

DAVID BRILEY  
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

**STAFF RECOMMENDATION**  
**3705 Richland Avenue**  
**April 17, 2019**

Metropolitan Historic Zoning Commission  
Sunnyside in Sevier Park  
3000 Granny White Pike  
Nashville, Tennessee 37204  
Telephone: (615) 862-7970  
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**Application:** New Construction—Outbuilding; Setback Determination  
**District:** Richland-West End Neighborhood Conservation Zoning Overlay  
**Council District:** 24  
**Base Zoning:** RS7.5  
**Map and Parcel Number:** 10409027800  
**Applicant:** Jonathan Helm, Contractor  
**Project Lead:** Melissa Sajid, [melissa.sajid@nashville.gov](mailto:melissa.sajid@nashville.gov)

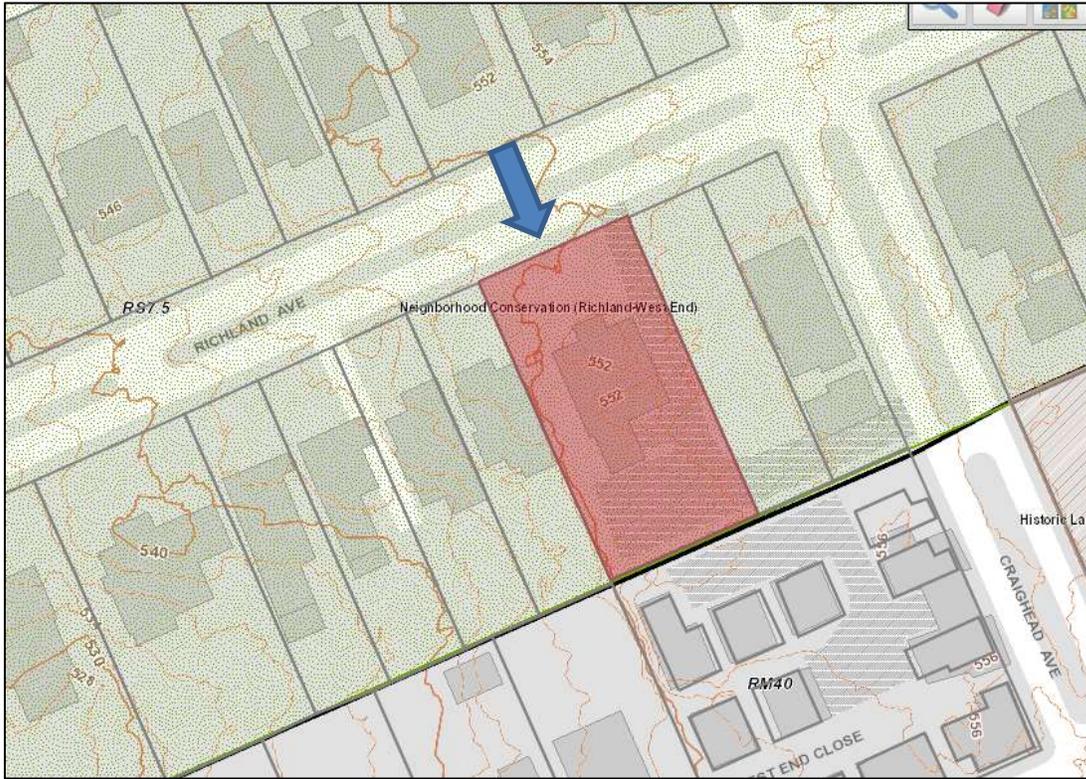
**Description of Project:** The applicant proposes to construct a two-story detached outbuilding with a footprint of approximately one thousand, four hundred, forty square feet (1,440 sq.ft.). The request includes setback determinations to reduce the left side setback from five feet (5') to four feet, six inches (4'-6") and to reduce the rear setback from five feet (5') to four feet, eight inches (4'-8").

**Recommendation Summary:** Staff recommends disapproval of the proposal, finding that the outbuilding does not meet Section II.B.1.h.for outbuildings of the Richland-West End Neighborhood Conservation Zoning Overlay design guidelines.

**Attachments**

- A:** Public Comments
- B:** Site Plan
- C:** Elevations

**Vicinity Map:**



**Aerial Map:**



## Applicable Design Guidelines:

### II.B.1 New Construction

#### h. Outbuildings

*(Although the MHZC does not review use itself there are additional ordinance requirements for buildings that 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.*

- No more than one DADU shall be permitted on a single lot in conjunction with the principal structure.
- 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 house located at 3705 Richland Avenue is a two-and-a-half story, four square house constructed c. 1910. It is considered to be contributing to the Richland-West End Neighborhood Conservation Zoning Overlay (See Figure 1).



Figure 1. 3705 Richland Avenue.

In 2013, MHZC approved an addition and outbuilding for this site. The fully enclosed addition was constructed, but the screened porch addition, connector, and outbuilding

were not constructed. The Preservation Permit expired after one year since no work had begun. Subsequently, the standards for DADUs changed in 2014 when Metro Council approved BL 2014-769. Following the amendment to the Zoning Code, MHZC included the italicized language in the design guidelines to provide guidance for the application of the outbuilding standards. The Commission has applied the italicized language to both outbuildings and DADUs.

**Analysis and Findings:** The applicant proposes to construct a detached two-story outbuilding in the rear yard. The proposed outbuilding will not include a dwelling unit.

Outbuildings:

*Massing Planning:*

	Potential maximums	Existing conditions	Proposed
Ridge Height	25' unless existing building is less	38'	29'-6"

Eave Height	2 story, 17', unless existing building is less	10'	18'
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	Lot is greater than 10,000 square feet	Proposed
Maximum Square Footage	1,000 sq. ft.	1,440 sq. ft.

As proposed, the outbuilding exceeds the maximum footprint, ridge height, and eave height. The outbuilding was approved in 2013 as it is currently proposed; however, the Commission’s interpretation of the design guidelines and the immediate context has changed since that time. The previous approval expired in 2014.

At the time the current proposal was approved, this lot sat next to a dormitory for Welch College, which was part of the reason for approval of the large size of the building. Now the property is next door to one of the single-family homes constructed as part of the redevelopment of the Welch campus. All properties that are part of the Welch development have been held to a maximum of twenty-five (25’) in height and one-thousand square feet (1,000 sq. ft.) in footprint. In order to be consistent, staff does not recommend approval.

Staff finds the height and scale of the outbuilding to be inappropriate and to not meet Section II.B.1.h for height and scale of outbuildings.

*Site Planning & Setbacks:* The proposed outbuilding has a footprint of approximately one thousand, four hundred, forty square feet (1,440 sq.ft). For an outbuilding with a footprint greater than seven hundred square feet (700sqft), the setback requirements are as follows:

	Minimum	Proposed
<b>Rear Setback</b>	5’	4’-8”
<b>Right Side Setback</b>	5’	40’
<b>Left Side Setback</b>	5’	4’-6”
<b>Distance between principal building &amp; outbuilding</b>	20’	28’

The application includes setback determination requests to reduce the rear setback from five feet (5’) to four feet, eight inches (4’-8”) and to reduce the left side setback from five feet (5’) to four feet, six inches (4’-6’). While the Commission has reduced the rear setback further for outbuildings in cases where there is no alley, staff finds that it could be inappropriate for this case since the footprint significantly exceeds the maximum allowed by the design guidelines and since the building form is a full two-stories.

Reducing the footprint so that it does not exceed one thousand square feet (1,000 sq. ft.) would make it possible for the outbuilding to meet both the rear and left side setbacks. For this reason, staff finds that the outbuilding does not meet Section II.B.1.h.2 for setbacks.

*Roof Shape:*

<b>Proposed Element</b>	<b>Proposed Form</b>	<b>Typical of district?</b>
Primary form	Hipped	Yes
Primary roof slope	9/12	Yes

The roof form and pitches are similar to historic outbuildings and are compatible with the historic house’s roof form. Staff finds that the proposed outbuilding could meet Section II.B.1.h.1 of the design guidelines if the ridge and eave heights met the design guidelines.

*Materials:*

	<b>Proposed</b>	<b>Color/Texture</b>	<b>Approved Previously or Typical of Neighborhood</b>	<b>Requires Final Review?</b>
Foundation	Brick with limestone detail to delineate floor line	Needs final approval	Yes	Yes
Cladding	Brick	Needs final approval	Yes	Yes
Secondary Cladding	Shake siding	Needs final approval	Yes	Yes
Roofing	Architectural shingles	Color unknown	Yes	Yes
Trim	Not indicated	Painted	Unknown	Yes
Windows	Not indicated	Needs final approval	Unknown	Yes
Pedestrian Doors	Not indicated	Needs final approval	Unknown	Yes
Vehicular Door	Not indicated	Needs final approval	Unknown	Yes

With staff’s final approval of the details of all materials prior to purchase and installation, staff finds that the known materials could meet Section II.B.1.h.1 of the design guidelines if the height and scale of the outbuilding were appropriate.

*General requirements for Outbuildings:*

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

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

As proposed, the outbuilding does not incorporate dormers. The project does not meet the design guidelines for location as the proposal does not meet the minimal setback requirements.

**Recommendation:** Staff recommends disapproval of the proposal, finding that the outbuilding does not meet Section II.B.1.h. for outbuildings of the Richland-West End Neighborhood Conservation Zoning Overlay design guidelines.

## ATTACHMENT A: PUBLIC COMMENT

### Comments received 4/7/2019:

We live at 3702 Richland, which is across the street from Wesley Weeks.

We have seen his letter about the setback variances

We support his request for the variances

Jim Kelley

I live across the street at 3700 Richland Avenue. I have seen the letter and plans about the setback variance and fully support his request for variances.

Mary Ann McCreedy

### Comments received 4/10/2019:

Hey Melissa,

I own 3707 Richland Ave. I support Wesley Weeks proposal to build his garage.

Wesley's situation truly shows how arbitrary the Historic Guidelines are. Wesley's proposal was approved unanimously in 2013 by the MHZC with a favourable staff report but is now being recommended for disapproval, despite having the same design guidelines.

The guidelines are such that a reviewer can basically choose a conclusion on a particular submission and then twist the "guidelines" to fit that conclusion.

Things at historic clearly need to change.

Thanks,  
Alex

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