

*Lots without rear alleys may have garages located closer to the primary structure. The appropriate location is one that matches the neighborhood or can be documented by historic maps.*

*Generally, attached garages are not appropriate; however, instances where they may be are:*

- *Where they are a typical feature of the neighborhood; or*
- *When the location of the attached garage is in the general location of an historic accessory building, the new garage is located in the basement level, and the vehicular access is on the rear elevation.*

*Setbacks & Site Requirements.*

- *To reflect the character of historic outbuildings, new outbuildings for duplexes should not exceed the requirements for outbuildings for the entire lot and should not be doubled. The most appropriate configurations would be two 1-bay buildings with or without parking pads for additional spaces or one 2-bay building.*
- *A DADU or outbuilding may only be located behind the principal structure in the established rear yard. The DADU or outbuilding is to be subordinate to the principal structure and therefore should be placed to the rear of the lot.*
- *There should be a minimum separation of 20' between the principal structure and the DADU or outbuilding.*
- *At least one side setback for a DADU or outbuilding on an interior lot, should generally be similar to the principle dwelling but no closer than 3' from each property line. The rear setback may be up to 3' from the rear property line. For corner lots, the DADU or outbuilding should match the context of homes on the street. If there is no context, the street setback should be a minimum of 10'.*

*Driveway Access.*

- *On lots with no alley access, the lot shall have no more than one curb-cut from any public street for driveway*

*access to the principal structure as well as the detached accessory dwelling or outbuilding.*

*· On lots with alley access, any additional access shall be from the alley and no new curb cuts shall be provided from public streets.*

*Parking accessed from any public street shall be limited to one driveway for the lot with a maximum width of twelve feet.*

***Additional Requirements for DADUs from Ordinance 17.16.030. See requirements for outbuildings for additional requirements.***

*· The lot area on which a DADU is placed shall comply with Table 17.12.020A.*

*· The DADU may not exceed the maximums outlined previously for outbuildings.*

*· No additional accessory structure shall exceed two hundred square feet when there is a*

*· DADU on the lot.*

*Density.*

*· A DADU is not allowed if the maximum number of dwelling units permitted for the lot has been met.*

*Ownership.*

*a. No more than one DADU shall be permitted on a single lot in conjunction with the principal structure.*

*b. The DADU cannot be divided from the property ownership of the principal dwelling.*

*· The DADU shall be owned by the same person as the principal structure and one of the two dwellings shall be owner-occupied.*

*· Prior to the issuance of a permit, an instrument shall be prepared and recorded with the register's office covenanting that the DADU is being established accessory to a principal structure and may only be used under the conditions listed here.*

*Bulk and Massing.*

*· The living space of a DADU shall not exceed seven hundred square feet.*

**Background:** The building at 2008 Benjamin Street is a one and one half-story Transitional Victorian house, constructed circa 1910.



**Analysis and Findings:** The applicant proposes to construct a new detached accessory dwelling unit behind the house, utilizing an existing concrete pad as the foundation. The structure is intended to be used as a detached accessory dwelling unit.

Massing Planning:

The tables below show the maximum outbuilding size permitted under the design guidelines:

Heights:

	<b>Existing conditions (height of historic portion of the home to be measured from finished floor)</b>	<b>Potential maximums (heights to be measured from grade)</b>	<b>Proposed (should be the same or less than the lesser number to the right)</b>
<b>Ridge Height</b>	28'	25'	22'
<b>Eave Height</b>	12'	1 story - 10'	10'

Footprint:

	<b>Lot is less than 10,000 square feet</b>	<b>Lot is more than 10,000 square feet</b>	<b>50% of first floor area of principle structure</b>	<b>Proposed footprint</b>
<b>Maximum Square Footage</b>	750 sq. ft.	1,000 sq. ft.	940	400

The project meets section II.B.1 of the design guidelines and 17.16.30.G.7 of the detached accessory dwelling unit ordinance.

Design Standards:

The accessory structure has a simple, utilitarian design that is appropriate for outbuildings. Its roof form and pitch will be typical of historic outbuildings in the area and will not contrast greatly with the primary structure. The fenestration is minimal, but not uncharacteristic for an outbuilding. It is also in a minimally-visible location at the side and rear of the building. The design meets section II.B.1 of the design guidelines and Section 17.16.030.G.8 of the ordinance.

Roof Shape:

<b>Proposed Element</b>	<b>Proposed Form</b>	<b>Typical of district?</b>
Primary form	Front-gable	X
Primary roof slope	12/12	X
Porch form	Recessed	X
Porch slope	n/a	X

Since the form and slopes are similar to historic outbuildings, the project meets Section II.B.1 of the design guidelines and section 17.16.030.G.8 of the ordinance.

Material:

	<b>Proposed</b>	<b>Color/Texture</b>	<b>Approved Previously or Typical of Neighborhood</b>
<b>Foundation</b>	Concrete slab	Natural color	X
<b>Cladding</b>	Cement-fiber	Smooth with 5” reveal	X
<b>Trim</b>	Cement fiber	smooth	X
<b>Roofing</b>	Asphalt shingle	Needs final review	X
<b>Chimney</b>	n/a	n/a	n/a
<b>Porch floor</b>	Concrete slab	natural	X
<b>Porch Posts</b>	Wood	Smooth-face	X
<b>Driveway</b>	Concrete	n/a	X
<b>Fencing</b>	Wood	n/a	X
<b>Windows</b>	Not indicated	Needs final approval	X
<b>Pedestrian Door</b>	Not indicated	Needs final approval	X
<b>Vehicular Door</b>	n/a	n/a	n/a

With the staff’s final approval of the windows and doors and material information that has not yet been provided, staff finds that the known materials meet Section II.B.1 of the design guidelines.

Site Planning:

	<b>MINIMUM</b>	<b>PROPOSED</b>
<b>Space between principal building and DADU/Garage</b>	20’	8’
<b>Rear setback</b>	3’	26’
<b>L side setback</b>	3’	3’
<b>R side setback</b>	3’	28’
<b>How is the building accessed?</b>	From the alley or existing curb cut	No vehicle door.

Typically outbuilding should be located at the rear of the lot, at least twenty feet (20’) from the principal building whenever possible. The applicant is proposing to use an existing concrete slab as part of the foundation for the new outbuilding, which places the outbuilding eight feet (8’) from the rear of the house. Because the slab is existing and has been in place for approximately ten (10) years, and because there is a ten foot (10’) deep porch at the rear of the house, Staff finds that the proposed location is an appropriate distance from the historic house.

The project meets section II.B.1 of the design guidelines and 17.16.30.G.4 of the ordinance.

Setbacks: The project meets Section III.B.2 of the design guidelines and 17.16.030.G. 4 of the ordinance.

General requirements for DADUs:

The answer to each of these questions must be “yes” for either an outbuilding or a DADU.

	YES	NO
<b>If there are stairs, are they enclosed?</b>	N/A	
<b>If a corner lot, are the design and materials similar to the principle building?</b>	N/A	
<b>If dormers are used, do they cover less than 50% of the roof plane where they are located as measured from side-to-side?</b>	Yes	
<b>If dormers are used, do they sit back from the wall below by at least 2’?</b>	Yes	
<b>Is the roof pitch at least 4/12?</b>	Yes	
<b>If the building is two-bay and the vehicular doors face the street, are there two different doors rather than one large door?</b>	N/A	
<b>Is the building located towards the rear of the lot?</b>	Yes	

The project meets section II.B.1 of the design guidelines and sections 17.16.30.G.5, 8 and 9 of the ordinance.

General Requirements for DADU:

The answer to each of these questions must be “no.”

	YES	NO
<b>Does the lot NOT comply with Table 17.12.020A of the zoning code? (It isn’t zoned two-family or doesn’t have adequate square footage to be a legally conforming lot.)</b>		No
<b>Are there other accessory buildings on the lot that exceed 200 square feet?</b>		No
<b>Is the property zoned single-family?</b>		No
<b>Are there already two units on the property?</b>		No
<b>Does the property owner NOT live on site or does NOT plan to move to this location once the DADU is complete?</b>		No
<b>Is the planned conditioned living space more than 700 square feet?</b>		No

Staff recommends that receipt of the restrictive covenant for the DADU prior to issuance of the preservation permit be added as a condition of approval. The project meets section II.B.1.i of the design guidelines and sections 17.16.30.G.1-3, and 7 of the ordinance.

Appurtenances & Utilities: No changes to the site's appurtenances were indicated on the drawings. The project meets section II.B.i of the design guidelines.

**Recommendation Summary:** Staff recommends approval of the detached accessory dwelling unit with the following conditions:

1. Staff shall approve the window and door selections prior to selection and installation;
2. Staff shall receive a copy of the filed restrictive covenant for the detached accessory dwelling unit prior to issuance of a permit.

With these conditions, staff finds that the detached accessory dwelling unit meets Ordinance 17.16.030. G. and Section II.B.h of the Eastwood Neighborhood Conservation Zoning Overlay design guidelines.

The Commission does not have the authority to approve the use. This recommendation is for the design of the building based on the proposed use.



2008 Benjamin Street, front.



Existing concrete pad, viewed from side of house.



Existing concrete pad, viewed from rear.

1/16" = 1'

083060

167 50

SLIVKA

2008 BENJAMIN ST

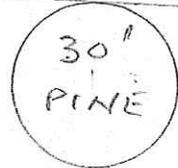
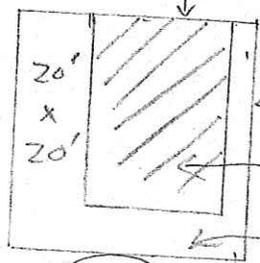
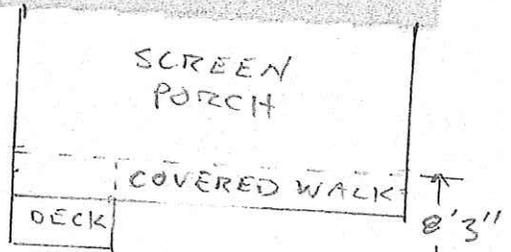
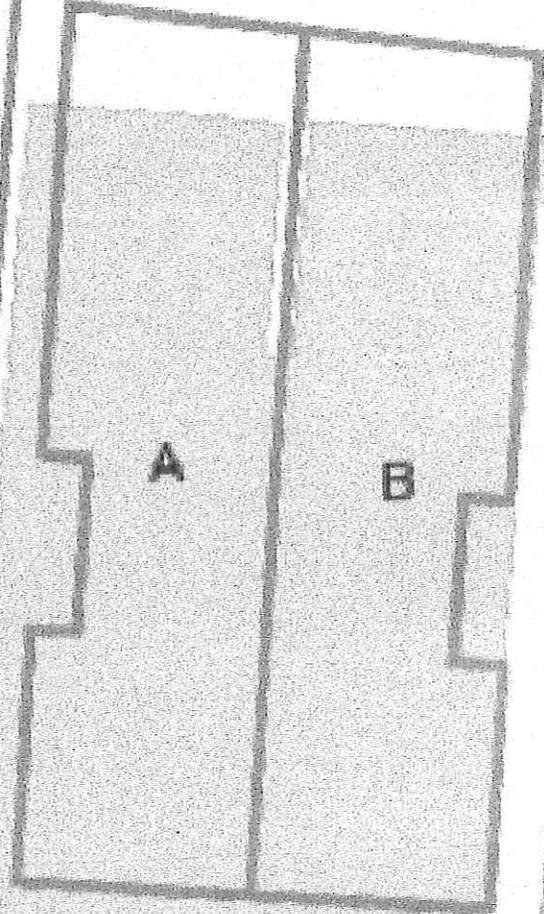
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900

R6

2

150 DRIVEWAY



3" SETBACK  
 EXISTING SLAB  
 C.A.  
 ADDITIONAL SLAB

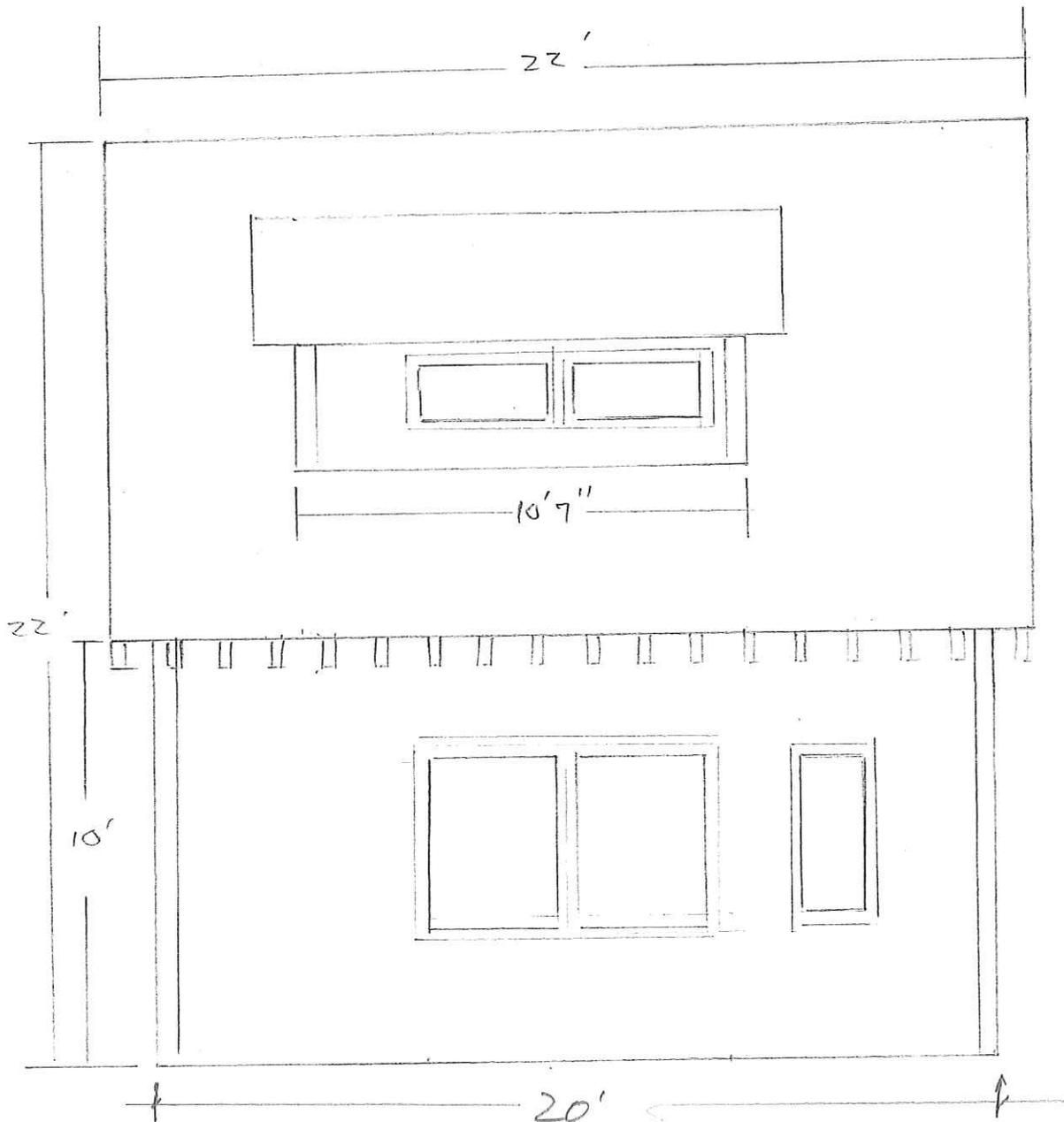
ESTABLISHED PLANTING

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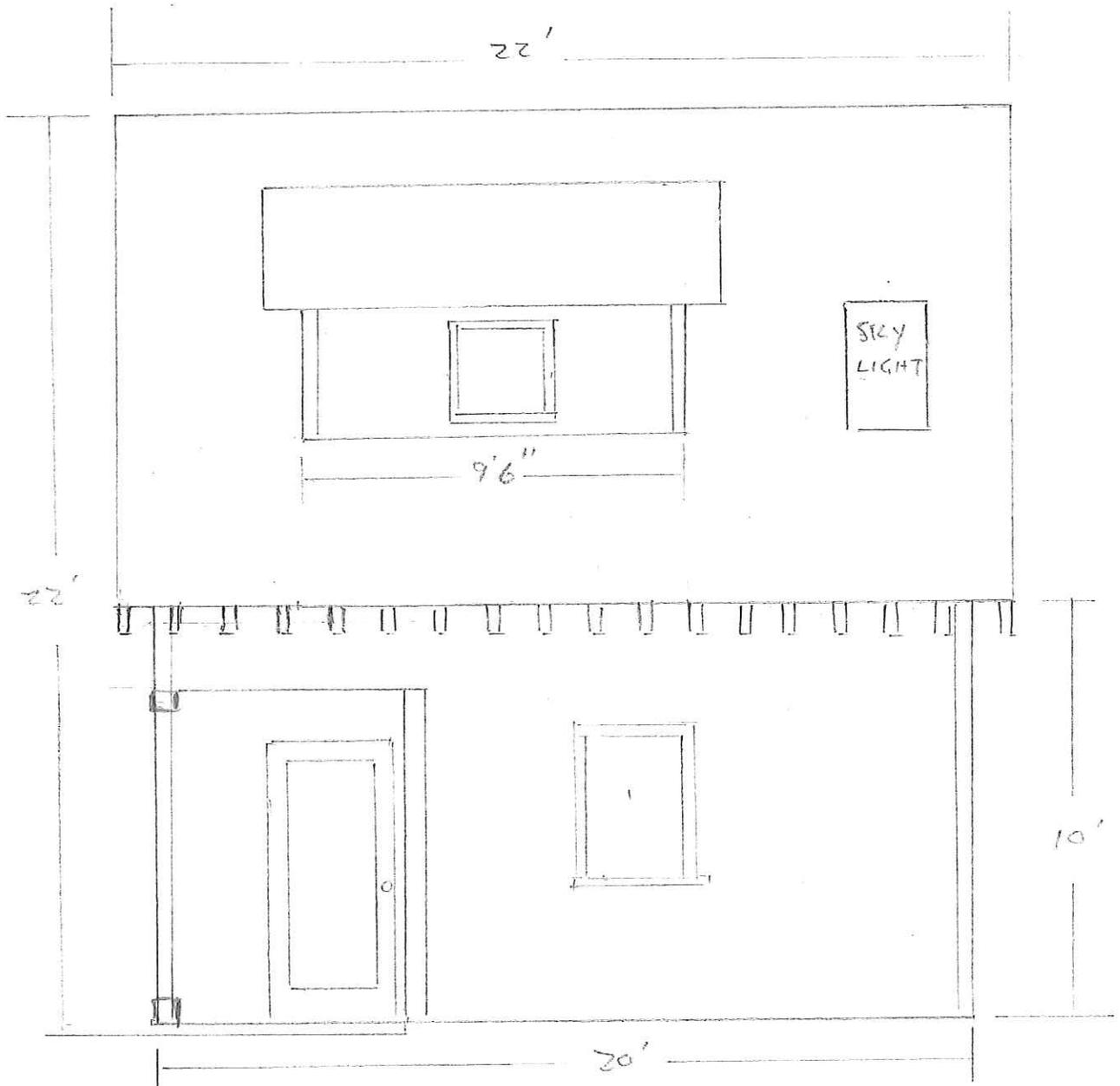
SLIVKA - 2008 BENJAMIN ST  
WEST ELEVATION  
(Right Side)

Materials:

- Siding: Smooth cement fiber, match house siding exposure
- Roof: Asphalt shingle, match house roof.
- Windows: Staff @ MHZC shall approve
- Door: " " " " " "

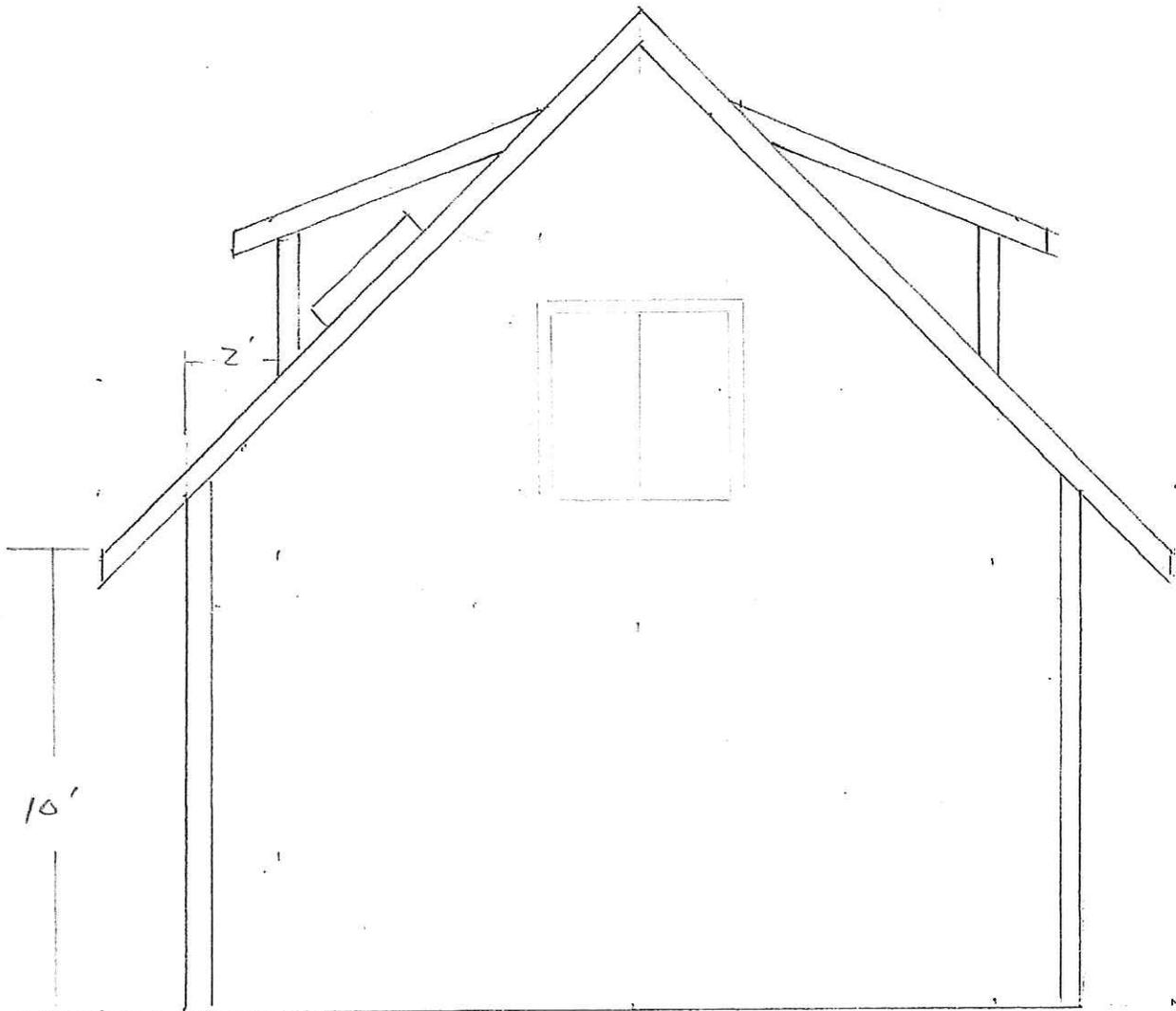


SLIVKA - 2008 BENJAMIN ST  
EAST ELEVATION  
(Left Side)



SLIVKA - 2008 BENJAMIN ST  
NORTH ELEVATION

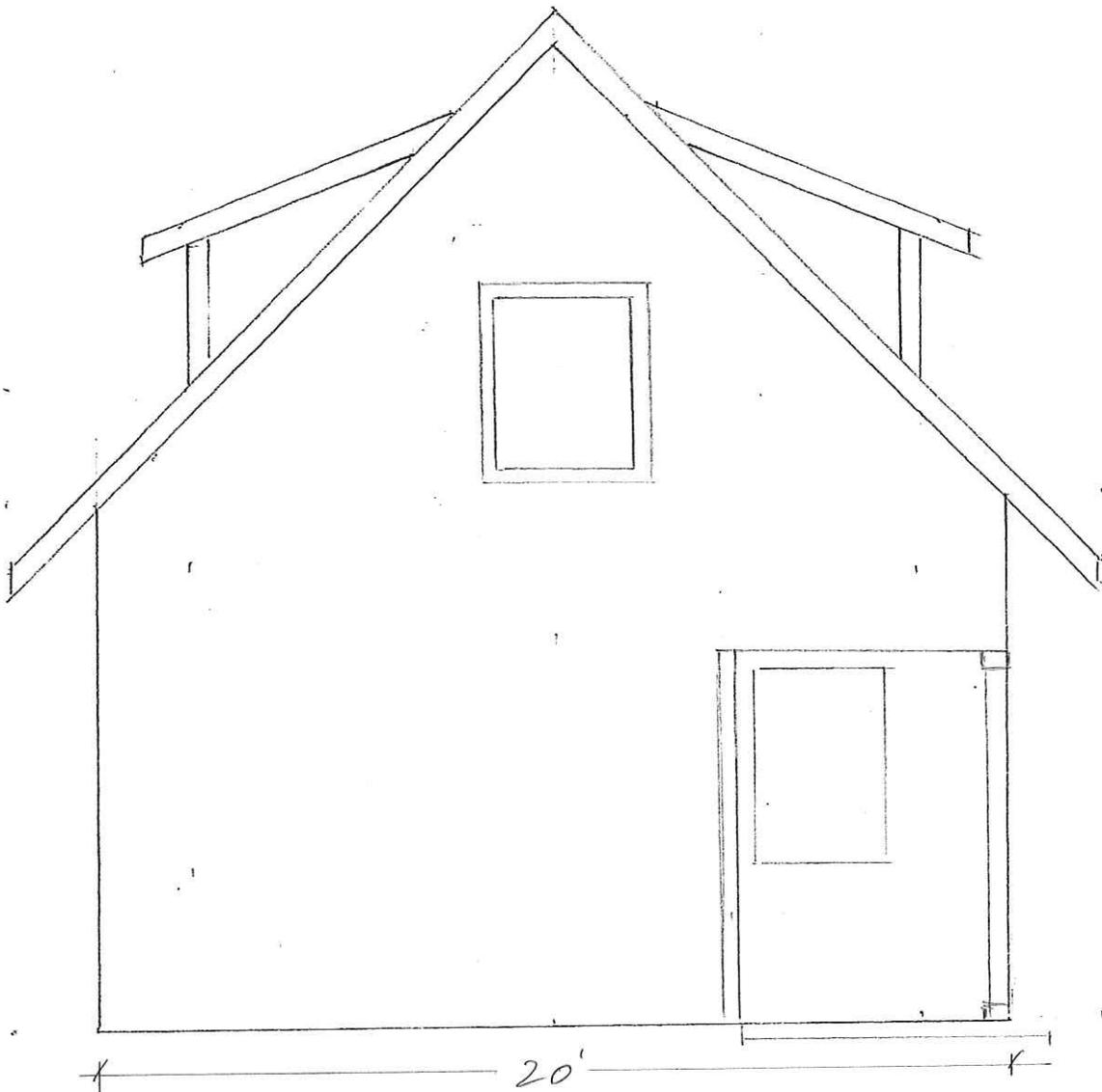
Front

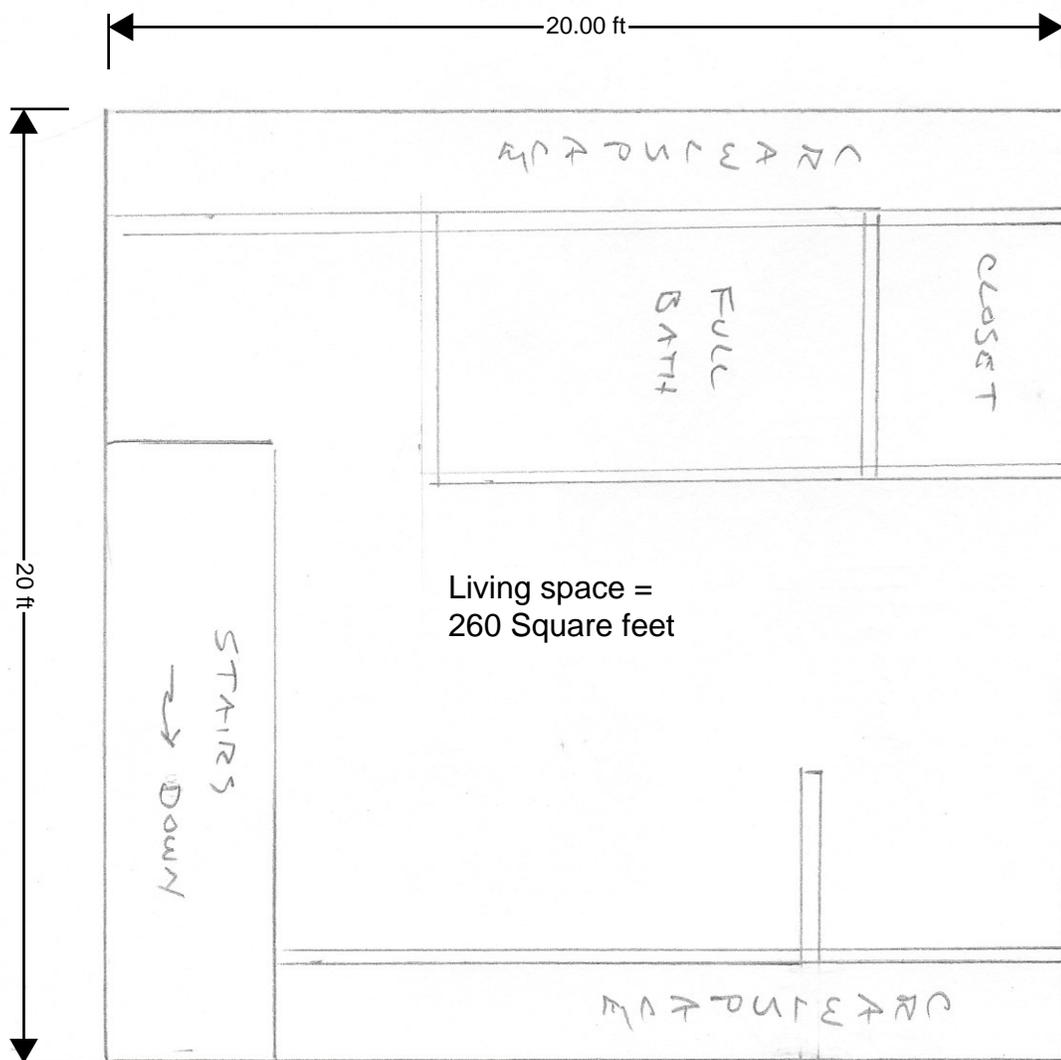


SLIVKA 2008 BENJAMIN ST

SOUTH ELEVATION

Facing Rear of lot





SLIVKA - 2008 BSNJANIN

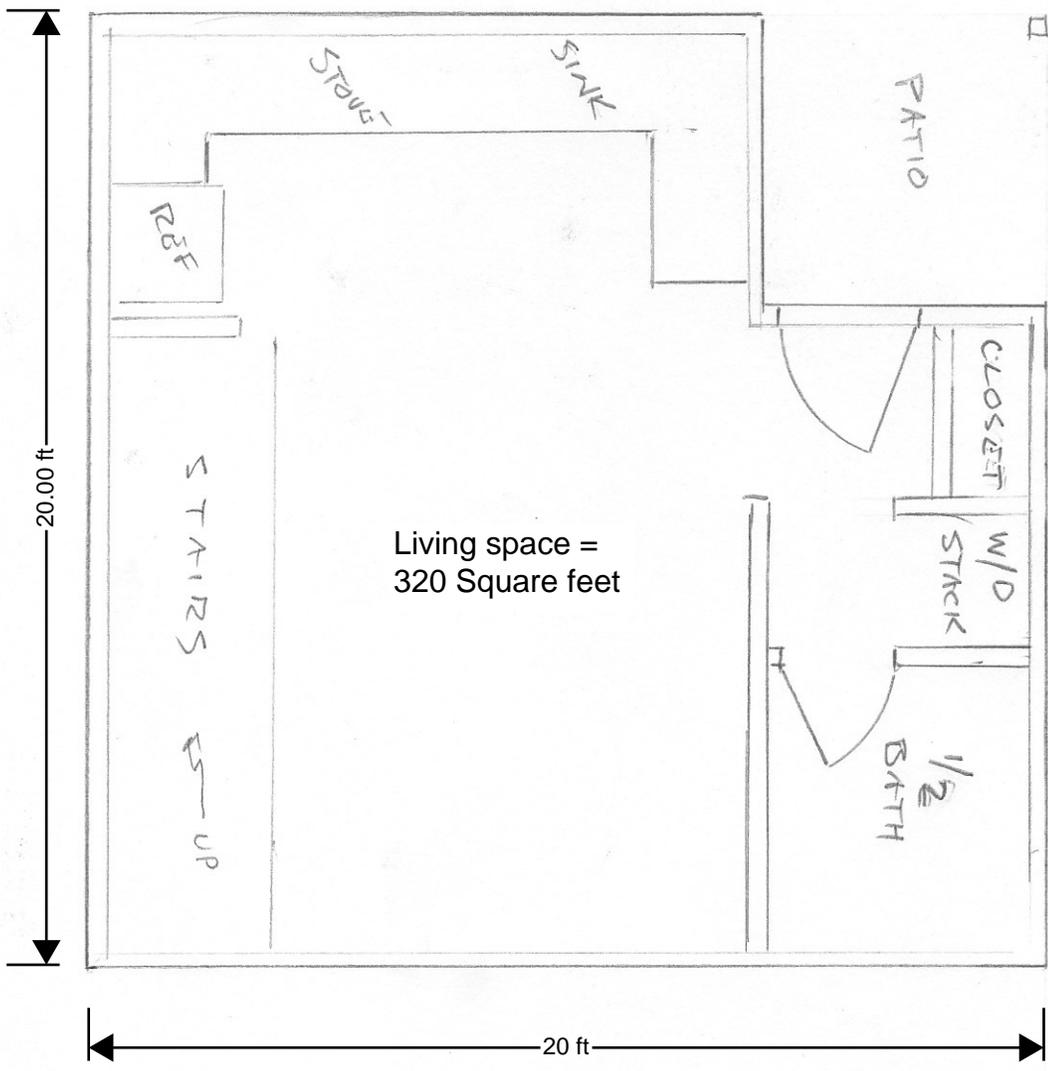
LOFT SPACE

SLURK - 2008 BSMJAMIN

1<sup>ST</sup> FLOOR

20' x 20' FOOTPRINT

1/4" = 1'



Combined living space =  
580 Square feet