

Plan On It

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In-Laws or Outlaws: Which Would You Rather Have Nearby? *An Introduction to Accessory Dwelling Units*

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Ok, now that I've got your attention, let's explore what "in-law" (or accessory) units are, and what role they can play as local communities start shifting gears in response to changing trends in the world of housing. An in-law unit is a legally constructed accessory dwelling unit. As we reported in our [February 2012 issue](#), shifting demographics are leading to an explosion of Baby Boomers entering the 65+ age group. As they age, many are looking to downsize and simplify their living arrangements. Pair that with rising energy costs, as well as younger age groups looking for more flexible living arrangements, and you get a perfect storm for creating renewed interest in a wide variety of housing options, including accessory units.

What is an Accessory Dwelling Unit?

Accessory dwelling units (ADUs) come in many different shapes and sizes. They are almost always much smaller than the main house on a property, and can typically be set up in one of three ways:

1. Separate unit within the main house (often created as an addition to that house);
2. All or a portion of an existing accessory structure (such as a garage). The entire garage might be converted into an accessory unit, or in some cases the second story of a garage can be built or renovated as an ADU;
3. Though less common, an ADU can also be built as a new accessory structure on the property, such as a small cottage.



Though not obvious from the outside, this barn in Cornwall, CT has been converted into an accessory dwelling unit.

[Photo Credit: HousingUs]

What's an Outlaw?

An "outlaw" is an illegal accessory unit that has been created without proper permitting. Anecdotal evidence suggests that it is almost always these **ILLEGAL** units

that tend to be the source of any negative issues associated with accessory units. Of the 18 Dutchess County municipalities that responded to a recent survey about accessory units, not a single community reported any violations for **LEGAL** units.

The evidence suggests that legally created in-law units make good neighbors, so municipalities should consider reviewing local regulations to ensure that the creation of these units is permitted and not overly burdensome. This will hopefully keep the “outlaws” to a minimum, and ensure that accessory units are properly planned and designed to maintain occupant safety and neighborhood character, and result in a positive contribution to local housing options.

Why Do People Want an ADU on their Property?

There are many reasons for wanting an accessory dwelling unit on one’s property, and these reasons can change over time as personal situations change:

- For many people, it starts out as a way to provide a nearby but separate living arrangement for an aging parent(s). Over time, the accessory unit could become a housing option for grown children, or ultimately for the homeowner themselves as they age.
- Having an ADU can allow an older person to stay in their home/ neighborhood longer. As their space needs, maintenance abilities, and financial situations change, older homeowners can benefit from an ADU in a variety of ways:
 - Homeowner lives either in the main house or the accessory unit and rents the other unit to supplement fixed income;
 - As part of a creative rental agreement, some people have the tenant help out with basic property maintenance such as lawn mowing and snow shoveling. This can ease the financial and emotional burden of common maintenance tasks, helping older people maintain their independence.

Will ADUs Hurt Your Neighborhood?

The simple answer is “no.” Regardless of whether the accessory unit is for family or is rented out, most zoning codes limit them to a maximum of one or two people, so the number of additional people living in the neighborhood won’t be very noticeable. Also, misperceptions that tenants will be noisy or make property values decline are not supported by evidence. This issue is often resolved by including a provision in the local zoning code requiring the owner to live in one of the units on the property. Having the property owner within a stone’s throw is usually all that’s needed to keep the peace.



Peter, a semi-retired contractor from Connecticut, has had an accessory unit on his property for 4 years.

[Photo Credit: HousingUs]

Is an In-Law Unit Right for You?

Creating an accessory unit is a big undertaking. Here are some things to consider:

Privacy

It requires some adjustment regarding personal space and privacy. Whether the occupants are family or a rental tenant, adding an in-law unit will most likely change the social dynamic on your property, at least to some degree.

Short-Term Costs

Chances are you will probably have to employ an architect and/or skilled contractor to create the accessory unit. Plans will need to be drawn up and permits secured prior to construction. Upgrades to basic systems may be necessary. For example, if you are on a private well and septic, your systems may need to be upgraded to accommodate the new unit. All of these things add to the cost of a unit, which can run into the tens of thousands of dollars.

Long-Term Costs

Your tax bill may go up if you are creating additional living space (versus converting existing space). This potentially long-term impact is often overlooked. It must be understood that even if an in-law unit is created for an immediate need, such as housing an aging parent, the owner may always have a higher tax bill regardless of whether or not the unit continues to be

occupied into the future. This should be taken into consideration when deciding whether or not an accessory unit is right for you. You should also check to see if your municipality has any restrictions about the rental of accessory units (most don't), just to make sure you'll have that as an option if interested or necessary.

Neighbor Relations

Neighbors could be concerned about how your accessory unit may affect them. Be proactive and engage in discussions with your neighbors about why you want or need an accessory unit, how you plan to maintain their privacy, and how you will ensure the occupants will be a positive addition to the neighborhood. Neighbors who first hear about a proposed unit through a registered letter regarding a public hearing are more likely to react negatively.

How Can Municipalities Support Accessory Units Responsibly?

If your municipality is looking for ways to support a broader range of housing options for residents, there are certain steps that can be taken to ensure a reasonable process for local permitting to create accessory units.

First and foremost, make sure your local zoning code permits accessory units in most, if not all, districts. Consider including supplementary regulations to ensure that



This accessory unit in Cornwall, CT features a loft bedroom accessed by a space-saving spiral staircase.

[Photo Credit: HousingUs]

accessory units blend in and make good neighbors. Here are some typical items to consider:

- Require the property owner to live on-site, in either the primary or accessory dwelling;
- Limit the square footage of the accessory unit to ensure that it maintains a subordinate role to the main house;
- Limit the number of bedrooms to one (1), and limit the number of people allowed to reside in the accessory unit (typically limited to 1 or 2 people);
- Require annual inspection of the unit by code enforcement official;
- Require design and construction of the accessory unit to be compatible with the existing building(s);
- Allow only one (1) accessory unit per lot.

In-Laws or Outlaws?

Getting back to the opening question, anecdotal evidence suggests that “in-laws” make much better neighbors than “outlaws.” Unfortunately, it’s the outlaws that tend to give a bad rap to accessory units as a whole. One way to combat the proliferation of illegal units is to make the permitting process less costly and onerous. If homeowners have the support of the municipality to create legal, safe, and well-designed accessory units without having to deal with a lot of bureaucratic red tape, it is possible that a majority of these units would be created through the proper channels. While there may always be some illegal units out there, communities that openly support accessory units as an option will be ahead of the game as housing and demographic trends continue to shift away from the single-family dwelling unit as the only choice.

More Information

Book: [In-Laws, Outlaws, and Granny Flats](#) by Michael Litchfield

[The Glories of Granny Flats](#) (article & book review), by P. Langdon

[Accessory Apartments Program](#) through [HousingUs](#), an Initiative of Berkshire Taconic Community Foundation

[Accessory Apartments Guide: Millerton, NY](#)

[Accessory Apartments: An Affordable Housing Strategy](#) by GrowSmart Maine

[Accessory Dwelling Units \(PAS QuickNotes No. 19\)](#) by American Planning Association

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This newsletter was developed by the Dutchess County Department of Planning and Development, in conjunction with the Dutchess County Planning Federation.

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