

Stakeholder Meeting #3, April 15, 2019

Attendance

Stakeholders: Pat Williams, Rebecca Freeman, Phil Thomason, Brett Withers (councilmember), Sheridyn Williamson, Nancy and Ira Chilton, Martin Wieck, Craig Kennedy, Brad Snider, Chris Aycock, Grace Renshaw, Lindsey Moffat, Elizabeth Smith, Helen Curnutte, Rob Benshoof, Steve Sirls, Rich McCoy
Staff: Robin, Victoria

Overview

The primary purpose of this meeting was to discuss other issues that are coming up, that are not related to the project, but that might be helpful to understand. Robin Zeigler provided an overview of historic zoning and related planning and zoning issues to help stakeholders better guide discussions in their neighborhoods.

The group also discussed ownership questions regarding outbuildings/detached accessory dwelling units and other points of interest to the stakeholders.

Discussion Points- Review of Historic Zoning Program

- The primary goal of all types of local historic zoning is first and foremost to prevent the demolition of historic buildings and also to control new construction to ensure that it is compatible with the historic character of the neighborhood.
- The role of the metro historic zoning commission is outlined in the Metro Ordinance and enabled by state law.
- Staff role in the design review process is to provide advice and guidance to applicants and to provide a review of projects for the commission. Staff are not decision makers.
- The Commission's role is to both create/adopt design guidelines and also to implement and interpret the design guidelines
- The designation of the overlay starts with property owners, not with the MHZC
- Permit process
 - Building permits often triggers review
 - Encourage applicants to come early in the process
 - Submit application
 - Projects that meet requirements for admin approval receive Preservation Permits within 1-3 days
 - Projects that need to go to Commission are reviewed every 3rd Wednesday of the month
- Although similar, the historic overlays are not form based code. Form based codes are regulations in the ordinance rather than more flexible design guidelines and typically do not include guidance on details such as materials.
- New construction Goals
 - Additions: should be appropriate for the specific building
 - Infill: should be appropriate for the historic character of the district
- Variances and Exceptions. A variance is a deviation from a "rule," in this case the ordinance. Hardship must be proven. Variances are considered by the Board of Zoning Appeals. Because we work with "design guidelines" rather than "rules" we don't have to issue variances but can allow for exceptions based on conditions of the site or building.

- Precedent, Fairness and Equity: Not every decision creates precedent. Guidelines are followed to ensure fairness. People are treated fairly but not every property is treated the same because it is different.
- Metro does not have site plans for every property, but does have mapping available online. Building footprints on these maps are not accurate as they are taken from aerials.
- Easements vs. Setbacks: Easements are a right to cross or otherwise use someone else's land for a specific purpose. Easements might be private or they might be public. Setbacks are a zoning term for the minimum distance construction must be from a feature, such as a road, alley, property line, river, flood plain...
- MHZC does NOT deal with HPRs as they have to do with the ownership of the lot.

Discussion Points-DADU Ownership Requirement:

Background: A detached accessory dwelling unit (DADU) is a zoning tool that allows for a residential use in a detached building in the rear yard, following design requirements, in lots that are zoned for 2-families. Currently, the ordinance says the owner of the property must live in one of the two units. This means that the two units cannot be sold separately and that both units cannot be rented at the same time.

Discussion:

- Does owner-occupancy really help the neighborhood? As the property owner in an R-6 lots, you can build a duplex to rent those out. But in an overlay, you have to be in one unit if you have a DADU and the DADU requirements are more restrictive
- Concerned that the MHZC is straddling the line between reviewing both design and use and it is not appropriate for them to review use
- Group was mixed on the value of occupancy requirement
- The Commission has the ability to determine the manner of attachment of a second unit
- How can the requirement be enforced? What if someone else buys the property and they don't know about the regulation?
 - One stakeholder stated that if someone comes back a couple of years later to inspect his garage/DADU he will not be accommodating.

Discussion Points-Ability to Sell the Two Units Separately:

Background: Because the property owner is required to live in one of the two units, it is not possible to sell the units separately.

Discussion:

- Consensus among most of the group that selling separately should not be allowed
- Selling them separately allows for more affordable buying opportunities for singles or couples who might not otherwise be able to live in the neighborhood of their choice
- Density is needed in the districts but will long-term residents be open to anything that encourages multi-family when they worked hard decades ago to push out inappropriate multi-family housing in favor of "single-family character"
- HPRs mean HOA agreements, which are law-suits waiting to happen and not regulated

Discussion Points-Other

- Construction is not being reviewed by Codes. When reviewed no measurements are taken
- The design guidelines needs to have a stricter lot coverage ratio than what is allowed by current zoning
 - Concerned that codes is not reviewing lot coverage

- The 20' between back of principle house and DADU was established to try to prevent building out the entirety of the lot, but is it enough, is it accomplishing the goal?

Notes/Reminders: Stakeholders were encouraged to take two questions back to their neighborhoods and encourage discussion on Padlet or bring a summary of discussions to the group.

1. Is the current DADU requirement that the property owner must live in one of the two units useful to the neighborhoods?
2. Do neighborhoods want the two detached units to be able to be sold separately?

The discussion points reflect the comments of the stakeholders and not necessarily the goal of the consolidation project.