



CITY OF ATLANTA

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MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 28, 2013

Agenda Item: Review and Comment (RC-13-210) on a variance application (V-13-129) to exceed the maximum lot coverage from 55% to 71% for a pool and pool decking at **398 Pavillion Street**- Property is zoned R-5/ Grant Park Historic District (Subarea 1).

Applicant: Eva Phillips
398 Pavillion Street

Facts: According to the Grant Park Inventory, the existing house was built in 1892 and is considered non-contributing. In 2011, the Commission reviewed and approved a Type III Certificate of Appropriateness (HD-11-225) to allow renovations and a second story addition.

Analysis: The following code sections apply to this application:
Per Section 6-4043 of the Atlanta City Code:

- (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.

In 2011, the existing house was approved for renovations and additions that included a second story addition, a rear addition, a rear deck addition, a front porch expansion, a new concrete driveway and a new concrete walkway. The approved renovations and additions increased the lot coverage to 54%. Given the lot coverage percentage, any additions to the property would require a variance from the lot coverage requirement.

The Applicant installed a pool and pavers without the appropriate permit. As such, the lot coverage is now 71%. Despite the fact that a significant renovation and addition project was approved two years ago, Staff finds that homeowners should be allowed to add space or make site improvements to their property. Further, Staff finds that pools are allowed in district.

Staff has concerns regarding the amount of the lot that will be covered. While Staff finds it is reasonable to grant a variance, Staff finds there is a way to minimize the amount of the lot that is covered. As the lot coverage requirement is in place to help prevent runoff and negative impacts to adjacent properties, Staff suggests reducing the amount of lot coverage currently on the lot. While Staff finds that removing or reducing the size of the pool would be a hardship on the Applicant, Staff



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STAFF REPORT

August 28, 2013

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-213) for a new single-family house at **171 Savannah Street** - Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline.

Applicant: Julie Stephens
167 Savannah Street

Facts: This property is not listed in the Cabbagetown District Inventory. This lot was once part of 167 Savannah Street. The property was subdivided, creating one lot with an existing contributing house and a vacant lot.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code:

(a) **When Required, Generally:** In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark buildings and sites:

(b) To change the exterior appearance of any structure within any Landmark District;

Sec. 16-20A.005. Certificates of appropriateness.

Certificates of appropriateness within this district shall be required as follows:

(1) *When required:*

(b) To erect a new structure or to make an addition to any structure within the district;

Sec. 16-20A.006. General regulations.

The following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

(1) *Minimum standards.* These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.

(2) *The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.*

(3) *Applications.* Materials necessary for complete review of an application shall be submitted with the application as set forth by the director. In addition, a scaled site plan showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements shall be submitted for all Type III Certificate of Appropriateness applications. For new construction of a principal building, the application

adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.

3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.

c) *Roofs:*

1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
2. Skylight and solar panels are not permitted on the front façade of any structure. "Bubble type" skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.
3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
4. Boxed gable returns are not permitted.
5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.

e) *Porches:*

1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.

f) *Site development, sidewalks and curbs:*

1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
3. Curbing shall be granite; poured concrete shall not be used.
4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.

(19) *Off-street and off-site parking.*

- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
- b) The number of required parking spaces is set out in each subarea.
- c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
- d) Off-street parking may be located in a rear or side yard.
- k) Use of shared driveways and/or alleys is encouraged.
- l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

Sec. 16-20A.009. Shotgun and cottage housing (subarea 3).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a

The front, side and rear yard setbacks are based on the compatibility rule. The front yard setbacks on the block face range from 4'4" to 7'. The proposed front yard setback is 7' and therefore meets the regulations. The rear yard setbacks on the block face range from 14'8" to 27'. The proposed rear yard setback is 21'8" and therefore meets the regulations. The north side yard setbacks on the block face range from 6" to 14'. The proposed north side yard setback is 11' and therefore meets the side yard setback requirements. The south side yard setbacks on the block face range from 2' to 4'. The proposed south side yard setback is 3'8" and therefore meets the side yard setback requirement.

The maximum floor area ratio (FAR) allowed is .50. The plans indicate the FAR is .49 and therefore meets the requirement. Staff has concerns as the FAR calculations for each floor is not indicated. It is not clear whether the lower level of the proposed dwelling was included in the calculations. Staff recommends the Applicant provide documentation the FAR requirement has been met. Staff would note that lot coverage is not restricted in this subarea.

Per regulations, off-street parking is required. The proposed driveway is located more than 20' past the front façade of the house, therefore Staff finds the parking requirement has been met. Staff finds the design and material of the proposed driveway meets the regulations.

It is likely that the sidewalk will be destroyed in the process of building the home. The Staff recommends that the sidewalk be replaced per regulations such that the sidewalk shall be the same width as the sidewalk on the abutting properties. In addition, the sidewalk should be brick on a concrete base and laid in a pattern to match existing on abutting properties. The regulations require a paved walkway (poured concrete or brick pavers) from the front sidewalk to the front entry of the house. There is no walkway indicated on the site plans. Staff recommends an appropriate walkway is indicated on the site plans.

The site plan does not indicate any grading or change in the lot topography. In looking at the elevations, there is a clear change in the topography from the front to the rear of the lot. Staff recommends that the grading not excessively or unnecessarily alter the natural topography of the site and any new grades meet existing topography in a smooth transition.

Massing and Building Height

Per regulations, the architectural style of the new dwelling must be represented historically on the block face. The historic architectural forms/styles seen on the block face are Gabled Ell (Wing) Cottage (#137 Savannah Street), Saddlebag (L-plan), Shotgun, Central Hallway Cottage (#167), and Georgian Cottage (#179). The proposed dwelling is a Gabled Ell, very similar to the one at 137 Savannah Street. Per regulations, the roof form and pitch are based on the compatibility rule. Staff finds the roof form and pitch is similar to 137 Savannah Street and therefore meets the regulations.

Per regulations, the height is based on the compatibility rule. The heights of the houses on the block face range from 19'6" to 24'8". The proposed house height is 19'9" and therefore meets the regulations. The widths of the houses are based on the compatibility rule. The widths of the houses on the block face range from 30' to 35'. The proposed house width is 34'4" and therefore meets the regulations. The first floor height is based on the compatibility rule. The Applicant did not provide information regarding the first floor heights on the block face. Staff recommends the Applicant provide documentation the proposed first floor height meets the regulations.

Building Facades

In Landmark Districts, the Commission reviews all facades.



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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
August 28, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-214) for alterations at 1125 St. Louis Place - Property is zoned R-4/Atkins Park Historic District.

Applicant: Amanda Johnson
884 Lake Avenue

Facts: According to the Atkins Park Historic District inventory sheet, this single family dwelling was built in 1921. As such, it is considered contributing to the District. Based on the inventory sheet, alterations occurred to the house prior to the District's designation which included the front gable and front eyebrow dormer. The Staff would assume that the rear facing gable and laundry/mudroom/bathroom addition on the back left hand corner of the house were added at the same time.

The Applicant proposes to:

1. Replace three window units in the original part of the house in the existing kitchen area;
2. Replace a window unit in the laundry/mudroom/bathroom addition; and
3. Add a second window unit in the laundry/mudroom/bathroom addition.

The Staff would note that it previously approved additional exterior work on the house that was not visible from the street and thus not subject to review under the District regulations. This included reconfiguration and replacement of windows and doors on the angled portion and rear façade of the laundry/mudroom/bathroom addition, as well as the rear façade of the original house. There is also interior renovation proposed that are also not subject to review under the District regulations.

Analysis: The following code sections apply to this application:

Per Section 16-200.006 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Atkins Park Historic District.

(1) Certificates of Appropriateness:

- (D) Type II certificates of appropriateness shall be required for any of the following to the extent they are visible from a public street: Any minor alteration to any façade of any principal structure, fences, walls, retaining walls, decks, skylights, solar panels, mechanical and communication equipment, shutters, awnings, accessory structures or paving. If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of this chapter, as applicable and other criteria applicable to Type II certificates, the director of the commission shall issue the Type II certificate within 14 days of receipt of the completed application. If a Type II certificate of

the Staff is concerned about their replacement and the associated loss of historic fabric. They do not appear to have any significant deterioration and damage.

The Staff would recommend the Applicant provide additional information and photographs regarding the kitchen windows proposed for replacement. The Staff would further recommend that based on this information, the Staff determine if the complete replacement of the kitchen windows is warranted.

If the kitchen windows are not original or historic to the house, or do have significant deterioration or damage, the Staff has only limited concerns about the proposed replacement windows.

If the existing kitchen windows are not original or historic to the house, the Staff would recommend that the replacement windows be wood, double-hung units with light divisions that are permanently affixed to the exterior of the window in the same design as the existing windows.

If the kitchen windows are original or historic to the house but do have significant deterioration or damage, the Staff would recommend that the replacement windows be wood, double-hung units with true divided lights in the same design as the existing windows.

If the kitchen windows are original or historic to the house and do not have significant deterioration or damage, the Staff would recommend the existing windows in the kitchen are retained and repaired in-kind.

Staff Recommendations: Based upon the following:

1. Except as noted above, the alterations meet the District regulations, per Section 16-200.006, Section 16-200.007, and Section 16-200.009.

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-13-214) for alterations at 1125 St. Louis Place - Property is zoned R-4/Atkins Park Historic District with the following conditions:

1. The Applicant shall provide additional information and photographs regarding the kitchen windows proposed for replacement, per Section 16-200.009;
2. Based on the information provided in response to Condition #1, the Staff shall determine if the complete replacement of the kitchen windows is warranted, per Section 16-200.009;
3. If the kitchen windows are not original or historic to the house, the replacement windows shall be wood, double-hung units with light divisions that are permanently affixed to the exterior of the window in the same design as the existing windows, per Section 16-200.009;
4. If the kitchen windows are original or historic to the house but do have significant deterioration or damage, the replacement windows shall be wood, double-hung units with true divided lights in the same design as the existing windows, per Section 16-200.009;
5. If the kitchen windows are original or historic to the house and do not have significant deterioration or damage, the existing windows in the kitchen shall be retained and repaired in-kind, per Section 16-200.009; and
6. The Staff shall review, and if appropriate approve, the final documentation, elevations, specifications, and architectural details.



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STAFF REPORT

July 24, 2013

Updated

August 28, 2013

(updated information in italics)

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-184) for a variance to increase the height of an accessory structure from 15' (required) to 17'6" (proposed) at 204 Powell Street- Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline.

Applicant: Susan Thompson
204 Powell Street

Facts: According to the 2002 inventory, this single-family dwelling built before 1911 is considered contributing.

On July 24th and August 14th, this application was deferred to allow the Applicant time to address the concerns of the Commission and Staff.

Analysis: The following code sections apply to this application:
Per Section 16-20.007

- (a) *When Required, Generally:* In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
- (3) *Landmark Districts:*
- (a) To change the exterior appearance of any structure within any Landmark District;
 - (b) To erect any new structure or to make an addition to any structure within a Landmark District;
 - (c) To demolish or move any structure, in whole or in part, within a Landmark District; or

Per Section 16-20.009. Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part

- (9) *Minimum lot requirements.* There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- 16) *Accessory Structures and Uses.* Accessory structures and uses that are customarily incidental and subordinate to permitted principal uses and structures are allowed. These include the following, subject to limitations and requirements set forth herein or elsewhere in this part:
 - a) carriage houses, tool and garden sheds, greenhouses, private garages and similar structures shall be unattached, located to the rear of the principal building within the buildable area of the lot, and shall not project beyond the front of the principal building. In addition, they shall be located in the least visible location within permissible areas. The commission may require screening with appropriate plant or fence materials if said structure is visible from the public right of way; satellite dishes, devices for the generation of energy, such as solar panels, shall be attached to a building and shall not be visible from any public right of way; and
 - b) home occupations.

Sec. 16-20A.009. Shotgun and cottage housing (subarea 3).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

- (1) *Shotgun Housing.* Shotgun housing is a style typified by simple structures whose width is no more than that of one (1) room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms wide. This housing type is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.

- 4) *Permitted accessory uses and structures.* In addition to the uses and structures listed in 16-20A.006(16), the following are allowed, subject to limitations and requirements set forth herein or elsewhere in this part:

In-ground swimming pools and similar active recreation facilities subject to the following limitations. Such active recreation facilities in any yard, required or other, adjacent to a street shall require a special exception from the commission, which special exception shall be granted only upon finding that:

The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic, and the applicant shall contact the adjoining neighbors about the special exception and provide written letters to the commission from the adjoining neighbors regarding the propriety of the special exception.

- 1. The area for such activity could not reasonably be located elsewhere on the lot.

The commission may condition any special exception for such facilities based on concerns regarding visibility from public right of way, fencing, screening, or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.

- (1) *Minimum lot requirements.* In addition to the setback requirements in Section 16-20A.006(9), in no case shall any portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.
- (2) *Maximum building height and width.* The compatibility rule shall apply.

The Applicant constructed an accessory structure in the rear yard without the appropriate permits. Per regulations, accessory structures are required to meet the height and setback requirements. According to the Applicant, the required height is 15'. The proposed accessory structure is 17'6" and therefore a variance is required. The Applicant has submitted several pictures, however there are no pictures of the accessory structure being used as a point of comparison. Staff recommends the Applicant provide a picture of the accessory structure that is being used as a point of comparison.

Staff Recommendation: Based upon the following:

- 1) There are no extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography);
- 2) The application of the Zoning Ordinance of the City of Atlanta to this piece of property does create an unnecessary hardship;
- 3) There are conditions peculiar to this property;
- 4) Relief if granted would not cause a substantial detriment to the public good;

Staff recommends approval of the Application for a Type III Certificate (CA3-13-184) for a variance to increase the height of an accessory structure from 15' (required) to 17'6" (proposed) at 204 Powell Street– Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline, with the following condition.

1. Staff shall review and if appropriate, approve the final plans.