



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)

**JAMES SHELBY**  
Commissioner

**CHARLETTA WILSON JACKS**  
Director, Office of Planning

## STAFF REPORT September 11, 2013

**Agenda Item:** Applications for Type III Certificates of Appropriateness (CA3-13-221) for a variance to allow off-street parking between the principal structure and any public street at **169 Battery Place** – Property is zoned R-5/Inman Park Historic District (Subarea 1).

**Applicant:** Maura Mitzner  
1107 Moreland Place

**Facts:** According to the Inman Park Inventory form of August 2000, this house was built in 1920 and is considered contributing.

**Analysis:** The following code sections apply to this application:

Per Section 16-20L.005 of the Atlanta Land Development Code, as amended:

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

1. General Criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
- b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
  - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
  - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
  - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- d. **Compatibility Rule:** The intent of the Mayor and Council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face, and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building

characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.

2. Certificates of Appropriateness.

a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.

d. Type III Certificates of Appropriateness shall be required for:

i. All new principal structures.

3. Variances, Special Exceptions, and Appeals.

Variance applications, applications for Special Exceptions, and appeals from these Regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in Chapter 26 of this Part 16. The Commission shall have the authority to grant or deny applications for Special Exceptions pursuant to the standards in Chapter 25. The Commission shall have the authority to grant or deny applications for appeal pursuant to the standards in Section 16-30.010 and the appeal provisions for said decision, set forth in Section 16-30.010(e), shall also apply to the Commission's decision.

Sec. 16-20L.006. Specific regulations for Inman Park Core District, Subarea 1.

3. Off-street parking and driveways. In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses:

a. Off-street parking shall not be permitted between the principal structure and any public street.

b. Parking shall not be permitted on walkways that are located between the street and the façade of the principal structure.

c. The use of alleys for access to such parking is both permitted and encouraged. No variance is required for driveways coming off of an alley provided however that such driveways shall not extend past any façade which faces a public street.

d. Driveways shall not exceed a width of ten feet not including the flare at the street. Two-way driveways, where required for an allowed commercial or multi-family use, shall not exceed 24 feet not including the flare at the street.

The following variance justification was submitted by the Applicant:

### Variance

1. The extraordinary and exceptional condition that applies to this property is the width of the house in regards to the width of the property. The sides of the yard are not wide enough to allow parking beside the house. Additionally, there is no other access to the rear of the property to allow rear parking. Also extraordinary is the existence of an existing curb cut indicating that there was a previous front driveway. Exceptional to this street is the fact that half (five out of ten) homes on this street have front parking at this point in time. The only possible location for off street parking for this house is in the front of the house.

2. Application of the zoning ordinance to this piece of property would cause hardship as it would severely limit the amount of parking available. This is a small dead end street next to the Marta station and a large city park. This street restricts parking to one side of the street only. Two of the ten houses on the street have no off street parking and must use on-street parking, along with several homes that are limited to one off street parking space.

3. What is unique to this property, particularly on this street, is the lack of front parking even though 50% of the homes on this street have front parking and even though a curb cut exists for front parking.

4. If relief is granted it would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance as it would be in keeping with similar driveways in close proximity to this home. It would provide relief to the limited availability of street parking. It would provide a more desirable living condition as off street parking is more secure. It would provide for the sustainability of the neighborhood by removing a vehicle from a public access way.

5. This property has no other pending applications or requests for Special Use Permits.

Allowing front parking would not be unusual for this street, as several exceptions currently exist. Of the 10 houses located on this street five of them currently have front yard parking. This includes the two to the left of my property and the three to the right of my property. Of the remaining five houses, three (including myself have no off street parking) and two have driveways and parking beside the house.

#### **Staff Response**

The Applicant is requesting a variance in order to allow off-street parking between the principal structure and any public street. The lot in question is located on a dead end street off of DeKalb Avenue.

Parking is only allowed on one side of the street, therefore on-street parking is limited. The width of the lot and the house do not allow for a driveway that could be located beyond the front yard. There is no rear access to allow parking in the rear. As such, the only off-street parking opportunity would be in the front yard. Staff finds the Applicant has shown that there are no other off-street parking opportunities and that not having off-street parking is a hardship. Given that half off the houses have parking located between the primary structure and the public street, Staff finds the proposed driveway will not cause a significant detriment to the existing streetscape.

#### **Staff Recommendation: Based upon the following:**

- 1) Except as noted above, the proposal meets the variance, per Section 16-20.008(5)(e);

Staff recommends approval of applications for Type III Certificates of Appropriateness (CA3-13-221) for a variance to allow off-street parking between the principal structure and any public street at **169 Battery Place** – Property is zoned R-5/Inman Park Historic District (Subarea 1).





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## STAFF REPORT September 11, 2013

**Agenda Item:** Application for Type III Certificates of Appropriateness (CA3-13-222) for renovations and additions to the existing single-family dwelling and an accessory structure and (CA3-13-223) for variances to reduce the west side yard setback from 20' (required) to 17'4 ¾" (proposed) for a deck and a reduction in the east side yard setback from 20' (required) to 7'11" (proposed) for additions to an existing accessory structure at **1327 Fairview Rd.** - Property is zoned Druid Hills Landmark District.

**Applicant:** Karen Soorikian  
219 Fairfield Street, Decatur

**Facts:** According to the architectural survey in 2002, this dwelling built in 1925 is contributing.

**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;

Per Section 16-20B.003 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the entire district which includes both (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale/Oakdale/Lullwater.. Any proposed development shall require a certificate of appropriateness from the urban design commission and shall conform to the following regulations:

(5) *Minimum architectural controls:* Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district.

Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

**The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995, Standards for Rehabilitation**

REHABILITATION IS DEFINED AS the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

**Sec. 16-20B.005. Fairview Road regulations.**

The following regulations shall apply to any proposed development on any property located on Fairview Road:

- (1) *Permitted principal uses and structures:*
  - a. Single-family dwellings.
  - b. Parks, playgrounds and community buildings owned and operated by a governmental agency.
- (2) *Permitted accessory uses and structures:* Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
  - a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
  - b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
  - c. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
  - d. Home occupations.
- (3) *Minimum lot requirements:*
  - a. *Lot width:* Each lot shall have a minimum lot width of 100 feet.
  - b. *Lot area:* Each lot shall contain a minimum lot area of 18,000 square feet.
- (4) *Lot coverage:* Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.
- (5) *Minimum yard requirements:*
  - a. *Setbacks:*
    1. North side, Moreland Avenue to Springdale Road, NE:  
*Front yard:* 65 feet.  
*Side yards:* 20 feet.  
*Rear yard:* 50 feet.
    2. North side, Springdale Road to Oakdale Road, NE:  
*Front yard:* 90 feet.  
*Side yards:* 25 feet.  
*Rear yard:* 100 feet.
    3. North side, Oakdale Road to the east end of Fairview Road, NE:  
*Front yard:* 73 feet.  
*Side yards:* 25 feet.  
*Rear yard:* 40 feet.
    4. South side, Moreland Avenue to center line of Candler Street extended:  
*Front yard:* 59 feet.  
*Side yards:* 20 feet.  
*Rear yard:* 35 feet.
    5. South side, center line of Candler Street extended to Oakdale road, NE:  
*Front yard:* 59 feet.  
*Side yards:* 20 feet.  
*Rear yard:* 100 feet.
    6. South side, Oakdale road to east end of Fairview Road, NE:

*Front yard: 50 feet.*

*Side yards: 25 feet.*

*Rear yard: 100 feet.*

- (6) *Maximum height:* No building shall exceed a height of 35 feet.

**Sec. 16-20B.008. Variances, special exceptions and appeals.**

- (1) The urban design commission shall have the power to hear, grant or deny all variances from the sections of this chapter and all special exceptions as will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provision in a particular case will result in unnecessary hardship, provided that the spirit of the chapter shall be preserved, public welfare and safety secured, and substantial justice done. The criteria and the procedures for such variances and special exceptions shall be the same as so specified in chapter 26 of this part for the board of zoning adjustment.
- (2) Appeals from decisions of any administrative officials shall be made to the urban design commission, the same as so specified for the board of zoning adjustment in section 16-30.010, chapter 30 of this part.

**Variance for Deck**

The Applicant is requesting a variance to accommodate the construction of a new deck. In looking at the existing site plan, there is an existing deck on the west elevation that is currently in violation of the setbacks. The Applicant is proposing to demolish the existing deck in order to build a new one. The existing deck has a setback of 14'4". The new deck is proposed to have a setback of 17'4 3/4" and therefore is less non-conforming in regards to setbacks.

In looking at the justification provided, Staff finds the Applicant has not provided documentation that denial of the variance is a significant hardship as outlined in the variance criteria. Staff finds that having a 12'3" wide deck as opposed to a 15' wide deck is not a significant hardship. Given the size of the property, Staff finds there are opportunities to put a larger deck on the rear of the house. Given the information we have at this time, Staff cannot support the side yard setback variance for the deck. Staff recommends the variance regarding the deck is removed the request.

**Variance for Accessory Structure**

The Applicant is requesting a side yard setback variance in order to accommodate a second story addition and stair for an existing accessory structure. In general, Staff has no concerns regarding a second story addition for the accessory structure. As the existing accessory structure already violates the side yard setback, any second story addition would violate the setbacks. As such, Staff finds a side yard setback variance to allow the addition is reasonable.

Staff does have a concern regarding the proposed stair. The stair is proposed to be on the east elevation and therefore further increases the violation of the side yard setback. Staff finds the stair could be located on the south or west elevation. Staff finds situating the stairs on another elevation will reduce the amount of the side yard setback violation. Staff recommends the stairs for the accessory structure be moved to another elevation.

**Site**

The lot in question fronts 110' on Fairview Road and has a depth of 325.43' on its longest side. Per regulations, the side yard setback shall be no less than 20'. The side yard setback issues are addressed in the variance section. Per regulations, the rear yard setback shall be no less than 100'. Staff finds the proposed rear yard setback is more than 100' and therefore meets the regulations. Per regulations, lot coverage can be no more than 35%. The proposed lot coverage is not indicated on the plans. Staff recommends the Applicant submit documentation the proposed lot coverage meets the requirement.

The Commission reviews alterations to any structure within the district, whether or not said alterations can be seen from the public right-of-way

### **Addition to Principal Structure**

In general, Staff finds the overall design, massing, materials and architectural details of the proposed additions are consistent and compatible with the existing dwelling. Staff finds the partial demolitions associated with the project will not significantly impact the historic fabric of the existing dwelling. Given the location of the additions, Staff finds the streetscape will not be significantly impacted. Staff does have concerns regarding the proposed windows. While the overall size, location and design appropriate, Staff finds the material is not. Staff recommends all windows be wood and either true divided lite or simulated divided lite.

### **Addition to Accessory Structure**

As previously mentioned, the Applicant is proposing a second story addition to an existing accessory structure. In general, Staff finds the overall massing, height, design and materials of the addition are appropriate. The accessory structure has elements that match the principal structure, however the massing, materials and overall design allow the principal structure to remain the dominant feature. Other than concerns regarding the stairs indicated in the variance section, Staff has no concerns regarding the addition to the accessory structure.

**Staff Recommendation:** Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20B.008.

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA3-13-223) for variances to reduce the west side yard setback from 20' (required) to 17'4 ¾" (proposed) for a deck and a reduction in the east side yard setback from 20' (required) to 7'11" (proposed) for additions to an existing accessory structure at **1327 Fairview Rd.** - Property is zoned Druid Hills Landmark District, with the following condition:

1. The variance regarding the deck shall be removed the request, per Section 16-20B.008; and
2. The stairs for the accessory structure shall be moved to another elevation, per Section 16-20B.008.

**Staff Recommendation:** Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20G.006.

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA3-13-222) for renovations and additions to the existing single-family dwelling and an accessory structure at **1327 Fairview Rd.** - Property is zoned Druid Hills Landmark District, with the following conditions:

1. The Applicant shall submit documentation the proposed lot coverage meets the requirement, per Section 16-20B.006(4);
2. All windows shall be wood and either true divided lite or simulated divided lite, per Section 16-20.009(3); and
3. Staff shall review and if appropriate, approve the final plans.





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Director, Office of Planning

### STAFF REPORT

September 11, 2013

**Agenda Item:** Application for a Type III Certificate of Appropriateness for a variance to allow a deck that is not located to the rear of the principal structure at **522 Moreland Ave.** - Property is zoned R-5/Inman Park Historic District (Subarea 1).

**Applicant:** Caleb Mcgaughey  
1670 Sacketts Drive, Lawrenceville

**Facts:** According to the District inventory sheet, the house was built in 1920 and is considered contributing to the District. The two-story, brick, American Foursquare house sits on a roughly rectangular lot, facing Moreland Avenue. The rear of the property abuts the unimproved Julia Street, which has functioned as rear access to the houses that face Moreland Avenue and those that face Seminole Avenue to the west. In addition, the Staff would note that the City's cadastral / play map shows that the northern edge of the property abuts the unimproved and unused right-of-way of the Cleburne Avenue extension.

The proposed deck facing Julia Street appears almost fully built. In the Applicant's narrative, they note that additional work has also been started on the front porch facing Moreland Avenue. The photographs provided by the Applicant in their submission show the front porch flooring, ceiling, railing, and some trim have been removed. It is not clear if these elements are still on site. The inventory photograph from 2000 shows a front porch railing of somewhat unusual design, but is not clear enough to reveal any information about the flooring, ceiling or trim work.

The photographs provided with the submission also show that some type of rear porch or addition was removed to allow construction of the deck facing Julia Street, two new doors have been installed in existing door openings that lead to the former rear porch / addition, and that there is an extensive amount of lumber staged for use in the Julia Street yard.

**Analysis:** The following code sections apply to this application:

Per Section 16-20L.005 of the Atlanta Land Development Code, as amended:  
The following general regulations shall apply to all properties located within the Inman Park Historic District.  
1. General criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Code.
  - b. In the Inman Park Historic District, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
    - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
    - ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
    - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
    - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
    - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
    - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
    - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
    - viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
    - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
    - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
  - d. Compatibility rule:
    - i. The intent of the mayor and council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face; and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945.
    - ii. To further that intent and simultaneously permit flexibility in design, the regulations provide a compatibility rule which is as follows:
      - (a) Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure.
      - (b) Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.
2. Certificates of appropriateness.
- a. Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - c. Type II certificates of appropriateness shall be reviewed by the director of the commission and shall be required for:
    - i. All alterations to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from certificates of appropriateness in the subarea regulations.

- d. Type III certificates of appropriateness shall be reviewed by the commission and shall be required for:
  - ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a certificate of appropriateness in the subarea regulations.
  - v. Variances and Special Exceptions
- e. Type IV certificates of appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.

Sec. 16-20L.006. - Specific regulations for Inman Park Core District, Subarea 1.

In the Inman Park Core District, Subarea 1, the commission shall apply the standards referenced in section 16-20L.005(1)(b) only if the standards set forth below in this chapter 20L do not specifically address the application:

1. Design standards and other criteria for construction of and for additions to one- and two-family residential structures.
  - i. Front porches on principal structures shall be required. The compatibility rule shall apply to the design and size of said front porches, provided that such porches shall be a minimum of 12 feet wide or one-half of the width of the front façade, whichever is greater, and a minimum of eight feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to ten feet into the required front yard. All front porch steps shall have closed risers and ends.
  - j. Decks are permitted only when located to the rear of the principal structure. Such decks shall be no wider than the width of the house and shall not project beyond the side façade of the existing house.
  - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
    - i. The style of the individual window.
      - (1) Windows in the front façade shall be predominantly vertical in proportion.
      - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
    - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system ("EIFS"), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
    - q. The compatibility rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
      - i. The dimensions of the exposed face of lap siding and wood shingles.
      - ii. The type of brick and pattern of brickwork.
      - iii. The type of stone and pattern of stonework.
      - iv. The material and texture of stucco.
      - v. The size and type of doors.
        - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
2. Setback requirements:
  - b. New additions to existing structures: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
  - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
  - (c) Such conditions are peculiar to the particular piece of property involved; and

- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

#### Variance Analysis for the Deck Location

The Applicant's response to the variance criteria were previously provided to the Commission members.

The Staff finds that the variance criteria for the deck location have been met. First, while double frontage lots do exist in the district, they are not common. Second, in this case, the "second" frontage along Julia Street only consist of an unimproved right-of-way that functions as rear access to the properties along Moreland Avenue and not as a normal City of Atlanta street. Third, the location of the deck is consistent with the architectural form and organization of the house as the façade of the house facing Julia Street is, architecturally, the rear façade of the house. The deck will not be out of place on this façade. Fourth, the deck is located more than 100 ft. from Julia Street, somewhat reducing its visual presence to those that might use Julia Street for access.

The Staff would recommend approval of the variance for the deck's location between the house and Julia Street.

#### Design Analysis of the Deck

In addition to meeting the variance criteria for the location of the deck in the rear yard, the deck must also meet the design requirements for decks and the pertinent setback requirements found in the District regulations. In this case, the deck meets the design requirements for decks as it is not wider than the width of the existing house and does not project beyond the sides of the house. Further, the proposed deck is no closer to the north property line (i.e. the unimproved Cleburne Avenue extension right-of-way) than the existing house.

It is not clear from the application, though, if the deck meets the District requirement for the distance from Julia Street. Taking into account its recommendation on the deck's location and the general setback requirements for additions, the Staff finds that the required setback of the deck from Julia Street should be based on the compatibility rule. As such, the deck would have to be no closer than the closest point of the house / deck at #520 (aka #514) Moreland Avenue. #514 (aka 520) Moreland Avenue is the only other property of like use on the block face; a block face which consists of the properties that face Moreland Avenue between the Cleburne extension right-of-way to the north and Mansfield Avenue to the south.

The Staff would recommend that the Applicant document that the distance from the deck to Julia Street is no closer than the distance of the house / deck at #514 (aka 520) Moreland Avenue to Julia Street.

#### Julia Street Façade Work

As noted above, some type of two-story addition or porch was removed from the Julia Street façade of the house to allow for the construction of the deck. Based on the existing photographs of the Julia Street façade of the house, this could have been a substantial feature of the house. It would also appear that given the remaining two doors on the second floor and the exposed former interior wall, additional work will be needed on the Julia Street façade to complete the project. The District regulations only allow for the partial demolition of a structure when such demolition will not "result

in the loss of significant architectural features that destroys the structure's historic interpretability or importance.”

Given that the previous and current conditions of the Julia Street façade are related to the deck’s existence and design, the Staff finds that this information is directly related to the request for the variance for the deck location. As such, the Staff would recommend that the Applicant provide to the Staff any information, documentation, photographs or any other evidence that describes the Julia Street façade prior to any construction work. The Staff would also recommend that the Applicant clarify the full scope of the construction work related to the Julia Street façade. The Staff would lastly recommend that based on the additional information about the Julia Street façade (both the previous condition and final design), the appropriate review processes are completed as required under the District regulations.

#### Front Porch Work

As noted above, work has also occurred on the front porch. The Staff would note that the removal of historic features, materials and architectural elements is not permitted by the District regulations.

Renovations that are visible from a public street or park are reviewed by the Commission Staff for compliance with the District regulations as Type II Staff Review Certificates of Appropriateness. The Staff finds that the front porch work would be subject to review under the District regulations by the Commission Staff. As such, this work would not be subject to review by the Commission as part of this submitted variance application.

**Staff Recommendation:** Based upon the following:

1. The variance request meets the standards for issuing a variance, per Section 16-26.003(1); and
2. It appears that substantial elements of the Julia Street façade were removed and additional work still needs to be done to complete the Julia Street façade of the house.

Staff recommends deferral of the application for a Type III Certificate of Appropriateness for a variance to allow a deck that is not located to the rear of the principal structure at **522 Moreland Ave.** to allow time for the Applicant to address the following concerns:

1. The Applicant shall document that the distance from the deck to Julia Street is no closer than the distance of the house / deck at #514 (aka 520) Moreland Avenue to Julia Street per Section 16--20L.006(1)(J) and (2)(b);
2. The Applicant shall provide to the Staff any information, documentation, photographs or any other evidence that describes the Julia Street façade prior to any construction work;
3. The Applicant shall clarify the full scope of the construction work related to the Julia Street façade;
4. Based on the additional information about the Julia Street façade (both the previous condition and final design) required in Condition #2 and #3 above, the appropriate review processes shall be completed as required under the District regulations; and
5. The additional information and materials shall be submitted to the Staff (including the required number of copies) at least eight (8) days prior to the meeting to which the application is deferred.

