



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
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STAFF RECOMMENDATION
Outbuilding/DADU Policy
June 21, 2017

Policy: Outbuilding/DADU Policy

Project Lead: Robin Zeigler, robin.zeigler@nashville.gov

Description of Project:

This staff report is a repeat of April's report and includes public comment. The report was resent to neighborhood presidents and councilmembers on April 20, 2017.

The commission met in a noticed special-call meeting on March 31, 2017 to discuss outbuildings, detached accessory dwelling units (DADU) and past reviews of both. The Commission requested that Staff put together a potential policy for the Commission to discuss in a public hearing on April 19, 2017 with the intent of voting on a policy at the May 17, 2017 public hearing.

Recommendation Summary:

Staff recommends:

1. The Commission implement a policy to continue to follow the specified requirements of a DADU for all outbuildings, finding that the requirements are consistent with the design guidelines and provides clearer direction to applicants. Staff further recommends that the Commission continue to use the existing dormer calculation method finding that it is consistent with the design guidelines.
2. The Commission add DADUs that meet all the design requirements to the Rules of Order and Procedure as a type of application that can be administratively permitted.
3. The Commission determine that the appropriate minimum rear setback for any outbuilding or DADU on a property zoned RS or R is five feet (5'), when the garage doors face an alley or three feet (3') when there are no garage doors facing an alley.

Attachments

- A:** Research
- B:** Public Comment

Applicable Ordinance:

Design guidelines vary slightly in their language and numbering from district to district but the following from the Belmont-Hillsboro neighborhood is an example.

i. Outbuildings

(Although the MHZC does not review use itself there are additional ordinance requirements for buildings that have 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 750 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 1000 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'. (The width of the dormer shall be measured from side wall to side wall and the roof plane from eave to eave.)*

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 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 or if

the lot has been subdivided since August 15, 1984.

· *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.*

17.12.020 - District Bulk Tables.

The bulk standards of this code are established by the District Bulk Tables of this section. The standards contained in these tables apply uniformly to all uses within the same zoning district classification, with the exception of uses that are permitted with conditions (PC), as special exceptions (SE) in the district land use table of Section 17.08.030 or as provided in the Downtown Code (Chapter 17.37), which may have higher standards. Alternative standards may be imposed by any planned unit development, historic or urban design overlay district as long as the standards are consistent with the purpose and intent of the overlay district.

Background:

On March 31, 2017, the following commissioners met with staff at the Sunnyside office: Vice-chair Bell, Kaitlyn Jones, Aaron Kaalberg, Ben Mosley, Ann Nielson and Cyril Stewart. Staff members present: Macy Amos (legal counsel), Tim Walker (MHC executive director), Robin Zeigler (MHZC historic zoning administrator), Sean Alexander, Melissa Baldock, Melissa Sajid. The special-call meeting was noticed. No one from the public attended.

The purpose of the meeting was to discuss outbuildings and detached accessory dwelling units, how they have been reviewed in the past, the calculation for dormer size and potential alterations to the Commission's interpretation of the design guidelines regarding outbuildings.

At the meeting, Staff provided a review of definitions of architectural terms and then provided a history of the review of outbuildings and detached accessory dwelling units. The Detached Accessory Dwelling Unit (DADU) ordinance was first created in 2011 as a tool for historic overlays. It would be a way to add density in a manner that was appropriate for the historic districts, provide additional income, allow people to age-in-place, and provide for a variety of housing types and rents. The MHZC worked closely with neighborhood leaders, councilmembers and the Planning Department to write the ordinance. In 2014, the Planning Department expanded the ordinance to include areas outside of the historic overlays. In 2014, the MHZC revised the ordinance to allow for greater footprints than the original ordinance.

Also in 2014, the MHZC hosted a series of public charrettes, one of them being on outbuildings and detached accessory dwelling units. At that time participants requested that the requirements for DADUs and outbuildings be the same. The commission agreed and the design requirements for DADUs were added to the design guidelines for outbuildings as italicized information, with the intent that both outbuildings and DADUs would be reviewed in the same manner, providing clearer direction to applicants.

Staff provided an overview of how the 50% requirement for dormer size required in the ordinance for DADUs was originally calculated and how it was changed in 2014 based on the Commission's direction. The Commission discussed alternative solutions to calculating the 50% requirement and the 2' stepback requirement.

Analysis and Findings:

General Review

The design guidelines require that outbuildings be “compatible” with surrounding historic outbuildings in terms of height, scale, roof shape, materials, texture and details. A study conducted by staff several years ago showed that the average outbuilding was between 12' and 20' tall with a footprint of between 200 and 400 square feet. In 2012 the average outbuilding the Commission approved was larger at 17'-26' tall and between 550 square feet and 600 square feet. The average sizes have continued to increase. The current square footages and heights allowed by the italicized information of the design guidelines (DADU standards) are greater than most outbuildings that are allowed outside of the historic overlays. Staff recommends continuing to require that outbuildings follow the same design standards as DADUs as a way to assure that the size of outbuildings do not continue to increase and do not “contrast greatly” with historic outbuildings. Exceptions may be made when unique conditions of the lot or the historic principal building dictate otherwise such as lot dimensions, shape, or grade, or roof and dormer forms of the historic home. If implemented, this policy would serve three purposes. It would be easier for applicants to navigate the requirements, it would assure that outbuildings approved meet the design guidelines, and would assure that if a property owner decided at a later date to add a dwelling unit, the building would meet the requirements of the ordinance.

Dormer Calculation

Staff recommends continuing with the current calculation method for outbuilding/DADU dormers for multiple reasons. As discussed previously, the design guidelines require that outbuildings be similar in massing and scale to historic outbuildings. The buildings currently allowed are already larger than the historic context. Changing the calculation method for a dormer to an area method, rather than a linear method, means that a steeper roof pitch and wider eave overhangs could be utilized to increase the area, resulting in a larger dormer than what was intended. The current method already allows for more than the original method. Allowing for even more is not the intent of the design guidelines. In addition, an area calculation as opposed to a linear calculation is slightly more complicated to figure and staff already receives feedback from applicants that the

ordinance requirements are too difficult to understand. (An architect watching the March meeting sent us an unsolicited email afterwards stating that the current method is “easier to calculate and is fair to all projects.”)

Staff recommends rather than continuing to make minor alterations to the ordinance that the Commission consider, if funding can be found, a plan book be created that would allow for more variety in outbuilding design, while still meeting the design guidelines.

Setbacks

The bulk standards require greater rear setbacks for outbuildings than what is typically seen historically. The Commission has routinely, for many years, approved rear setback determinations of a minimum of five feet (5’) when garage doors face the alley with little opposition, based on section 17.12.020 of the zoning code which allows “alternative standards” in historic overlays. Staff recommends that as a part of the outbuilding policy, the Commission determine that for properties zoned RS and R, a five foot (5’) minimum rear setback is appropriate for outbuildings when there are garage doors facing the alley; when there are no garage doors facing the alley, a three foot (3’) rear setback is appropriate. The result would be an encouragement of applicants to place outbuildings in historically appropriate locations and the ability of Staff to administratively issue more outbuilding permits. Administrative permits decrease work for Staff, as a report does not have to be written, but more importantly, provide applicants with faster permits.

Administrative Approval

When the DADU ordinance was first created, there was an unofficial policy for all DADUs to go before the Commission, allowing neighbors an opportunity to know that a dwelling unit is planned in their neighborhood. Since 2013, the number of DADU applications has approximately doubled each year. When neighbors have spoken against a DADU it is generally due to a design element, not the use itself. Staff recommends that as part of an outbuilding policy, DADUs be added to the Rules of Order and Procedure as a type of application that can receive an administrative permit, assuming that all regulations of a DADU are met. (Any DADU that did not meet the design requirements would still come before the Commission.) Administrative permits decrease work for Staff, as a report does not have to be written, but more importantly, provide applicants with faster permits.

Recommendation:

Staff recommends:

1. The Commission implement a policy to continue to follow the specified requirements of a DADU for all outbuildings, finding that the requirements are consistent with the design guidelines and provides clearer direction to applicants. Staff further recommends that the Commission continue to use the existing dormer calculation method finding that it is consistent with the design guidelines.

2. The Commission add DADUs that meet all the design requirements be added to the Rules of Order and Procedure as a type of application that can be administratively permitted.
3. The Commission determine that the appropriate minimum rear setback for any outbuilding or DADU on a property zoned RS or R is five feet (5'), when the garage doors face an alley or three feet (3') when there are no garage doors facing an alley.

4. RESEARCH PROVIDED AT SPECIAL CALL MEETING

DADU APPLICATIONS 2012-2016

	2012	2013	2014	2015	2016
Belmont-Hillsboro	3	4	3	4	12
Cherokee					1
Eastwood			2	2	8
Edgefield	1		1	1	4
LSEE	1		4	14	18
Maxwell					1
Park & Elkins				1	1
Salemtown					1
Waverly Belmont					3
Woodland-in-Waverly				1	3
TOTALS	5	4	10	23	52

OVERVIEW OF CHANGES TO DADU ORDINANCE

Year	Allowed	Footprint	Eave/Ridge
2011	Only in historic overlays	1 story-700/ 2-story-500	10/16 for 1-story and 25' for 2-story
2/2014	Allowed in any UDO		
6/2014		750 for lots less than 10,000 sq ft and 1000 for larger lots	Max of 27' but MHZC kept the guidelines at 25'

AVERAGE OUTBUILDING SIZE COMPARED TO HISTORIC OUTBUILDINGS

	Historic Buildings			2012 Averages			2014 Averages		
	Bays	Avg. Square footage	Avg. Height	Bays	Avg. Square footage	Avg. Height	Bays	Avg. Square footage	Avg. Height
RWE	1	200	12'	2	600	17'	2	808	24
BH	1	240	12'	2	600	22'	2	696	22
HWE	1	240	12'	2	600	17'	2	716	21
MX/GW	1	240	12'	2	400	16'	2		
GT	1	400	20'	2	576	26'	2		
Edgefield	1	400	20'	2	576	26'	2	750	23
Average	1	247	15'	2	558	21'	2	7425	23'

PUBLIC COMMENT

From: Lynn Taylor [mailto:lynn@taylormadeplans.com]
Sent: Friday, April 21, 2017 10:31 AM
To: Zeigler, Robin (Historical Commission)
Subject: RE: outbuilding policy

I agree it would be easier if DADU and outbuildings were the same, however, the DADU ordinance is too restrictive and needs to be changed. It reads like the MHZC created the ordinance? It is Preservation guidelines on steroids.

I recommend the DADU ordinance be modified before the MHZC enforces it in Historic Overlays.

Best,

Lynn Taylor

Residential Designer

Taylor Made Plans

615-650-8956 office

From: Martha Stinson [mailto:marthastinson3@gmail.com]
Sent: Tuesday, June 06, 2017 12:29 PM
To: Zeigler, Robin (Historical Commission)
Cc: Chris Talbott; Gill Murrey; Greg Asadourian; James Moore Gmail; Jan Bushing; Jenny Diamond Cheng; Jim Redwine; Linda Bengson; Lois Fleming; Martha Stinson; Mary Crichton; Mary Skinner; Michael Morosi; Michele Panucci; Miriam Mimms; Nancy Fullerton; Nora Liggett; Paul Picelli; Phil Ryan; Phil Ryan; Susan Schipani; Ted Davis III; Grooms, Tom; Tim Douglas; Tom Cash; Wesley Wilson; Allen, Burkley (Council Member)
Subject: DADU and Outbuilding Projects in Historic Districts

Hi Robin,

Thanks for coming out last night and informing HWEN of the Historic Commission process going forward as it pertains to Detached Accessory Dwelling Unit (DADU) and outbuilding projects in historic districts. The Board voted to support the process, with the exception of one dissenting vote. The dissent was cast due to the loss of notice involved with staff approvals, as such projects will be omitted from the commission's publicly posted agendas.

To summarize for the record and for your correction, the clarifications and changes being implemented relate to DADU and outbuilding projects only and how they are processed through the commission. DADUs are defined as outbuildings with living quarters for

inhabitants. Outbuildings do not have living quarters or inhabitants. The clarifications and changes are as follows:

- **Clarification:** The Commission is articulating its practice of evaluating projects by following the same design guidelines, from 2012 DADU ordinance, for both building types. The Commission has largely employed this process since 2012 and is now stating it in writing.
- **Clarification:** Dormers on DADUs and outbuildings are to be no wider than 50% of the structure's roof width. The Commission has largely followed this design principal since 2012 and is now stating it in writing.
- **New:** Projects meeting all existing requirements, plus the following minimum rear setbacks, will be approved at staff level:
 - Minimum 5-ft rear setback on all rear-entrance garages (i.e., from alleys)
 - Minimum 3-ft rear setback on all front- or side-entrance garages

Please correct any misstatements and thank you once again for keeping us in the loop and for your time last night.

Sincerely,
Martha Stinson, President
Hillsboro-West End Neighborhood Association

