



CITY OF ATLANTA

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JAMES SHELBY
Commissioner

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Director, Office of Planning

STAFF REPORT

September 25, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness for a variance to eliminate the 20 feet continuous buffer adjacent to the railroad corridor at **154 Krog Street** - Property is zoned C-C-C / Inman Park Historic District (Subarea 3) / Beltline.

Applicant: John Bencich
154 Krog Street

Facts: The District inventory sheet lists the year of construction of the building at 154 Krog Street as 1945 and it is considered non-contributing to the District. A former warehouse and light industrial building with its western façade directly on the railroad / Atlanta Beltline corridor, the triangular shaped 154 Krog Street was converted to commercial, retail, and restaurant use in the early 2000s. Two parking lots exist just north and south of the building. In 2006, permits were issued for the establishment of a restaurant at the northern end of the building. According to the Applicant, a patio was built at that time. The existing patio is accessed from the restaurant via a single door on the northern façade of the building and via stairs / walkways from the parking lot and sidewalk.

The actual proposed work on the patio (adding a permanent metal roof with a ceiling fan, outdoor fireplace and seating / “wood and steel drink” rail) would be reviewed via the Type II Staff Review Certificate of Appropriateness application as an alteration in Subarea 3 of the District. However, the Subarea 3 regulations require a buffer along the railroad corridor of 20 ft. that is “completely landscaped except for trails, paved walkways, benches and other such recreational features.” The Staff concluded that even though an outdoor patio currently exists in this location (which was presumably built as of the 2006 restaurant conversion), the additional permanent design elements did not qualify as “recreational features” and as such would effectively eliminate the buffer. At the same time, the additional permanent design elements would represent a more complete encroachment into the buffer.

The Staff would note that at the time the District regulations were adopted the Atlanta Beltline corridor was referred to as the “railroad corridor” in the District regulations. The Staff would add that the Atlanta Beltline Zoning Overlay District regulations have a similar buffer

requirement, but it does not apply to this property, given the property's purchase date by the current owner and its non-transportation use.

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.
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 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

Sec. 16-20L.008. Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3.

The following regulations shall apply to all properties located within Railroad Corridor Commercial and Industrial District, Subarea 3:

5. Properties adjacent to the railroad. Shall have a minimum of a 20 feet continuous buffer adjacent to the railroad corridor. Said buffer may not be required to exceed 20 percent of the total property area and shall be completely landscaped except for trails, paved walkways, benches and other such recreational features as approved by the director of the bureau of planning. A development may count this buffer area as part of the required open space

or public space for the lot, even if such buffer area is dedicated to the city or other governmental entity for recreation use or such buffer area is conveyed to a conservation group. To the extent a development is required to provide a buffer in excess of 100 feet in length, such excess buffer shall entitle the development to the floor area bonus provided in section 16-20L.008(14)c.i. of these regulations.

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.

As noted above, the existing building's western façade is aligned with and directly adjacent to the railroad / Atlanta Beltline corridor. Along the building western façade and south of the area proposed for work is a long, low, loading dock-like canopy. The Staff has concluded that the proposed outdoor fireplace, metal roof with ceiling fan, and fixed outdoor seating / "wood and steel drink rail" do not qualify as "recreational features".

The Applicant notes in their variance argument (attached to this Staff Report) that the building's and the parcel's western edge follows the arc of the railroad corridor, Krog Street is a dead end street, and an easement was allocated to Atlanta Beltline to allow for the construction of a wall. The Staff finds that these characteristics are unusual to a property in the District, but it does not find that any of these characteristics are related to the ability to provide the required buffer.

The Applicant also noted in their variance argument that the building and property circumstances existed prior to the enactment of the City's zoning ordinance, which is the case for many of the building and almost all of the properties in the District. The Applicant argues that the lack of railroad-related activity in the corridor and on the property would bring into doubt the applicability of the buffer in "today's environment." The Staff finds that the concept of the Atlanta Beltline trail and transit corridor is the reason for the buffer, not the need to shield adjacent development from the negative effects of the former railroad-related activity. The concept was first memorialized in the 2001 "District 2 Rail Corridor Study".

Addressing the final variance criteria, the Applicant notes that the patio already exists and functions as designed by the Applicant. While the Staff does not doubt that the patio functions as expected, the Staff finds that by the adding these design features to the existing patio, the space becomes even more a part of the restaurant's operations. The Staff acknowledges that the existing patio is also part of the restaurant's operations, but would note that the proposed design features will significantly diminish the open air, "outdoor" context of the space and significantly reduce the possibility that at some point in the future, the space could become more accessible to the general public, not just restaurant patrons. So while the additional design features would benefit the members of the general public who patronize the restaurant, the benefit to the larger general public would be nominal.

The Staff finds that the Applicant has shown that the further encroachment into the buffer would be helpful to the restaurant's operations, but has not shown that the variance criteria have been met. The buffer requirement was specifically developed for properties adjacent to the railroad / Atlanta Beltline corridor and not for properties in the rest of the District which means that the characteristics cited by the Applicant (and noted above) are the very reason the buffer requirement exists.

Staff Recommendation: Based upon the following:

1. The Applicant has not shown that the request to eliminate the buffer meets the standards for issuing a variance, per Section 16-26.003(1).

Staff recommends denial of the application for a Application for a Type III Certificate of Appropriateness (CA3-13-218) for a variance to eliminate the 20 feet continuous buffer adjacent to the railroad corridor at **154 Krog Street**.



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STAFF REPORT September 25, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-227) for renovations and an addition at **524 Waterford Road**- Property is zoned R-4/Collier Heights Historic District.

Applicant: Lang Construction
4727 North Royal Atlanta Drive, Tucker

Facts: According to the Collier Heights survey book, this single family dwelling built in 1972 is considered contributing.

There was a fire at this property. On May 2, 2013, a Type II Staff Review (CA2S-13-127) was approved to address the fire damage. As part of the Staff review the doors, windows, rear stairs and portions of the roof were approved to be replaced in-kind.

Analysis: The following code sections apply to this application:
Per Section 16-20Q.005 of the Atlanta Land Development Code, as amended:
The following general regulations shall apply to all properties located within the Collier Heights Historic District.

Sec. 16-20Q.005. General regulations.

The following general regulations shall apply to the Collier Heights 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 Collier Heights Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20Q do not specifically address the application including but not limited to multifamily residential, institutional, commercial and mixed use structures:
 - 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. Distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall not be removed.
 - 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 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.
- (2) *Certificates of appropriateness.* Certificates of appropriateness within this district shall be required as follows:
- (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.
 - (b) Notwithstanding any other provision herein, the following work does not require a certificate of appropriateness:
 - (i) To repaint any structure or portion thereof; and
 - (ii) To complete ordinary repairs and maintenance, as defined by section 16-20.008(a); and
 - (c) The following work requires a certificate of appropriateness:
 - (i) To alter the front or side façades and front or side roof planes of a structure;
 - (ii) To alter the rear façade or rear roof plane of a structure that is located on a corner lot, as defined by section 16-28.007(3);
 - (iii) To erect a new structure;
 - (iv) To make an addition to any structure;
 - (v) To demolish or move any contributing principal structure, in whole or in part;
 - (vi) To request a variance or special exception from chapter 20Q; and
 - (vii) Subdivisions and consolidations of lots.
 - (d) Type required.
 - (i) 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 Code of Ordinances.

(ii) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.

(iii) Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. This exemption in no way obviates the requirements for certificates of appropriateness set forth in this section.

(iv) The following shall require a Type II certificates of appropriateness which shall be reviewed by the director of the commission:

(a) Fences, walls, and retaining walls;

(b) Rear or side decks, patios, and terraces;

(c) Skylights, solar panels and mechanical and communication equipment;

(d) New accessory structures and alterations to existing accessory structures, subject to the limitations for active recreation facilities set forth in section 16-20Q.006(12)(d);

(e) Storm doors and storm windows, security doors and exterior window treatments, shutters and awnings;

(f) Replacement of non-original, non-historic or missing elements with elements that otherwise meet the regulations, including but not limited to siding, windows, porch railings, porch columns, porch flooring and exterior doors;

(g) Replacement or renovation of the following original or historic elements with elements that otherwise meet the regulations: porch elements, windows, siding and exterior doors; and

(h) 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 appropriateness is required and the proposed alteration does not meet the requirements of this chapter, as applicable, the director of the commission shall deny the application with notice to the applicant sent within 14 days of receipt of the completed application. Appeals from any such decision of the director regarding the approval and/or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for Type I certificates.

(v) The following shall require a Type II certificates of appropriateness which shall be reviewed by the commission:

(a) To alter a principal structure, except as noted in section I6-20Q.005 (2)(d)(iv);

(b) Revisions to Type II certificate of appropriateness applications previously approved, conditionally or otherwise, by the commission; and

(c) All site work, except as noted in section 16-20Q.005(1)(b)(iv).

(vi) The following shall require a Type III certificates of appropriateness which shall be reviewed by the commission:

(a) All new principal structures;

(b) Additions to principal structure;

(c) Revisions to Type III certificate of appropriateness applications previously approved by the commission, conditionally or otherwise, including but not limited to changes in floor area ratio, lot coverage, setback, building footprint, or building height;

(d) Subdivisions and consolidations of lots; and

(e) Variances or special exceptions from this chapter 20Q

(vii) Type IV certificates of appropriateness shall be reviewed by the commission and shall be required for the 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, as determined by the commission.

(3) *The compatibility rule.* In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (i.e. roof form, architectural trim, façade material, window type and material, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height, setbacks, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use on that block face."

(a) For the purposes of the compatibility rule, height and width shall be measured at the front façade.

(b) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."

(c) When no structure exists on a block face that would qualify as a comparable structure under the compatibility rule, the comparisons shall be made to a qualifying structure(s) on the block, and if no such structure exists on the block, the comparison shall be made to a qualifying structure(s) on an adjacent block face or block, and if no such structure exists on an adjacent block face or block, the comparison shall be made to a qualifying structure(s) located in the district.

Sec. 16-20Q.006. Specific regulations.

In addition to the general regulations set forth in section 16-20Q.005, and any other applicable regulations, the following regulations shall apply to all properties in the District:

(1) Building façades, materials, and massing.

(a) All new principal structures shall conform to the existing building orientation by having front façades and front doors facing and parallel to the street, and except in those blocks in which the historic pattern is such that structures are situated at an angle to the street, in which case the compatibility rule shall apply. If located on a corner lot, the orientation of the front façade shall be based on the compatibility rule whenever possible.

(b) Front, side and rear yard setbacks for all new principal structures shall be subject to the compatibility rule. The front and rear yard setbacks of additions shall be subject to the compatibility rule. The side yard setbacks of additions shall not be subject to the compatibility rule but shall be no closer than the side yard setbacks of the existing principal structure.

(c) The compatibility rule shall apply to the overall design, size, scale, massing and width of new principal structures and additions.

(d) The compatibility rule shall apply to all building façade materials on all façades, and in addition to all other applicable regulations, as follows:

(i) The presence and dimensions of the exposed face of lap siding and wood shingles.

(ii) The presence and type of brick and pattern of brickwork.

(iii) The presence and type of stone and pattern of stonework.

(iv) The presence, material and texture of stucco.

(v) The materials and pattern of roofing.

(2) *Windows and doors.*

- (a) Original or historic windows and exterior doors shall be retained.
- (b) Replacement windows or exterior doors shall be permitted only when the original or historic windows and exterior doors cannot be rehabilitated.
- (c) If original or historic windows or exterior doors cannot be rehabilitated, replacement windows and doors shall match the original or historic in light design, function, materials, shape, and size.
- (d) Replacement windows and doors for non-original or non-historic windows and doors shall be compatible with the architectural style of the structure or shall be subject to the compatibility rule.
- (e) On existing principal structures, new doors and windows in new openings, when permitted, shall be compatible in scale, size, proportion, placement and style to existing windows and doors.
- (f) On the front and side façades of new principal structures and additions, the ratio of openings to solid; the scale, size, proportion, and location of all openings; and the design, light patterns, and material of windows and doors shall be established by the compatibility rule.

(4) *Foundations.*

- (a) Replacement foundation materials shall replicate the original or existing materials in size, shape, color, texture and mortar and shall be installed using construction techniques similar to the original or existing.
- (b) On the front and side façades of new principal structures and additions, foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided if they are compatible with the structure on which they are located and in scale, materials and style with foundations of adjacent and surrounding structures.

(6) *Roofs and roof features.*

- (a) Replacement roofing shall be of the same texture and appearance as the existing.
- (b) Rolled or membrane roofing is permitted only on flat roofs. Metal roofs are not permitted.
- (c) The shape and pitch of roofs for new principal structures and additions shall be subject to the compatibility rule.

(10) *Porches and stoops.*

- (a) Original or historic porches or stoops, including their component features shall be retained.
- (b) Replacement porches or stoops or their component features shall be permitted only when the original or historic porch or stoop or their component feature(s) cannot be rehabilitated.
- (c) If the original or historic porch or stoops or their components cannot be rehabilitated, the replacement porch or stoop or their component features shall match the original in shape, size, internal proportions, and materials.
- (d) Porches or stoops shall be a part of new principal structures or additions based on the compatibility rule and if present the front or side façade shall contain railings and decorative features consistent with the architectural style of the principal structure or shall be subject to the compatibility rule.
- (e) Porches may be enclosed with screen wire or glass if the character defining features of the porch are maintained.

Ornamentation.

- (a) Original or historic ornamentation, such as railings, supports, columns, and decorative attachments shall be retained.
- (b) Replacement ornamentation shall be permitted only when the original or historic ornamentation cannot be rehabilitated.
- (c) If original or historic ornamentation cannot be rehabilitated, replacement ornamentation shall match the original or historic ornamentation as to location, size, number, design, reveal, and materials.

(d) The installation of new ornamentation that does not currently exist shall be permitted only when it is consistent with the architectural style of the existing structure as documented through archival or photographic evidence.

(21) *Design criteria for alterations and additions to contributing structures.* Alterations and additions to contributing structures requiring a certificate of appropriateness shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure, shall comply with the applicable regulations for in subsection 16-20Q.006; and shall not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work shall be compatible with the massing, size, scale and architectural features of the property and environment.

Site

The Applicant did not provide a site plan. Staff recommends the Applicant submit a properly scaled site plan that indicates all existing and proposed conditions. Per regulations, the side yard setback of additions shall be no closer than the existing side yard setback. In looking at the elevations and floor plans, Staff finds the side yard setback meets the requirements. Per regulations, the rear yard setback is based on the compatibility rule. The Applicant did not provide any compatibility information for the rear yard setback. As the rear addition does not extend any farther than the existing deck at the rear of the house, Staff finds the rear yard setback has been met.

Per underlying zoning, the maximum floor area ratio (FAR) allowed is .50. The Applicant did not submit any information regarding the FAR. Staff recommends the Applicant provide documentation the project meets the FAR requirement. Per underlying zoning the maximum lot coverage allowed is .50. The Applicant did not submit any information regarding the lot coverage. Staff recommends the Applicant provide documentation the lot coverage requirement has been met.

Building Facades

The Commission reviews the front and side facades on interior lots, therefore Staff will only make comments regarding the front and side facades.

Windows

As part of the Staff review application, approval was granted for the replacement of the existing windows in-kind. In looking at both survey pictures and pictures provided by the Applicant, the previously existing windows were nine over nine. In looking at the pictures submitted for the current application, the nine over nine windows were removed and replaced with one over one windows. Staff finds the newly installed windows do not meet the requirements or the plans approved through the Staff review. Staff recommends the existing windows be replaced with nine over nine, wood, true divided lite windows.

Front Façade Stoop

The front roof area over the door was altered without approval. Specifically, a stoop was created by adding a roof over the door and columns below. While stoops are not uncommon for this house type, Staff has concerns regarding the height of the roof. In looking at survey pictures of all of the contributing houses on the block, Staff found no examples in which the eave of the roof for the stoop was located above the existing eave line. Staff finds the height of the roof is not consistent and

compatible with the existing house or similar contributing houses on the block. Staff recommends the new roof over the door be lowered so that the eave line matches the existing eave line on the house.

Rear Addition

The Applicant has constructed a small rear addition without approval. In general, Staff finds the overall location, design and massing of the addition is appropriate. Staff has concerns regarding the building materials and the foundation. Per regulations, the allowed building materials are based on the compatibility rule. In looking at survey pictures of the contributing buildings on the block, nearly all of the houses are brick. While some of the houses incorporate siding as an accent, the predominate building material is brick. The rear addition is made with siding and therefore does not meet the building material requirements. Staff recommends the rear addition is faced with brick.

Per regulations, the foundation material shall be masonry or concrete. The current addition is supported by wood post. Staff finds that wood posts are appropriate for a deck, but not an addition. Staff recommends the foundation for the addition is masonry or concrete.

Staff Recommendation: Based upon the following:

- (a) The plans minimally meet the regulations per Section 16-20Q.006, with the exceptions noted above;

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-13-227) for renovations and an addition at **524 Waterford Road**- Property is zoned R-4/Collier Heights Historic District, with the following conditions:

1. The Applicant shall submit a properly scaled site plan that indicates all existing and proposed conditions, per Section 16-06.008(5) and (6);
2. The Applicant shall provide documentation the project meets the FAR requirement, per Section 16-06.008(5);
3. The Applicant shall provide documentation the lot coverage requirement has been met, per Section 16-06.008(5);
4. The existing windows shall be replaced with nine over nine, wood, true divided lite windows, per Section 16-20Q.006(2)(b) and (c);
5. The new roof over the door shall be lowered so that the eave line matches the existing eave line on the house, per Section 16-20Q.006(21);
6. The rear addition shall be faced with brick, per Section 16-20Q.006(1)(g);
7. The foundation for the addition shall be masonry or concrete, per Section 16-20Q.006(4)(b); and
8. Staff shall review and if appropriate, approve the final plans



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STAFF REPORT September 25, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA2-13-229) for signage at **357 Edgewood Avenue** – Property is zoned Martin L. King, Jr. Landmark (Subarea 5).

Applicant: Matt Rupert
357 Edgewood Avenue

Facts: The subject building is a one-story, brick building located at the south side of Edgewood Avenue. The subject property was heavily renovated a couple of years ago to create the current restaurant tenant, “Noni’s”. The building currently has signage above both storefront bays, “Noni’s over the left side and “Bar &Deli” over the right side.

The proposal before the Commission at this time is to add vertical, projecting sign to the right side of the right hand bay. The sign consists of “stacked” spheres with each letter of the “Noni’s” name on each sphere. The sign will not be illuminated.

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.

Per Section 16-20.009:

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 6. Furthermore, in considering whether to grant approval,

conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

Per Section 16-28A.010:

(27) M. L King, Jr. Landmark District: The following signs shall be permitted in the M. L. King, Jr. Landmark District:

- a. General Regulations: Signs within the M.L. King, Jr. landmark district are subject to the following regulations:
 1. No general advertising signs shall be permitted in the M.L. King, Jr. landmark district.
 2. No sign shall be permitted within the M.L. King, Jr. landmark district except after approval by the urban design commission of a certificate of appropriateness as specified in chapter 20 of this part.
- f. Edgewood Commercial Corridor (Subarea 5): The sign regulations for Edgewood commercial corridor (Subarea 5) shall be the same as the regulations for the SPI-1 (Central core) district, provided that:
 1. No individual sign shall exceed 100 square feet in sign area.
 2. No freestanding sign shall exceed 20 feet above the ground level.
 3. No projecting sign shall exceed eight (8) square feet in sign area.
 4. Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.
 5. Signs shall be location as follows:
 - i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.
 - ii. On or in display windows or upper façade windows.
 - iii. On or in the glazing of the doors.
 - iv. On the valance of awnings.
 - v. On the fascia or top edge of canopies.
 - vi. Projecting perpendicularly from the building.
 6. No changing signs shall be permitted.
 7. No internally illuminated signs shall be permitted.

Sec. 16-28A.016. - Variances limited.

The provisions of this chapter varied only pursuant to the following requirements. The board of zoning adjustment, the urban design commission, or any other duly authorized administrative body shall have the power to grant variances relating to the height of signs, sign setbacks, topographic conditions which would prevent the erection of a sign which is otherwise permissible under this chapter 28A, and similar minor variances, according to their authority, and which are not otherwise expressly prohibited below. Neither the board of zoning adjustment, the urban design commission, nor any other authorized administrative body shall have the power or authority to vary the express terms of this chapter 28A related to the number of signs, the total area of signs permitted on a lot, distance and spacing requirements, or removal of illegal signs. Further, the board or other commission or administrative body shall have no power to permit within any zoning district within the City of Atlanta any sign not otherwise authorized by this chapter. Appeals from decisions of the director shall be as authorized by section 16-30.010 of this part.

In addition, the SPI-1 (Central Core) sign requirements apply to this subarea of the District.

There is no scale indicated on the drawings submitted by the Applicant, but it appears the drawings have a scale of about 1 in. = 2 ft. The Staff would recommend a scaled drawing of the proposed projecting sign be submitted to the Staff for final review to confirm that all sign dimensions meet the District regulations.

Given the large gap between the groups of wall sign lettering and the unique design of the proposed projecting sign, the Staff consulted with the Office of Building's Sign Review Staff to determine the number of wall signs and the sign areas of all the signs. Even though the wall sign

already exists, the determinations and calculations related to it would affect the overall sign allowance for the business and building.

Number of Signs

According to the SPI-1 and District regulations, three business identifications signs are permitted for each business establishment. The existing lettering mounted on the wall above the storefront bays would be considered two signs given the large gap between the sets of letters. Given that the spheres on the proposed projecting sign are attached to a single mounting bracket / system, all of the spheres are considered to be one sign. The projecting sign would be the third business identification sign on the building. The Staff has no concerns about the number of signs at the property.

Size of Signs

For both walls signs and the proposed projecting sign, the smallest rectangle that encompasses the entire sign message is considered the sign's sign area. In the case of the wall signs, it would be the smallest rectangular around each group of letters. It is not clear the sign area of the lettering above the storefront bays, as the drawing provided does not show the full elevation of the building. The District sign regulations limit the sign area of a wall sign to 100 sq. ft.

The Staff would recommend a scaled drawing of the front elevation be submitted to the Staff for final review to confirm that all sign areas, individually and combined, met the District regulations.

In the case of the proposed project sign, the sign area would be the smallest rectangle containing all of the spheres. Taking into account the approximate scale of the drawing, the group of spheres is about 9.5 ft. in height and about 1.75 ft. in width, for a total sign area of about 16.6 sq. ft. The District regulations limit the size of projecting signs to 8 sq. ft. The sign area permitted for a projecting sign is significantly more than what is allowed by the District's sign regulations.

The Staff would recommend the sign area of the projecting sign be reduced to 8 sq. ft.

The Staff is unable to confirm the total sign area of all of the signs, given the lack of a full elevation of the building and scaled drawing of the proposed projecting sign. All three signs cannot total more than 10% of the façade area of the business establishment, but each business establishment is allowed at least 60 sq. ft. of total sign area of all signs regardless of the 10% limitation.

Materials, Design, and Compatibility of Signs

The drawings do not specify the materials of the proposed projecting sign, so a final determination regarding the compatibility of the sign material cannot be made at this time. However, based on previous discussions with the Applicant, the Staff assumes that the spheres are somewhat translucent, given that the original proposal by the Applicant was for them to be internally light. The Staff would assume that the mounting bracket / system is metal. In the past, the Staff has not recommended approval of signs with plastic faces or other significant components given the general lack of compatibility with the architectural context of the District.

The Staff would recommend that the Applicant specify the material of all components of the projecting sign and such materials shall meet the District regulations.

Regardless of the material of the proposed projecting sign, the Staff finds that the design of the sign is compatible with the District as an example of a late 1950s early 1960s, “modern” sign. It could be considered a more contemporary version of the more elaborate, neon and metal signs that were used for restaurants and clubs in the District.

The Staff would recommend, though, that the signs’ mounting brackets/hardware be secured to the mortar of the building, not the masonry. Mounting the signs in this manner will eliminate damage to the masonry itself, which is much more permanent and difficult to remedy than holes in masonry mortar.

Staff Recommendation: Based upon the following:

1. Except as noted above, the projecting sign meets the sign regulations for the District, per Section 16-20.009 and Section 16-28A.010(27)(f).

Staff recommends approval of the application for a Type II Certificate of Appropriateness (CA2-13-229) for signage at **357 Edgewood Avenue** – M. L. King, Jr. Landmark District, with the following conditions:

1. A scaled drawing of the proposed projecting sign and front elevation shall be submitted to the Staff for final review to confirm that all sign dimensions and sign areas (individually and combined) meet the District regulations, per Section 16-28.010(27);
2. The sign area of the projecting sign shall be reduced to 8 sq. ft., per Section 16-28.010(27)(f)(3);
3. The Applicant shall specify the material of all components of the projecting sign and such materials shall meet the District regulations, per Section 16-20.009 and 16-28.010(27); and
4. The signs’ mounting brackets/hardware shall be secured to the mortar of the building, not the masonry, per Section 16-20.009(6); and
5. The Staff shall be authorized to work with the current Applicant and approve (if appropriate) any revised signage proposals for the subject property that utilize similar materials and that otherwise meet all of the District and Subarea 5 sign regulations, without further review by the Commission.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT September 25, 2013

Agenda Item: Application for Type II Certificate of Appropriateness (CA2-13-235) for porch alterations at **1300 Ponce De Leon Avenue #1308**– Property is zoned Druid Hills Historic District.

Applicant: Angel Shockey
553 Amsterdam Avenue

Facts: The address in question is a non-contributing in-fill building and is part of the Adair Estate.

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.

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

The Applicant is proposing to convert an existing patio into a porch. In looking at other similar houses, Staff finds it is not unusual to have covered areas towards the front of the house. Typically similar houses have enclosed living space or a porte cochere. Staff finds the proposed porch has a similar overall shape and location as other additions. While Staff finds the proposed porch is generally appropriate, Staff has concerns regarding the roof and materials.

While it is not unusual to see the use of a standing seam metal roof on houses in the district, Staff would note that this material is generally used for small coverings over doors or at the rear of the house. Staff finds this roof material is not appropriate for a roof of this size and in this location. Staff recommends the proposal feature a more appropriate roofing material.

Staff has a concern regarding the pitch of the roof. In most of the examples on the block, the roof on similar features is nearly flat. Staff finds a lower roof pitch would make the roof more consistent and compatible with the existing house and other similar houses. Staff recommends the proposal feature a roof with a lower roof pitch.

The elevations indicate a stained timber lintel. Staff finds a stained timber lintel is not consistent and compatible with similar features on the existing house. Staff recommends the proposed treatment of the lintel be consistent with the existing lintels on the house.

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 II Certificate of Appropriateness (CA2-13-235) for porch alterations at **1300 Ponce De Leon Avenue #1308**– Property is zoned Druid Hills Historic District, with the following conditions:

1. The proposal shall feature a roof with a lower roof pitch, per Section 16-20B.003(5);
2. The proposal shall feature a more appropriate roofing material, per Section 16-20B.003(5);
3. The proposed treatment of the lintel shall be consistent with the existing lintels on the house, per Section 16-20B.003(5); and
4. Staff shall review and if appropriate, approve the final plans.



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Director, Office of Planning

STAFF REPORT September 25, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-236) for a rear porch addition at **1397 Fairview Rd.** - Property is zoned Druid Hills Landmark District.

Applicant: Claire Gotham
1397 Fairview

Facts: According to the architectural survey in 2002, this dwelling built in 1926 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:*
 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.

Site

According to the City of Atlanta lot boundary maps, the lot in question fronts 110' on Fairview Road and has a depth of 239.9' Oakdale Road. The site plan does not include the streets or any measurements. In measuring the lot lines, Staff finds the site plan does not match the City records. Given the lack of details on the plans, it is not clear whether the scale is incorrect or whether the site plan itself is incorrect. Given the information we have at this time, Staff cannot determine whether the lot coverage or setback requirements have been met. Staff recommends the Applicant provide a properly scaled and detailed site plan that includes labels, measurements, streets and lot coverage calculations. If the proposed site plan does not match the City records, a building permit will not be

issued for the project. Staff suggests any lot dimension discrepancies be resolved with the Office of Planning subdivision staff.

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

The Applicant is proposing to remove an existing set of metal stairs and landings, in order to add a two story porch. Staff has no concerns regarding the removal of the metal stairs and landing. As the metal stairs and landings are not original or historic, Staff has no concerns regarding the proposed removal.

As this is a corner lot, Staff finds the proposed rear addition will be highly visible from the street. Staff finds the overall design, massing and location of the proposed two story porch is appropriate. The Applicant did not provide side elevations and none of the material details are indicated on the plans. The materials, design and size of the railing and columns are not indicated on the plans. While the porch is generally appropriate, Staff has concerns regarding the materials and the architectural details. Staff recommends the Applicant provide detailed elevations of the side and rear façade that include all material and architectural details. Staff recommends all proposed materials and architectural details are consistent and compatible with the existing house.

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 (CA3-13-236) for a rear porch addition at **1397 Fairview Rd.** - Property is zoned Druid Hills Landmark District, with the following conditions:

1. The Applicant shall provide a properly scaled and detailed site plan that includes labels, measurements, streets and lot coverage calculations, per Section 16-20B.006(4); and Section 16-20B.005(5);
2. The Applicant shall provide detailed elevations of the side and rear façade that include all material and architectural details, per Section 16-20B.003(5);
3. All proposed materials and architectural details shall consistent and compatible with the existing house, per Section 16-20B.003(5); and
4. Staff shall review and if appropriate, approve the final plans.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

September 25, 2013

Agenda Item: Application for a Review and Comment (RC-13-237) for a neighborhood entrance sign in the public right of way at 990 Regency Crest Drive- Property is zoned FCR-3.

Applicant: David Getachew-Smith
590 Regency Park Drive

Analysis: The following code sections apply to this application:

Per section 6-4043 of the Atlanta City Code, as amended:

- (5) The Commission shall review the proposed location and design of buildings, bridges, viaducts, elevated ways, streets, high-ways, gates, fences, railings, lamp standards, and other structures or fixtures to be erected or placed on land belonging to the city, or on any private or public property which extends over or upon any property or right-of-way owned or controlled by the city.

Sec. 16-28A.004. Definitions.

Neighborhood Identification Sign: A sign identifying a neighborhood officially recognized by the City of Atlanta that does not exceed 35 square feet in sign area and does not exceed 10 feet in height

The address in question is located in NPU Q in the Midwest Cascade neighborhood. The Applicant is proposing to construct a neighborhood identification sign. In looking at the information submitted, it appears the sign will be located at the rear of the property on Regency Crest, on the west side of Danforth Road. There was no site plan or survey submitted, therefore it is not clear exactly where the sign will be located. Specifically, it is not clear whether the sign will be located in the street, on the sidewalk, on a traffic island or on private property. Staff suggests the Applicant provide a site plan or survey that clearly indicates where the sign will be located. It is unclear whether the sign will meet traffic requirements in regards to safety and the visibility triangle. As the Traffic and Transportation Department will need to make that determination, Staff suggests the Applicant contact that department.

In general, Staff does not have concerns regarding the installation of neighborhood identification signs. Neighborhood identification signs are allowed to be no more than 35 sq. ft. in sign area and no more than 10' in height. In looking at the elevations provided, Staff finds the height and square footage requirement has been met. The main portion of the sign will be faced with brick. The materials for the cap and base are not indicated. Staff suggests the elevations indicate all material details. The design

and materials of a neighborhood sign should be reflective of the predominate materials and architectural styles of the area it represents. The Applicant has not provided any pictures of the area near the sign or of the neighborhood. As such, Staff cannot determine whether the design and material of the proposed sign is appropriate for area. Pictures will help give some context for the design and materials of the proposed sign. Staff suggests the Applicant provide pictures of the area near the sign and of the neighborhood.

Staff suggests the Commission deliver its comments at the meeting.



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SECTION 106 REVIEW AND COMMENT STAFF REPORT September 25, 2013

Agenda Item: Review and Comment on the renovation of and addition to **1675 Wade Street**, located in National Register-listed Kirkwood Historic District, as required by the Section 106 review process, as implemented by the “City-Wide Programmatic Agreement”.

Applicant: Jay Perlmutter, Office of Housing
City Hall, 68 Mitchell Street

Facts: As federal funds are being used for the rehabilitation of and addition to the house at 1675 Wade Street (the Project), the Project is required to adhere to the National Historic Preservation Act of 1966, as amended (Act) as implemented by the City of Atlanta and State Historic Preservation Officer (SHPO) through the “City of Atlanta Programmatic Agreement for HUD-funded Programs” (Agreement), executed January 21, 2010. (A copy of the full Agreement was attached to a previous Section 106 Staff Report for reference and future use by the Commission.)

On August 20, 2013, the property that is the subject of the Project was determined eligible for listing in the National Register of Historic Places by the City’s official Preservation Professional (an official, specific City Staff person called for under the Agreement, who is a member of the Commission Staff). It was considered a contributing resource to the listed Kirkwood National Register Historic District, and as such considered a historic structure for the purposes of the Act, the Agreement, and the Preservation Professional’s conclusion of the review process for the Project.

On August 20, 2013, the Preservation Professional issued preliminary findings regarding the renovations to the existing house.

Rehabilitation proposals subject to review under the Agreement that do not include footprint-expanding additions are reviewed by the Preservation Professional per the terms of the Agreement and do not involve the Commission. However, Stipulation V.B of the Agreement

calls for proposals for “additions to existing buildings” be “forwarded to the AUDC” within 30 days for comment. This comment process is accomplished through placing the proposed rehabilitation project / addition on one of the Commission’s regularly scheduled public hearings and advising the AUDC on the reasons for the review, the criteria to be considered and what is to come of the results of their comments. Under the Agreement, the Commission is charged with reviewing the proposed project with respect to:

“...compatibility with the historic district or adjacent historic buildings in terms of set-backs, size, scale, massing, design, color, features, and materials in terms of responsiveness to the recommended approaches for new construction set forth in the Standards; and in terms of the input received through the required public notification process as outlined in Stipulation X of this Agreement.”

The Preservation Professional would note that at the time this project was initiated, the public notification process outlined in Stipulation X of the Agreement could not be undertaken. The Commission’s review of the current proposal has been posted as part of the Commission’s agenda on the City’s website. The Commission’s comments should address the entire proposal, both exterior and interior changes, both addition and renovation of the existing house.

The proposal submitted by the Applicant for consideration by the Commission includes a revised proposed for the renovations to the existing house (in response to the Preservation Professional’s August 20, 2013 preliminary findings) and the design of the proposed rear addition.

The Preservation Professional is to take into consideration the Commission’s comments when making its final findings, as required under the terms of the Agreement. Per Stipulation V.B.4 of the Agreement requires that until such time as this Commission review has occurred, the Preservation Professional cannot provide their final comments or affects findings on the proposal.

Analysis: As noted above, the Secretary of the Interior Standards for Rehabilitation are to be used, among the other considerations listed, as the basis for the Commission’s comments:

Secretary of the Interior Standards for Treatment of Historic Properties

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.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Preliminary Preservation Professional Comments on Revised Renovation Proposal

The Staff would note that the revised renovation proposal addresses many of the Preservation Professional's concerns from its August 20, 2013 preliminary findings.

1. Front Porch: The front porch floor does appear to have some damage and has been altered with various layers of added flooring material. Similarly, it appears that the front porch knee wall is either a later renovation or an alteration of an earlier design element. The rebuilding of the floor, subflooring, and knee walls appears to meet the Section 106 requirements.
2. Fireplace: The retention of the fireplace and incorporation into the renovation meets the Section 106 requirements.
3. Floors: The retention of all existing salvageable wood floors and installation of new wood floors in locations without such flooring meets the Section 106 requirements.
4. Window Units: The retention and in-kind repair of the two remaining original windows under the front porch meets the Section 106 requirements. Replacing the previously replaced windows on the side elevations with new windows that have light divisions permanently affixed to the exterior glass and in the same pattern as the two retained windows meets the Section 106 requirements.
5. Exterior Trim / Siding: The in-kind repair and selective replacement of the trim and siding meets the Section 106 requirements.
6. Front Porch Entrance Steps: The construction of new entrance steps with cheek walls meets the Section 106 requirements. The Staff would still recommend the cheek walls are faced with brick.
7. Interior Doors: Given that there are no original or historic interior doors remaining in the house, any replacement doors in rooms that face the street should be wood paneled.
8. Exterior Doors: Given that the front door is not original or historic to the house the design of the replacement front door should be compatible with the architectural style and form of the existing house.
9. Floor Plan and Window Location Changes: The revised renovation proposal includes fewer and less extensive floor plan changes. The most extensive floor plan changes are still located in the rear portion of the house. As noted above the fireplace has been retained, with cased openings on either side. The window in the dining room (which had been previously relocated) has been left in its current location. If additional light is desired in the dining room, a window could be added to compliment the retained window.

As for the remaining floor plan changes, the existing kitchen floor space proposed to become "bedroom 2" could be retained in full if the master bathroom were more completely located in a slightly larger deeper addition. Also, it is not clear if and why the bathroom between "bedroom 1" and "bedroom 2" is being moved and/or expanded.

Preliminary Preservation Professional Comments on Addition

The addition (which includes a bedroom, part of a closet and a small section of hallway) is about 16 ft. wide, about 17 ft. deep and is located on the back right hand corner of the rear façade. On the other side of the rear façade is a smaller patio. The addition spans about 2/3 of the entire width of the house. To construct the addition, a previously added addition (and/or enclosed rear porch) will be removed.

The roof over the addition will be hipped with the same slope and design as the existing main roof. The addition will have smooth hardiplank siding and windows similar to the previously replaced windows on the sides of the existing house. The small section of hallway partially in the addition will provide access to both the bedroom and the backdoor which opens onto the adjacent proposed patio.

The Preservation Professional generally finds that the addition by itself is compatible with the house and meets the *Secretary of the Interior Standards*. It's massing (much smaller than the existing house), height (its ridge line is lower than the ridge line of the existing house), location on the building (on the rear façade) and general materials are appropriate.

However, the Preservation Professional does have a concern about one of the windows on the addition. The thin, horizontal window on the left elevation of the addition is not compatible with the existing house. The Staff would recommend that a double-hung, vertically-oriented window that is proportionally smaller than the "regular size" double hung windows be installed instead.

Preservation Professional Final Recommendation:

As required under the Agreement, the Preservation Professional shall take into account the Commission's comments in issuing the final recommendation on the renovations and addition.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

September 11, 2013

REVISED

September 25, 2013

(Revised text shown in italic.)

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.

At the September 11, 2013 Commission meeting, the Commission deferred the application to allow the Applicant to address the issues and concerns noted in the Staff Report and discussed at the meeting. On September 17, 2013, the Applicant submitted additional materials and documentation, including elevations of the Moreland Avenue and Julia Street facades, photographs of the property in its current

condition and prior to any construction work, and a photograph of the proposed window replacement. The September 17, 2013 submission is addressed in this Staff Report.

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.

No setback information was provided. As such the Staff retains its previous recommendation.

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.

The September 17th submission notes that the two doors at the second floor will remain and lead to two metal “Juliet balconies”, which consists of a safety railing across the door opening. Additionally, the photographs in the September 17th submission make it clear that the white areas seen on the left side of the façade is painted brick and not drywall, plaster or another interior finish. The Applicant proposes to paint the entire Julia Street façade.

The Staff has found the 1911 Sanborn Fire Insurance Map which appears to show a one story porch on the Julia Street façade. Given the presence of the two door openings on the second floor (which appear to be original to the house), the Staff has concluded that the original porch had an uncovered upper level “terrace” accessed via the two doors. This would have been essentially a two level front porch without a roof on the second level. This would not have been unusual on a house of this size and type.

The submission also includes a photograph of the Julia Street façade prior to any construction work taking place. This shows a heavily altered and enclosed porch system, but one that would appear to support the notations on the Sanborn Map of a one story porch with an upper level terrace. Given the substantial alterations that the porch system incurred, the Staff finds that the demolition of the previously existing porch system would not require a Type IV Certificate of Appropriateness. The demolition of the previously existing porch system (which represents a partial demolition of the overall house form) will not result in the loss of significant architectural features that would destroy the structure's historic interpretability or importance.

However, the Staff finds that the Juliet balconies are not compatible with the house and do not meet the District regulations related to renovation work. The Staff can find no example of a “Juliet balcony” in the District that is original or historic to a contributing house. In addition, the Staff is concerned about the required brick repair work for the beam pockets that supported the second level of the previous porch system. Therefore, the Staff would recommend that an upper level terrace be installed above the existing deck whose size, dimensions, and architectural elements are compatible with the existing house and that would meet the District regulations.

Further, the Staff finds that painting the entire Juliet Street façade also does not meet the District regulations. While the Commission cannot regulate paint color, the use of paint on unpainted masonry surfaces is an action that can be addressed by the Commission and one that has not been approved previously in the District. The Staff would recommend that the Juliet Street façade of the house remain unpainted, any existing paint be removed using the gentlest means possible, and any cleaning actions use the gentle means possible. The Staff would note that no sand blasting, high PSI pressure washing, or other hard abrasives can be used to remove the existing paint and/or clean the brick.

The Staff would lastly recommend that the Applicant provide a detailed construction plan and architectural drawings for the Julia Street façade work, including trim details, material notes, specific cleaning techniques, repair techniques, etc.

Front Porch Work and Window 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.

At the meeting on September 11th the Applicant discussed the replacement of all of the existing windows. Information about the condition of the existing windows and the proposed replacement windows was included in the September 17th submission as well. The Staff finds that like the front porch work, the window replacement work would be subject to review under the District regulations by the Commission Staff. As such, the window replacement work would not be subject to review by the Commission as part of this submitted variance application.

The Staff would recommend the Applicant file a Type II Staff Review Certificate of Appropriateness for all of the renovations work proposed for the Moreland Avenue and side facades.

Staff Recommendation: Based upon the following:

1. The variance request meets the standards for issuing a variance, per Section 16-26.003(1);
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, both to complete the project and to meet the District regulations, per Section 16-20L.005 and 16-20L.006;*
3. *The additional renovation work on the house is subject to review by the Staff, per Section 16-20L.005; and*
4. *Except as noted above, the proposal meets the District regulations, per Section 16-20L.005 and 16-20L.006.*

Staff recommends approval 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.** with the following conditions:

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. An upper level terrace shall be installed above the existing deck whose size, dimensions, and architectural elements are compatible with the existing house and that shall meet the District regulations, per Section 16-20L.005(1)(b);
3. The Juliet Street façade of the house shall remain unpainted, any existing paint shall be removed using the gentlest means possible, and any cleaning actions shall use the gentle means possible, per Section 16-20L.005(1)(b);
4. The Applicant shall provide a detailed construction plan and architectural drawings for the Julia Street façade work, including trim details, material notes, specific cleaning techniques, repair techniques, etc.;
5. The Applicant shall file a Type II Staff Review Certificate of Appropriateness for all of the renovations work proposed for the Moreland Avenue and side facades, per Section 16-20L.005(2)(c) ;
6. The Staff shall review, and if appropriate, approval the final plans, specifications, and other building permit documentation.