

DAVID BRILEY  
MAYOR



**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

Metropolitan Historic Zoning Commission  
Sunnyside in Sevier Park  
3000 Granny White Pike  
Nashville, Tennessee 37204  
Telephone: (615) 862-7970  
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**STAFF RECOMMENDATION**  
**218 Mockingbird Road**  
**July 17, 2019**

**Application:** New Construction- Detached Accessory Dwelling Unit (DADU); Setback Determination

**District:** Cherokee Park Neighborhood Conservation Zoning Overlay

**Council District:** 24

**Base Zoning:** R8

**Map and Parcel Number:** 10312015900

**Applicant:** Tom Mayhugh

**Project Lead:** Paul Hoffman; paul.hoffman@nashville.gov

**Description of Project:** Application for a detached accessory dwelling unit (DADU) at the rear of the lot. The applicant requests a setback determination for the outbuilding's left side, from five feet (5') to one foot (1').

**Recommendation Summary:** Staff recommends approval with the conditions:

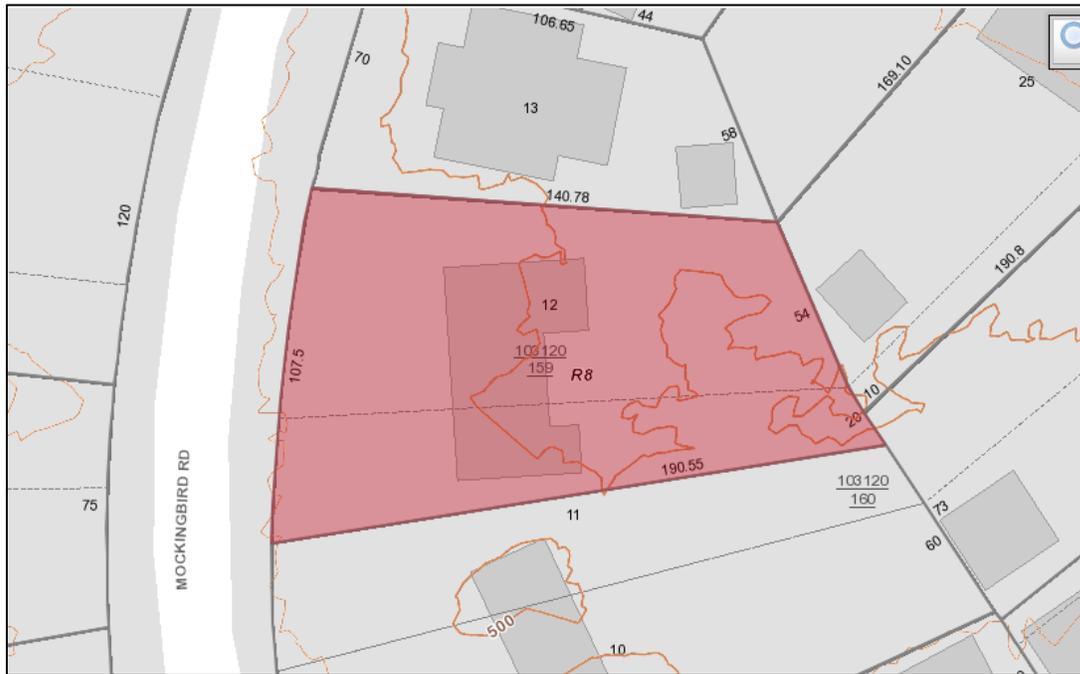
1. That the outbuilding is located at least five feet (5') from the left side property line to meet base setback requirements; and,
2. Staff have final approval of trim, windows, doors and roofing color.

With these conditions, staff finds that the proposed DADU will meet Section II.B.h of the design guidelines and 17.16.030.G of Metro Code pertaining to DADUs.

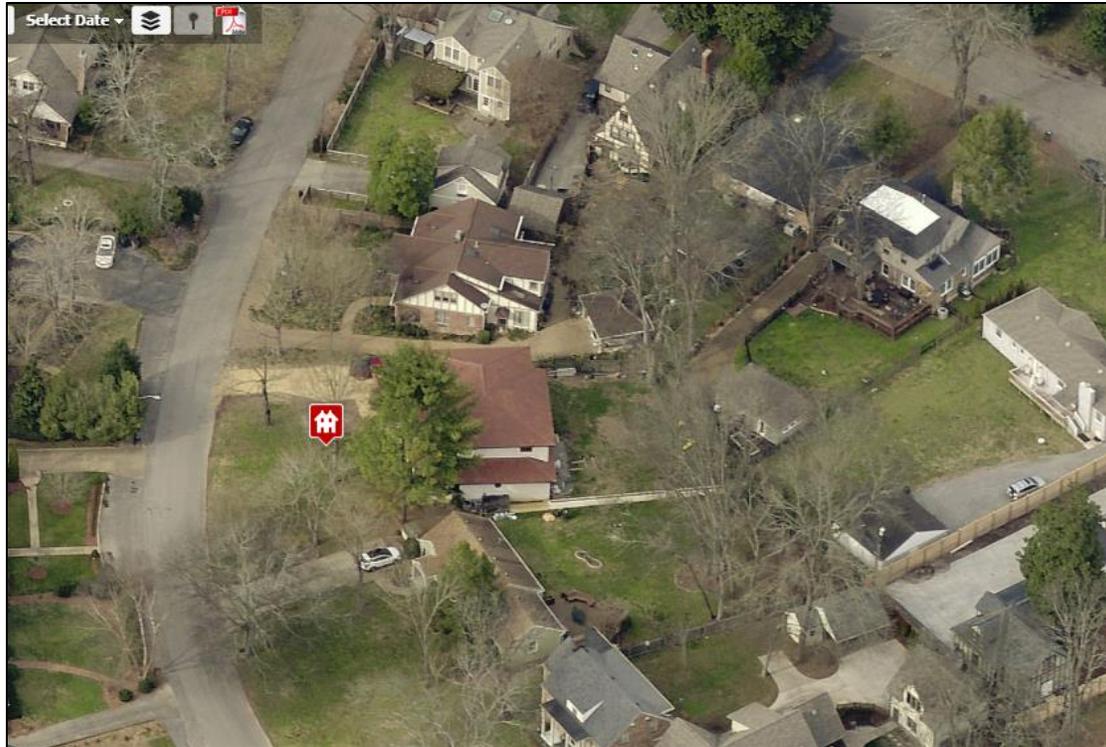
**Attachments**

- A:** Photographs
- B:** Site Plan
- C:** Elevations

**Vicinity Map:**



**Aerial Map:**



## Applicable Design Guidelines:

### II.B. GUIDELINES

#### h. 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.

*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.*

##### *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. Outbuildings with weatherboard siding typically have wide cornerboards and window and door casings (trim).*
  - 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.*

*Attached garages may be appropriate when:*

- The garage doors face the rear of the lot; or*
- The garage doors face the side of the lot and are setback a minimum of 10' from the existing sidewall of the building; and*
- The garage does not result in an inappropriately massed addition.*

#### *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 configuration 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 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 up to 3' from the rear property line. For corner lots, the DADU or outbuilding should match the context of homes on the street. If there is no context, the street setback should be a minimum of 10'.*

#### *Driveway Access.*

- On lots with no alley access, the lot shall have no more than one curb-cut from any public street for driveway access to the principal structure as well as the detached accessory dwelling or outbuilding.*
- On lots with alley access, any additional access shall be from the alley and no new curb cuts shall be provided from public streets.*

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

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

- *The lot area on which a DADU is placed shall comply with Table 17.12.020A.*
  - *The DADU may not exceed the maximums outlined previously for outbuildings.*
  - *No additional accessory structure shall exceed two hundred square feet when there is a DADU on the lot.*
  - *Density. A DADU is not allowed if the maximum number of dwelling units permitted for the lot has been met.*
  - *Ownership.*
    - *a. No more than one DADU shall be permitted on a single lot in conjunction with the principal structure.*
    - *b. The DADU cannot be divided from the property ownership of the principal dwelling.*
      - o *The DADU shall be owned by the same person as the principal structure and one of the two dwellings shall be owner-occupied.*
      - o *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.*

**17.16.030. 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:** 218 Mockingbird Road was built circa 1956 and is a non-contributing building in the Cherokee Park Neighborhood Conservation Zoning Overlay. The Commission approved additions to the front, roof and rear in 2016.



Figure 1: 218 Mockingbird Road.

**Analysis and Findings:** The applicant proposes construction of a two-story detached accessory dwelling unit (DADU) behind the home. The applicant requests a setback determination from five feet (5') to one foot (1') for the left side.

Site Planning & Setbacks:

The proposed outbuilding has a total footprint of seven hundred and sixty-three square feet (763 sq. ft.), the area being seven hundred and fifteen square feet (715 sq. ft.) plus forty-eight square feet (48 sq. ft.) for the balcony. For outbuildings with a footprint greater than seven hundred square feet (700 sq. ft.), the setback requirements are as follows:

	Minimum	Proposed DADU
<b>Rear Setback</b>	3'	10'
<b>Right Side Setback</b>	5'	44'
<b>Left Side Setback</b>	5'	1'
<b>Distance between principal building &amp; outbuilding</b>	20'	14'

The outbuilding is proposed to be separated from the house by only fourteen feet (14'), as there is a large tree at the rear corner that the applicant wants to retain. The design guidelines require twenty feet (20') of space between the back of a house/addition and an outbuilding. In cases where lots are unusually shallow, have constraining easements, or are unusually shaped, the Commission has reduced the allowable depth to ten feet (10'). Because this lot is shallow at just one hundred and forty feet (140') on the left side, staff finds that a reduced distance of fourteen feet (14') between the rear of the house and the DADU could be appropriate in this case. The required side setback for a structure less greater than 750 square feet is five feet (5'). The applicant requests a setback determination for the left side of the outbuilding from five feet (5') to one foot (1') in order to conserve yard space and to be able to drive a vehicle straight into the garage. The Commission has regularly approved a reduced rear setback for an outbuilding, but has required the side setbacks to meet base zoning requirements. Because of the size of the DADU (square footage and two-stories) and because there is room on the lot to

relocate the garage to a different area, staff does not find it to be appropriate to reduce the side setback. Staff recommends the new structure be at least five feet (5') from the side property line to meet the requirements of Section II.B.h and 17.16.030.G for location and setbacks.

Massing Planning:

	Potential maximums	Existing conditions	Proposed DADU
Ridge Height	25' unless existing building is less	28' 9"	24'
Eave Height	2 story, 17', unless existing building is less	20' 6"	17'

	Lot is greater than 10,000 square feet	Proposed DADU	Total
Maximum Square Footage	1,000 sq. ft.	763 sq. ft	763 sq. ft.

The lot is greater than fourteen thousand square feet. (14,000 sq ft).

Staff finds that the DADU's height and scale are appropriate and meet Section II.B.h of the design guidelines and 17.16.030.G.

Roof Shape:

Proposed Element	Proposed Form	Typical of district?
Primary form	Gable	Yes
Primary roof slope	5/12	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 roof forms meet Section II.B.h of the design guidelines and 17.16.030.G.

Materials:

	Proposed	Color/Texture	Approved Previously or Typical of Neighborhood	Requires Final Review?
Foundation	Concrete Slab	Typical	Yes	No

Cladding	Stucco	Typical	Yes	No
Roofing	Tiles	Unknown	Unknown	Yes
Trim	Not indicated	Unknown	Unknown	Yes
Windows	Not indicated	Needs final approval	Unknown	Yes
Balcony railing	Not indicated	Unknown	Unknown	No
Shutters	Not indicated	Unknown	Unknown	No
Pedestrian Doors	Not indicated	Needs final approval	Unknown	Yes
Vehicular Door	Not indicated	Needs final approval	Unknown	Yes

With final approval of all windows and doors, trim and the roof shingle color, staff finds that the materials meet Section II.B.h of the design guidelines.

Appurtenances & Utilities: The submitted materials indicate no changes to the site's appurtenances.

General requirements for DADUs:

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

	YES	NO
If there are stairs, are they enclosed?	Yes	
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?	Yes	
Is the building located towards the rear of the lot?	Yes	

Staff finds that the project meets section II.B.8.a of the design guidelines and 17.16.30.G., the DADU ordinance.

General Requirements for DADU:

The answer to each of these questions must be "no."

	YES	NO

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

Staff finds that the DADU meets the requirements set forth in the DADU ordinance, 17.16.30.G.

**Recommendation Summary:**

Staff recommends approval with the conditions:

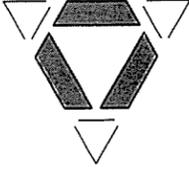
1. That the outbuilding is located at least five feet (5') from the left side property line to meet base setback requirements; and,
2. Staff have final approval of materials including trim, windows, doors and roofing color.

With these conditions, staff finds that the proposed DADU will meet Section II.B.h of the design guidelines and 17.16.030.G of the Code for DADUs.

Owner: *Joan Mayhugh*  
 Property Address: 218 MOCKINGBIRD ROAD  
 Property Location: CHEROKEE PARK LOT#12, & PART LOT#11  
 Property: NASHVILLE, DAVIDSON CO., TN  
 Recorded: PLAT BK: 547 PG:169, R.O.D.C., TN  
 Scale: 1"=20' Date: 4/14/16 Cadfile: CP11-12

# ADDITION PLAN

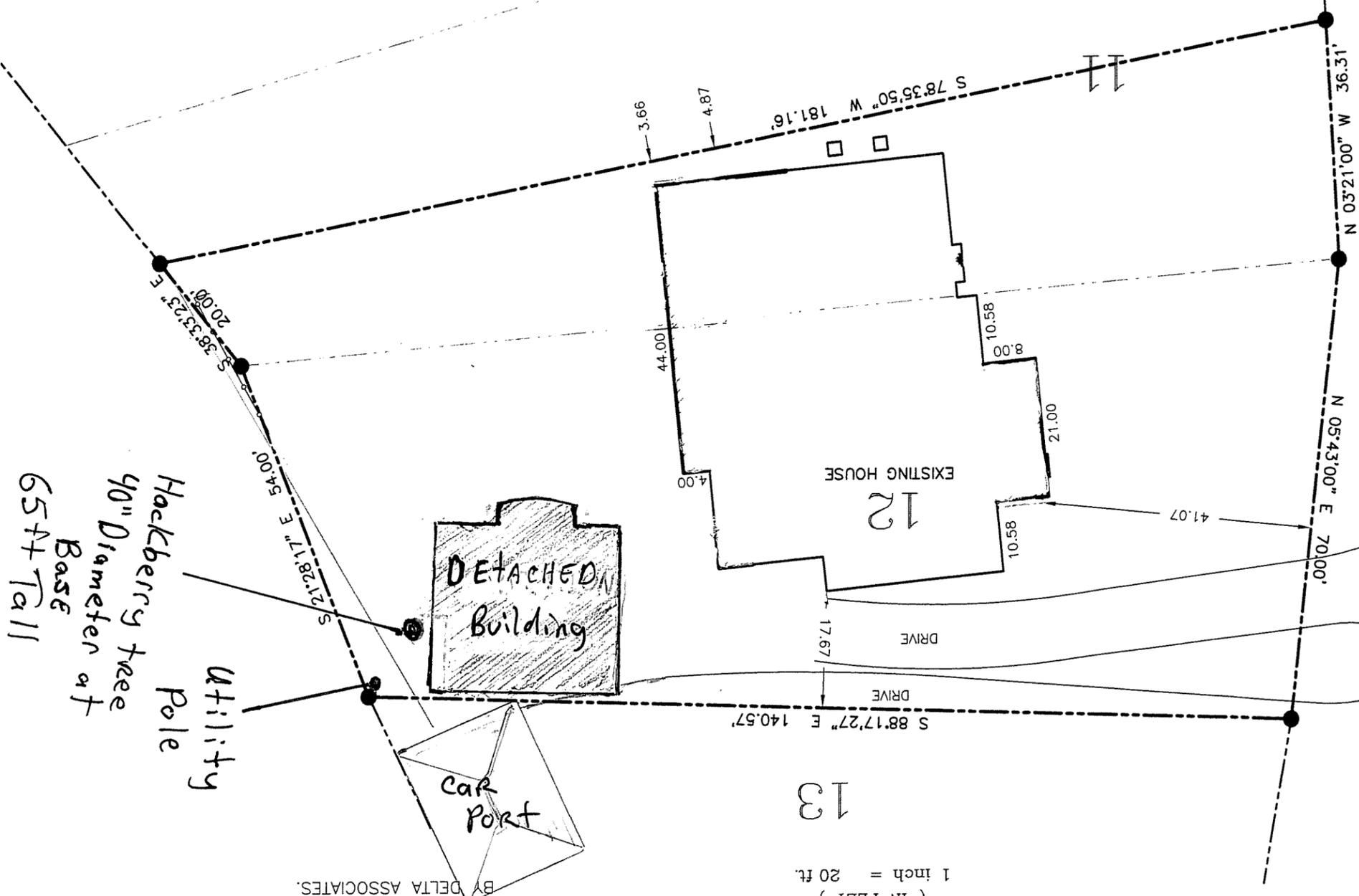
DELTA ASSOCIATES, INC.  
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10

MOCKINGBIRD ROAD

ROAD



GRAPHIC SCALE

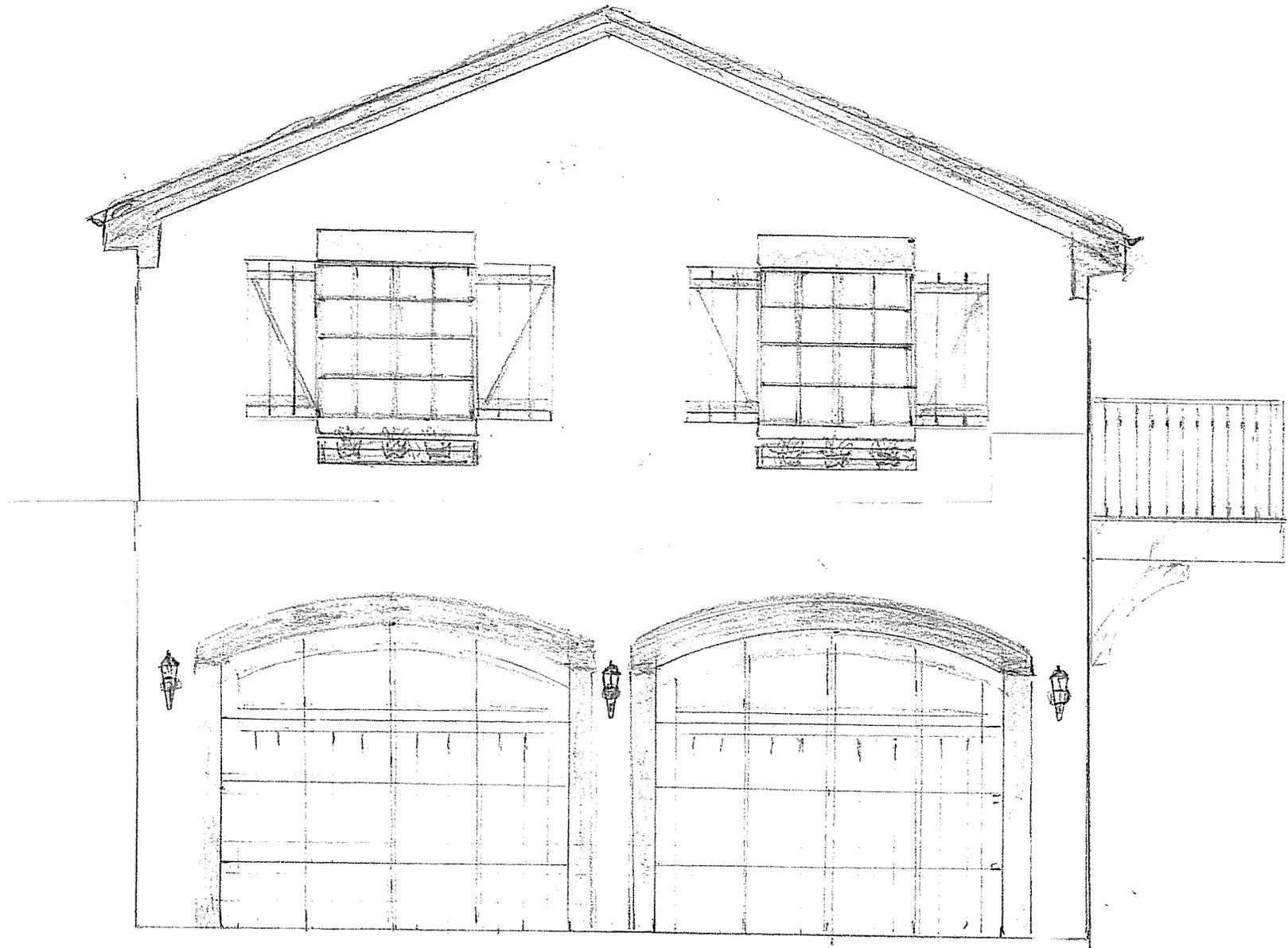


( IN FEET )  
 1 inch = 20 ft.

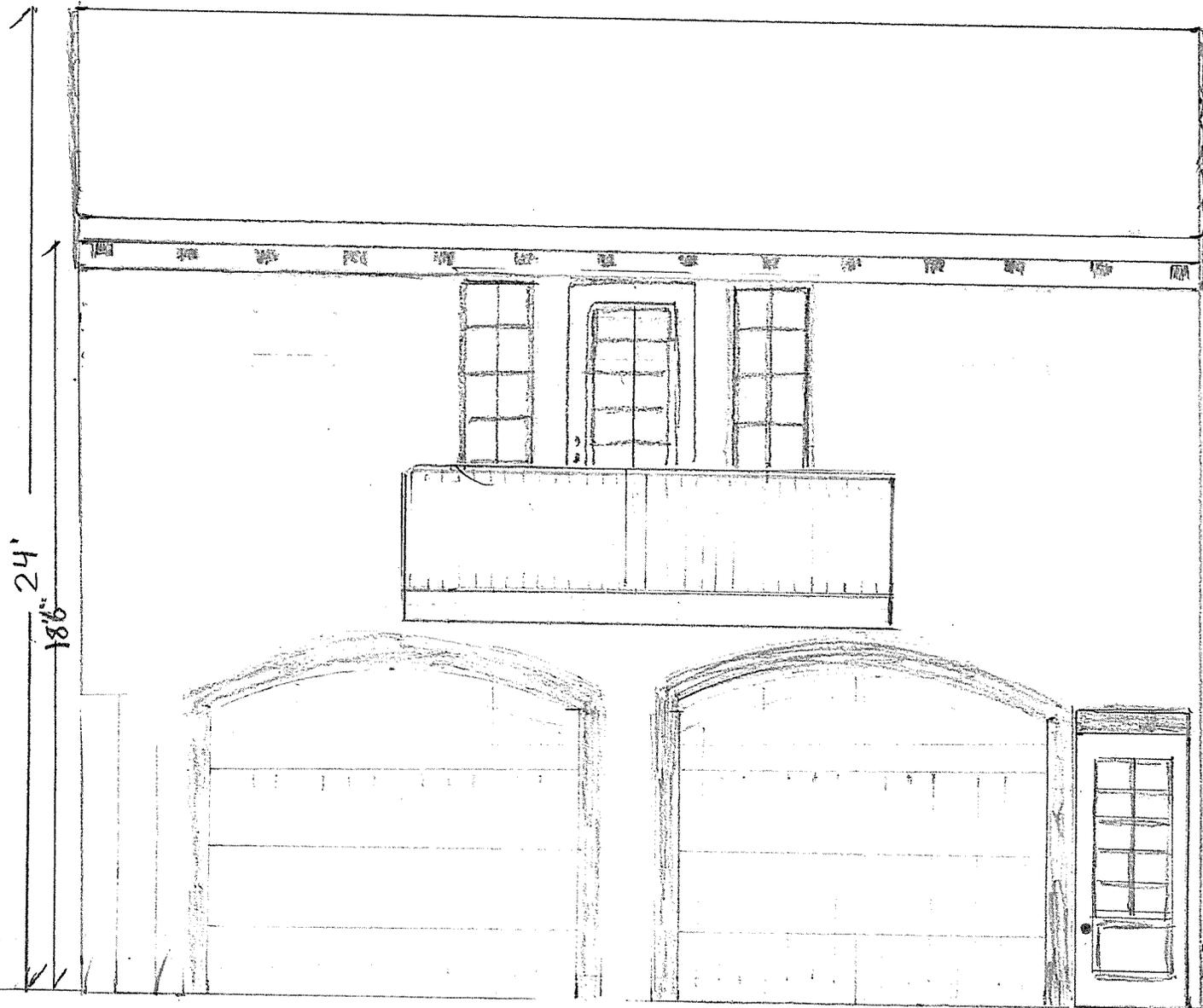
THIS PLOT PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE THIS PLAN IS SUBJECT TO AN ACCURATE AND UP TO DATE TITLE REPORT. THIS PLOT PLAN IS NOT REPRESENTATIVE OF A BOUNDARY SURVEY BY DELTA ASSOCIATES.



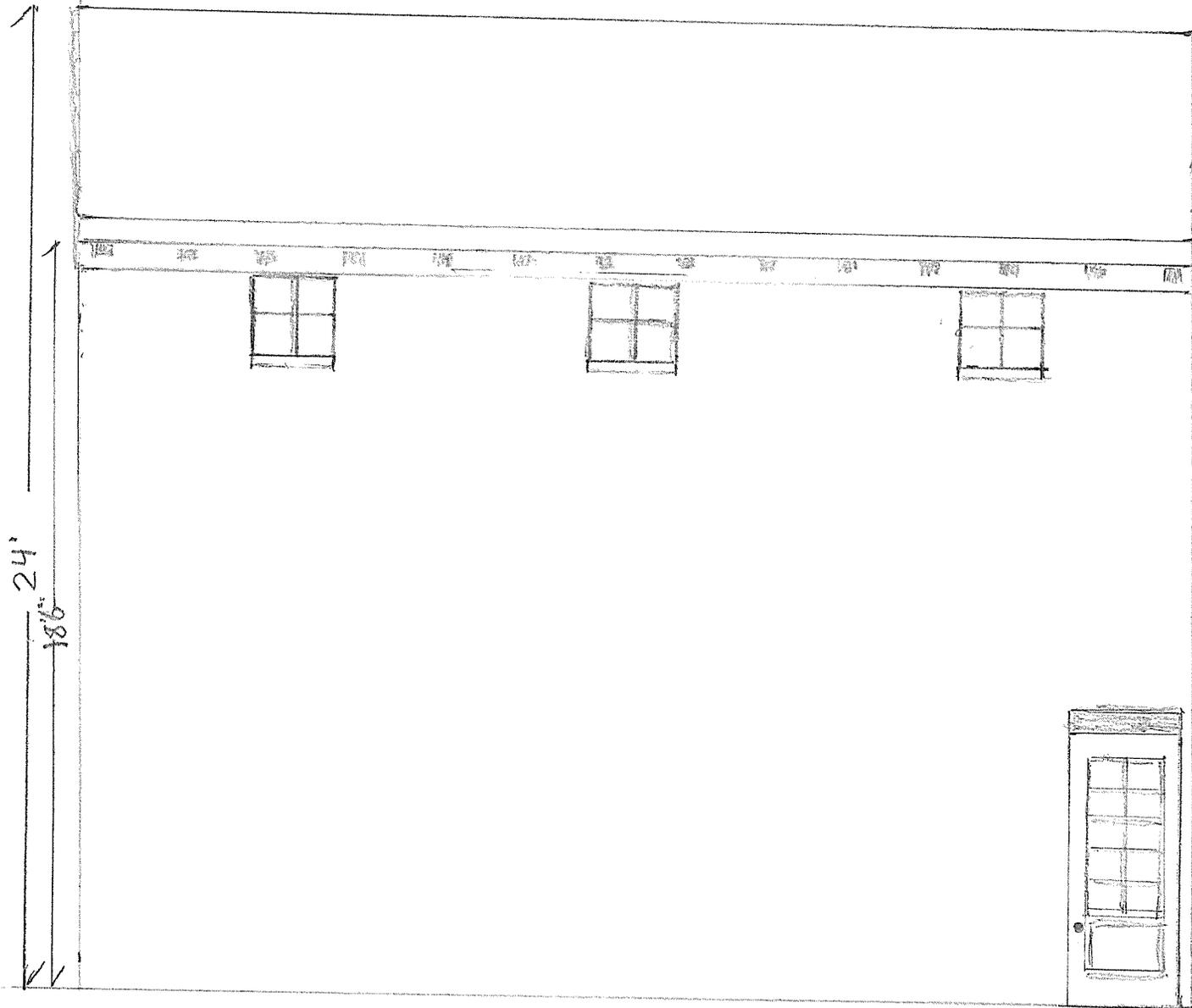
Front Side



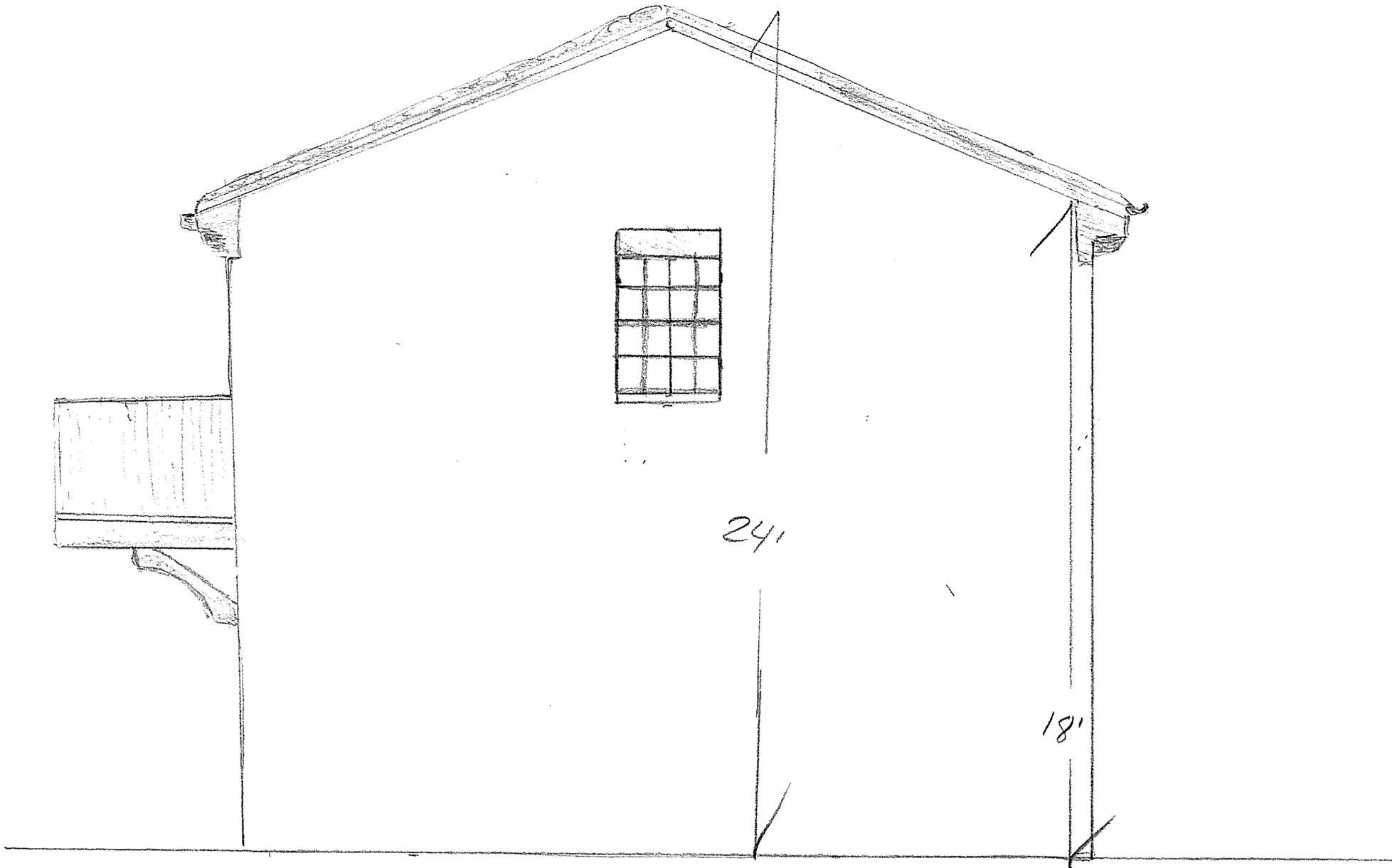
Right Side



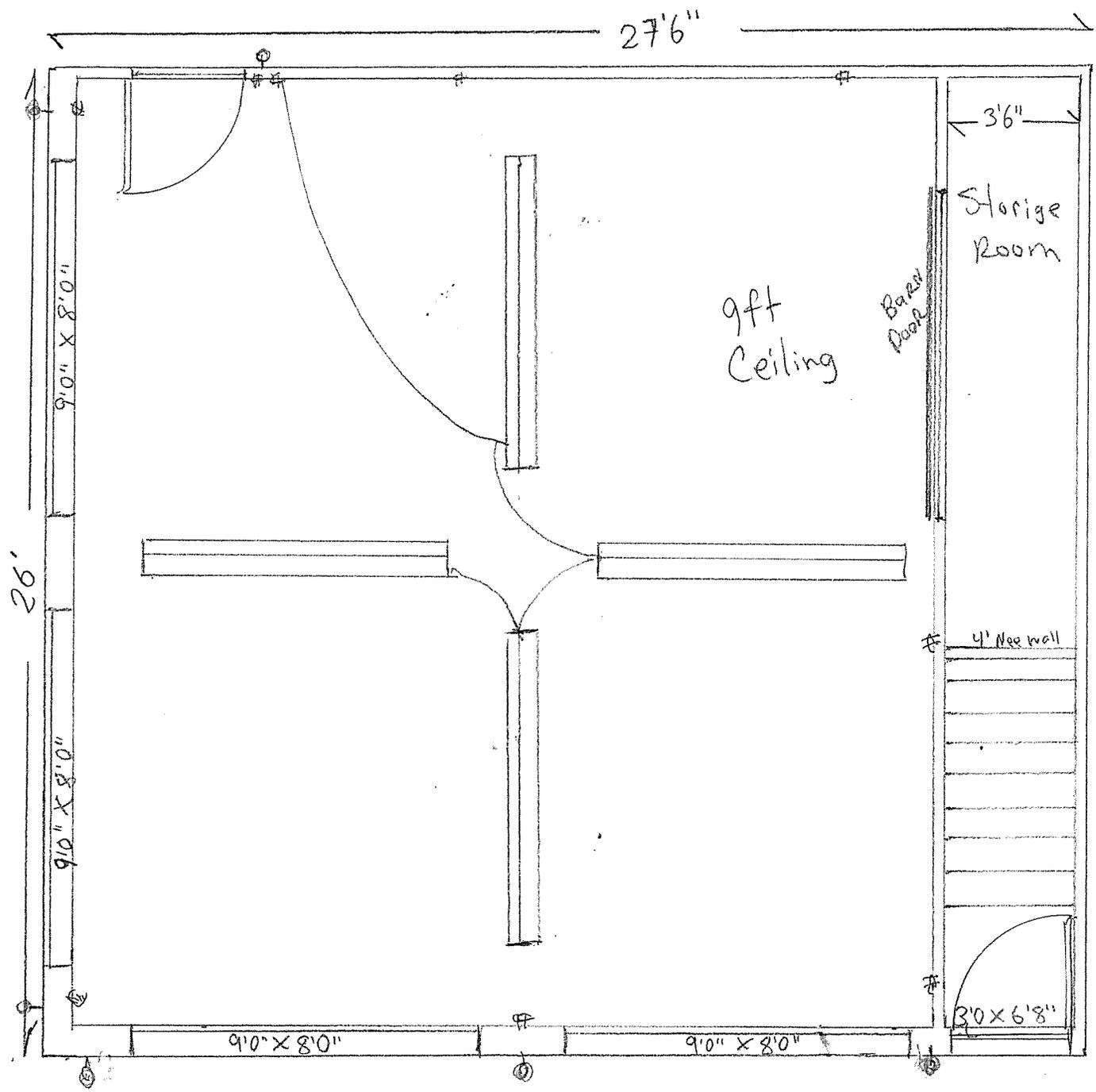
LEFT Side



Back Side

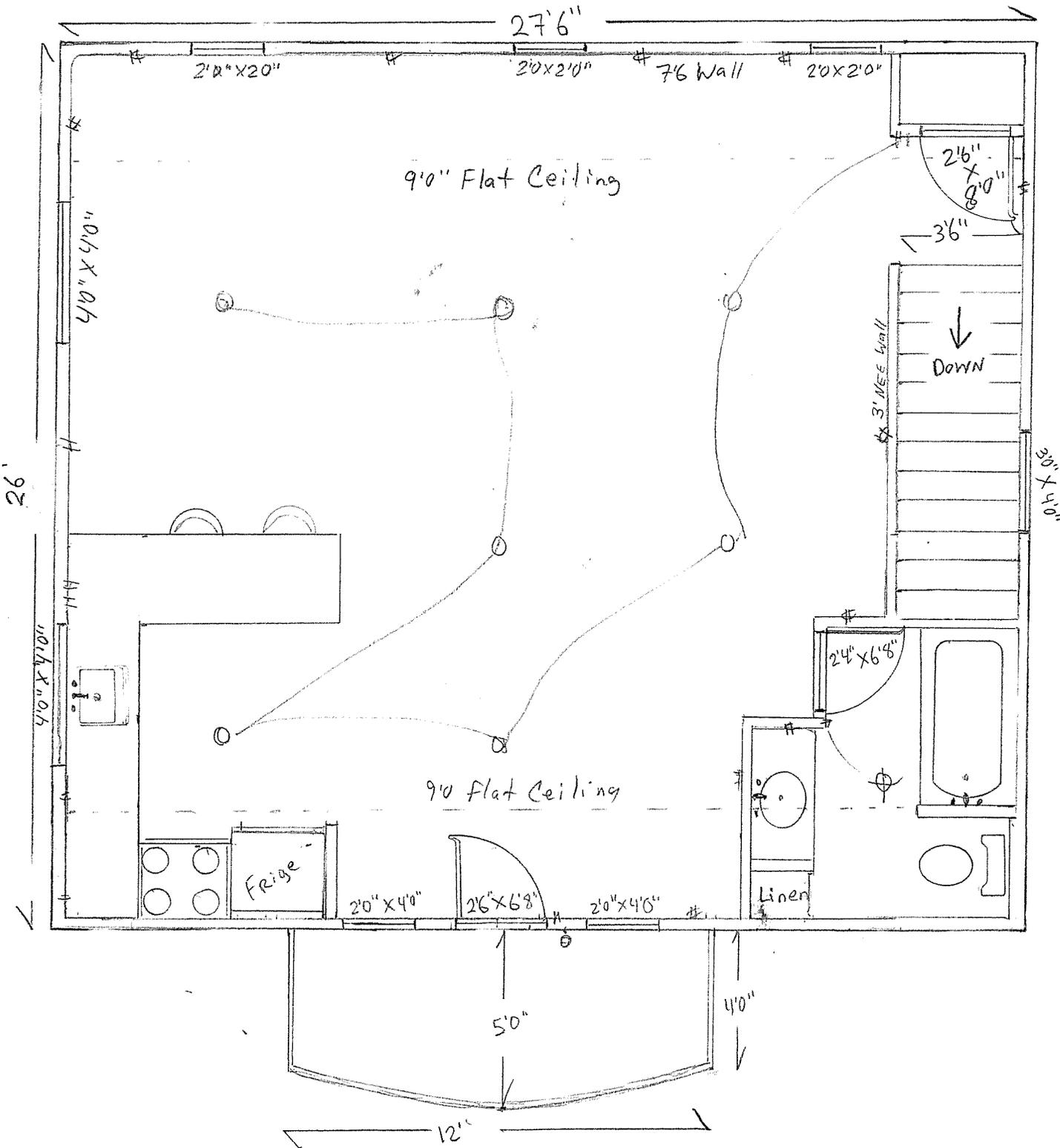


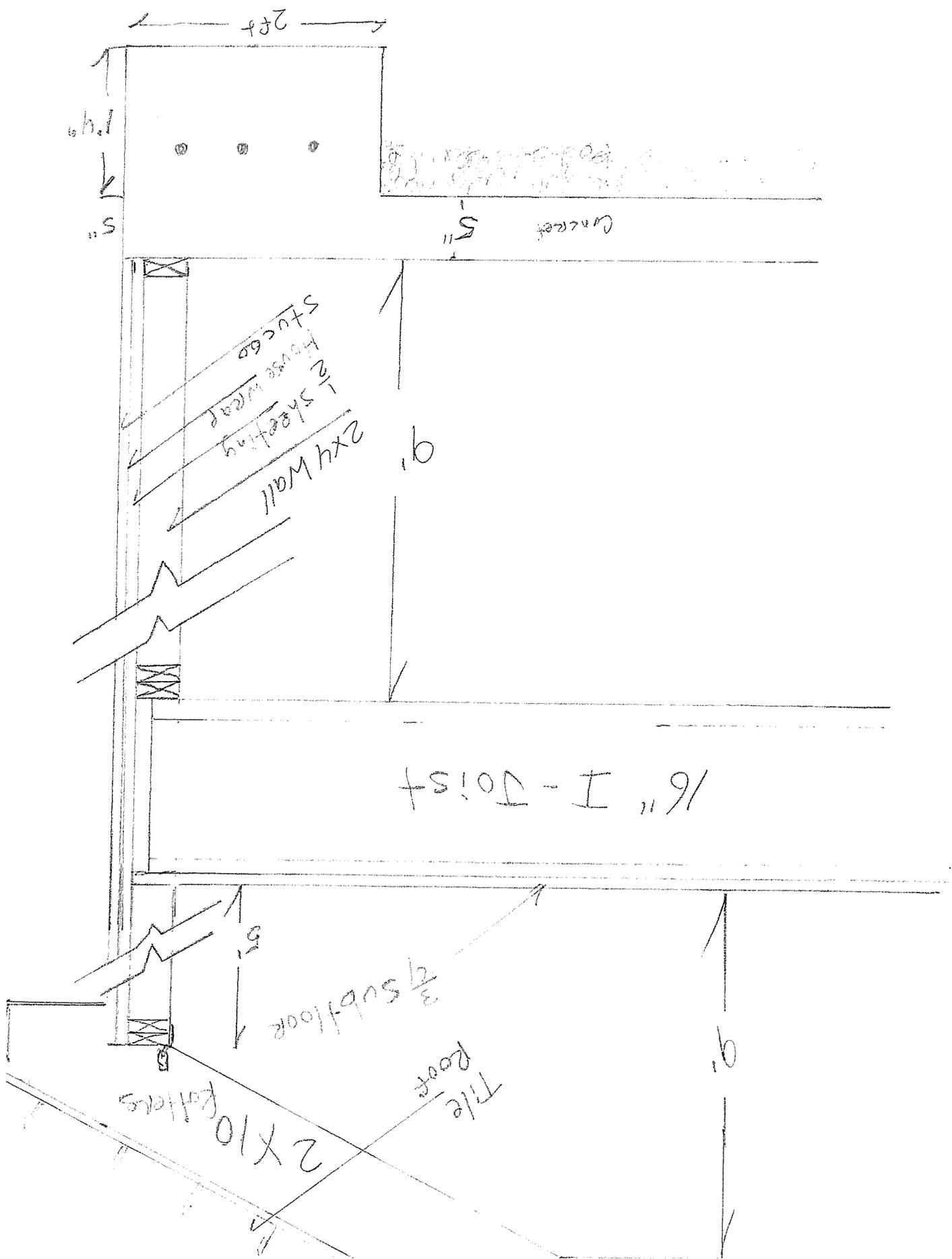
# Garage Level floor Plan



#2

# 2nd Level floor Plan





2ft

5ft  
5ft

Concrete

Stucco  
House wrap  
1/2" Sheathing  
2x4 Wall

9'

16" I-joist

5'

3/4" subfloor

2x10 rafters

Tile roof

9'