



# 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

402 South 11<sup>th</sup> Street

April 19, 2017

**Application:** New construction-outbuilding/Detached Accessory Dwelling Unit conversion

**District:** Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

**Council District:** 18

**Map and Parcel Number:** 08313008000

**Applicant:** Matthew Schutz

**Project Lead:** Sean Alexander, sean.alexander@nashville.gov

**Description of Project:** Continuation of an agenda item deferred at the March 15, 2017 MHZC meeting: The applicant proposes to convert an existing outbuilding (constructed in 2015) to use as a Detached Accessory Dwelling Unit. The outbuilding has a front-gabled roof with shed dormers on both slopes. The width of the dormers is sixty-eight percent (68%) of the width of the building's roof.

**Recommendation Summary:** Staff recommends disapproval of the application.

### Attachments

**A:** Staff Recommendation from March 15, 2017



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**STAFF RECOMMENDATION**  
**402 South 11<sup>th</sup> Street**  
**March 15, 2017**

**Application:** New construction-outbuilding/Detached Accessory Dwelling Unit conversion

**District:** Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

**Council District:** 18

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**Description of Project:** The applicant proposes to convert an existing outbuilding (constructed in 2015) to use as a Detached Accessory Dwelling Unit. The outbuilding has a front-gabled roof with shed dormers on both slopes. The width of the dormers is sixty-eight percent (68%) of the width of the building's roof.

**Recommendation Summary:** Staff recommends disapproval of the application.

**Attachments**

- A:** Excerpts from 2015 Staff Recommendation
- B:** Photographs
- C:** Site Plan
- D:** Elevations
- E:** Correspondence
- F:** Application to the Board of Zoning Appeals

**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 roof slope 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.*

**Background:** 402 South 11<sup>th</sup> Street is a one and one-half story Transitional Victorian house with a cross-gable and hipped roof and gabled dormers on the sides. This interior lot is more than ten thousand square feet (10,000 sf) in size.



An outbuilding at the rear of the lot was approved by the MHZC and constructed in 2015. The building was not proposed at that time to be used as a Detached Accessory Dwelling Unit.

Section 17.16.030.G of the Metro Code (Standards for Accessory Dwelling Units) says that dormers on a DADU “shall be subordinate to the roof slope by covering no more than fifty percent of the roof.” The design guidelines for outbuildings closely align with the DADU Standards, so while the outbuilding was not proposed to be used as a DADU, Staff reviewed it by similar aspects. Staff concluded in the January 2015 analysis that the dormers covered seventy percent (70%) of the roof. The method by which Staff compared the dormers to roof slope was by measuring the width of the dormer against the width of the building. Staff concluded that the size of the dormers did not meet the design guidelines, but recommended approval based on the design and visibility of the building based on the proposed use as a garage with “bonus space.”

In September of 2015 an applicant asked the Commission to consider a different method for measuring dormers, suggesting as an alternative that the area of the roof surface should be based on the length of the rafters multiplied by the width of the roof. Staff recommended against using this method because it “is not a good indicator of whether or not a dormer is subordinate to a primary roof because it compares roofs with different pitches not in the same plane. Additionally, this method is too easily affected by slight changes to the pitch or the amount of overhang on the eaves.”

Following the discussion by the Commission at that September 2015 meeting, the MHZC gave Staff direction to ensure dormer proportions are reviewed consistently and equitably: measuring the width of the dormer (wall-to-wall) against the roof of the building (fascia-to-fascia).’

Both outbuildings and detached accessory dwelling units follow the same design guidelines; however, detached accessory dwelling units must also follow the standards of the ordinance. There is less leeway with the standards of the ordinance than with the design guidelines, which is why some garages without a dwelling unit have been approved with dormers that don’t strictly adhere to the 50% requirement.

**Analysis and Findings:** The applicant proposes to convert the existing building for use as a Detached Accessory Dwelling Unit.

Using the initial calculation method, Staff measured the dormers to be seventy percent (70%) of the width of the roof. Using the method outlined by the Commission at the September 2015 meeting, Staff measures the dormers to cover sixty-eight percent (68%) of the roof slope of the building. By either method of calculation used at the time of construction or adopted by the Commission shortly thereafter, the dormers on the proposed outbuilding are significantly greater than the fifty percent (50%) permitted under section 17.16.030.G of the Metro Code.

The initial application submitted by the property owner stated that the proposal was a “detached garage” and did not indicate that the building would include a DADU. On November 20, 2014 the owner was informed by email that it would not meet the fifty-percent (50%) dormer regulations if the building were to be used as a detached accessory dwelling unit. At that time, Staff believed the request was to not have an apartment and the owner did not make any corrections in that email thread. There was a second opportunity for a correction when the Staff Recommendation was posted, which states on page 1 under “description of project” that “no part of the building is proposed to be living space.” There was a third opportunity for a correction when the Preservation Permit was issued for an “outbuilding.”

In January of 2017, after the building was completed, the owner of the property applied to the Board of Zoning Appeals for a variance to the zoning code on the dormer requirement. In their application to the BZA they stated that they did not originally intend to finish the building out with living space when they built them over the fifty-percent (50%) maximum.

**Recommendation:** Staff recommends disapproval of the application to convert an existing outbuilding for use as a Detached Accessory Dwelling Unit because the dormers are greater than fifty percent (50%) of the roof.

The applicant may continue to use the building as is, or may reduce the size of the dormers to meet the fifty percent (50%) requirement of section 17.16.030.G of the Metro Code.

KARL F. DEAN  
MAYOR



**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

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**STAFF RECOMMENDATION**  
402 South 11<sup>th</sup> Street  
January, 21, 2015

**Application:** New construction - outbuilding  
**District:** Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
**Council District:** 18  
**Map and Parcel Number:** 08313008000  
**Applicant:** Jared Whitman, owner  
**Project Lead:** Sean Alexander, sean.alexander@nashville.gov

**Description of Project:** The applicant proposes to construct a one and one-half story outbuilding at the rear of the lot. No part of the building is being proposed to be living space.

**Recommendation Summary:** Staff recommends approval of the proposed outbuilding with a condition that the windows and doors are approved by Staff prior to purchase and installation. With this condition, Staff finds that the outbuilding meets the design guidelines for outbuildings in the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay.

**Attachments**  
A: Photographs  
B: Outbuilding Worksheet  
C: Site Plan  
D: Elevations

**Background:** 402 South 11<sup>th</sup> Street is a one and one-half story Transitional Victorian house with a cross-gable and hipped roof and gabled dormers on the sides. The interior lot at 402 S. 11<sup>th</sup> Street is more than ten thousand square feet (10,000 sf) in size.



**Analysis and Findings:** The applicant proposes to construct a one and one-half story outbuilding at the rear of the lot. No part of the building is being proposed at living space.

**New Construction - Outbuildings:**

The proposed outbuilding would be one and one-half stories tall with a two-car garage on the ground-level and an unfinished “bonus area” above. The building will not be used as a Detached Accessory Dwelling Unit. It meets all portions of the design guidelines with the exception of the dormers. Please see attachment B for an analysis of the outbuilding, and an analysis of the material and dormers below.

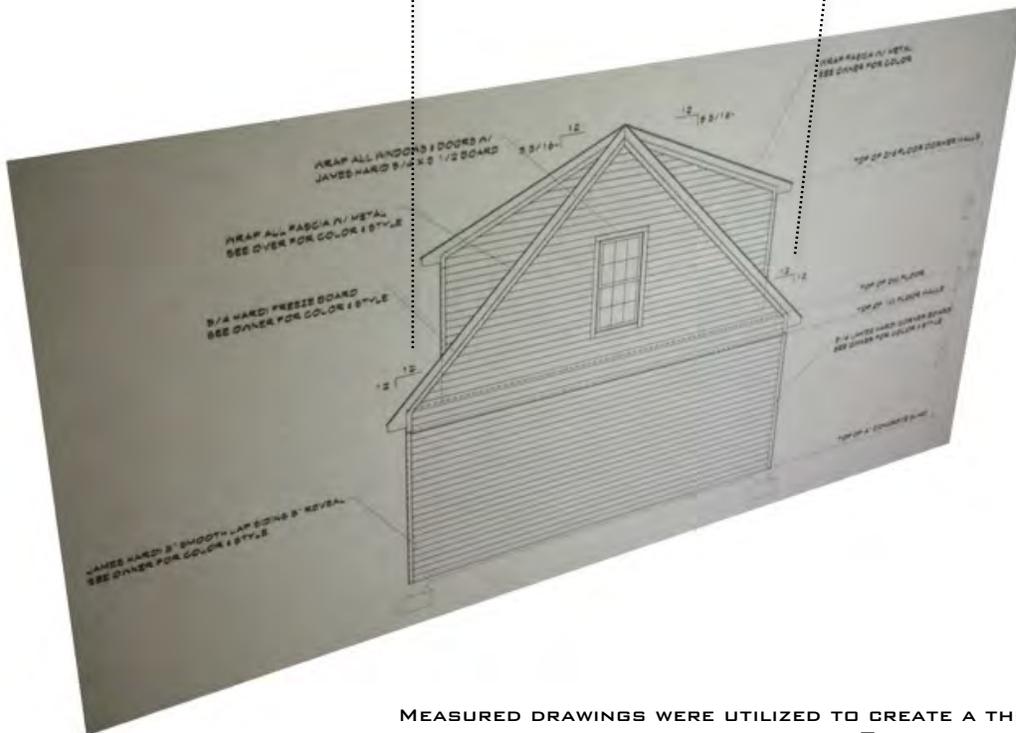
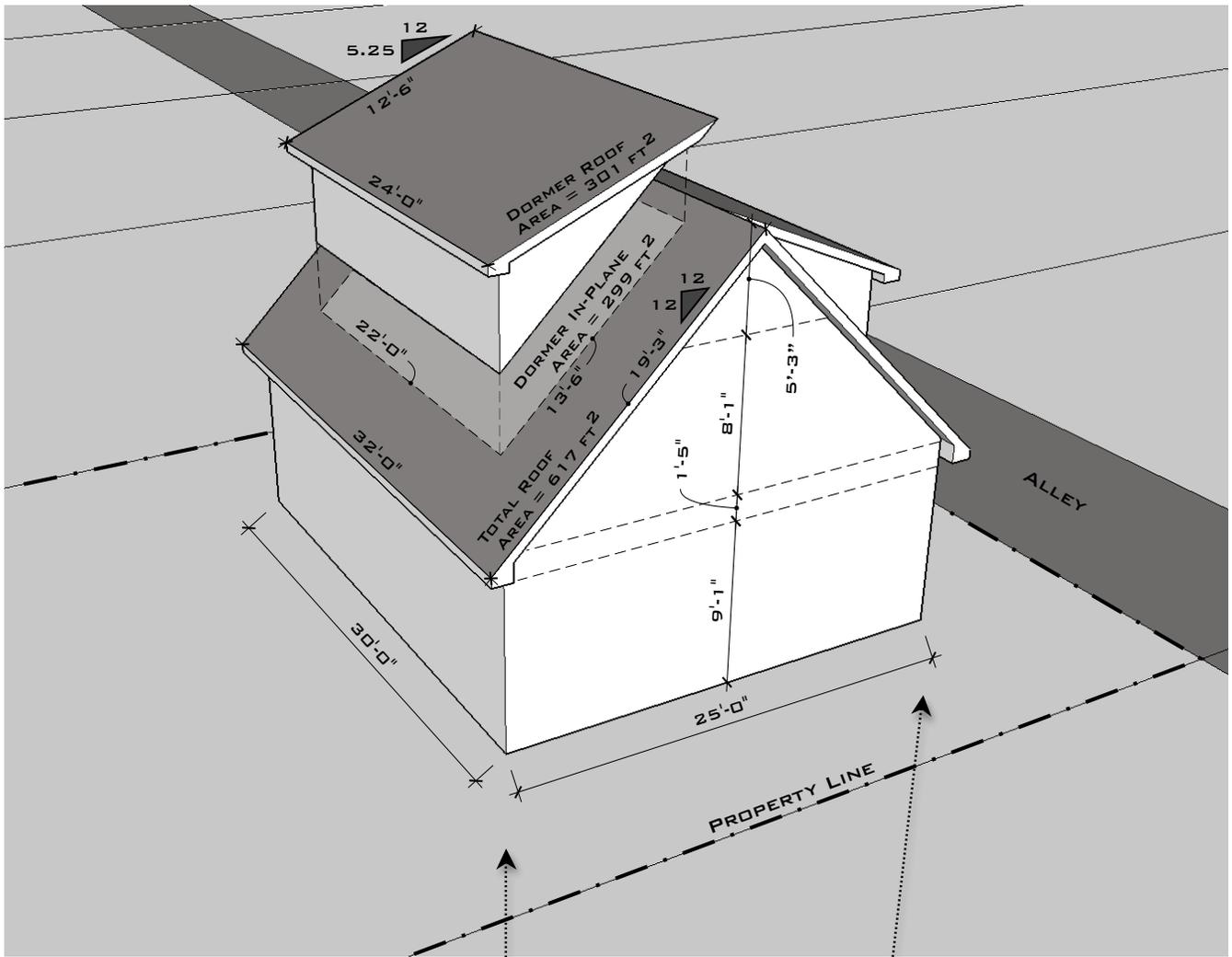
**Materials:** The outbuilding will be clad with smooth-faced cement-fiber siding with a five inch (5”) reveal, and an asphalt shingle roof matching the color of the roof on the principal building. The material of the windows and doors is not known at this time, and would need to be reviewed by Staff.

**Dormers:** The dormers on the proposed outbuilding would be seventy-percent (70%) of the width of the roof, which is greater than the fifty-percent (50%) allowed by the design guidelines. However, because the lot is unusually deep and there will be so much space between the proposed outbuilding and the principal building, Staff finds that the visibility of the dormers will be minimal.

Staff finds that the project meets section II.B.1.i of the design guidelines.

**Recommendation:**

Staff recommends approval of the proposed outbuilding with a condition that the windows and doors are approved by Staff prior to purchase and installation. With this condition, Staff finds that the outbuilding meets the design guidelines for outbuildings in the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay.



**FIGURE 1**  
 MEASURED DRAWINGS WERE UTILIZED TO CREATE A THREE-DIMENSIONAL DIAGRAM FOR THE PURPOSE OF ANALYSIS. THE ROOF ELEMENT COMMONLY REFERRED TO AS A DORMER OCCUPIES 48.3% TO 48.8% OF THE EXISTING ROOF PLANE DEPENDING WHETHER ONE MEASURES THE UPPER ROOF AREA OR FOOTPRINT OF THE DORMER UPON THE PRIMARY ROOF PLANE

## **Excerpt from the Lockeland Springs-East End Design Guidelines**

### **Page 2**

Historic zoning overlays are applied in addition to the base or land-use zoning of an area.

*Historic zoning overlays do not impact use.*

### **Page 10**

*Italicized sections of the guidelines contain interpretive information that is meant to make the guidelines easier to understand; they are not part of the guidelines themselves.*

### **Page 17**

#### **8. Outbuildings**

- a.** Garages and storage buildings should reflect the character of the existing house and surrounding buildings and should be compatible in terms of height, scale, roof shape, materials, texture, and details.

### **Page 18**

*• 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 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'. (The width of the dormer shall be measured side-wall to side-wall and the roof plane from eave to eave.)*

### **Page 19**

- b.** Garages, if visible from the street, should be situated on the lot as historically traditional for the neighborhood.

### **Page 20**

- c.** The location and design of outbuildings should not be visually disruptive to the character of the surrounding buildings.

## **Excerpt from the Metropolitan Code of Ordinances for Nashville**

**Section 17.16.030** (Residential Uses) sub-section **G.** (Accessory Dwelling Detached) item **8.** (Design Standards) of the Code states the following regarding dormers:

- 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 roof slope 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.

## Alexander, Sean (Historical Commission)

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**From:** Historical Commission  
**Sent:** Tuesday, March 07, 2017 7:29 AM  
**To:** Alexander, Sean (Historical Commission)  
**Subject:** FW: Historic Zoning Staff Correspondence for 402 S. 11th St (Whitman)

Robin Zeigler  
Metro Historic Zoning Commission  
3000 Granny White Pike  
Nashville, TN 37204  
615-862-7970  
[www.nashville.gov](http://www.nashville.gov)

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**From:** spltend . [mailto:[spltend@gmail.com](mailto:spltend@gmail.com)]  
**Sent:** Monday, March 06, 2017 5:35 PM  
**To:** Historical Commission  
**Subject:** Fwd: Historic Zoning Staff Correspondence for 402 S. 11th St (Whitman)

Please include to following in our appeal to the Historical Commission.

Thanks!

Jared Whitman

Correspondence between Jared (owner) and Sean (historic zoning staff) considered pertinent to issue of dormer size

*(Italicized print are not part of original emails. Highlighted sections were highlighted for the purpose of this email. All*

**Sept 9, 2014**

spltend . <[spltend@gmail.com](mailto:spltend@gmail.com)>

to sean.alexander

Hi there Sean,

My name is Jared and my wife and I live in east Nashville at 402 South 11th st. I have a few questions concerning building a **detached accessory building** on our property, I'm hoping you might be able to help us.

Judging from the [nashville.gov](http://nashville.gov) website, we are in a "Neighborhood conservation urban zoning overlay". We have been interested in building a detached garage/workshop with an unfinished loft for some time. When we first looked into building, we were told that we could only build a building with a 550sqft footprint if it was going to be 2-story. We were told that we could wait for a new ordinance to pass, BL2014-796, which would allow us to build up to a 1000sqft footprint with 700sqft of finished space **(we don't plan to finish the space right away, but would like it to be built in such a way that we can in the future)**. Since we are in a historical overlay, I wanted to make sure that this new ordinance applies to our property and if so, ask what our next step should be? We already have some plans in mind, but figure it would be smarter to make sure exactly what we are allowed to build before we go any further. Lastly, I believe I saw on the historical commission

website somewhere that a preservation permit can be approved in a little as one day for a garage? Would this apply to something like we are wanting to do, or would we need our permit reviewed by the Historic Zoning Commission?

Sorry for so many questions, we are trying to save money any place we possibly can with this, so I'm obviously not a professional at this stuff!

Thanks so much for your time,

Jared Whitman

**Sept 10, 2014**

Alexander, Sean (Historical Commission) <[Sean.Alexander@nashville.gov](mailto:Sean.Alexander@nashville.gov)>

to me

Hi Jared,

Yes, you're in the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay. In the overlay, the Historic Zoning Commission/Staff reviews any construction or demolition to see that it complies with the guidelines for the overlay. Ordinance BL2014-769 did pass, but for the most part it doesn't change what can or can't be done in historic or conservation overlays. Primarily, it allows detached dwellings (garage apartments) in other areas where it wasn't allowed before. They already were allowed in overlays, and that's still the case.

In your situation, it's easy to build a two-car garage or an apartment. It's tough to get both, but it has been done. Rather than starting with a number like 1000 square feet, first and foremost the design guidelines require that accessory buildings be compatible with and subordinate to the primary building. Since your house is one story, a true two-story accessory building would not be appropriate. However, by adding dormers it may be possible to still have usable area above a one story garage.

Additionally, the footprint of an outbuilding generally should not be more than about 50% of the footprint of the house, give or take. I believe your house is about 1500 sf on the first story, so a 700-800 sf garage would be appropriate.

From there, it really comes down to the specifics of the design you and your architect come up with. Many routine permits can be issued in a day or two, but larger/complicated/problematic ones would go to the Commission.

I'd be happy to look over any sketches or drafts if you'd like some early feedback as your design comes together.

Hope that helps,

Sean

**Sept 10, 2014**

Jared Whitman <[spltend@gmail.com](mailto:spltend@gmail.com)>

to Sean

Thank you Sean, that was a lot of help already!

Now that you mention it, I think I was incorrect in saying we wanted a true 2-story building. We want something similar to our house, which has a stairwell going up to a finished loft/attic so that the upper level has less livable space than the footprint and the shape of the roof is visible. Hopefully that makes sense. I think a garage/work shop with around 800sqft and a 500-600sqft loft would be awesome. Could we do a mansard style roof to maximize the loft space, or would dormers be a better option?

And speaking of architects, do you have any that you've worked with and understand these rules you could recommend? We've already tried working with a few that obviously didn't know the rules or were used to doing such elaborate work that we couldn't really afford them.

Thanks again for your help!

Jared

**Sept 12, 2014**

Alexander, Sean (Historical Commission) <[Sean.Alexander@nashville.gov](mailto:Sean.Alexander@nashville.gov)>

to me

Dormers on a gable or hipped roof would be more compatible with the surrounding area, which predominantly has houses and garages in Craftsman and Victorian styles.

Here's a list of several designers, as well as contractors and trades that work frequently in historic districts. It's not an endorsement of these people over anyone not on the list, but just some information we had handy that we thought would be helpful to put in one place.

-Sean

**Sept 12, 2014**

Jared Whitman <[spltend@gmail.com](mailto:spltend@gmail.com)>

to Sean

Thank you so much for that list, that's going to be a huge help. So dormers it is. My last question (for now), how big can the dormers be? I'm looking at pics of dormers online and see all varieties.  
*(In this email I also included two pictures of different style dormers)*

**Sept 12, 2014**

Alexander, Sean (Historical Commission) <[Sean.Alexander@nashville.gov](mailto:Sean.Alexander@nashville.gov)>

to me

Either type/configuration could be OK if they're otherwise compatible with the scale and character of the building. Generally, dormers can occupy up to about 50% of the roof area.

-Sean

**Nov 11, 2014**

Jared Whitman <[spltend@gmail.com](mailto:spltend@gmail.com)>

to Sean

Hey Sean!

Here's what we got from the designer. We have a few details we wanted to change but I wanted to check with you and see if there are any major issues we'll need to also address.

Thanks as always!!

*(Included in this email was a drawing showing the original single dormer which is included in this message with the date of 11/11/14 written on it)*

**Nov 12, 2014**

Alexander, Sean (Historical Commission) <[Sean.Alexander@nashville.gov](mailto:Sean.Alexander@nashville.gov)>

to me

Jared,  
When the Commission looks at outbuildings, they generally want to see that it's compatible with the house in terms of floor area, number of stories, overall height, and the height of the eaves. For your building, the footprint size of 750 square feet shown on the plans would be appropriate.

For the heights, to eliminate differences in foundation height and discrepancies in grade (there aren't many flat lots in Nashville), we measure from the finished floor level. Could you find the height of the eaves on your house from the floor level? It's probably easiest to measure that on the porch.

The low side of the garage shows an eave height of about 9'-6", so that's what we'll be looking for the maximum. The high side of the eaves will obviously have to come down to match, but you can probably recapture most of that space with a dormer.

Same thing for the overall height. I presume your house will be taller than the peak of the garage, but I'd want to know for sure before saying it's OK or not. Also, 12:12 is unusually steep for a garage roof, and ends of using more material (which costs more money) for space that isn't very useful. Something closer to 7:12 to 9:12 would probably be more in keeping with outbuildings you'll find in the vicinity.

-Sean

**Nov 19, 2014**

spltend . <[spltend@gmail.com](mailto:spltend@gmail.com)>

to Sean

Hey Sean,

We got the plans back from the designer that we like and wanted to send them off to you. If you notice any issues, please let me know so we can send it back to him to fix before he leaves for the holiday on Friday. I'll be faxing our application over once I get to work this morning.

Thanks!!

*(Included in this message were drawings showing the adjustment to the eave on the side of the building with the single dormer. The drawings are included in this message and labeled with the date 11/19/14)*

**Nov 20, 2014**

Alexander, Sean (Historical Commission) <[Sean.Alexander@nashville.gov](mailto:Sean.Alexander@nashville.gov)>

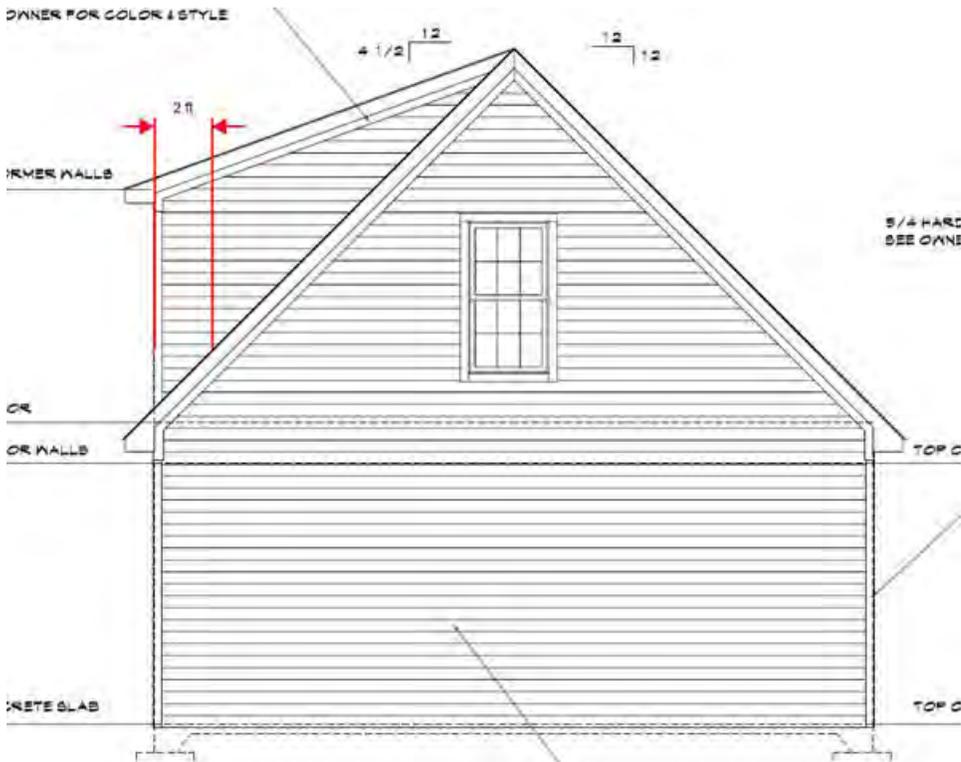
to me

Hey Jared,

One more thing would be to sit the walls of the dormer in from the walls of the first story, here:



And here:



Setting in like that is pretty characteristic of dormers (otherwise it reads as a two-story wall). With that change, I think everything else about this is going to meet the design guidelines. If that takes away too much of the useable space in the upper level, you could recapture it with a dormer on the other side too.

For a building of this size, it will need to go the Historic Zoning Commission for approval. The next meeting is on Wednesday, December 17<sup>th</sup>. I presume that it would be approved without debate, and you'd be able to start construction later that week.

-Sean

*(Included in this email were drawings were Sean showed us how to make the necessary adjustments to the setback on our single dormer. It is included in this message and labeled with the date 11/20/14)*

**Nov 20, 2014**

Jared Whitman <[spltend@gmail.com](mailto:spltend@gmail.com)>

to Sean

Great! I'll let the builder know and have them adjust that. As far as adding a second dormer, could we do it the same size as the other dormer?

Thanks as always!

Jared

**Nov 20, 2014**

Alexander, Sean (Historical Commission) <[Sean.Alexander@nashville.gov](mailto:Sean.Alexander@nashville.gov)>

to me

Short answer... yes.

Longer answer... it could be the same size, although I think it would be better in that case for them both to be a little narrower by a few feet. For garages that can be used as a dwelling/apartment (which I don't think this is), the ordinance limits dormers to 50% of the roof. If not a dwelling that rule doesn't *technically* apply, but it's still a good rule of thumb.

*(In this message, Sean is either referring to the fact that we did not plan to finish the upstairs of the garage right away or mistakenly thought we were never planning to finish the upstairs. Regardless, we felt he was giving us two options: Option one to add a second dormer of the exact same size with two feet setbacks from the gable ends and two feet from the eaves for a garage that will **never** be finished **OR** Option two to have two dormers with setbacks of four feet from the gable ends and two feet from the eaves to achieve the "rule of thumb" of covering 50% of the roof in order to be a dwelling, either immediately or in the future. **We chose option two, which we felt left the door open for us to finish the space in the future.**)*

-Sean

**Nov 20, 2014**

Jared Whitman <[spltend@gmail.com](mailto:spltend@gmail.com)>

to Sean

I gotcha. I think I like the idea of them being a bit narrower and putting one of each side, I think that looks much nicer from the outside. So could something like dormers that are set back 2 feet from the front and back and set back 4 feet from each side be appropriate?

Thanks!

**Nov 21, 2014**

Alexander, Sean (Historical Commission) <[Sean.Alexander@nashville.gov](mailto:Sean.Alexander@nashville.gov)>

to me

Yes, I think that would work out great.

Again, it will have to go to the Commission, but I suspect it would go on the “consent agenda” as an item to be approved without any issues.

-Sean

**Dec 18, 2014**

Jared Whitman <[spltend@gmail.com](mailto:spltend@gmail.com)>

to Sean

Here are the revised plans. I should have the survey results to forward to you shortly. Let me know if there are any issues you notice.

Thanks Sean!

**Jan 5, 2015**

Alexander, Sean (Historical Commission) <[Sean.Alexander@nashville.gov](mailto:Sean.Alexander@nashville.gov)>

to me

Jared,

The meeting is on January 21<sup>st</sup> at 2pm. I think I have everything we need at this point, but I'll check again and get back to you if there's anything else that would be good to have.

Usually, we have several cases that get grouped together as a “consent” and get approved at the very beginning of the meeting, without being individually discussed. We haven't set the agenda yet, but I would think your project would be on the consent list. Even so, it's generally a good idea to have someone at the meeting in case there are any questions.

Thanks,

-Sean

**Jan 6, 2015**

Alexander, Sean (Historical Commission) <[Sean.Alexander@nashville.gov](mailto:Sean.Alexander@nashville.gov)>

to me

Jared,

I hate to have to say this after you've already revised the plans to meet my suggestions, but I see something else now that may be an issue regarding the width of the dormers. I went back through my emails and it looks like we started discussion your garage in September. Since then the Commission has adopted some new rules on outbuildings to more specifically regulate size and design.

The first story size of your design is still fine, but the new rules say dormers can't exceed fifty percent of the width of the building overall. Previously that was the case for outbuildings with apartments only, but not if the upperstory was unfinished. It would now apply to all outbuildings. I'd originally asked you to bring the outer walls in four feet, but that would mean they would have to come in about four feet more.

You were following my advice from back before the new policy, so there's a fair chance (I'd put it at 50/50) that the Commission will consider that and approve the building with the dormers at the current width. However, it's just as likely that they could say that they need to meet the new policy.

I just wanted to let you know now, so it doesn't come as a surprise when/if it comes up at the meeting. You could go with the current design as-is and ask them to approve under the circumstances, or you could go ahead with what will certainly be approved and reduce the dormers in advance.

Again, I'm sorry to bring up another item now after you've incorporated all of my suggestions already.

I have a staff meeting with my colleagues tomorrow, so I'll bring this up and see what their opinions are (particularly that of my supervisor), and let you know what they suggest as well. I'll call after that meeting, but feel free to call in the meantime if you have any questions.

-Sean

*(This message confused us. We had believed up to this point that our dormers were compliant with the rules for a finished space and more than compliant for an unfinished one. Never at any point was the idea of the dormers only covering 50% of the width of the overall building discussed with us, only "50% of the roof" or "50% of the roof area". Regardless, at this point we feel Sean is telling us the rule is now the same for either type of building, finished or unfinished. We were prepared to adjust the plans to meet the new rule, but waited to hear back from Sean once he spoke with his colleagues and supervisor, which we greatly appreciated him even considering to do for us.)*

**Jan 7, 2015**

Jared Whitman <[spltend@gmail.com](mailto:spltend@gmail.com)>

to Sean

Hey Sean,

Got your voicemail, thanks for looking into that for us!

See you on the 21st!

jared

*(This is after Sean and I spoke on the phone and he let us know that our plans with the dormers as-is should be fine. Our garage was later approved by the historic commission from the consent agenda.)*

**May 7, 2016**

spltend <[spltend@gmail.com](mailto:spltend@gmail.com)>

to Sean.Alexander

Hey there Sean!

You probably don't remember us, but almost two years ago we began communicating with you for help on constructing a garage on our property in the East End overlay. At that time we elected to only run electricity to the garage due to the cost to replace our terra cotta sewage line. We are now hoping to begin the process of running water and sewage to the garage and be proactive in replacing our sewage line out of fear of it eventually breaking unexpectedly. We wanted to touch base with you first and see how the process of getting this approved goes, and whether it must go through the historic commission first like the original build did?

Thanks for your time!!

Jared Whitman

**May 18, 2016**

Alexander, Sean (Historical Commission) <[Sean.Alexander@nashville.gov](mailto:Sean.Alexander@nashville.gov)>

to me

Hi Jared,

My office really only reviews architecture/design, so relocating utilities doesn't fall under our purview. You'll want to check with the building Codes department about installing water/sewer lines.

Hope you're doing well,

-Sean

Sean Alexander

**May 19, 2016**

spltend <[spltend@gmail.com](mailto:spltend@gmail.com)>

to Sean

I now remember you telling me this, sorry about that!

Thanks again!!

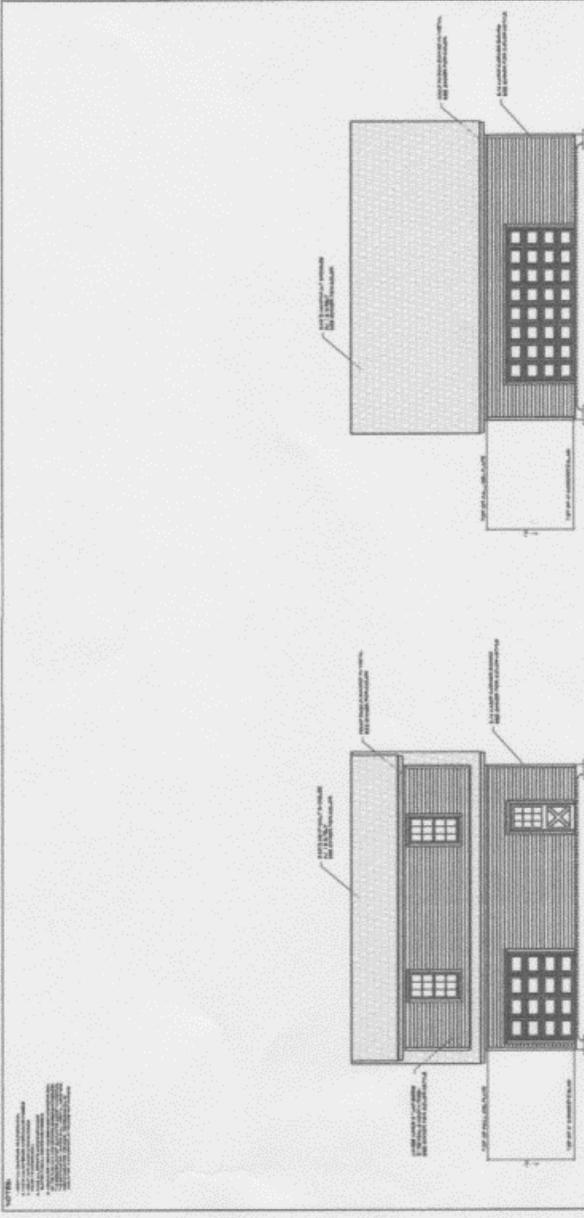
jared

*(These messages are included to show that we contacted the historic zoning staff to ask if we needed approval from them to replace our sewage line and to run sewage and water to our garage. Sean's response that the historic zoning staff only reviewed "architecture/design" seemed to make it clear that once we decided to finish the rest of the upstairs, we would not return to the historic zoning staff but simply go to Metro Codes to obtain permits. When we went to Metro Codes this year to obtain permits for everything, we were denied and told our only two options were to make our dormers smaller or appeal. This is was the reason we appealed through BZA originally, instead of going back to the historic zoning staff. We were under the impression it was not an issue the historic commission would rule on.)*



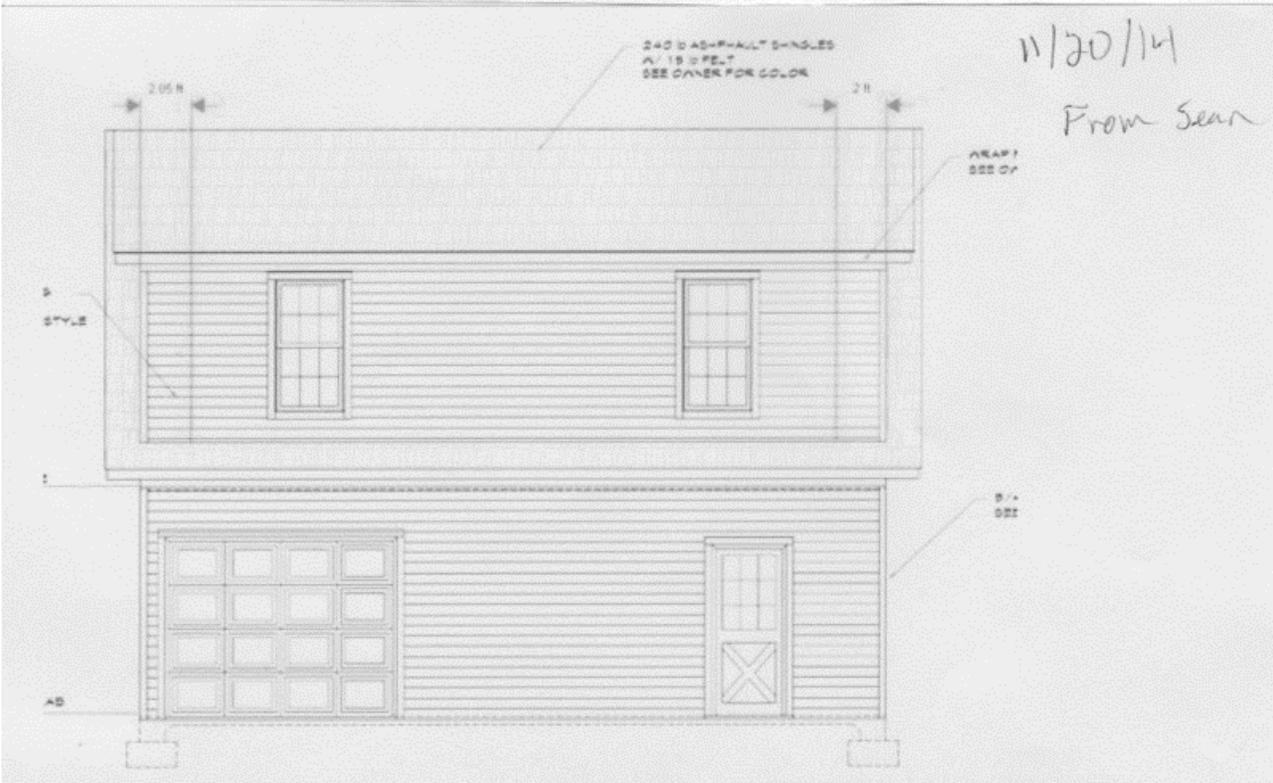
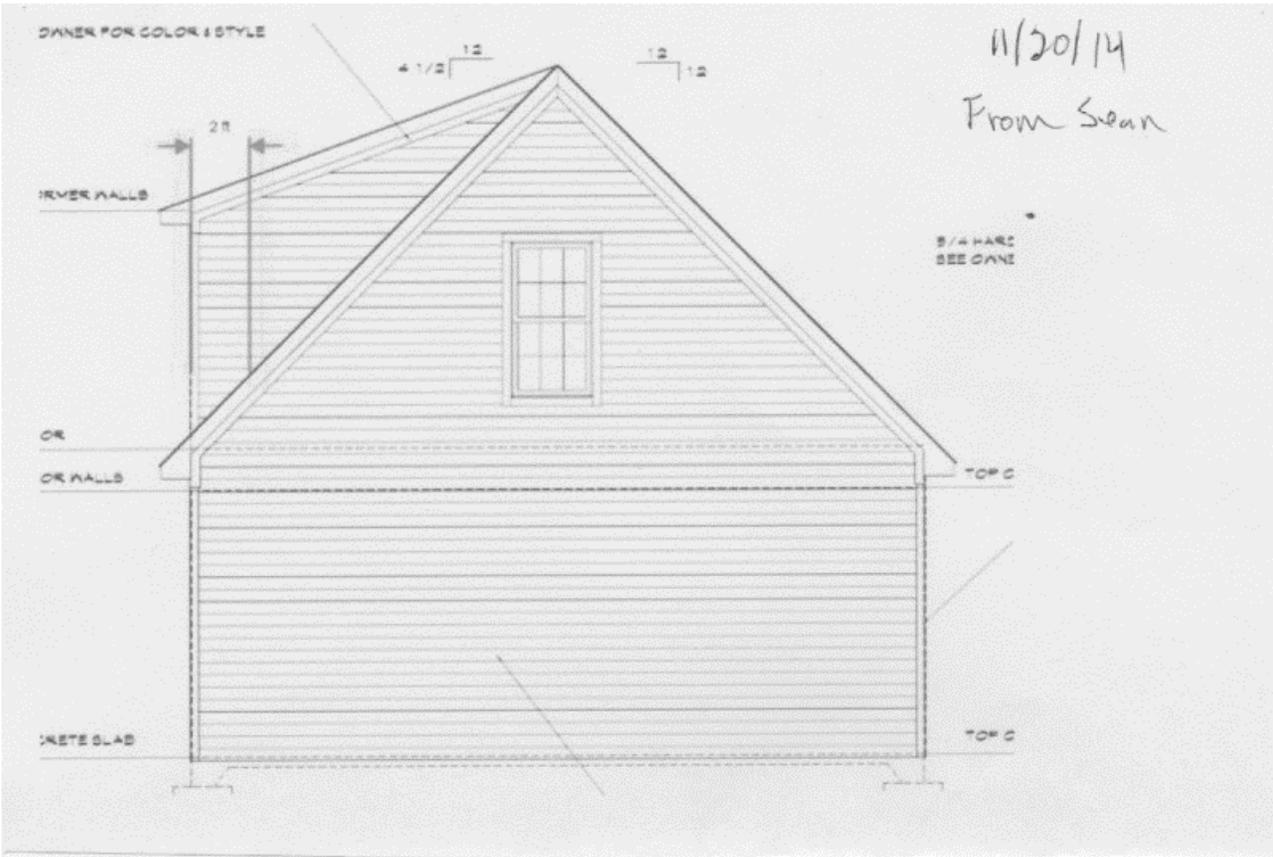


|             |                       |
|-------------|-----------------------|
| DATE        | 11/19/14              |
| PROJECT     | MALLEN BLDG           |
| OWNER       | MR & MRS JAMES MALLEN |
| ADDRESS     | 403 S 113 STREET      |
| DATE        | 11/19/14              |
| BY          | JM                    |
| CHECKED     | JM                    |
| SCALE       | AS SHOWN              |
| PROJECT NO. | 14-001                |
| DATE        | 11/19/14              |
| BY          | JM                    |
| CHECKED     | JM                    |
| SCALE       | AS SHOWN              |
| PROJECT NO. | 14-001                |



11/19/14

NOTES:  
 1. ALL MATERIALS TO BE APPROVED BY THE ARCHITECT.  
 2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF TOLSON SPECIFICATIONS.  
 3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF TOLSON SPECIFICATIONS.  
 4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF TOLSON SPECIFICATIONS.



MEGAN BARRY  
MAYOR



# METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS  
METRO OFFICE BUILDING-3rd FLOOR  
800 SECOND AVENUE, SOUTH  
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS  
POST OFFICE BOX 196300  
NASHVILLE, TENNESSEE 37219-6300  
TELEPHONE (615) 862-6500  
FACSIMILE (615) 862-6514  
[www.nashville.gov/codes](http://www.nashville.gov/codes)

## TRANSMITTALS

TO: METRO HISTORICAL COMMISSION – ROBIN ZEIGLER  
FROM: CODES ADMINISTRATION-ZONING APPEALS  
DATE: 1-26-17  
RE: CASE NUMBER: 2017-036

Please find attached copies of all documents filed with the above referenced appeal case, which requires a recommendation from your agency.

Date of Hearing 1-16-17  
Appeal Application 2017-036  
Permit Application 2017003279  
Tracking Sheet ✓  
Site Plan ✓  
Submitted by Debbie Uffey

2017-036

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210  
615-862-6530

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Jared Whitman Date: 1/17/2017  
Property Owner: Jared Whitman Case #: 2017-036  
Representative: Jared Whitman Map & Parcel: 08313008000

Council District 06

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

To finish out detached garage for living space

Activity Type: detached garage

Location: 402 S. 11<sup>th</sup> Street

This property is in the R6 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: variance from design standards

Section(s): 17.16.030; G-8

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Debbie King  
Completed and witnessed Date

SPLTEND@gmail.com  
Appellant's e-mail address

Jared Whitman  
Name (Please Print)

[Signature]  
Signature

402 S. 11th St  
Mailing Address

Nashville, TN 37206  
City, State, Zip Code

814-504-7873  
Phone Number

This will also serve as a receipt of (cash) (check) to partly compensate for the expenses under this appeal.

Appeal Fee: \$ 100.00



**Metropolitan Government  
of Nashville and Davidson County, Tennessee  
Department of Codes and Building Safety  
800 Second Avenue South, Nashville, TN 37210**



3310804

**APPLICATION FOR BUILDING RESIDENTIAL - REHAB / CARR - T2017003279  
THIS IS NOT A PERMIT**

**PARCEL:** 08313008000

**APPLICATION DATE:** 01/17/2017

**SITE ADDRESS:**

402 S 11TH ST NASHVILLE, TN 37206  
LOT 16 HANNERS ADDN

**PARCEL OWNER:** WHITMAN, JARED A.

**APPLICANT:**

**PURPOSE:**

MHZC and MDHA-FP.

To convert 450 +/- sq ft second story of existing detached garage into living space. hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metropolitan Code....

**REJECTED: DOES NOT MEET 17.16.030 G8 SECTION OF CODE.**

1. Acknowledges applying for this self building permit in own name, & will act as own contractor accepting full responsibility for code compliance, for hiring & employing individuals & has ultimate responsibility for my own work & for the work of others. Acting as my own general contractor, I further understand that I may forfeit certain protections, which might be available to me through the State of Tenn general contractor's licensing process. I further acknowledge that as a self building permit holder I am responsible for requesting all required inspections & completing all authorized work in compliance with applicable adopted codes. I further understand that separate permits are required for any proposed electrical, plumbing, & gas/mechanical work and is not part of this building permit...2. Pursuant # 2006-1263 Metro code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code...3...You can dig your footers, but do not pour any concrete until you call for an inspection. Also do not put up any drywall until you call for an inspection. The idea is you do not cover up anything with concrete or drywall until an inspector has had a chance to review..\*\*\*SITE PLAN SENT TO FILE

*Before a building permit can be issued for this project, the following approvals are required.  
The Applicant is responsible for providing any plans or other information to the individual agencies*

|                                         |          |                                          |
|-----------------------------------------|----------|------------------------------------------|
| [A] Zoning Review                       | REJECTED | (615) 862-4138 Lisa.Butler@nashville.gov |
| [B] Fire Life Safety Review On Bldg App |          | 862-5230                                 |
| Zoning Appeals                          |          | 615-862-6505 Debbie.Lifsey@nashville.gov |
| [A] Bond & License Review On Bldg App   |          |                                          |
| [H] Historic Zoning Review - CA         |          | 862-7970 histlap1@nashville.gov          |
| [J] Planning Zoning Review - CA         |          |                                          |

1.7.16.030

12. **Exceptions.** Any existing single-family or two-family residential structure located on any street within the CF district upon February 4, 2005, and which is, or will be owner-occupied, shall qualify as a "PC" use under this section. Further, in the event a use qualifying under this paragraph is damaged or destroyed, the structure may be restored within one year regardless of the percentage of damage or destruction. For purposes of this section, owner-occupied shall mean that as provided in Section 17.16.160(A)(4); however, the structure need not be an historic home.

G. **Accessory Dwelling, Detached.** A detached self-sufficient dwelling unit shall be allowed accessory to a principal structure subject to 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.

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.

~~a. 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.~~

c. 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.

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 roof slope 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. (Ord. BL2015-1153 §§ 15, 16, 2015; Ord. BL2015-1121 § 6, 2015; Ord. BL2014-770 § 3, 2014; Ord. BL2014-769 §§ 2-7, 2014; Ord.



# METRO HISTORIC ZONING COMMISSION

Sunnyside at Sevier Park  
3000 Granny White Pike  
Nashville TN 37204  
(615) 862-7970  
histlap1@nashville.gov

**HISTORICAL COMMISSION PERMIT - 201500026**

Entered on: 09-JAN-2015

**IVR PERMIT TRACKING NUMBER: 2019004**

**Site Address**

402 S 11th St, NASHVILLE, TN 37206

**Parcel:** 08313008000

LOT 16 HANNERS ADDN

**Parcel Owner**

WHITMAN, JARED A.

**Purpose:** Construct new 1.5-Story Outbuilding.

**DESCRIPTION**

**CLADDING & TRIM**

- All/any trim, railings, vents and associated type elements are to be wood or cement fiberboard. Clad material is not approved. Wood or cement fiberboard shall be a smooth face material void of any simulated wood grain pattern or rough, unfinished appearance. All exposed exterior lumber should be grade number #1 or #2. Lower grade lumber is unsuitable for exterior work.

- 2 x 4 inches wood corner boards are typical on the face of each exposed corner, except for masonry buildings. Lumber to be of an appropriate trim grade (smooth and square). Stud wall lumber is not appropriate.

- 2 x 4 inches wood casing typical at doors and windows, except for masonry buildings. Double and triple windows should have a 4" to 6" mullion between. Lumber to be of an appropriate trim grade (smooth and square). Stud wall lumber is not appropriate.

**WINDOWS & DOORS**

- If there are muntins, only factory installed muntins are approved. Self installed snap, clip or glue type muntins on windows are not approved. Interior type muntins on windows are not approved. Windows to be approved by staff prior to installation.

- Windows on clapboard structures shall not have brick-mold.

- Overhead garage door and pedestrian entry doors may be steel with simple panel design. Doors to be approved by staff prior to installation.

**ROOF**

- Roof material may match the main structure. If roof material is not to match main structure, then color to be approved by staff prior to installation.

**GENERAL SPECIFICATIONS**

- Alterations to be constructed in accordance with attached elevations. Any deviation from the approved plans could result in changes being reversed to reflect the approved drawings. Please note: MHZC staff may have added notes to the submitted drawings.

- All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHZC staff prior to continuing with the project.

- Exterior finish materials shall be trim grade (smooth and square). Stud wall lumber or embossed wood grain is not appropriate. - Any substitutions or deviation from the approved work requires further review and approval by the MHZC PRIOR to work being undertaken.

- The work items listed are approved in accordance with the adopted design guidelines and are NOT applicable beyond the unique facts and circumstances of this particular application.

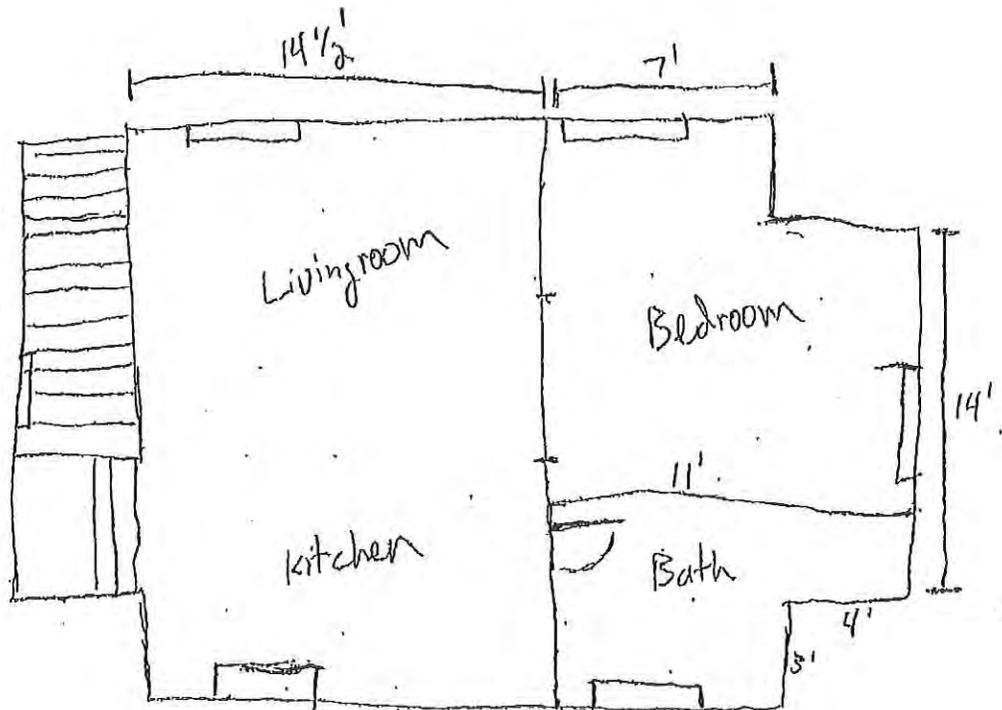
- This permit becomes invalid TWELVE months after issue date. Expired permits must be reissued prior to work being undertaken.

Approval of design should not be considered approval of a particular use.

- Frame inside walls
- Run electric to rest of upstairs (already downstairs)
- Run plumbing to building
- Insulate
- Sheetrock
- Flooring

402 South 11th St  
Nashville, TN 37206

about 450 sqft



## STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.370. This Section is included as follows:

Physical characteristics of the property - The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property.

Unique characteristics - The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.

Hardship not self-imposed - The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.

Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

No harm to public welfare - The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Integrity of Master Development Plan - The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of the neighborhood and the way it is developed. One or more of these conditions MUST affect your inability to build or occupy the property to prove your case.

At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

We would like to finish the area above our garage (approx 450 sqft) into a living space. When we originally built the garage we did not plan to finish the space and built the structure w/ dormers covering 75% of the roof. We cannot realistically afford to reconstruct the dormers to meet this requirement and finish the area. Currently the dormers cover about 62% of the roof by my estimate

## APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being sent to them from our office.

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

**METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530**

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.

\_\_\_\_\_  
APPELLANT

\_\_\_\_\_  
DATE

February 13, 2016

Matthew T. Schutz, Architect  
605 S 10th St  
Nashville, TN 37206  
matt@schutzarch.com

Board of Zoning Appeals  
Metropolitan Offices, Fulton Campus  
800 Second Avenue South  
Nashville, TN 37210  
bza@nashville.gov

Dear Mr. Herbert, Board Members, and to Whom it May Concern,

I am writing to provide evidence for my professional opinion that the existing garage with proposed living space at 402 S 11<sup>th</sup> Street meets the Metropolitan Code of Ordinances for use as a detached accessory dwelling unit (DADU).

Specifically of concern is the "50%" roof coverage threshold for roof elements (commonly referred to as dormers) on DADUs.

Section 17.16.030 (Residential Uses) sub-section G8b, of the Code states the following: *The detached accessory dwelling...shall be subordinate to the roofslope by covering no more than fifty percent of the roof.*

The Code does not prescribe a method to analyze the "fifty percent" threshold.

In instances where at least one dormer face lines up (stacks) on a wall below, dormer coverage may be simply calculated by dividing the width of the dormer by the total width of the building footprint; the "width" method is offered by zoning administrators and examiners as a safe, or "rule-of-thumb," method of analysis.

However, when dormers are set back from multiple faces, a more involved calculation method may be necessary. At 402 S 11<sup>th</sup> Street, the accessory structure exhibits dormers that set back from all building faces: 4'-0" from either side and 2'-0" from front and back.

For 402 S 11<sup>th</sup> Street, the attached illustration calculates the "in-plane" footprint of the dormer (301 ft<sup>2</sup>), as well as the dormer's roof area (299 ft<sup>2</sup>); both measure less than 50% of the primary roof area (617 ft<sup>2</sup>).

This method has been utilized previously; one example being 1214 Calvin Avenue, just a few blocks away in Lockeland Springs. There, in 2015, the Metro Historic Zoning Commission and Metro Codes approved a detached accessory dwelling (HCPERMIT 2015000365). In the previously approved case (as in this one) the dormers occupy more than 50% of roof width, but less than 50% of roof area.

I urge you to find this application for DADU status compliant with Metro Code according to the attached analysis and previously approved DADUs.

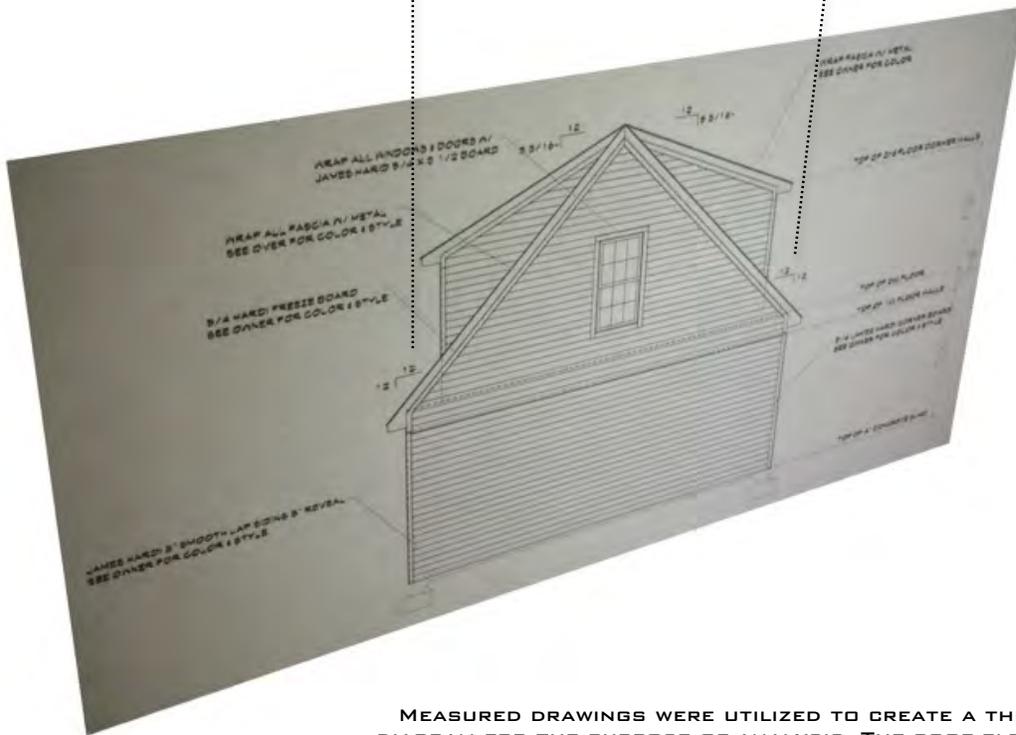
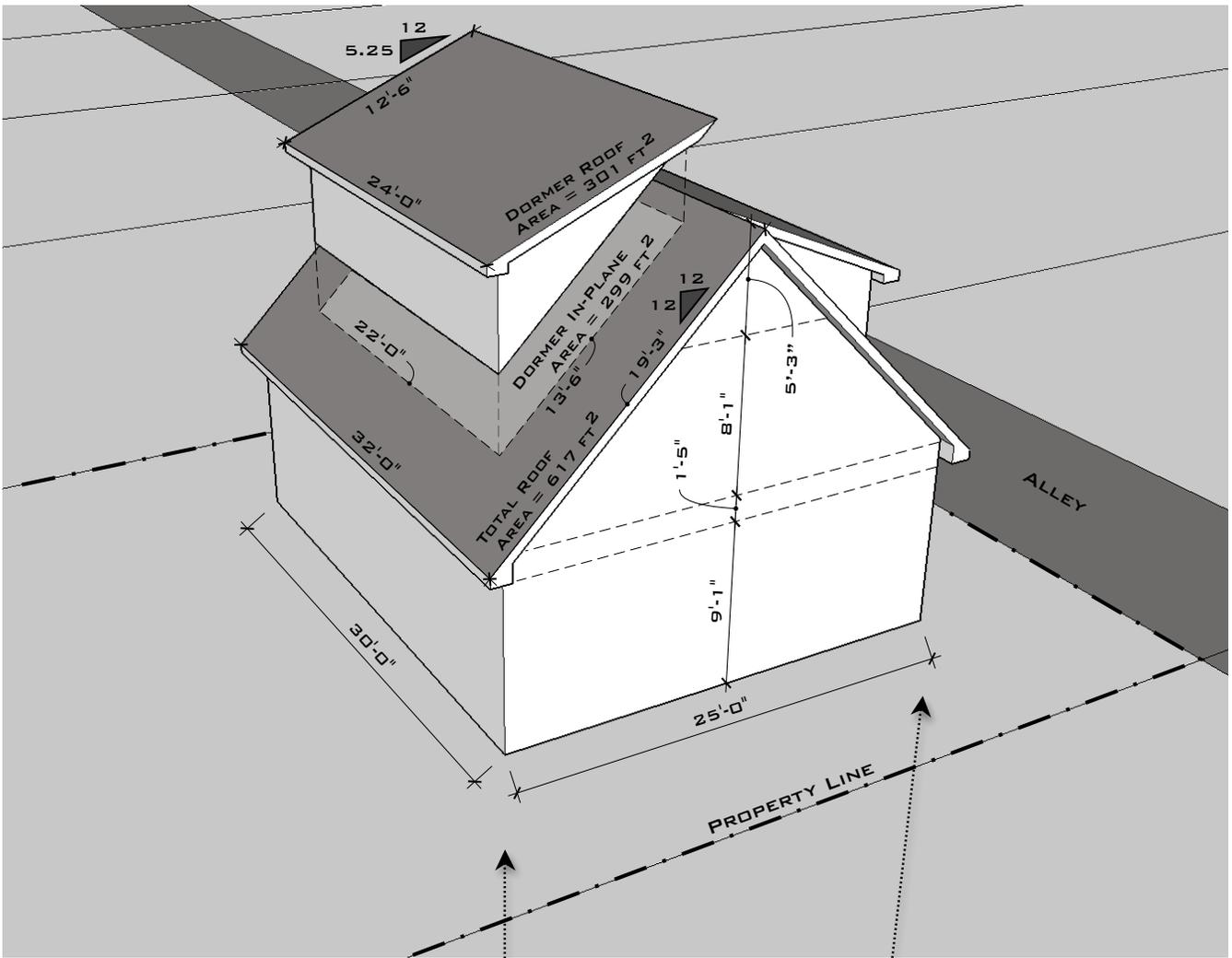
Thank you for your consideration and your service to our city.

Sincerely,

Matthew T. Schutz

cc: bill.herbert@nashville.gov





**FIGURE 1**  
 MEASURED DRAWINGS WERE UTILIZED TO CREATE A THREE-DIMENSIONAL DIAGRAM FOR THE PURPOSE OF ANALYSIS. THE ROOF ELEMENT COMMONLY REFERRED TO AS A DORMER OCCUPIES 48.3% TO 48.8% OF THE EXISTING ROOF PLANE DEPENDING WHETHER ONE MEASURES THE UPPER ROOF AREA OR FOOTPRINT OF THE DORMER UPON THE PRIMARY ROOF PLANE

**bootstrap**  
architecture + construction

(615) 715-4078  
**CRAIG KENNEDY, AIA**

**EXTERIOR MATERIAL NOTES**

- ALL SIDING SHALL BE 5" EXPOSURE SMOOTH FACED FIBER CEMENT PLANKS
- ALL WINDOW TRIM SHALL BE 5/4X4 SMOOTH FACED FIBER CEMENT
- ALL CORNER BOARDS SHALL BE 5/4X4 SMOOTH FACED FIBER CEMENT
- NEW WINDOWS AND DOORS SHALL BE PAINT WOOD ALUMINUM CLAD, CO-FIBER GLASS MATERIAL
- ROOFING WILL BE ASPHALT SHINGLES TO MATCH EXISTING HOUSE

**ALLEN DADU**  
1214 CALVIN STREET  
NASHVILLE, TN, 37206

**PRESERVATION PERMIT  
SUBMITTAL**

**ELEVATIONS**

**H2O.0**

2015 SEPTEMBER 4  
PROJECT #15.027



**FIGURE 2**  
EXCERPT FROM SEPTEMBER 2015 HISTORIC ZONING COMMISSION STAFF RECOMMENDATION; PRESENTED TO AND APPROVED BY THE METRO HISTORIC ZONING COMMISSION (ADDITIONAL FENESTRATION WAS REQUIRED AS A CONDITION OF APPROVAL).