



CITY OF ATLANTA

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JAMES SHELBY
Commissioner

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Director, Office of Planning

STAFF REPORT

November 25, 2013

Agenda Item: Applications for a Type II Certificate of Appropriateness (CA2-13-286) for window alterations and a Type III Certificate of Appropriateness (CA3-13-298) for a variance to allow the replacement of windows in standard condition and to change the function of a window at **3092 West Peek Rd.** - Property is zoned R-3 / Collier Heights Historic District.

Applicant: Mark Graffagnino
6115 River Chase Circle

Facts: According to the District inventory sheet the Collier Heights survey book, this single family dwelling was built in 1963 and is considered contributing to the District. The 2008 inventory photograph (no difference was observed in 2013 when the District was designated) shows the front façade of the house essentially unchanged from its original construction, including the six-over-six double hung windows. The inventory photograph does not clearly show the left side of the first floor of the house and does not show any portion of the left side of basement level of the house. The photographs provided by the Applicant show the left side, basement windows as six-over-six double hung windows, though about half the size of the front façade double hung windows.

The Applicant proposes to replace the two double hung windows on the left side at the basement level with two casement windows with the same light pattern. There would be no change in the size of the window opening or surrounding masonry. The window change is due to the creation of a bedroom in the basement level of the house.

The windows appear to be original to the house and in good condition. The lot is essentially flat in the front yard, but quickly drops off on both sides of the house, allowing for a daylight basement. No other exterior work is proposed as this time.

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 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.
 - (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;
 - (vi) To request a variance or special exception from chapter 20Q; and
 - (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.
 - (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 16-20Q.005 (2)(d)(iv);
 - (vi) The following shall require a Type III certificates of appropriateness which shall be reviewed by the commission:
 - e) Variances or special exceptions from this chapter 20Q
- (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.
- (4) Variances and special exceptions. The commission shall have the power to hear, grant and deny variances and special exceptions from the provisions of this chapter (20Q) when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship other than financial hardship. The procedures, standards, criteria,

and appeal provisions for decisions regarding such variances and special exceptions shall be the same as those specified in chapter 26 of this part 16, which provisions are hereby incorporated herein.

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:

- (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.
- (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.

Given the location of the windows on the side façade of the house (even though they are not visible from the public street), their replacement is subject to review by the Commission. Further, given that they do not appear in deteriorated condition and the function of the replacement window (casement) is different from the existing function (double hung); a two part variance from the District regulations is required.

Variance Analysis

The Applicant has provided to sets of variance criteria responses, including a copy of the basement level floor plan. All of these materials were either previously sent to the Commission members or are attached to this Staff Report.

The Staff views the creation of a formal bedroom in the basement as similar to an addition to the house in that such “expansions” of living space are allowed in the District. In this case, it appears that the only location for a bedroom in the basement level is in the left hand portion of the basement level. The front portion of the basement is cut into the sloping lot and has no window openings. The right side of the basement level provides access to the garage and the rear portion of the basement level is already built out with a fireplace, stairs, and bathroom. The existing configuration of the basement and its overall relationship to the slope of the lot creates only one solution for adding a bedroom at that level. Further, the Staff would note that adding a bedroom within the existing structure (even with a potential change in the window function) will have a far less significant effect on the exterior architecture of the home than a rear addition.

The Staff agrees that the windows are only visible from the lot itself and the change in window units and functions will not be visible from the public street. Further, of all the windows on the house, the basement windows are the least significant to the overall architectural character of the house.

Lastly, the Staff agrees that the existing windows will not meet the egress requirements of the building and life safety codes for a bedroom.

The Staff finds that given the existing configuration of the basement level floor plan, the relationship of the basement level to the slope of the property, the lack of visibility of these particular basement level windows, the secondary architectural importance of basement level windows, and the life safety code requirement for a secondary means of egress from a bedroom, the Staff supports the replacement of the windows with casement windows of a design similar to the existing windows.

However, it is the Staff understanding that only one secondary egress point is required for a bedroom. As such, only one window would need to be replaced to meet the life safety code.

The Staff would recommend approval of the variance request.

Window Replacement

Taking into account the Staff's comments regarding the variance request and its overall recommendation of support for it, the Staff finds that there are ways to mitigate the loss of the two historic windows and otherwise ensure compliance with the rest of the District regulations. First, the Staff would recommend that only one basement level window on the left side of the house be replaced with a casement window. Second, to further reduce the visibility of the change, the Staff would recommend that window replacement occur with the front most of the two basement level windows on the left side of the house. Third, the Staff would recommend that the replacement casement window have true divided lights with the same pattern as the existing double hung windows.

Staff Recommendation: Based upon the following:

CA3-13-298 – Variance Application

- (a) There are extraordinary and exceptional conditions pertaining to the lot, per Section 16-23.003(1)(a);
- (b) The application of the Zoning Ordinance of the City of Atlanta would create an unnecessary hardship, per Section 16-23.003(1)(b);
- (c) There are conditions that are peculiar to the subject property, per Section 16-23.003(1)(c); and
- (d) Relief, if granted as requested, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta, per Section 16-23.003(1)(d).

The Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-13-298) for a variance to allow the replacement of windows in standard condition and to change the function of a window at 3092 West Peek Rd.

CA3-13-286 – Window Replacement Application

- (a) Given the Staff's recommendation of approval of the variance request (CA3-13-298); and
- (b) With the exceptions noted above, the proposed work meets the District regulations per Section 16-20Q.006.

The Staff recommends approval of an application for a Type II Certificate of Appropriateness (CA2-13-286) for window alterations at 3092 West Peek Rd, with the following conditions:

1. Only the front most of the two basement level windows on the left side of the house shall be replaced with a casement window which shall have true divided lights in the same pattern as the existing double hung basement windows, per Section 16-20Q.006(2) and (21); and
2. Staff shall review and if appropriate, approve the final plans.



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Director, Office of Planning

STAFF REPORT November 25, 2013

Agenda Item: Application for Type III Certificate of Appropriateness (CA3-13-288) for alterations, demolition, and a two-story addition at **880 Springdale Road**– Property is zoned Druid Hills Historic District.

Applicant: Stephen M. Ozcomert
880 Springdale Road

Facts: According to the District inventory sheet, this house was built in 1913 is considered contributing to the District. The Applicant proposes to demolish a previous addition on the south (left) side of the house, renovate / restore previously altered portions of the original house, and add a two-story, rear addition to what appears to be two previous rear additions. The proposed addition will be built to the side and above a previous one-story addition.

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:

- (4) Minimum drainage controls: Structures shall be located so as to preserve the natural terrain of the district. Proper drainageways shall be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department of public works.
 - a. No structure shall be permitted within any 100-year floodplain.
 - b. No single-family structure shall be constructed on natural slopes greater than 25 percent.
 - c. No structure other than single-family shall be permitted on slopes greater than 15 percent.
- (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.006. Springdale/Oakdale/Lullwater

The following regulations shall apply to any proposed development on any property located on Springdale Road, Oakdale Road, Lullwater Road or Lullwater Parkway:

- (1) Permitted principal uses and structures:
 - a. Single-family dwellings.
 - b. Parks, playgrounds and community buildings owned and operated by a governmental agency.
- (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 38,000 square feet.
- (4) Lot coverage: Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.
- (5) Minimum yard requirements:
 - a. Setbacks:
 1. West side of Springdale Road, Ponce de Leon Avenue to city limit:
 - Front yard: 120 feet.
 - Side yards: 25 feet.
 - Rear yard: 50 feet.

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

Site

The lot in question fronts about 125' on the west side of Springdale Road and has a depth of 409' on its longest side. Per the District regulations, the side yard setback shall be no less than 25'. The Staff finds that the proposed side yard setbacks meet the minimum setback requirement. Per the District regulations, the rear yard setback shall be no less than 100'. The Staff finds that the proposed rear yard setback is more than 100' and therefore meets the District regulations. Per the district regulations, the lot coverage can be no more than 35%. The proposed lot coverage is indicated as 26.2% on the site plan and therefore meets the District regulations. According to the surveyor's notes on the proposed site plan, none of the property is located within a 100 year floor plan.

No trees will be affected by the proposed work as the new addition's footprint is within the existing addition and stone patio.

Demolition

The proposal includes the demolition of a clapboard sided addition at the rear of the side, screened porch. The Staff has no concerns about the demolition of this non-historic alteration to the house. Further, the Staff has no concerns about what will be complete reconfiguration of a small, upper level projection to accommodate the two-story addition on top of the existing one-story addition.

Alterations

The proposal includes alterations to the screened porch area on the south (left) side of the house to restore the full screened porch appearance to both the porch and the exterior wall of the house. These features appear to have been altered to accommodate the non-historic, clapboard addition.

The Staff would recommend that all alterations to the original portions of the house and to original architectural features on the original portion of the house match similar features on the house.

The proposal also appears to include alterations to the existing one-story addition, including changing the existing triple window and single arched window in the kitchen that face the rear yard. The proposed windows and header detail would be replaced / reconfigured to match similar features on the original house. While the Staff finds that such internal consistency is appropriate when restoring an original portion of the house and/or an original architecture feature, taking that approach when renovating a previously completed, non-historic addition is not appropriate for two reasons. First, the use of the matching architectural features and materials will create a false sense of history and will erase evidence of the incremental evolution / growth of the house's history. Second, the use of matching architectural features and materials will diminish the significance of the original portion of the house by placing the addition on equal status (architecturally speaking) as the original. While the previous additions were compatibly executed, when the project is done, the original house should read as the most significant visual feature of the property with the contemporary additions appearing secondary to the original.

The Staff would recommend that all alterations to the previous additions provide some differentiation from the original features and elements found in the original portion of the house.

New Addition

The Applicant is proposing a new addition that will have a massing and height that is similar to the original house. The new addition will be located next to and on top of the previous addition. The proposed addition will not project beyond the side facades of the original house, nor will the roof ridge of the addition project above the original hipped roof form. The proposed addition's roof pitch will be slightly lower (5:12) than the original hipped roof form (6:12).

The Staff's overarching concern about the proposed addition is that it will "match" the architectural elements and materials of the original house. As with the alterations to the previous additions, the Staff has two concerns about this approach. First, the use of the matching architectural features and materials will create a false sense of history and will erase evidence of the incremental evolution / growth of the house's history. Second, the use of matching architectural features and materials will diminish the significance of the original portion of the house by placing the addition on equal status (architecturally speaking) as the original. While the previous additions were compatibly executed,

when the project is done, the original house should read as the most significant visual feature of the property with the contemporary additions appearing secondary to the original.

The Staff would recommend that the proposed addition contain architectural features and materials that provide some differentiation from the original features and elements found in the original portion of 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 III Certificate of Appropriateness (CA3-12-288) for alterations, demolition, and two-story addition **880 Springdale Road**– Property is zoned Druid Hills Historic District, with the following conditions:

1. All alterations to the original portions of the house and to original architectural features on the original portion of the house shall match similar features on the house, per Section 16-20B.003(5);
2. All alterations to the previous additions shall provide some differentiation from the original features and elements found in the original portion of the house, per Section 16-20B.003(5);
4. The proposed addition shall contain architectural features and materials that provide some differentiation from the original features and elements found in the portion of the original house, per Section 16-20B.003(5); and
3. Staff shall review and if appropriate, approve the final plans.



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Director, Office of Planning

STAFF REPORT

November 25, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-290) for alterations and a rear addition at **858 Ashland Avenue** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline.

Applicant: Ute Banse
1077 Alta Avenue

Facts: According to the Inman Park survey book, this dwelling built in 1922 is considered contributing.

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

Section 16-20L.005 General Regulations.

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.
 - c. **Compatibility Rule:** The intent of the Mayor and Council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face, and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.
- 2. **Certificates of Appropriateness.**
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - d. Type III Certificates of Appropriateness shall be required for:
 - ii. All major alterations and additions 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.
- 6. **Tree Preservation and Replacement.**
The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Section 158-26, shall apply to this District.
- 7. Any time the provision 16-20.011(b) of this part is enforced in this District, the Director of the Commission shall notify the Inman Park Neighborhood Association within 10 days and a 30-day period for comment be allowed for the Association. Further, the Director shall regularly send to the Inman Park Neighborhood Association the agenda for each regular meeting and for any special meeting of the Commission in which there is any agenda item for property located within the Inman Park Historic District.

Section 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.**
 - f. The Compatibility Rule shall apply to the form and pitch of the primary roof of the principal structure.
 - g. The Compatibility Rule shall apply to the height, scale, and massing of the principal structure. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)
 - h. Height of the first floor of the front façade above grade shall be subject to the Compatibility Rule. The first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than 7 inches in height. Slab-on-grade construction is not permitted.
 - 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.
 - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
 - ii. The size and shape of individual window openings.
 - iii. The overall pattern of fenestration as it relates to the building façade.
 - 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.
 - v. The size and type of doors.
 - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - viii. Visible foundation materials.
 - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
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.
4. Principal uses and structures:
- a. Properties that have an underlying zoning designation of R-5 shall be used only for the following principal purposes subject to the following provisions:
 - i. Single-family detached dwelling.
 - ii. Floor area ratio shall not exceed 0.50.

Site

According to the site plan submitted, this interior lot fronts 49.89’ on Ashland Avenue and has a depth of 99.97’ on its longest side. In looking at the City of Atlanta lot boundary map, Staff finds there is a slight discrepancy between the site plan submitted by the Applicant and the lot dimensions indicated on the lot boundary map. Staff suggests the Applicant resolve the lot discrepancy with the Office of Planning subdivision Staff before submitting for a permit.

The side yard setback of the proposed addition is no closer than the existing contributing house. As such, Staff finds the side yard setback of the proposed addition meets the requirements. The rear yard setbacks on the block face range from 0’-57’. The proposed rear yard setback is 3’ and therefore meets the regulations.

Per regulations the floor area ratio (FAR) can be no more than .50. According to the plans the FAR is .33 and therefore meets the regulations. Per regulations, the maximum lot coverage allowed is 55%. The existing lot coverage is 71% and therefore exceeds the maximum allowed. The proposal will reduce the lot coverage to 69%. As the proposal will reduce the lot coverage, Staff does not have concerns regarding the proposed lot coverage.

New Addition and alterations

The Applicant is proposing a single story addition at the rear of the house. In looking at pictures submitted by the Applicant, Staff finds the addition will be only visible on the west elevation. As

such, Staff will only make comments on the west elevation. In general, Staff finds the overall design, height, massing and materials of the proposed addition are appropriate. The design includes vertical trim that will help differentiate the existing historic house from the proposed addition.

There is a proposed skylight that will likely not be visible from the public right-of way. Staff has no concerns regarding the proposed skylight. Staff's only concern is the proposed triple window unit on the west elevation. Staff finds that smaller windows are appropriate for kitchens and bathrooms. As the proposed windows are connected to a family room, Staff recommends the proposed triple window unit on the west elevation is indicated as full sized windows.

The Applicant is proposing to convert an existing window unit into a door. This would allow access from the existing carport into a proposed mudroom. Staff finds it is not unusual to have a side entrance, especially when there is a carport. Staff finds the design of the side entrance is compatible with the existing house. Staff does not have concerns regarding the new entrance.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for a Type III Certificate of (CA3-13-290) for alterations and a rear addition at **858 Ashland Avenue** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The proposed triple window unit on the west elevation shall be indicated as full sized windows, per Section 16-20L.006(1)(n)(i)(3); and
2. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT November 25, 2013

Agenda Item: Application for a Review and Comment (RC-13-291) on the demolition of a single family house at **3162 Lenox Road** - Property is zoned R-3.

Applicant: Kissberg Construction.
1100 2nd Street

Facts: The Department of Parks and Recreation acquired the property at 3162 Lenox Road from the Conservation Fund in keeping with the City's goals for "greenspace acquisition, preservation, and park expansion", according to the 2013 ordinance authorizing the purchase of the property. The property is located in the Pine Hills neighborhood (NPU B, Council District 7) and in Floor Zone A, according to FEMA flood zone maps. Based on Fulton County tax assessor data, the home was built in 1939. It is located at the end of a long driveway, separated from Lenox Road by a creek and small vehicle bridge.

Once the demolition work is complete, the property will be added to the City's greenspace inventory as a "non-buildable space".

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

(5) The commission shall review the proposed location and design of buildings, bridges, viaducts, elevated ways, streets, highways, 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.

(7) The commission shall review the alteration, demolition, movement or construction of any structures, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

In reviewing the photographs provided by the Applicant, it appears that the house could be considered eligible for listing on the National Register of Historic Places given its apparent age and level of integrity.

Apart from the loss of a potential historic resource in the Pine Hills neighborhood, the Staff's most significant concern about the project is that this demolition could create a "gap" in the streetscape

pattern and rhythm. Regardless of the quality of the resulting greenspace (whether left “natural” or with a purposeful design), there will still be break in that street’s pattern. This outcome could be somewhat mitigated by the lower density of the platting pattern and housing making a “missing” house not as visually and functionally significant on the street.

In addition, the Staff is concerned about the maintenance and care of the vacant properties in the short term and the proposal for their use in the long term. In the short term, the City should articulate how will the properties be secured (i.e. fencing, bollards, etc.) to prevent dumping and trespassing.

Staff Recommendation: Staff recommends that the Commission deliver its comments to the Applicant at the Commission meeting regarding Application for a Review and Comment (RC-13-291) on the demolition on the demolition of a single family house at **3162 Lenox Road**.



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Director, Office of Planning

STAFF REPORT November 25, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-293) for a front porch addition and alterations at **770 Ormewood Avenue**. - Property is zoned R-5 / Grant Park Historic District (Subarea 1) / Beltline.

Applicant: Simon Pine
1000 Ashwood Parkway

Facts: The 1940s non-contributing building appears to be relatively unaltered from its original configuration, though the placement of the front door seems at bit unusual for a house of this type and period of time. The house has a slight “ell” to the front with a side-to-side main gable and a small front-facing gable over the ell. The front stoop (in the corner of the “ell”) is covered by a small shed roof.

The Applicant proposes to:

1. Remove the rear screened porch and deck;
2. Replacement the front stoop with a projecting, gabled front porch;
3. Reframe the main gable into a hipped roof and add eaves;
4. Construction a rear addition under the extended hipped roof with parking underneath the addition and a rear deck (setbacks of the addition will follow the existing setbacks of the house);
5. Replace the existing aluminum or vinyl siding with “new fiber cement lap siding”;
6. Replace the windows with three-over-one, double hung windows;
7. Replace the cured walkway from the front door to the driveway with a walkway from the front porch to the sidewalk;
8. Extend the existing concrete driveway deeper into the lot; and
9. Install a 6 ft. tall privacy fence in the side and rear yards, with potentially a gate on the driveway at the side of the house.

Given the District regulations, none of the alterations to the side and rear facades of the house are subject to review by the Commission. There are basic requirements for the addition and rear deck.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

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

(1) *General Criteria.*

- 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. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
- c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.

(2) *Certificates of Appropriateness.*

- c. Type III Certificates of Appropriateness shall be required for:
 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
- d. 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 which destroys the structure's historic interpretability or importance.

Section 16-20K.007. Specific Regulations - Residential Subarea I

(1) *Development Controls.*

- a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
- b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
- c. *Rear Yard:* Rear yard setback shall be seven feet.
- d. *Off-street parking and driveway requirements:*
 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.

(2) *Architectural Standards.*

- A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

B. Design Standards and Criteria for New Principal Structures.

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.

4. All front façades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
 5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
 6. The height of the principal structure shall not exceed 35 feet. (See section 16-28.022 for excluded portions of structures.)
 8. Garages entrances are prohibited on the front façade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
 9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
 14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four feet in height may be erected in a front yard. Other than retaining walls, walls shall not be erected in a front yard or a half-depth front yard.
 - b. Fences and walls not exceeding six feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
 15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
- C. Design Standards and Criteria for Alterations and Additions to Non-contributing Structures. Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.

Remove the rear screened porch and deck.

The Staff has no concerns about the removal of these two contemporary features of the house.

Replacement the front stoop with a projecting, gabled front porch.

The front porch in its current condition covers just the front door, although the front patio / concrete slab extends further to the right. The Staff reviewed the front porches of houses of a similar form and style on Ormewood Avenue. They have similar front porch configurations as the existing *and* proposed front porch on the subject property; that of covering the front door or covering about one-half of the front façade and “filling out” the “ell” of the house. The front porches of these other houses have been altered as well.

The Staff appreciates the simple design of the proposed front porch with basic square columns and simple eave detailing. Further, while the Staff finds that the front stoop could be original to the house (and thus its replacement would not be consistent with or reinforce the architectural character of the existing structure) the replacement front porch would meet the District regulations related to new construction which is the second of the two design approaches allowed for non-contributing houses. Further, the front porch meets the minimum depth and width requirements.

Reframe the main gable into a hipped roof and add eaves.

While the Staff finds that the main gable is original to the house (and thus its replacement would not be consistent with or reinforce the architectural character of the existing structure) the replacement roof form and added eaves would meet the District regulations related to new construction which is the second of the two design approaches allowed for non-contributing houses. The new roof height is less than 35 ft.

Construction a rear addition under the extended hipped roof with parking underneath the addition and a rear deck (setbacks of the addition will follow the existing setbacks of the house).

The design of the addition and deck is not subject to review by the Commission. However, the addition's setbacks, its height, and the decks location must meet the District regulations. The addition's side yard setbacks met the District regulations as they follow the side yard setbacks of the existing structure. The rear yard is significantly greater than 7 ft. The height of the addition is significantly less than 35 ft.

The deck is located to the rear of the principle structure and meets the setback requirements as well.

As for the parking underneath the addition, the Staff finds that this meets the District regulations for two reasons. First, the parking area is not fully enclosed and does not have garage doors reducing its appearance as a garage and its very description as a garage. Second, the parking area is located in the rear portion of the side façade of the addition facing the side yard, which is significantly below street grade.

Replace the existing aluminum or vinyl siding with "new fiber cement lap siding".

Regarding the replacement of siding, only the replacement of the siding on the front façade is subject to review by the Commission. As this is a non-contributing structure, the alteration can take one of two approaches, as outlined in the District regulations.

Based on the photographs provided with the submission, it appears that either aluminum or vinyl siding has been added to the house. The Staff cannot determine if there is another siding material underneath the added siding. The Staff is no concerns about the removal of the aluminum or vinyl siding. Further, while the Staff finds that there could be original siding underneath the added siding (and thus its replacement would not be consistent with or reinforce the architectural character of the existing structure) the new "fiber cement lay siding" would meet the District regulations related to new construction which is the second of the two design approaches allowed for non-contributing houses. The Staff would strongly suggest, however, that this new siding have a smooth face / finish to it.

Replace the windows with three-over-one, double hung windows.

Regarding the replacement of all of the windows and doors, only the replacement of the windows on the front façade and replacement the front door are subject to review by the Commission. As this is a non-contributing structure, the alteration can take one of two approaches, as outlined in the District regulations.

Based on the photographs provided with the submission, it appears that the right hand window has been previously replaced. As such, the Staff is no concerns about its replacement. Further, while the Staff finds that the left hand window is original to the house (and thus its replacement would not be consistent with or reinforce the architectural character of the existing structure) the new windows would meet the District regulations related to new construction which is the second of the two design approaches allowed for non-contributing houses.

Replace the cured walkway from the front door to the driveway with a walkway from the front porch to the sidewalk.

The Staff does not have concerns about the removal of the front walkway and its replacement with a concrete walk from the front porch to the sidewalk.

Extend the existing concrete driveway deeper into the lot.

The Staff does not have any concerns about the extension of the driveway in the side and rear yards. However, the Staff strongly suggests that the Applicant confirm the maximum lot coverage has not been exceeded for the underlying R-5 zoning district.

Install a 6 ft. tall privacy fence in the side and rear yards, with potentially a gate on the driveway at the side of the house.

This type of fence (considered to be a wall by the City of Atlanta) is permitted by the District regulations in the side and rear yards.

Staff Recommendation: Based upon the following:

1. The proposal meets the District regulations, per Section 16-20K.006 and 16-20K.007.

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-13-293) for a front porch addition and alterations at **770 Ormewood Avenue**, with the following condition:

1. The Staff shall review, and if appropriate approve, the final design and supporting documentation.



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Director, Office of Planning

STAFF REPORT

November 25, 2013

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-13-294) for a subdivision at **145 Pearl Street**— Property is zoned Cabbagetown Landmark District (Subarea 3).

Applicant: Joel Borgman
556 Ponce De Leon Manor

Facts: This is currently a vacant lot. In 2007, the Commission reviewed an application for a Type III Certificate of Appropriateness (LD-07-318) for a proposed subdivision to turn one lot into three lots. While the Staff report was in support of the proposal, no sign posting affidavit was ever submitted. As such, the application was denied without prejudice. Staff would note that the current proposal is the same proposal that was submitted in 2007.

Analysis: The following code sections apply to this application:

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

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

(3) Landmark buildings and sites:

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

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

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

(1) *When required:*

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

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

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

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

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

- (3) *Applications.* Materials necessary for complete review of an application shall be submitted with the application as set forth by the director. In addition, a scaled site plan showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements shall be submitted for all Type III Certificate of Appropriateness applications. For new construction of a principal building, the application shall also include a scaled drawing showing all front yard setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.
- (4) *Additional notification.* The applicant shall be given contact information for interested Cabbagetown community organizations and shall be directed to provide the organization with a copy of the submitted application and attachments within three (3) days of submission to the commission.
- (5) *Cabbagetown design guidelines.* The commission shall adopt and maintain guidelines, referred to herein as the Cabbagetown Design Guidelines. These guidelines shall: further the intent of these regulations; further define elements of architectural style and applicability; provide important additional detailed information regarding the construction and renovation of historic buildings; and be used as a guide to ensure the compatibility of future development in the Cabbagetown Landmark District.
- (6) *The compatibility rule.*
- a) 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, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, 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 and width as measured at front facade, floor height, 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 in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (9) *Minimum lot requirements.* There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (10) *Subdivision of lots.* The subdivision of any lot within this district shall be subject to review and approval by the commission. No subdivision of lots shall be approved by the director of the bureau of planning unless said matter has first been submitted to and approved by the commission. No subdivision of lots shall be approved unless the commission shall make a finding that the resulting lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The commission shall further find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, may be reasonably situated and constructed upon such lots. The compatibility rule shall apply

The Applicant is proposing to subdivide one lot into three lots. According to the Applicant, the lot in questions fronts 152' on Kirkwood Avenue and 100' on Pearl Street. There is a significant discrepancy between the Applicant's records and the City's records. Specifically, there are records indicating there are currently two lots. Further, there are records that indicate the lot faces 113' on Pearl Street as opposed to 100'. Staff would note that the Applicant is currently working with the Office of Planning subdivision Staff to resolve the lot discrepancy.

The proposed subdivision will result in three lots that face Kirkwood Avenue. There would be two lots that front 50' on Kirkwood Avenue and one lot that faces 52' on Kirkwood Avenue. The subdivision of lots is based on the compatibility rule. As such, the resulting lots would need to be compatible with the lot pattern on the block face. There are three existing lots on Kirkwood Avenue with frontages that range from 50' to 52'. Staff finds the frontage of the proposed lot meets the compatibility rule. Staff has no concerns regarding the proposed lots as currently configured.

Per regulations, the resulting lots shall be laid out to allow new construction that is compatible with the design, proportion, scale and general character of the contributing buildings on the block face. In looking at the survey pictures, two out of the three houses on the block face are contributing. As the proposed lot dimensions will match the existing lots on the block face, Staff finds the proposed lots will allow for new construction that meets the regulations.

While Staff has general concerns regarding the lot discrepancies, Staff finds that the resulting lots would still meet the requirements, even if the depth of the lots were increased. Given the information we have at this time, Staff finds the proposed subdivision is appropriate. If there are changes to the lot configuration necessitated by the resolution of the lot discrepancy, Staff recommends those changes be reviewed and if appropriate, approved by Staff.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations per Section 16-20A.006 (13) with the exception of the comments above;

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-13-294) for a subdivision at **145 Pearl Street**— Property is zoned Cabbagetown Landmark District (Subarea 3), with the following condition:

1. If there are changes to the lot configuration necessitated by the resolution of the lot discrepancy, those changes shall be reviewed and if appropriate, approved by Staff.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT November 25, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-296) for a front porch addition at **782 Delmar Avenue**. - Property is zoned R-5 / Grant Park Historic District (Subarea 1) / Beltline.

Applicant: Shona Griffin
4000 Ferry Heights Drive

Facts: The 1920s contributing building has been previously altered, including a redesign to the front porch, front-facing dormers, a significant addition to the rear that included raising the ridge line of the roof, and two rear decks and an attached storage shed.

The Applicant proposes to extend the front porch to the left, reconfigure windows on the side facades, remove one of the two rear decks, remove part of a side stoop / deck, remove the attached storage shed, and replace all of the windows and doors. Given the District regulations, none of the alterations to the side and rear facades of the house are subject to review by the Commission.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

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

- (1) *General Criteria.*
 - 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. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
 - c. Type III Certificates of Appropriateness shall be required for:
 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
 - d. 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 which destroys the structure's historic interpretability or importance.

Section 16-20K.007. Specific Regulations - Residential Subarea I

(1) *Development Controls.*

- a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
- b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.

(2) *Architectural Standards.*

- A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

B. *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
4. All front façades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
9. *Decks, Balconies and Upper Level Terraces:*
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.

D. *Design Criteria for Alterations and Additions to Contributing Structures.* Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:

1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
2. New additions, exterior alterations, or related new construction will 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 will be compatible with the massing, size, scale and architectural features of the property and environment.

Removal of Rear Deck, Side Stoop / Deck, and Attached Storage Shed

The Staff has no concerns about the removal of the contemporary decks or attached storage shed given their age and their location on the rear / side of the house.

Replacement of Windows and Doors

Regarding the replacement of all of the windows and doors, only the replacement of the two sets of windows on the front façade and replacement the front door are subject to review by the Commission. As this is a contributing structure, the alterations can take one of two approaches, as outlined in the District regulations.

Based on the information and photographs provided by the Applicant, the front façade windows do not appear deteriorated or damaged. Further, they appear original to the house. The Staff finds that the replacement of original windows that are in good condition is not consistent with and does not reinforce the historic architectural character of the entire existing house. Further, the Staff finds that action will destroy historic materials that characterize the property. As such, the Staff would recommend that all windows on the front façade are retained and repaired in-kind.

The information and photographs provided by the Applicant do not clearly show the front door, so that Staff is unable to assess its condition or whether it is original or historic to the house. The Staff would recommend the Applicant provide more information and photographs regarding the replacement of the front door, and based on the additional information and photographs the Staff shall determine if the front door replacement meets the District regulations.

Extension of Front Porch

As noted above, the front porch was rebuilt / reconfigured as some point in the past resulting in the shed roof front porch seen today. Further, as this is a contributing structure, the alterations to the subject property can take one of two approaches, as outlined in the District regulations. The Applicant proposes to continue the design concept of the front porch through an extension to the left side of the house.

The front porch in its current condition covers the front door and distinctive stone chimney. The Staff reviewed the front porches of houses of a similar form and style on Delmar Avenue. They have similar front porch configurations as the existing *and* proposed front porch on the subject property; that of covering the front door and one other significant architectural feature on the front façade (usually a window) or covering about one-half of the front façade. The front porches of these other houses have been altered as well.

The Staff appreciates the design conformance of the proposed extension to the existing porch with basic square columns and simple eave detailing. Further, it finds that a wider front porch to one-side of the front façade is consistent with and does reinforce the historic architectural character of the entire existing contributing structure and is compatible with the architectural features of the house.

Staff Recommendation: Based upon the following:

1. Except as noted above, the proposal meets the District regulations, per Section 16-20K.006 and 16-20K.007.

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-13-138) for front porch addition at **782 Delmar Avenue**, with the following conditions:

1. All the windows on the front façade shall be retained and repaired in-kind, per Section 16-20K.007(2)(D);
2. The Applicant shall provide more information and photographs regarding the replacement of the front door, and based on the additional information and photographs the Staff shall determine if the front door replacement meets the District regulations, per Section 16-20K.007(2)(D); and
3. The Staff shall review, and if appropriate approve, the final design and supporting documentation.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

August 14, 2013

Updated

November 25, 2013

(updated information in italics)

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-202) for major alterations and an addition at **481 Atlanta Avenue**– Property is zoned R-5/Grant Park Historic District (Subarea 1)/Beltline.

Applicant: Michael Townsend
475 Atlanta Avenue

Facts: According to the Grant Park Inventory sheet this multi-family dwelling built was built in 1958 is considered non-contributing.

At the August 13th meeting, this application was deferred to allow the Applicant time to apply for a special exception.

At the November 13th meeting, the Commission heard a Review and Comment (RC-13-268) on a special exception application (V-13-187) for a porch addition, partial second story, and first floor addition (no bedrooms or units to be added) to an existing legal non-conforming quadruplex, where otherwise prohibited.

On the November 14th meeting, the Board of Zoning Adjustment approved the special exception application (V-13-187), without conditions.

Analysis: The following code sections apply to this application:

Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

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

- (2) Certificates of Appropriateness.
- (B) Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures;

Per Section 16-20K.007:

- (1) *Development Controls.*

(A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.

(B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.

(C) *Rear Yard:* Rear yard setback shall be seven feet.

(D) Off-street parking and driveway requirements:

1. Off-street parking shall not be permitted in the front yard or half-depth front yard.

3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.

(2) *Architectural Standards.*

(A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

A. *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front facade and a minimum of seven (7) feet in depth. Side porches shall be a minimum of four (4) feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed thirty-five (35) feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two (2) entrance step risers each of which shall be no less than six (6) inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
8. Garages entrances are prohibited on the front facade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 - c. Balconies and upper level terraces shall be permitted.
10. Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
11. Any facades that face a public street shall consist of fenestration that is either: 1)substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no

less than 15% and no greater than 40% of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed twenty-eight (28) square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed sixteen (16) square feet.

15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.

- a. Paving materials for walks and drives: Black asphalt is prohibited.
- b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
- c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
- d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.

C. *Design Standards and Criteria for Alterations and Additions to Non-contributing Structures.* Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.

In the Grant Park Historic District, only changes that face a public street are reviewed by the Commission. As this an interior lot, Staff will make comments on the site and the front façade.

Site

The existing interior lot fronts 50' on Atlanta and has a depth of 150'. Per underlying zoning, the maximum FAR (floor area ratio) allowed is .50. The Applicant has not provided any FAR calculations. Staff recommends the Applicant provide documentation the FAR requirement has been met. Per underlying zoning, the maximum lot coverage allowed is 55%. The Applicant did not provide lot coverage calculations. Staff recommends the Applicant provide documentation the lot coverage requirements have been met.

Staff retains its recommendations regarding the FAR. Per Staff recommendation, the project meets the lot coverage requirements.

In looking at the site plan, it appears the project includes a side addition and a front addition. Per regulations, the side yard setback shall be no less than 7'. Staff finds the proposed side addition meets the regulations. Per regulations, the front yard setback shall either match the previously existing contributing building or shall meet the compatibility rule. As there are no contributing buildings of like use on the block face, the Applicant needs to find a contributing building of like use. Further the Applicant needs to provide documentation the proposed front yard setback meets the requirements. Staff recommends the Applicant provide documentation regarding the front yard setback of a building of like use. Staff further recommends the front yard setback requirement be met.

As previously mentioned, there are no other contributing buildings of like use on the block face. The Applicant submitted several buildings as a point of comparison. One of the buildings is at 305 Atlanta Avenue. According to the Applicant, this building has a front yard setback of 20'. As such, the proposed setback would need to be 20'. In measuring the site plan, the proposed setback is 24.5' and therefore does not meet the setback requirement. Staff recommends the front yard setback requirement be met or the Applicant should apply for a variance.

Renovations and Additions

As this is an interior lot, Staff will only comment on the front façade of the existing building and the front addition.

In looking at the floor plan, it appears the Applicant is adding a third floor. In looking at the proposed elevations, it is not clear where the existing building ends and the new construction begins. The elevations lack material details, therefore it is not clear what the building will look like in the end. Staff recommends the Applicant revise the elevations to delineate the existing conditions from the proposed conditions. Staff further recommends all material details are indicated on the plans. At this time, Staff finds it is not clear what the proposal is and there are concerns regarding the front yard setback, FAR and lot coverage. Given the information we have at this time, Staff recommends a deferral.

As previously indicated, the existing building is non-contributing. Per regulations, additions and renovations to non-contributing structures shall either reinforce the architectural characteristics of the existing building or meet the new construction requirements. Staff finds the proposed design does not reinforce the architectural characteristics of the existing building, therefore Staff finds the new construction requirements apply.

Height and Roof Form

The Applicant is proposing a third floor addition to the existing building, a front porch addition and a two-story addition to the front façade. Per regulations, the maximum height allowed is 35'. The proposed third story addition will create a building that is less than 35'. Staff finds the proposed height meets the regulations. Per regulations, the roof form shall be either hipped or gabled. Staff finds the proposed roof of the third floor addition and the two-story addition does not meet the roof requirements. Staff recommends the roof on the third story addition and the two story addition is either hipped or gabled.

Front Porch and Terrace

Per regulations, porches shall take up no less than 1/3 of the front façade and shall have a depth of no less than 7'. The proposed porch is 1/2 the width of the front façade, therefore the proposed porch meets the width requirement. The proposed porch has a depth of 5'10" and therefore does not meet the depth requirement. Staff recommends the front porch have a depth of no less than 7' to meet the regulations. The Applicant is proposing an upper level terrace. Per regulations, there are no restrictions regarding the location of terraces. As such, Staff has no concern regarding the proposed upper level terrace.

Walkway and Plan Discrepancies

Per regulations, a walkway from the front entry to the sidewalk is required. As the project includes renovations and additions to the front façade, Staff finds an appropriate front walkway is required. Staff recommends the site plan indicate an appropriate front walkway from the front entry to the sidewalk. In comparing the site plan, floor plan and elevations, there appears to be some discrepancies. Specifically, the porch and upper level terrace are not clearly indicated on the floor plans. Further, the door and window locations on the floor plan are not accurately reflected on the elevations. Staff recommends the site plan, floor plan and elevations are internally consistent.

Fenestration and Materials

Per regulations, the proposed fenestration can either be substantially consistent with the fenestration on contributing buildings of like use or can meet the percentage requirement. Staff

finds the proposed fenestration meets the percentage requirement. Staff finds that many of the material details are not indicated on the plans. Staff recommends the plans indicate all proposed materials.

Overall Comments

The existing building is unusual as it is a non-contributing apartment building in a district that is dominated by single family houses. The proposed design is not consistent with the existing building, the contributing single-family houses in the district or the contributing buildings of like use submitted by the Applicant. With that said, with the exception of the comments made above, Staff finds the proposal meets the regulations.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations, with the exception of the comments noted above per Section 16-20K.007;

Staff recommends deferral of the application for a Type III Certificate of (CA3-13-202) for major alterations and an addition at **481 Atlanta Avenue**– Property is zoned R-5/Grant Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The Applicant shall provide documentation the FAR requirement has been met per Section 16-06A.008(5)(a);
2. The front yard setback requirement shall be met or the Applicant shall apply for a variance, per Section 16-20K.007(1)(a);
3. The roof on the third story addition and the two story addition shall be either hipped or gabled, per Section 16-20K.007(2)(a)(5);
4. The front porch shall have a depth of no less than 7', per Section 16-20K.007(2)(a)(3);
5. The site plan shall indicate an appropriate front walkway from the front entry to the sidewalk, per Section 16-20K.007(2)(a)(2);
6. The site plan, floor plan and elevations shall be internally consistent;
7. All material details shall be indicated on the plans, per Section 16-20K.007(2)(c); and
8. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT November 25, 2013

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-264) for a new single family house at **660 Woodward Avenue** – Property is zoned R-5/ Grant Park Historic District (Subarea 1)/ Beltline.

Applicant: Intown Renewal Developers
1270 Caroline Street

Facts: According to the Grant Park Inventory sheet this is currently a vacant lot.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

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

- (1) *General Criteria.*
 - 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. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
 - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
 - b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
 - c. Type III Certificates of Appropriateness shall be required for:
 1. All new principal structures
 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
 - d. 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 which destroys the structure's historic interpretability or importance.
- (3) *Subdivisions.* In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
- (4) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.

- (5) *Paved surfaces.* The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

Section 16-20K.007. Specific Regulations - Residential Subarea I

(1) *Development Controls.*

- a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
- b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
- c. *Rear Yard:* Rear yard setback shall be seven (7) feet.
- d. *Off-street parking and driveway requirements:*
 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.

(2) *Architectural Standards.*

- A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

B. *Design Standards and Criteria for New Principal Structures.*

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front facade and a minimum of seven (7) feet in depth. Side porches shall be a minimum of four (4) feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed thirty-five (35) feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two (2) entrance step risers each of which shall be no less than six (6) inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
8. Garages entrances are prohibited on the front facade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
9. *Decks, Balconies and Upper Level Terraces:*
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 - c. Balconies and upper level terraces shall be permitted.
10. Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
11. Any facades that face a public street shall consist of fenestration that is either: 1)substantially consistent

with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15% and no greater than 40% of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed twenty-eight (28) square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed sixteen (16) square feet.

12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
 13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
 14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
 - b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
 15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.
- E. *Site development, sidewalks and curbs:*
1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 2. Repairs or replacement of existing brick sidewalks shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 3. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 4. Sidewalks crossing driveways shall be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons shall not interfere with the visual field of the pedestrian path.
 5. Curbing shall be granite; poured concrete shall not be used. Curbing shall be at least six inches in height from street level.
 6. Historic materials such as brick, granite, and cobblestones shall be reused where possible.

7. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district shall be a red brick color.

Site Plan

In looking at the full sized set, the site plan and floor plan are not consistent. Specifically, the floor plan indicates a porch depth of 8' and the site plan indicates a porch depth of 6'. Staff recommends all plans submitted are internally consistent.

This interior lot fronts 27' on Woodward Avenue and has a depth of 85'. According to the Applicant, the depth of the existing lot is 82.50'. Staff suggests the Applicant resolve the lot discrepancy issue with the Office of Planning Subdivision staff.

As this is a non-conforming lot, the maximum FAR (floor area ratio) allowed is the lesser of .65 of the net lot area or 3, 750 sq. ft. If the above provisions do not allow for 1800 Sq. ft., the underlying zoning allows for an 1800 sq. ft. house to be built. The plans do not indicate the FAR, however the total living space is indicated as 1,380 sq. ft., therefore Staff finds the FAR requirement has been met. Per underlying zoning, the maximum lot coverage allowed is 55%. The lot coverage is indicated as 49.4% and therefore meets the lot coverage requirement.

The front yard setback can either be based on the compatibility rule or the previously existing contributing house. The proposed front yard setback is 12'. The Applicant provided front yard setbacks of the houses on the block face, however some of them are non-contributing. Staff finds the allowable range is 10.5'-11.9'. As such, Staff finds the proposed front yard setback does not meet the regulations. Staff recommends the front yard setback meet the regulations.

The regulations allow the side yard setbacks to be based on a previously existing historic house. According to the Applicant, the proposed side yard setbacks match a previously existing house. The Applicant provided a copy of a Sanborn Map that indicates the previously existing house. The Sanborn Map is scaled, therefore Staff can confirm that the east side yard setback is 3' and the west side yard setback is 1'. Per regulations the rear yard setback shall be no less than 7'. Staff finds the rear yard setback is more than 7' and therefore meets the rear yard setback requirement.

As required by the regulations, the site plan indicates a walkway from the porch to the front property line. It is not clear from the site plan whether there is an existing sidewalk. Staff recommends the Applicant clarify whether there is an existing sidewalk. If there is a sidewalk and it is damaged during construction, it shall be repaired or replaced as outlined in the regulations.

Massing and Building Height

The proposed two story house is defined by an 8 in 12 gable roof and a full width porch with a hipped roof. Per regulations, the maximum height allowed is 35'. The Grant Park Historic district regulations do not specify how the height should be measured. As such, Staff finds the standard City measurement should be used. In looking at the front façade, Staff finds the height requirement has been met. In looking at the contributing houses on the block, the houses are all one story and most have a gable roof. While Staff finds the overall height, massing and design of the proposed dwelling is not similar to the historic houses on the block, Staff finds the regulations have been met.

Building Facades

The Commission reviews the facades that face a public street. This is an interior lot, therefore Staff will only comment on the façade that faces a public street.

Windows and Doors

A single front door is parallel and facing the Woodward Avenue as required. Staff finds the proposed door is appropriate to the style of the house.

The Applicant is proposing to install 1 over 1, double hung, wood windows on the front facade. The Grant Park regulations allow for windows to either be compatible with the windows on contributing houses or are no less than 15% and no more than 40% of the wall surface. Staff finds the design of the windows is appropriate. Further, Staff finds the proposed windows meet the fenestration percentage requirement.

Building Materials

The proposed materials include smooth cementitious siding with a 6” reveal, wood windows, cedar shake in the gable, wood door with glass, wood columns, architectural shingles for the roof, wood corner boards and wood spindles. The material for the stairs is not indicated. Staff recommends an appropriate material for the porch stairs is indicated on the plans. The foundation material on the front façade appears to be a wood band. Staff finds that a wood band for the foundation material is not appropriate. Staff recommends the plans indicate an appropriate foundation material on the front façade.

Porch

The proposed dwelling has a full width porch with a depth of 6’. Per regulations, the minimum depth for the front porch is 7’. Staff recommends the front porch have a depth of no less than 7’. The porch features columns and railings that are compatible with other similar porches in the district. Staff finds the overall decorative details of the proposed front porch are consistent and compatible with the house style. Given the height of the foundation, Staff finds a railing is not required to meet safety code. As such, Staff suggests the porch railing is no more than 30” in height to be compatible with other similar historic porches.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.007;

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-13-264) for a new single family house at **660 Woodward Avenue** – Property is zoned R-5/ Grant Park Historic District (Subarea 1)/ Beltline, with the following conditions:

1. All plans submitted shall internally consistent;
2. The front yard setback shall meet the regulations, per Section 16-20K.007(1)(a);
3. The Applicant shall clarify whether there is an existing sidewalk;
4. If there is a sidewalk and it is damaged during construction, it shall be repaired or replaced as outlined in the regulations; per Section 16-20K.007(2)(E);
5. An appropriate material for the porch stairs shall be indicated on the plans, per Section 16-20K.007(2)(B)(15);
6. The plans shall indicate an appropriate foundation material on the front façade, per Section 16-20K.007(2)(B)(15);
7. The front porch shall have a depth of no less than 7’, per Section 16-20K.007(2)(B)(3); and
8. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT November 25, 2013

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-281) for a new single family house at **109 Hogue Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Intown Builders, LLC
655 Ralph McGill Boulevard

Facts: This is currently a vacant lot.

Analysis: The following code sections apply to this application:

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

(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 Districts:

b. To erect any new structure or to make an addition to any structure within a Landmark District.

Per Section 16-20C.003:

The following regulations shall apply to the entire Landmark District inclusive of all subareas. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

(1) Regulations shall be minimum standards which must be followed and shall be applied by the AUDC.

(2) The AUDC shall further adopt and maintain guidelines that shall extend the intent of these regulations, further define elements of architectural style, and shall further ensure the compatibility of future developments within this HC district.

(3) The power to hear, grant or deny variances and special exceptions from these regulations shall rest with the AUDC.

(4) Procedure for variance: Upon a determination by the AUDC that an application for renovation or new construction is in conflict with these regulations and/or the guidelines, the AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (section 16-26.001). Notification shall including

any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.

(5) The compatibility rule: In general the intent of the regulations and guidelines structures and new construction are compatible with the design, scale and general character of the entire district, of each subarea, and of the immediately adjacent environment of a particular block. To further that intent and simultaneously retain flexibility, the regulations provide a “compatibility rule” which is: The element in question (roof form, architectural trim, building setback, etc.) shall match that which predominates on that block; or where quantifiable (i.e. building height, setback etc.), the average of all structures of like use in that block shall be adhered to. The rule shall apply as it is noted in these regulations and guidelines by reference to the “compatibility rule.”

(11) *Off-street parking:*

- a. Off-street parking shall not be permitted in the front yard of a lot used for residential purposes.
- b. Off-street parking shall be permitted in the side and/or rear yard of a lot used for residential purposes.

Per Section 16-20C.005 – Residential District Sub-area 2:

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses within the residential district subarea.

These regulations are intended to preserve the character and scale of the residential environment as it existed during the historic period of the Martin Luther King, Jr. Landmark District. These regulations are intended to ensure that permitted uses will maintain the historic integrity of the subarea and the district as a whole.

(1) *Permitted principal uses:*

- a. Single-family dwellings.

(3) *Development controls:*

a. All front, side and rear yard setbacks shall be established through utilization of the compatibility rule on block-by-block basis. A variance of five percent (5%) may be allowed. All new construction shall maintain a minimum of seven (7) feet for side yard setback and 10 feet for rear yard setbacks where the compatibility rule would permit otherwise.

b. *Maximum height:* The compatibility rule shall apply with variance up to 10 percent permitted.

Per Section 16-20.009. Further standards.

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

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (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.

- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

Plan Discrepancies

Staff has concerns regarding discrepancies between the site plan, elevations and floor plan. In looking at the front elevation, there appears to be a set of stairs on the side of the house. It is not clear what the stairs are connected to. The stairs do not appear on the side elevations, the floor plan or the site plan. The floor plan indicates a window unit and three single windows on the south elevation. The floor plan also indicates two window units and a single window on the north elevation. Staff finds the elevations do not accurately depict the windows indicated on the floor plan. There is a written note on the elevations that indicates a rear deck that is not depicted in the elevations. Staff would note the deck is not indicated on the site plan, floor plan or elevations. Staff recommends the Applicant submit accurate site plans, elevations and floor plans that are internally consistent.

Site

The existing lot fronts 38' on Hogue Street and has a depth of 90'. Per regulations, the front yard setbacks are based on the compatibility rule. The front yard setback information is not clear. Specifically, there are two measurements for each property, it is not clear how the measurements were taken and it is not clear what the allowable front yard setback is. Staff recommends the Applicant provide documentation the proposed front yard setback meets the regulations.

Per regulations, the side yard setbacks shall be no less than 7'. Staff finds the side yard setback requirement has been met. Per regulations, the rear yard setback shall be no less than 10'. In measuring the site plan, Staff finds one of the rear corners of the house is slightly less than 10'. Staff recommends the Applicant clarify whether there is a deck proposed. Staff recommends the rear yard setback is no less than 10'. Staff would note that lot coverage and floor area ratio is not regulated in this subarea.

Massing and Building Height

Per regulations, the maximum height for new construction is based on the compatibility rule with an allowed 10% differential. Based on a previous case, the maximum height, including the allowed 10% differential was established as 25.85'. The Applicant did not provide properly scaled elevations, therefore the proposed height is not clear. Staff recommends the Applicant provide documentation the proposed height meets the regulations. In looking at pictures of contributing houses on the block face, the height and width of the proposed house appear similar to other contributing houses. As the proposed house takes up most of the depth of the lot, Staff finds the house appears too long. Staff would note however, that the regulations do not restrict the depth of proposed houses.

Design

The existing block face features historic houses with a variety styles and roof forms. The proposed house is defined be a 10 in 12 hipped roof and a full width porch with a hipped roof. Staff finds the proposed house is similar to the contributing house 79 Hogue. Staff finds the overall design and architectural details of the proposed house are appropriate.

The material and size of the proposed columns is not indicated. Staff recommends the elevations indicate an appropriate size and material for the columns. In looking at the foundation, it appears a porch railing is required to meet safety code. As such, Staff recommends the porch railing have a two-part top and bottom rail with balustrades that butt joint the top and bottom rail.

As previously mentioned, Staff finds there is a discrepancy between the fenestration indicated on the floor plans and the fenestration indicated on the elevations. Notwithstanding that issue, Staff finds the material and design details are not clear. Staff recommends an appropriate window material is indicated on the plans. Staff further recommends the new windows are indicated as either simulated divided lite or true divided lite. Staff recommends all windows have appropriate headers, actual sills and appropriate separation in between units. While Staff does not have concerns regarding the design of the proposed doors, Staff recommends the elevations indicate an appropriate door material.

The plans indicate smooth cementitious siding with a 4.5' reveal and a brick and lattice porch foundation. The foundation for the rest of the house is not indicated on the plans. Staff recommends the material for the porch foundation and the house foundation is consistent. Not all of the material details are indicated on the plans. Staff recommends the elevations indicate all proposed building materials.

Staff Recommendations: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20C.003(4);

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-13-281) for a new single family house at **109 Hogue Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, with the following conditions:

1. The Applicant shall submit accurate site plans, elevations and floor plans that are internally consistent;
2. The Applicant shall provide documentation the proposed front yard setback meets the regulations, per Section 16-20C.005(3)(a);
3. The Applicant shall clarify whether there is a deck proposed;
4. The rear yard setback shall be no less than 10', per Section 16-20C.005(3)(a);
5. The Applicant shall provide documentation the proposed height meets the regulations, per Section 16-20C.005(3)(b);
6. The elevations shall indicate an appropriate size and material for the columns, per Section 16-20.009(6);
7. The porch railing shall have a two-part top and bottom rail with balustrades that butt joint the top and bottom rail, per Section 16-20.009(6);
8. An appropriate window material shall be indicated on the plan, per Section 16-20.009(6);
9. All new windows shall be indicated as either simulated divided lite or true divided lite, per Section 16-20.009(6);
10. All windows shall have appropriate headers, actual sills and appropriate separation in between units, per Section 16-20.009(6);
11. The material for the porch foundation and the house foundation shall be consistent, per Section 16-20.009(6);
12. The elevations shall indicate all proposed building materials, per Section 16-20.009(6); and
13. Staff shall review and if appropriate, approve the final plans.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT November 25, 2013

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-282) for a variance to reduce the south side yard setback from 7' (required) to 3.4' (proposed) and the north side yard setback from 7' (required) to 5' (proposed) and (CA3-13-283) for a new single family house at **105 Hogue Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Intown Builders, LLC
655 Ralph McGill Boulevard

Facts: This is currently a vacant lot. At the November 13th meeting, this application was deferred to allow the Applicant time to submit revised plans.

Analysis: The following code sections apply to this application:

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

(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 Districts:

b. To erect any new structure or to make an addition to any structure within a Landmark District.

Per Section 16-20C.003:

The following regulations shall apply to the entire Landmark District inclusive of all subareas. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

(1) Regulations shall be minimum standards which must be followed and shall be applied by the AUDC.

(2) The AUDC shall further adopt and maintain guidelines that shall extend the intent of these regulations, further define elements of architectural style, and shall further ensure the compatibility of future developments within this HC district.

(3) The power to hear, grant or deny variances and special exceptions from these regulations shall rest with the AUDC.

(4) Procedure for variance: Upon a determination by the AUDC that an application for renovation or new construction is in conflict with these regulations and/or the guidelines, the

AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (section 16-26.001). Notification shall include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.

(5) The compatibility rule: In general the intent of the regulations and guidelines structures and new construction are compatible with the design, scale and general character of the entire district, of each subarea, and of the immediately adjacent environment of a particular block. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question (roof form, architectural trim, building setback, etc.) shall match that which predominates on that block; or where quantifiable (i.e. building height, setback etc.), the average of all structures of like use in that block shall be adhered to. The rule shall apply as it is noted in these regulations and guidelines by reference to the "compatibility rule."

(11) *Off-street parking:*

- a. Off-street parking shall not be permitted in the front yard of a lot used for residential purposes.
- b. Off-street parking shall be permitted in the side and/or rear yard of a lot used for residential purposes.

Per Section 16-20C.005 – Residential District Sub-area 2:

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses within the residential district subarea.

These regulations are intended to preserve the character and scale of the residential environment as it existed during the historic period of the Martin Luther King, Jr. Landmark District. These regulations are intended to ensure that permitted uses will maintain the historic integrity of the subarea and the district as a whole.

(1) *Permitted principal uses:*

- a. Single-family dwellings.

(3) *Development controls:*

a. All front, side and rear yard setbacks shall be established through utilization of the compatibility rule on block-by-block basis. A variance of five percent (5%) may be allowed. All new construction shall maintain a minimum of seven (7) feet for side yard setback and 10 feet for rear yard setbacks where the compatibility rule would permit otherwise.

b. *Maximum height:* The compatibility rule shall apply with variance up to 10 percent permitted.

Per Section 16-20.009. Further standards.

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

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (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.

- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

Variances

Originally, the Applicant requested a variance to reduce the south side yard setback from 7' (required) 3.4' (proposed) and a reduction in the north side yard setback from 7' (required) to 5' (proposed). In looking at an updated site plan, the north side yard setback is 9' and therefore meets the regulations. As such, no variance for the north side yard setback is required.

In regards to the south side yard setback, it appears the variance requested is to allow a driveway for parking. In looking at the variance justification, there is no discussion regarding why the lack of a driveway is a significant hardship. Staff would agree the width of the lot is small and therefore might present challenges for new construction. However, given the information we have at this time, there is no documentation that the lack of a driveway would impose a significant hardship.

While Staff cannot support a variance to allow a driveway, Staff could support a variance for the house as currently designed. If the driveway was eliminated, the house could be moved 2' to the north. This would leave the south side yard setback at 5.4' and therefore a variance would still be required. Staff recommends the north side yard setback is eliminated from the request. Staff further recommends a variance is approved for a reduction in the south side yard setback from 7' (required) to 5.4' (proposed).

Site

The lot in question fronts 27.42' on Hogue Street and has a depth of 140' on its longest side. Per regulations, the front yard setbacks are based on the compatibility rule. The front yard setback information is not clear. Specifically, there are two measurements for each property, it is not clear how the measurements were taken and it is not clear what the allowable front yard setback is. Staff recommends the Applicant provide documentation the proposed front yard setback meets the regulations.

As mentioned in the variance portion, Staff is recommending denial of the north side yard setback and a revision to the south yard setback request. As such, Staff recommends the north side yard setback meets the regulations. Staff recommends the south yard setback is 5.4'. Per regulations, the rear yard setback shall be no less than 10'. Staff finds the rear yard setback requirement has been met.

If the variance regarding the driveway is approved, Staff recommends the proposed driveway is extended so that it is located no less than 20' past the front façade wall of the house.

There is a chimney on the south elevation that encroaches 2' into the setback. Per regulations, chimneys cannot encroach more than 20" into the setback. Staff recommends the chimney is either eliminated or that it encroaches no less than 20" into the required setback. Staff would note that lot coverage and floor area ratio is not regulated in this subarea.

Grade and Building Height

In looking at the scaled elevations, there is a notation indicating the grade of the property. The notation on the plans is not consistent with the graphics of the stairs, crawl space vents and the crawl space access door. If the notation is correct, part of the front stairs, crawl space vents and crawl space access doors are below grade. Staff recommends the Applicant clarify the notations regarding the grade.

Per regulations, the maximum height for new construction is based on the compatibility rule with an allowed 10% differential. Based on a previous case, the maximum height, including the allowed 10% differential was established as 25.85'. Staff measured the house from the foundation to the peak and found the height of the house to be over 26'. As such, Staff finds the proposed height does not meet the regulations. Staff recommends the height of the house be no taller than 25.85'.

Design

The existing block face features historic houses with a variety styles and roof forms. The proposed two-story house is defined be an 8 in 12 hipped roof and full width porches on the first and second floor. Staff finds the proposed house is similar to the contributing house at 75 Hogue. Staff finds the overall design and architectural details of the proposed house are appropriate.

In looking at the proposed porch details, Staff has concerns regarding the first floor porch railing. Given the height of the foundation, Staff finds at 36" rail is not required to meet safety code. As such, Staff recommends the first floor porch railing is no more than 30" in height. Further, Staff recommends all porch railings have a two-part top and bottom rail with balustrades that butt joint the top and bottom rail.

Staff has a concern regarding the proposed chimney. It appears to be cantilevered and faced with siding. Staff finds the cantilever and siding is not appropriate. Staff recommends the chimney originate at grade and be faced with masonry. Part of the rear of the house is cantilevered. Staff finds that the cantilevered portion of the house is not appropriate. Staff recommends the rear façade is not cantilevered.

In looking at the elevations, Staff finds the material and design details are not clear. Staff recommends an appropriate window material is indicated on the plans. Staff further recommends all windows with lite divisions are indicated as either simulated divided lite or true divided lite. Staff recommends all windows have appropriate headers, actual sills and appropriate separation in between units. Staff finds the left elevation is severely lacking in regards to fenestration. Staff recommends several appropriate windows are added to the left elevation. While Staff does not have concerns regarding the design of the proposed doors, Staff recommends the elevations indicate an appropriate door material.

In general, Staff finds the plans are severely lacking in regards to the material details. Staff recommends the plans indicate all building materials. Staff further recommends all building materials are appropriate and compatible with contributing houses.

Staff Recommendations: Based upon the following:

- a) The variance request meets the requirements, with the exceptions noted in the above analysis, per Section 16-20C.005;

Staff recommends approval of an Application for a Type III Certificate of Appropriateness (CA3-13-282) for a variance to reduce the south side yard setback from 7' (required) to 3.4' (proposed) and the north side yard setback from 7' (required) to 5' (proposed) at **105 Hogue Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, with the following conditions:

1. The north side yard setback shall be eliminated from the request, per Section 16-20C.005; and
2. The south side yard setback shall be 5.4', per Section 16-20C.005.

Staff Recommendations: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20C.003(4);

Staff recommends approval of an Application for a Type III Certificate of Appropriateness (CA3-13-283) for a new single family house at **105 Hogue Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, with the following conditions:

1. The Applicant shall provide documentation the proposed front yard setback meets the regulations, per Section 16-20C.005(3)(a);
2. The north side yard setback shall meet the regulations, per Section 16-20C.005(3)(a);
3. The south side yard setback shall be 5.4', per Section 16-20C.005(3)(a);
4. If the variance regarding the driveway is approved, the proposed driveway shall be extended so that it is located no less than 20' past the front façade wall of the house, per Section 16-20C.003(11);
5. The chimney shall either be eliminated or it shall encroach no less than 20" into the required setback, per Section 16-28.008(1);
6. The Applicant shall clarify the notations regarding the grade;
7. The height of the house shall be no taller than 25.85', per Section 16-20C.005(3)(b);
8. The chimney shall originate at grade and be faced with masonry, per Section 16-20.009(6);
9. The rear façade shall not be cantilevered, per Section 16-20.009(6);
10. An appropriate window material shall be indicated on the plans, per Section 16-20.009(6);
11. All windows with lite divisions shall be indicated as either simulated divided lite or true divided lite, per Section 16-20.009(6);
12. All windows shall have appropriate headers, actual sills and appropriate separation in between units, per Section 16-20.009(6);
13. Several appropriate windows shall be added to the left elevation, per Section 16-20.009(6);
14. The elevations shall indicate an appropriate building materials for all elevations, per Section 16-20.009(6); and
15. Staff shall review and if appropriate, approve the final plans.