



CITY OF ATLANTA

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MAYOR

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 8, 2014

Agenda Item: Application for Type II Certificate of Appropriateness (CA2-13-323) for alterations at **1260 Fairview Road**– Property is zoned Druid Hills Historic District.

Applicant: Jim Jackson
1368 Ponce de Leon Avenue

Facts: The District inventory sheet does not indicate when this house was built, but it is considered contributing to the District. The District inventory sheets notes two significant alterations: the wrought iron porch sailing on the south (front) façade) and the porch enclosure. Applicant proposes to remove all of the existing “cedar siding, failed due to painting” from all facades of the house and replace them with “original materials in same size and design.”

No other alterations are proposed as this time. No site work or change in the footprint of the building is proposed.

Analysis: The following code sections apply to this application:

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

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

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

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

- (5) Minimum architectural controls: Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district. Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

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

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

- (1) Permitted principal uses and structures:
 - a. Single-family dwellings.

The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995, Standards for Rehabilitation REHABILITATION IS DEFINED as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

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

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

In reviewing the electronic photographs from the submission, it appears that the existing cedar shingles are original to the house. It also appears that the current grey top coat of paint was painted over failing or completely missing previous paint layers. Except in limited locations, it does not appear that the existing cedar shingles are rotten, significantly deteriorated, or split. Apart from the notation of "failed due to painting" the application offers no other information as to the condition of the existing cedar shingles. It would appear to the Staff that with proper surface preparation, the existing cedar shingles could be retained and repaired in-kind, selectively replaced in-kind as necessary and repainted.

The Staff would recommend that only shingles that are visibly damaged, missing, or rotten be replaced and such replacement shall be in-kind as to material, size, and relationship to the existing shingles. The Staff would further recommend that all other existing shingles on all facades be retained, repaired in-kind and repainted.

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 a Type II Certificate of Appropriateness (CA2-13-323) for alterations at **1260 Fairview Road**— Property is zoned Druid Hills Historic District, with the following conditions:

1. Only shingles that are visibly damaged, missing, or rotten shall be replaced and such replacement shall be in-kind as to material, size, and relationship to the existing shingles, per Section 16-20B.003(5);
2. All other existing shingles on all facades not meeting the criteria of Condition #1 shall be retained, repaired in-kind and repainted, per Section 16-20B.003(5), and;
3. Staff shall review and if appropriate, approve the final plans.



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STAFF REPORT

January 8, 2014

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-325) for renovations and an addition at **1047 Washita Avenue** – Property is zoned R-5/Inman Park Historic District (Subarea 1).

Applicant: Rick Bizot
1077 Alta Avenue

Facts: According to the District inventory sheet, the house was built in 1920 and is considered contributing to the District. The one-story, front gable bungalow sits on a generally rectangular lot that is set at an angle to the street such that the front yard is asymmetrical. The house itself is askew on the lot such that the right side yard decreases from front to back and the left side yard increases from front to back. The majority of the lot sits essentially at sidewalk and street level. The rear portion of the roof is a hipped form with a shed roof extension from a previous, 1940s-19502-era addition.

The Applicant proposes to:

1. Partially demolish the previous shed roof addition;
2. Construct a hipped roof addition in the same location as the previous shed roof addition;
3. Complete interior renovations; and
4. Construct “associated site work” which appears to include:
 - creation of a full concrete section of driveway in the front yard (vs. ribbon strips),
 - rebuilding of concrete ribbon strip driveway,
 - installation of a stone veneer wall in the front, side, and rear yards,
 - installation of a concrete parking pad in the rear yard,
 - installation of an iron gate in the rear yard,
 - removal of a cross tie wall and a concrete wall in the rear yard, and
 - removal of a carport in the rear yard.

Analysis: The following code sections apply to this application:

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

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

1. General criteria.

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

- f. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
- 2. Certificates of appropriateness.
 - a. Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - d. Type III certificates of appropriateness shall be reviewed by the commission and shall be required for:
 - ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a certificate of appropriateness in the subarea regulations.
 - e. Type IV certificates of appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.

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

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

- 1. Design standards and other criteria for construction of and for additions to one- and two-family residential structures.
 - 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, except as noted below. In no case shall the height of a structure exceed 35 feet. (See section 16-28.022 for excluded portions of structure.)
 - i. The height of additions shall not be subject to the compatibility rule, but shall be no higher than the existing structure.
 - ii. Notwithstanding the compatibility rule, any new roof ridge line shall be no higher than the highest roof ridge line of the existing structure.
 - 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.
 - ii. The type of brick and pattern of brickwork.
 - iii. The type of stone and pattern of stonework.
 - vi. The materials and pattern of roofing.
- 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:
 - v. Floor area ratio shall not exceed 0.50.

Interior Alterations

Interior alterations are not subject to the District regulations and as such are not subject to review by the Commission.

Site Work

It appears that all of the site work meets the District regulations regarding the design and materials of driveways, paving, retaining walls and parking areas. Further, the removal of the existing concrete driveway, cross tie wall, and concrete retaining wall is not prohibited by the District regulations. The Staff would note, though, that all of these actions can be addressed via a Type II Staff Review Certificate of Appropriateness separate from the Type III Certificate of Appropriateness currently before the Commission if so desired by the Applicant.

However, it is not clear whether the carport is being replaced. The existing conditions site plan notes its removal and no carport is shown on the proposed conditions site plan. However, the “site calculations” table found on the proposed conditions site plan notes “replace carport”. The Staff would recommend that the Applicant clarify the final proposal for the carport. The Staff would note that while there are no architectural requirements for the car port, there are location, setback and overall size limitations for accessory structures of any type in both the District and R-5 zoning regulations.

Regarding the lot coverage, the existing lot coverage is 59.6% which is over the R-5 regulation limit of 55%. This non-conformity can be maintained even if various components of the site are changing as long as the overall lot coverage does not increase above the current 59.6%. However, the proposed lot coverage is calculated at 59.8%, just slightly above the existing condition. The Staff would recommend the site components are re-designed to maintain the current lot coverage.

Partial Demolition of Existing Shed Roof Addition

The Staff has no concerns about the demolition as it will not result in the loss of significant architectural features that would destroy the structure's historic interpretability or importance.

Rear Addition

The Applicant has documented compliance with the floor area ratio (.50 of net lot area).

The height of the addition meets the District regulations as it is no taller than the existing house.

The side yard setbacks of the addition also meet the District regulations. On both the left hand and right hand sides, the addition is considerably farther away from the side property lines than the left and right sides of the house respectively at its closest point.

The rear yard setback of additions is subject to the compatibility rule. The proposed addition appears to expand the footprint of the previous shed roof addition to the southeast and includes stairs that project into the rear yard. All structures taller than 30 in. (with the exception of fences, walls, and retaining walls) are subject to setback requirements. This extension of the current rear addition and the projecting stairs coupled with the angled relationship between the rear façade of the house and the rear property line means that the portion of the new addition

outside the footprint of the current addition and the projecting stairs are closer to the rear property line than the rest of the current addition. Further, it is not clear how much of the current addition will be retained such that the existing rear yard setback of just over 34 ft is grandfathered. No additional information was provided by the Applicant about the rear yard setbacks of the other contributing houses on the block face. The Staff would recommend that the Applicant document compliance with the rear yard setback requirement or revise the design of the rear addition to meet the rear yard setback requirement.

Given the existing roof from of the house (original front facing gable and rear hipped roof) the Staff finds that the new, smaller hipped roof is either not visible from the public street or does not substantively affect the form and pitch of the primary roof. The new hipped roof over the addition will be consistent with the form and pitch of the existing roof.

Except for the setback concerns noted above, the Staff does not have concerns about the architectural elements, detailing, or proportions of the addition's elements. The new addition will not destroy historic materials, features, and spatial relationships that characterize the property given its size, location, and relationship to the existing house. Further, the addition and is differentiated from the existing house (window construction, slight change in siding reveal, and partial CMU foundation) and is compatible with the historic materials, features, size, scale and proportion, and massing of the property and the existing house. Lastly, the addition could be removed in the future and the essential form and integrity of the historic property and its environment would be unimpaired.

Staff Recommendation: Based upon the following:

- (a) The proposal meets the District regulations, per Section 16-20L.005 and Section 16-20L.006, except as noted above.

Staff recommends approval of the application for Type III Certificates of Appropriateness (CA3-13-325) for renovations and an addition at **1047 Washita Avenue** – Property is zoned R-5/Inman Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall clarify the final proposal for the carport;
2. The site components shall be re-designed to maintain the current lot coverage, per the R-5 zoning regulations;
3. The Applicant document shall compliance with the rear yard setback requirements or revise the design of the rear addition to meet the rear yard setback requirement, per Section 16-20L.006(2)(b); and
4. The Staff shall review, and if appropriate approve, the final elevations, plans, and documentation.



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STAFF REPORT

January 8, 2014

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-334) for a variance to increase the rear yard setback from 43.6 ft. (maximum allowed) to 49.75 ft. (proposed) and (CA3-13-326) for a new single family residence at **744 West Ashland Avenue**- Property is zoned R-5/Inman Park Historic District (Subarea 1).

Applicant: Rick Bizot
1077 Alta Avenue

Facts: This lot is currently vacant and located on the north side of West Ashland Avenue. The property is generally level with the sidewalk in its front portion, than drops down significantly towards northeast corner.

Analysis: The following code sections apply to this application:

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

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

1. General Criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
- b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- d. Compatibility rule:
 - i. The intent of the mayor and council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face; and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945.

- ii. To further that intent and simultaneously permit flexibility in design, the regulations provide a compatibility rule which is as follows:
 - (a) Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure.
 - (b) Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure
- 2. Certificates of Appropriateness.
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - d. Type III Certificates of Appropriateness shall be required for:
 - i. All new principal structures.
- 3. Variances, special exceptions, and appeals. Variance applications, applications for special exceptions, and appeals from these regulations shall be heard by the commission. The commission shall have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16. The commission shall have the authority to grant or deny applications for special exceptions pursuant to the standards in chapter 25. The commission shall have the authority to grant or deny applications for appeal pursuant to the standards in section 16-30.010 and the appeal provisions for said decision, set forth in section 16-30.010(e), shall also apply to the commission's decision.
- 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.

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.
 - a. No individual house design shall be substantially repeated on the same side of a street block.
 - b. An unpaved planting strip adjacent and parallel to the public street shall be provided. The Compatibility Rule shall apply to the dimensions and location of planting strips.
 - c. A sidewalk between the planting strip and the required front yard and parallel to the public street shall be provided. The Compatibility Rule shall apply to sidewalks. The sidewalk shall be the same width as the sidewalk on abutting properties or it shall be the width required by law, whichever is greater. If no sidewalk exists in the block, the new sidewalk shall not be less than six feet wide. If no sidewalk paving material predominates in the block, the sidewalk shall be constructed of the historically accurate material for that block, either hexagonal pavers, concrete inlaid with hexagonal imprint, or brick.
 - d. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
 - e. All front facades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the Compatibility Rule shall apply.
 - 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.
 - i. Front porches on principal structures shall be required. The Compatibility Rule shall apply to the design and size of said front porches, provided that such porches shall be a minimum of 12 feet wide or one-half of the width of the front façade, whichever is greater, and a minimum of 8 feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to 10 feet into the required front yard. All front porch steps shall have closed risers and ends.
 - j. Decks are permitted only when located to the rear of the principal structure. Such decks shall be no wider than the width of the house and shall not project beyond the side façade of the existing house.
 - k. The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street or park as a façade element, the chimney shall originate at grade.

- m. The compatibility rule shall apply to the height of portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, no single section of such retaining wall shall exceed four feet in height.
- 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.
- o. Mechanical equipment shall be located to the side and rear of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street or park.
- p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
- q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - ii. The type of brick and pattern of brickwork.
 - iii. The type of stone and pattern of stonework.
 - iv. The material and texture of stucco.
 - v. The size and type of doors.
 - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - vii. Paving materials for walks and drives.
 - (1) Asphalt is not permitted.
 - 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.
 - ix. Visible portions of chimneys.
 - (1) Chimneys shall be faced with masonry. Siding on chimneys is not permitted.
 - x. Skylights are permitted where not visible from a public street or park wherever possible. Protruding bubble skylights are prohibited.
- 2. Setback requirements:
 - a. New construction: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new construction: Front, side, and rear setbacks shall be subject to the compatibility rule.
- 3. Off-street parking and driveways. In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses:
 - a. Off-street parking shall not be permitted between the principal structure and any public street.
 - b. Parking shall not be permitted on walkways that are located between the street and the façade of the principal structure.
 - c. The use of alleys for access to such parking is both permitted and encouraged. No variance is required for driveways coming off of an alley provided however that such driveways shall not extend past any façade which faces a public street.
 - d. Driveways shall not exceed a width of ten feet not including the flare at the street. Two-way driveways, where required for an allowed commercial or multi-family use, shall not exceed 24 feet not including the flare at the street.
- 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. Two-family dwelling, subject to the limitations and requirements set forth herein.
 - iii. In no case shall there be more than one principal building and one principal use on a lot.
 - iv. A lot shall not be used for more than two dwelling units.
 - v. Floor area ratio shall not exceed 0.50.

5. Limits on two-family development. In order to preserve the character of single-family pattern of development and to preserve the historic pattern of development in which accessory buildings are visually subordinate to principal residential buildings, the following regulations shall apply:
 - a. Principal buildings that are designed as two-family dwellings shall conform to the historic pattern in which the two dwelling units are attached and are either side by side or one unit is located above the ground floor unit. The compatibility rule shall apply to the configuration of the duplex structure.
 - b. Where an accessory building is used as a detached single-family dwelling, the following limits shall apply:
 - i. The accessory dwelling unit shall not exceed 1,200 square feet or 40 percent of the area of the principal building, whichever is less.
 - ii. For the purposes of subsection 6.g.v below, which limits the total allowable area of the accessory building to 30 percent of the principal building, the square footage of the accessory dwelling unit shall not be included when calculating the total area of the accessory building.
6. Permitted accessory uses and structures: These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:
 - f. The following regulations shall apply to all permitted accessory uses and structures:
 - i. Except in the case of home occupation, no accessory use shall be of a commercial nature.
 - ii. No accessory structure shall be constructed until construction of the principal structure has actually begun, and no accessory structure shall be used or occupied until the principal structure is completed and in use.
 - iii. Accessory structures shall not cover more than 25 percent of the rear yard.
 - iv. Accessory structures shall be placed behind the principal structure; side and rear setbacks shall not be less than three feet.
 - vi. Accessory structures shall not exceed 25 feet in height or the height of the principal structure, whichever is less, and shall not contain a total floor area greater than 30 percent of the floor area of the principal structure.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Variance Analysis

The Applicant provided a response to the variance criteria in their submission which focuses on the existence of a 20 ft. wide easement for a sewer line which runs diagonally through the property.

The Staff agrees that the sewer easement is extraordinary and exception to this property as there are few other properties in the District with such sewer easements running diagonally across them. The Staff also agrees that an unnecessary hardship is created given that essentially no vertical, substantial construction is permitted on the easement meaning that even if the Applicant wanted to do so they couldn't. Further, the sewer easement is peculiar to this property, given the lack of easements on the vast majority of properties in the District. Further, the Staff finds that the increase in the rear yard setback would not cause substantial detriment and would be in keeping with the purpose and intent of the District regulations given that the side and front setbacks of the District regulations could still be met meaning that the overall spacing and pattern of the streetscape would be maintained.

The Staff would recommend approval of the variance request.

Lot Configuration

The survey and site plan provided by the Applicant show a small section of the neighboring property to the east (#750) extending to the west behind the subject property. The City's plat map does not indicate such an extension (and thus shows a longer subject lot) but does indicate "closed Lake Ave" at the rear of the property. This might suggest that right of way was closed and/or abandoned and the former right of way was added to the property to the east (#750) and behind the subject property. The difference between shortened property configuration shown on the survey and site plan and the longer configuration shown in the City's records would affect the rear setbacks of the proposed house (which is the subject of a variance request) and accessory structure. It would also affect the lot coverage calculations and the floor area ratio calculations.

Further, the Staff would note if the right of way has not been formally abandoned by the City, it could still be considered a public street and as such the existence of a public street to the rear of the property would significantly and substantially change the review of the project and the purview of the District regulations.

The Staff would recommend that the Applicant confirm the status of this segment of Lake Avenue with the Department of Public Works and if appropriate complete the normal City of Atlanta land configuration process appropriate for this type of property reconfiguration.

General Development Controls

The proposed house will be a one-family residence, with a second dwelling unit in an accessory structure.

As a second dwelling unit, the accessory dwelling unit cannot contain more than 1,200 sq. ft. of floor area or 40% of the floor area of the principal structure, whichever is less. The accessory structure dwelling unit is 680 sq. ft. and 38% of the floor area of the principal structure, meeting the dwelling unit size limitations. Further, the accessory structure shall not cover more than 25% of the rear yard. According to the Applicant, the proposed accessory structure covers 24.8% of the rear yard (which is noted as 3,159 sq. ft.) and therefore meets the regulations. However, it is not clear what portion of the property the 3,159 sq. ft. encompasses. The Staff would recommend the Applicant clarify how the rear yard was defined in their calculations.

In addition, total floor area of the accessory structure cannot be greater 30 percent of the floor area of the principal structure. Given the living space is considered a single family dwelling unit; the District regulations exclude the dwelling unit square footage from the calculation. This also implies that the rest of the floor area of the accessory structure (which in this case is a garage) is included in the calculation. The square footage of the non-living space in the accessory structure is 680 sq. ft. (the lower level, enclosed garage area) which is 38% of the floor area of the principal structure (1,789 sq. ft.), which exceeds the 30% limitation. The Staff would recommend the non-living space of the accessory structure be reduced to meet the 30% floor area of the principal structure limitation.

The District regulations limit the total floor area ratio to .50 of the net lot area. Based on the lot configuration provided by the Applicant, the proposed floor area ratio of both the principal structure and the living space of the accessory structure is .48 of the net lot area and therefore meets the regulation. Per regulations, the maximum lot coverage allowed is 55%. Based on the lot configuration provided by the Applicant, the proposed lot coverage is 54.9% and therefore meets the regulation.

Site Plan

Setbacks

The block face in question contains two (2) contributing buildings of like use, one of which is a corner lot. Therefore the corner lot only has a left side yard setback. Based on the lot configuration provided by the Applicant, the property in question fronts 43.30 ft. on West Ashland Euclid and has a depth of 119.92 ft. on its longest (west) side. Per regulations, all setbacks shall meet the compatibility rule. The front yard setbacks on the block face range from 16.5 ft. to 24.8 ft. and it would appear that the front setbacks have been measured to the front façade of the structures. The proposed front yard setback is 16.5 ft. as measured to the main wall of the front façade at the street level. However, at the street level within the front porch is a projecting center section. While cantilevered bay windows and similar projections up to a certain depth are excluded from setback calculations the Staff is not aware of any such allowance for non-cantilevered portions of houses. Assuming that the front yard setbacks were measured to the front most portion of the heated space of the house, the setback calculations provided by the Applicant are unclear. The Staff would recommend the Applicant clarify the front setback calculations and document compliance thereto.

Taking into account the Staff's recommendation regarding the variance for the rear yard setback of the principal structure, the rear yard setback of the principal structure would meet the District regulations. The left side yard setbacks on the block face range from 3.2 ft. to 6.8 ft. The proposed left side yard setback is 3.81 ft. and therefore meets the setback requirement. Given the corner lot status of one of the contributing buildings on the block face, there is only one right side yard setback for comparison purposes, which is 4.3 ft. The proposed right side yard setback is 5.17 ft., which is slightly larger than the comparison setback. The Staff would recommend the right side yard setback equal the right side yard setback of the one contributing house on the block face with a right side yard setback.

The rear and side yard setbacks of the accessory structure must be at least 3 ft. Based on the lot configuration provided by the Applicant, the proposed rear yard setback of the accessory structure is over 5 ft. and the side yard setbacks are also over 5 ft., both of which meet the requirements.

Site Work

The site plan indicates that the existing sidewalk is to remain. However, the Staff is concerned that the sidewalk will be extensively damaged during construction and as such will need to be replaced. The design of the existing and abutting sidewalk is not clear. The design of new sidewalks is based on the compatibility rule, including the presence of a planting strip.

The Staff would recommend that any sidewalk replacement meet the District regulations.

The site plan indicates an appropriate concrete or paver walkway leading from the porch to the sidewalk. The mechanical equipment is shown behind the house and is screened from view. The Staff finds the equipment meets the setback and screening requirement.

Per the City's General and Supplemental zoning regulations (Chapter 28) conforming lots as to frontage and size must have an independent driveway connected to a public street to access their off-street parking. Given that this lot is non-conforming as to frontage (43.3 ft vs. 50 ft.) and size (5,104 sq. ft. vs. 7,500 sq. ft.); an independent driveway is not required to reach the two off street parking spaces provided in the accessory structure.

A 9 ft. tall retaining wall is proposed in the rear yard. Retaining walls in the rear yard are not addressed by the District regulations. A retaining wall is proposed in the front yard and side yard along the west side of the property. The maximum height of the wall in the front yard is 16 in. which meets the compatibility rule and absolute height requirements. The facing material of this retaining wall (stone, brick, or smooth stucco) meets the District regulations.

A 4 ft. tall safety fence is proposed along the retaining wall in the rear yard, which meets the District regulations.

General Massing and Scale

The form and pitch of the primary roof are subject to the compatibility rule. According to the Applicant, the roof form on the block face is hipped with a 9 in 12 pitch. The proposed house features a 9 in 12 hipped roof with two large gable extensions (one facing the rear and one facing the west side) and three dormers; one on the front roof plan, one on the east side roof plane, and one on the west roof plane of the rear facing gable. Staff finds that pitch of the primary roof meets the regulations.

The Staff is concerned about the primary roof form, though, given the size of the gable extensions and the size of the dormer on the front roof plane. The Staff would note that the District regulations do not specifically address the presence, design or size of dormers on the primary roof form and that one of the contributing houses on the block face does have a low shed dormer on the front face of its hipped roof while the other contributing house's front porch is covered by a small, front facing gable.

In this case, however, the Staff is concerned that the gable extensions and the front dormer are so large and visually significant that the would-be hipped primary roof form is substantially distorted by them and won't be compatible, visually, with the other primary roof forms on the block face. The Staff would recommend that the rear facing and side facing gable extensions and front dormer be reduced in size, and/or lowered in profile to decrease their visual presence on the structure, to reinforce the hipped form of the primary roof, and to be compatible with the primary roof forms that predominate on the contributing structures on the block face.

The first floor heights on the block face range from 2 ft. 8 in. to 3 ft. 2 in. The proposed first floor height is 2 ft. 8 in. and therefore meets the regulations.

The height of the proposed house is subject to the compatibility rule. According to the Applicant, the heights of the houses on the block face range from 27 ft. 2 in. to 28 ft. The proposed height is 28 ft.; therefore Staff finds the height requirement has been met.

In looking at pictures of the houses on the comparison block face, Staff generally finds the overall massing of the house is consistent and compatible with other similar houses on the block face.

Architectural Elements and Materials

Front Porch

One of the contributing houses on the block face has a full width front porch and the other has a stepped, $\frac{3}{4}$ width front porch. The proposed full width porch has a depth of over 8 ft. and therefore meets the width and depth requirements. The front porch columns, railing, and trim details are consistent and compatible with other similar porches on the block face.

Rear Deck

A deck is located at the rear of the structure, which does not project beyond the side façade of the structure. As such, the rear deck meets the District regulations.

Windows and Doors

Per regulations, the size and shape of the windows are subject to the compatibility rule. The Applicant is proposing 6 over 1 simulated divided lite windows, as well as secondary, single sash windows with 3, 6, or 9 lite divisions. The two contributing houses on the block face appear to have 4 over 4 and 6 over 1 lite patterns. Staff finds the overall shape, size and lite design of the windows are consistent and compatible with other windows on the block face. Staff finds the design of the windows, including material, trim, sill and header is appropriate. Staff finds the design of the front door and companion transom is consistent and compatible with the proposed house. Staff does not have concerns regarding the front door.

Materials

The exterior materials will consist of: 5 in. reveal smooth, cementitious siding; all wood trim, windows, eaves elements, etc; stucco-clad foundation, concrete steps and asphalt shingles. All of these materials are compatible with the houses on the block face and meet the regulations.

Staff Recommendation: Based upon the following:

- 1) Except as noted above, the variance meets all of the variance criteria, per Section 16-26.003.

Staff recommends approval of an application for Type III Certificates of Appropriateness (CA3-13-334) for a variance to increase the rear yard setback from 43.6 ft. (maximum allowed) to 49.75 ft. (proposed).

Staff Recommendation: Based upon the following:

- 1) Except as noted above, the proposal meets the District regulations, per Section 16-20L.005 and 16-20L.006.

Staff recommends approval of an Application for a Type III Certificates of Appropriateness (CA3-13-326) for a new single family residence at **744 West Ashland Avenue**- Property is zoned R-5/Inman Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall confirm the status of the segment of Lake Avenue with the Department of Public Works and if appropriate shall complete the normal City of Atlanta land configuration process appropriate for this type of property reconfiguration;
2. The Applicant shall clarify how the rear yard was defined in their calculations, per Section 16-20L.006(6)(f)(iii);
3. The non-living space of the accessory structure shall be reduced to meet the 30% floor area of the principal structure limitation, per Section 16-20L.006(6)(f)(vi);
4. The Applicant shall clarify that the front set back calculations and shall document compliance thereto, per Section 16-20L.006(2)(a);
5. The right side yard setback shall equal the right side yard setback of the one contributing house on the block face with a right side yard setback, per Section 16-20L.006(2)(a);
6. Any sidewalk replacement shall meet the District regulations, per Section 16-20L.006(1)(c);
7. The rear facing and side facing gable extensions and front dormer shall be reduced in size, and/or lowered in profile to decrease their visual presence on the structure, to reinforce the hipped form of the primary roof, and to be compatible with the primary roof forms that predominate on the contributing structures on the block face, per Section 16-20L.006(1)(c); and
8. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 8, 2014

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-13-327) for a new single family residence at **750 West Ashland Avenue**- Property is zoned R-5/Inman Park Historic District (Subarea 1).

Applicant: Ute Banse
1077 Alta Avenue

Facts: This lot is currently vacant and located on the north side of West Ashland Avenue. The property is level with the sidewalk in its very front portion, then drops down significantly towards the rear.

Analysis: The following code sections apply to this application:

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

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

1. General Criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
- b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- d. Compatibility rule:
 - i. The intent of the mayor and council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face; and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945.

- ii. To further that intent and simultaneously permit flexibility in design, the regulations provide a compatibility rule which is as follows:
 - (a) Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure.
 - (b) Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure
- 2. Certificates of Appropriateness.
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - d. Type III Certificates of Appropriateness shall be required for:
 - i. All new principal structures.
- 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.

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.
 - a. No individual house design shall be substantially repeated on the same side of a street block.
 - b. An unpaved planting strip adjacent and parallel to the public street shall be provided. The Compatibility Rule shall apply to the dimensions and location of planting strips.
 - c. A sidewalk between the planting strip and the required front yard and parallel to the public street shall be provided. The Compatibility Rule shall apply to sidewalks. The sidewalk shall be the same width as the sidewalk on abutting properties or it shall be the width required by law, whichever is greater. If no sidewalk exists in the block, the new sidewalk shall not be less than six feet wide. If no sidewalk paving material predominates in the block, the sidewalk shall be constructed of the historically accurate material for that block, either hexagonal pavers, concrete inlaid with hexagonal imprint, or brick.
 - d. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
 - e. All front facades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the Compatibility Rule shall apply.
 - 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.
 - i. Front porches on principal structures shall be required. The Compatibility Rule shall apply to the design and size of said front porches, provided that such porches shall be a minimum of 12 feet wide or one-half of the width of the front façade, whichever is greater, and a minimum of 8 feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to 10 feet into the required front yard. All front porch steps shall have closed risers and ends.
 - j. Decks are permitted only when located to the rear of the principal structure. Such decks shall be no wider than the width of the house and shall not project beyond the side façade of the existing house.
 - k. The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street or park as a façade element, the chimney shall originate at grade.
 - m. The compatibility rule shall apply to the height of portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, no single section of such retaining wall shall exceed four feet in height.
 - 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.
- o. Mechanical equipment shall be located to the side and rear of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street or park.
- p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
- q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - ii. The type of brick and pattern of brickwork.
 - iii. The type of stone and pattern of stonework.
 - iv. The material and texture of stucco.
 - v. The size and type of doors.
 - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - vii. Paving materials for walks and drives.
 - (1) Asphalt is not permitted.
 - 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.
 - ix. Visible portions of chimneys.
 - (1) Chimneys shall be faced with masonry. Siding on chimneys is not permitted.
 - x. Skylights are permitted where not visible from a public street or park wherever possible. Protruding bubble skylights are prohibited.
- 2. Setback requirements:
 - a. New construction: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new construction: Front, side, and rear setbacks shall be subject to the compatibility rule.
- 3. Off-street parking and driveways. In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses:
 - a. Off-street parking shall not be permitted between the principal structure and any public street.
 - b. Parking shall not be permitted on walkways that are located between the street and the façade of the principal structure.
 - c. The use of alleys for access to such parking is both permitted and encouraged. No variance is required for driveways coming off of an alley provided however that such driveways shall not extend past any façade which faces a public street.
 - d. Driveways shall not exceed a width of ten feet not including the flare at the street. Two-way driveways, where required for an allowed commercial or multi-family use, shall not exceed 24 feet not including the flare at the street.
- 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. Two-family dwelling, subject to the limitations and requirements set forth herein.
 - iii. In no case shall there be more than one principal building and one principal use on a lot.
 - iv. A lot shall not be used for more than two dwelling units.
 - v. Floor area ratio shall not exceed 0.50.
- 5. Limits on two-family development. In order to preserve the character of single-family pattern of development and to preserve the historic pattern of development in which accessory buildings are visually subordinate to principal residential buildings, the following regulations shall apply:
 - a. Principal buildings that are designed as two-family dwellings shall conform to the historic pattern in which the two dwelling units are attached and are either side by side or one unit is located above the ground floor unit. The compatibility rule shall apply to the configuration of the duplex structure.
 - b. Where an accessory building is used as a detached single-family dwelling, the following limits shall apply:

- i. The accessory dwelling unit shall not exceed 1,200 square feet or 40 percent of the area of the principal building, whichever is less.
 - ii. For the purposes of subsection 6.g.v below, which limits the total allowable area of the accessory building to 30 percent of the principal building, the square footage of the accessory dwelling unit shall not be included when calculating the total area of the accessory building.
6. Permitted accessory uses and structures: These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:
 - f. The following regulations shall apply to all permitted accessory uses and structures:
 - v. Accessory structures shall not exceed 25 feet in height or the height of the principal structure, whichever is less, and shall not contain a total floor area greater than 30 percent of the floor area of the principal structure.

Lot Configuration

The survey and site plan provided by the Applicant show a small section of property extending to the west at the rear of the property. The City's plat map does not indicate such an extension but does indicate "closed Lake Ave" at the rear of the property. This might suggest that right of way was closed and/or abandoned and the former right of way was added to the right of the subject property and behind the property to the west. While the unusual property configuration shown on the survey and site plan would not appear to affect the setbacks of the proposed house, it would affect the lot coverage calculations and the floor area ratio calculations which are at or very near the allowed maximums.

Further, the Staff would note if the right of way has not been formally abandoned by the City, it could still be considered a public street and as such the existence of a public street to the rear of the property would significantly and substantially change the review of the project and the purview of the District regulations.

The Staff would recommend that the Applicant confirm the status of this segment of Lake Avenue with the Department of Public Works and if appropriate complete the normal City of Atlanta land configuration process appropriate for this type of property reconfiguration.

General Development Controls

The proposed house will be a two-family residence, with one unit accessed via the front façade at sidewalk level, the other unit accessed at the basement level from the rear. Two-family dwellings are permitted in configurations (top and bottom or side by side) as determined by the compatibility rule. The Applicant has not provided information as to the two-family configuration of the two other contributing structures on the block face or if such structures are in fact two-family dwellings. The Staff would recommend the Applicant document the configuration of the two-family dwelling meets the compatibility rule.

The District regulations limit the floor area ratio to .50 of the net lot area. Based on the lot configuration provided by the Applicant, the proposed floor area ratio is .50 and therefore meets the regulations. Per regulations, the maximum lot coverage allowed is 55%. Based on the lot configuration provided by the Applicant, the proposed lot coverage is 48% and therefore meets the regulations.

Site Plan

Setbacks

The block face in question contains two (2) contributing buildings of like use, one of which is a corner lot. Therefore the corner lot only has a left side yard setback. Based on the lot configuration provided by the Applicant, the property in question fronts 43.30 ft. on West Ashland Euclid and has a depth of

127.38 ft. on its longest (east) side. Per regulations, all setbacks shall meet the compatibility rule. The front yard setbacks on the block face range from 16.5 ft. to 24.8 ft. and it would appear that the front setbacks have been measured to the front façade of the structures. The proposed front yard setback is 18 ft. as measured to the main wall of the front façade at the street level. However, at the street level within the front porch is a bay window. While cantilevered bay windows up to a certain depth are excluded from setback calculations the Staff is not aware of any such allowance for non-cantilevered bay windows. Further, the upper level of the house includes heated, livable floor area that projects over the front porch. Assuming that the front yard setbacks were measured to the front most portion of the heated space of the house, the setback calculations provided by the Applicant are unclear. The Staff would recommend the Applicant clarify the front set back calculations and document compliance thereto.

The rear yard setbacks shall meet the compatibility rule. The rear yard setbacks on the block face range from 31.5 ft. to 43.6 ft. The proposed rear yard setback is 36.6 ft. and therefore meets the setback requirement.

The left side yard setbacks on the block face range from 3.2 ft. to 6.7 ft. The proposed left side yard setback is 5.9 ft. and therefore meets the setback requirement. Given the corner lot status of one of the contributing buildings on the block face, there is only one right side yard setback for comparison purposes, which is 4.3 ft. The proposed right side yard setback is 4.4 ft., which is slightly larger than the comparison setback. The Staff would recommend the right side yard setback equal the right side yard setback of the one contributing house on the block face with a right side yard setback.

Site Work

The site plan indicates that the existing sidewalk is to remain. However, the Staff is concerned that the sidewalk will be extensively damaged during construction and as such will need to be replaced. The design of the existing and abutting sidewalk is not clear. The design of new sidewalks is based on the compatibility rule, including the presence of a planting strip.

The Staff would recommend that any sidewalk replacement meet the District regulations.

The site plan indicates an appropriate concrete or paver walkway leading from the porch to the sidewalk. The mechanical equipment is shown under the rear deck and is screened from view. The Staff finds the equipment meets the setback and screening requirement.

Per the City's General and Supplemental zoning regulations (Chapter 28) conforming lots as to frontage and size must have an independent driveway connected to a public street to access their off-street parking. Given that this lot is non-conforming as to frontage (43.3 ft vs. 50 ft.) and size (5,908 sq. ft. vs. 7,500 sq. ft.); an independent driveway is not required to reach the two off street parking spaces provided in the rear yard.

No fences are proposed. A 5 ft. tall retaining wall is proposed in the rear yard. Retaining walls in the rear yard are not addressed by the District regulations.

General Massing and Scale

The form and pitch of the primary roof are subject to the compatibility rule. According to the Applicant, the roof form on the block face is hipped with a 9 in 12 pitch. The proposed house features a 9 in 12 hipped roof with four dormers; one on each rood plane. Staff finds that pitch of the primary roof meets the regulations.

The Staff is concerned about the primary roof form, though, given the size and number of dormers on the roof. The Staff would note that the District regulations do not specifically address the presence, design or size of dormers on the primary roof form and that one of the contributing houses on the block face does have a low shed dormer on the front face of its hipped roof.

In this case, however, the Staff is concerned that three of the dormers (front dormer and the two side dormers) are so large and visually significant that the would-be hipped primary roof form is substantially distorted by the dormers and won't be compatible, visually, with the other primary roof forms on the block face. The Staff would recommend that the front and side dormers be reduced in size, reduced in length, and/or lowered in profile to decrease their visual presence on the structure, to reinforce the hipped form of the primary roof, and to be compatible with the primary roof forms that predominate on the contributing structures on the block face.

The first floor heights on the block face range from 2 ft. 8 in. to 3 ft. 2 in. The proposed first floor height is 2 ft. 9.5 in. and therefore meets the regulations.

The height of the proposed house is subject to the compatibility rule. According to the Applicant, the heights of the houses on the block face range from 27 ft. 2 in. to 28 ft. The proposed height is 27 ft. 5 in.; therefore Staff finds the height requirement has been met.

In looking at pictures of the houses on the comparison block face, Staff generally finds the overall massing of the house is consistent and compatible with other similar houses on the block face.

Architectural Elements and Materials

Front Porch

One of the contributing houses on the block face has a full width front porch and the other has a stepped, ¾ width front porch. The proposed ¾ width porch has a depth of over 8 ft. and therefore meets the width and depth requirements. The front porch columns, railing, and trim details are consistent and compatible with other similar porches on the block face.

Rear Porch and Deck

A screened porch and deck are located at the rear of the structure. Neither of them projects beyond the side façade of the structure. As such, both elements meet the District regulations.

Windows and Doors

Per regulations, the size and shape of the windows are subject to the compatibility rule. The Applicant is proposing 4 over 1 simulated divided lite windows. The two contributing houses on the block face appear to have 4 over 4 and 6 over 1 lite patterns. Staff finds the overall shape, size and lite design of the windows are consistent and compatible with other windows on the block face. Staff finds the design of the windows, including material, trim, sill and header is appropriate. Staff finds the design of the front door and companion transom is consistent and compatible with the proposed house. Staff does not have concerns regarding the front door.

However, the Staff is concerned about the lack of windows on the main level on the right (east) façade. As proposed there are two windows on this façade, one of which is a half-size window. The rear two-thirds of the façade does not have any windows. The Staff would recommend that additional windows be added to the main level of the right (east) façade.

Skylights

Skylights are permitted where they are not visible from a public street or park wherever possible. Protruding bubble skylights are prohibited by the District regulations. There are three skylights proposed on the house; one on the roof of the right side dormer and two just behind it on the main roof plane. All three dormers would appear to be minimally visible from the public street, but the Staff would recommend that the Applicant document that the skylights' visibility from a public street can't be completely eliminated through their relocation or redesign.

Materials

The exterior materials will consist of: 5 in. reveal cementitious siding; all wood trim, windows, eaves elements, etc; stucco-clad foundation, concrete steps and asphalt shingles. All of these materials are compatible with the houses on the block face and meet the regulations. The Staff would recommend the cementitious siding be smooth face.

Staff Recommendation: Based upon the following:

- 1) Except as noted above, the proposal meets the District regulations, per Section 16-20L.005 and 16-20L.006.

Staff recommends approval of an Application for a Type III Certificates of Appropriateness (CA3-13-327) for a new single family residence at **750 West Ashland Avenue**- Property is zoned R-5/Inman Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall confirm the status of the segment of Lake Avenue with the Department of Public Works and if appropriate shall complete the normal City of Atlanta land configuration process appropriate for this type of property reconfiguration;
2. The Applicant shall document that the configuration of the two-family dwelling meets the compatibility rule, per Section 16-20L.006(5)(a);
3. The Applicant shall clarify that the front set back calculations and shall document compliance thereto, per Section 16-20L.006(2)(a);
4. The right side yard setback shall equal the right side yard setback of the one contributing house on the block face with a right side yard setback, per Section 16-20L.006(2)(a);
5. Any sidewalk replacement shall meet the District regulations, per Section 16-20L.006(1)(c);
6. The front and side dormers shall be reduced in size, shall be reduced in length, and/or shall be lowered in profile to decrease their visual presence on the structure, to reinforce the hipped form of the primary roof, and to be compatible with the primary roof forms that predominate on the contributing structures on the block face, per Section 16-20L.006(1)(c);
7. Additional windows shall added to the main level of the right (east) façade, per Section 16-20L.006(1)(n)(iii);
8. The Applicant shall document that the skylights' visibility from a public street can't be completely eliminated through their relocation or redesign, per Section 16-20L.006(1)(q)(x);
9. The cementitious siding shall be smooth face, per Section 16-20L.006(1)(p) and (q)(i); and
10. 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 January 8, 2014

Agenda Item: Application for Type II Certificates of Appropriateness (CA2-13-328) for renovations at 450 Bryan Street– Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Amanda Johnson
884 Lake Avenue

Facts: According to the Grant Park Inventory sheet this existing dwelling built in 1906 is considered contributing.

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.

(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.).

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.

d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.

(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.

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

The Applicant is proposing to replace the existing porch railing. In comparing the railing shown in survey pictures, the existing railing is a replacement. As such, Staff has no concerns regarding the removal of the existing railing. The existing foundation is more than 30” in height, therefore a railing is required to meet safety code. Staff finds the height and design of the proposed railing is appropriate and meets the regulations.

The Applicant is proposing remove the existing concrete stairs due to a safety hazard. According to the Applicant, the current stairs are a trip hazard due to the different heights of the risers. Given the safety issue, Staff does not have a concern regarding the replacement of the stairs. The Applicant is proposing new brick stairs and check walls with granite caps. Staff finds the proposed stair material meets the regulations. It is not clear whether the replacement of the check walls is required. Staff recommends the Applicant provide documentation the existing cheek walls are beyond repair and must be replaced.

The Applicant is proposing to repair the porch columns and replace the porch flooring. Staff has no concerns regarding the repair of the rotted areas at the base of the columns. It is not clear the porch flooring is beyond repair and must be replaced. Staff recommends the Applicant provide documentation regarding the condition of the existing porch flooring.

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 II Certificate of (CA2-13-328) for renovations at **450 Bryan Street**– Property is zoned R-5/Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall provide documentation the existing cheek walls are beyond repair and must be replaced, per Section 16-20K.007(2)(D);
2. The Applicant shall provide documentation regarding the condition of the existing porch flooring, per Section 16-20K.007(2)(D); and
3. Staff shall review and if appropriate, approve the final plans.



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Director, Office of Planning

STAFF REPORT January 8, 2014

Agenda Item: Application for Type III Certificate of Appropriateness (CA3-13-329) for a variance to reduce the side yard setback from 20' (required) to 15' (proposed) at **827 Oakdale Rd**– Property is zoned Druid Hills Historic District.

Applicant: James and Christy Grauley
827 Oakdale Road

Facts: According to the architectural survey in 2002, this dwelling built in 1915 is contributing.

At the April 24, 2013 Commission meeting, the Commission reviewed and approved an application for Type III Certificate of Appropriateness (CA3-13-070) for renovation and an addition at 827 Oakdale Rd. The Applicant did not provide a properly scaled site plan, therefore Staff could not confirm the project met the setback requirements. This current application is for a setback variance for the previously approved renovation and addition project.

Analysis: The following code sections apply to this application:

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

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

(3) Landmark buildings and sites:

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

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

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

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

Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for

each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

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:

(5) *Minimum yard requirements:*

a. *Setbacks:*

3. West side of Oakdale Road, Ponce de Leon Avenue to city limit:

Front yard: 110 feet.

Side yards: 20 feet.

Rear yard: 100 feet.

The Applicant is requesting a reduction in the south side yard setback from 20' (required) to 15' (proposed). As mentioned in the facts section above, the proposed variance is for a previously approved addition. The existing lot fronts 124.98' on Oakdale and narrows to 49.89' at the rear of the lot. The existing house sits back from the street and has a south side yard setback of 16'2" at its closest point. Staff would note that the proposed additions will be closer to the side yard setback but will not project past the side wall of the existing house.

In looking at the site plan, an addition on the north elevation is not possible due to an existing carport. Staff finds the proposed location is the most appropriate given the other existing structures on the site. In order to meet the setback requirement, the addition on the side of the house would be eliminated and the addition on the rear of the house would be reduced by four feet. Given the size of the proposed additions, Staff finds that eliminating one addition and reducing the second addition would be a hardship.

As the additions will not project past the side wall of the existing house, Staff finds there will be minimal impact on the neighbor. As the house sits back from the street and most of the addition is inset, Staff finds the additions will be hard to see from the street. Staff finds that granting the proposed variance will not cause a detriment. Given the information we have at this time, Staff does not have concerns regarding the proposed variance.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA3-13-329) for a variance to reduce the side yard setback from 20' (required) to 15' (proposed) at **827 Oakdale Rd**— Property is zoned Druid Hills Historic District.



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STAFF REPORT January 8, 2014

Agenda Item: Application for a Type II Certificate of Appropriateness (CA3-13-330) for a variance to reduce the distance of a free standing sign from the property line from 20' (required) to .8' (proposed) at **50 Boulevard a.k.a. 460 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 3) Beltline.

Applicant: Maurice Brownlee
460 Auburn Avenue

Facts: According to the neighborhood inventory, this commercial building is considered non-contributing.

At the May 22, 2013 Commission meeting, the Commission reviewed and approved with conditions an application for a Type II Certificate of Appropriateness (CA2-13-117) for signage at 50 Boulevard a.k.a. 460 Auburn Avenue. Below were the conditions of approval:

1. The Applicant shall clarify which elevation represents the sign proposed;
2. The sign shall not be internally illuminated, per Section 16-28A.010(4)(d);
3. The Applicant shall clarify whether the existing sign on the building will be removed, per Section 16-28A.010(4)(a);
4. The Applicant shall submit a properly scaled site plan that indicates the location of the proposed sign, per Section 16-28A.007(o) and 16-28A.010(4)(b);
5. The proposed sign shall be placed at a distance from the front façade of the building as determined by the Director of the Office of Buildings, per Section 16-28A.007(o);
6. If the project does not meet the distance requirement, the Applicant shall submit an application for a variance; and
7. Staff shall review, and if appropriate, approve the final sign design and placement.

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:
 - a. To change the exterior appearance of any Landmark Building or Site;

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."

(15) *Building facades, roofs, and other elements visible from the street right-of-way:*

- a. Alteration and addition to building facades, roofs, porches, foundations and other exterior elements shall conform to these regulations and to the guidelines adopted and applied by the AUDC.

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.

Sec. 16-28A.007. - General regulations.

The following general regulations shall apply to all signs located in the city:

Location of Freestanding Signs: Freestanding signs shall be located ten or more feet from the nearest wall of a principal structure and shall not project over the roof of any structure. If a building existing on the date of adoption of this chapter is located in such a way that there is no place on its lot that is more than ten feet from a wall of the building, and if a freestanding sign would otherwise be permitted on such lot, then the director shall permit a freestanding sign to be located nearer than ten feet to the building provided that such sign is kept as far as practicable from the building, does not result in an unsafe condition, and otherwise complies with the requirements of this part.

Sec. 16-28A.010. - District regulations

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

(8) *Institutional District (Subarea 3):* The sign regulations for Institutional district (Subarea 3) shall be the same as the regulations for the O-I (Office-institutional) district, provided that:

1. The location of the sign, unless otherwise specified within this subsection (27), shall be subject to the approval of the urban design commission simultaneously with the request for a certificate of appropriateness;
2. Freestanding signs shall not be higher than ten (10) feet above ground level;
3. Where an existing building is located immediately adjacent to the street, such building shall be permitted to have one (1) residential sign, projecting into the public right-of-way, subject to all other provisions of this part regarding projecting signs.

(4) *O-I (Office-Institutional) District.* The following signs shall be permitted in the O-I (Office institutional) district:

- a. *Number and Area of Signs:* A maximum of one (1) business identification sign is permitted for each separate street frontage of each business establishment. Such sign shall not exceed 30 square feet in sign area.
- b. *Setback:* Signs shall be mounted flat to the wall of the building or not nearer than 20 feet to the street property line.
- c. *Height of Signs:* No freestanding sign shall be higher than 24 feet above ground level.
- d. *Lighting of Signs:* No sign shall be internally illuminated. No lighting shall be permitted which illuminates any area outside of the lot upon which said sign is located.
- e. *Animated, Flashing, Changing Signs Prohibited:* No animated, flashing, or changing signs shall be permitted.
- f. *Signs Extending Over Right-of-Way Prohibited:* No sign shall extend or project over any property line onto sidewalk or street right-of-way.

The Applicant is requesting a variance to reduce the distance of a previously approved sign from 20' (required) to .8' (proposed). Per regulations, freestanding signs shall be located no less than 10' from the front façade of the building. As this building was constructed before the sign ordinance was written, there is a provision that the Director of the Office of Buildings can permit the sign to be closer to the building. The Director of the Office of Buildings is allowing the sign to be 6.5' from the building. As the previously approved sign was oriented to face the street, the expectation was that the back of the sign would be located 6.5' from the front of the building. Given the 1' depth of the sign, this location would require a variance from 20' (required) to 6.5' (proposed).

In looking at the site plan, the sign is now oriented to be perpendicular with the street. This orientation requires a variance to reduce the setback to .8'. Given the location of the existing building, a variance would be required no matter where the freestanding sign was located. Staff is generally supportive of granting a variance as the denial of a variance would not allow the Applicant to have any type of freestanding sign. With that said, Staff does have concerns regarding having the sign so close to the right-of-way.

The combination of the sign and base is 6' in height and 6' in width. Staff finds this is too large for a sign to have so close to the right-of way. While the sign does meet the size requirement, the setback requirement would normally require the sign to be located 20' from the sidewalk. Staff cannot support the size of the proposed sign, so close to the sidewalk.

This property is also in the Beltline overlay district. In speaking with the Beltline Staff, there is a 15' setback requirement from the curb to the front of the sign. As such, the sign could not be placed .8' from the front property line without an additional variance through the SAP process. Given the size of the sign and the additional requirements of the Beltline, Staff recommends the proposed sign be parallel to the street and no less than 6' from the front property line.

Staff Recommendations: Based upon the following:

1) The plans meet the variance requirements per Section 16-20C.003(3) and (4), with the exceptions of the comments noted above;

Staff recommends approval of the Application for a Type II Certificate of (CA3-13-330) for a variance to reduce the distance of a free standing sign from the property line from 20' (required) to .8' (proposed) at **50 Boulevard a.k.a. 460 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 3) Beltline, with the following conditions:

1. The sign shall be parallel to the street and no less than 6' from the front property line, per Section 16-20C.003(3) and (4); and
2. 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 January 8, 2014

Agenda Item: Review and Comment (RC-13-331) on V-13-260 for a reduction in the front yard setback from 40' (required) to 10' (proposed) to allow for a three-story front entry addition to an existing multi-family building and renovations, alterations and additions to **610 Irwin Street** - Property is zoned R-5/Martin Luther King Jr. Landmark District (Subarea 6)/Beltline.

Applicant: Monica Woods
655 Ralph McGill Boulevard

Facts: According to the neighborhood inventory, this multi-family building was built in 1961 and is considered contributing.

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."

16-20C.009. Transitional Zone Subarea 6.

- (1) In accordance with section 16-20.004(b) of this part, the requirements of sector HC20C Martin Luther King, Jr. Landmark District for those properties identified on the attached map as being within the Transitional Zone (Subarea 6) shall serve to modify the requirements, regulations and procedures applying in the existing zoning districts or districts hereinafter created.

Properties identified as being within the Transitional Zone (Subarea 6) shall remain zoned in whichever district they are designated at the time of adoption of this chapter by action of the city council.

The existing district regulations as they now exist, or as they may be subsequently changed, are hereby modified so as to provide the following additional regulation for properties in this subarea.

- a. Any application for building permits, zoning amendments, special use permits, special exceptions and variances within Transitional Zone (Subarea 6) of sector HC20C, Martin Luther King, Jr. Landmark District, shall be submitted to the AUDC for review and report prior to any final action on such application.
 - b. General advertising signs shall not be permitted in the Transitional Zone (Subarea 6).
- (2) These regulations are intended to control the potential for adverse impact resulting from redevelopment in the periphery of the Landmark District. To this end the AUDC shall undertake a design review of all new construction and such other actions as are outlined in paragraph (1) above.

Sec. 16-20.009. Same; further standards.

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

Addition

The property in questions is setback farther from the sidewalk than the other properties nearby. As the property slopes down from the property line, the existing foundation is significantly lower than the sidewalk. As such there is an elevated walkway that connects the sidewalk to the existing covered entryway and stairs. The Applicant is proposing to remove existing windows and the front entryway in order to construct and three story covered entryway and stair system.

The existing building is historic, therefore Staff has concerns regarding the removal of several window openings, the re-location of the front entryway and the size of the proposed three story entryway, railing and stair system. In looking at other similar apartment building on Irwin Street, those stairs appear smaller, simpler and more integral to the building. Staff suggests the Applicant explore solutions that would retain the original window openings.

According to the Applicant, expanding the interior stair would require substantial construction alterations. As the entire interior is being gutted and the units are being expanded in size, Staff finds that substantial construction alterations will happen whether or not there is an interior stair. The Applicant also raises concerns that expanding the stairs will reduce the size of the units. Staff suggests the Applicant provide information regarding how much space would be lost by expanding the interior stairs.

In general, Staff does not have a concern with having front entryways and stairs added to the building. Given the existing setback and topography, Staff finds that having a stair and railing system at the front of the building may give the building a better street presence. Staff is more concerned with the massing and location of the proposed entryway and stairs. As the Applicant did not submit a properly scaled site plan, it is not clear how close the front entryway is to the sidewalk. There are railings indicated on the elevations that are not indicated on the site plan. Staff suggests the Applicant submit a properly scaled site plan that indicates all proposed work.

Staff recommends the Commission deliver its comments at the meeting.

Variance

The Applicant is requesting a variance from 40' (required) to 10' (proposed) in order to construct the above mentioned entryway and stairs. There is already an existing entryway, although it is not clear whether it meets the setback requirements. Staff could support a variance for an entryway that protruded no further into the setback than the existing entryway. Given the lack of properly scaled site plans and our concerns regarding the massing, Staff cannot support the variance request at this time.

Staff recommends the Commission send a letter with comments the Applicant and the BZA.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 8, 2014

Agenda Item: Type II Certificate of Appropriateness (CA2-13-332) for renovations, alterations and site work at **141 Grape Street** - Property is zoned R-5/Martin Luther King Jr. Landmark District (Subarea 6)/Beltline.

Applicant: Lacey Williamson
672 Cumberland Road

Facts: According to the neighborhood inventory, this multi-family building was built in 1961 and is considered contributing. This property is located in Subarea 6, therefore a review and comment is required.

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."

16-20C.009. Transitional Zone Subarea 6.

- (1) In accordance with section 16-20.004(b) of this part, the requirements of sector HC20C Martin Luther King, Jr. Landmark District for those properties identified on the attached map as being within the Transitional Zone (Subarea 6) shall serve to modify the requirements, regulations and procedures applying in the existing zoning districts or districts hereinafter created.

Properties identified as being within the Transitional Zone (Subarea 6) shall remain zoned in whichever district they are designated at the time of adoption of this chapter by action of the city council.

The existing district regulations as they now exist, or as they may be subsequently changed, are hereby modified so as to provide the following additional regulation for properties in this subarea.

- a. Any application for building permits, zoning amendments, special use permits, special exceptions and variances within Transitional Zone (Subarea 6) of sector HC20C, Martin Luther King, Jr. Landmark District, shall be submitted to the AUDC for review and report prior to any final action on such application.
 - b. General advertising signs shall not be permitted in the Transitional Zone (Subarea 6).
- (2) These regulations are intended to control the potential for adverse impact resulting from redevelopment in the periphery of the Landmark District. To this end the AUDC shall undertake a design review of all new construction and such other actions as are outlined in paragraph (1) above.

Sec. 16-20.009. Same; further standards.

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

Alterations

The Applicant is proposing to replace all the windows and doors. In looking at the pictures submitted, some of the windows and doors appear to need repair. It does not appear that all windows and doors are beyond repair and warrant replacement. The Applicant did not submit written documentation regarding the condition of the existing windows and doors. Staff suggests the Applicant provide information regarding why all of the windows and doors warrant replacement.

If replacement of the windows is warranted, Staff has concerns regarding the proposed new windows. In looking at the pictures submitted, it appears that the existing windows are metal. The proposed new windows are vinyl. Staff suggests any new windows match the existing windows in material and design. The material for the doors is not indicated. Staff suggests the Applicant provide information regarding the new proposed doors. Staff suggests the Applicant clarify whether any other exterior work is proposed

Site Work

The Applicant indicated that there would be site work. In looking at the site plans and elevations, there is no site work indicated. Staff suggests the Applicant provide clarification regarding all proposed site work. Staff further suggests the site plans and surveys indicate all proposed site work.

Staff recommends the Commission deliver its comments at the meeting.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 8, 2014

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-309) for a new single family house at **393 Georgia Avenue** – Property is zoned R-5/ Grant Park Historic District (Subarea 1)/ Beltline.

Applicant: Raymont Walker
288 Prospect Street

Facts: According to the Grant Park Inventory sheet this is currently a vacant lot. At the December 11, 2013 Commission meeting, this application was deferred to allow the Applicant time to submit updated plans.

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

This interior lot fronts 50' on Georgia Avenue and has a depth of 78.4'. 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. The survey indicates the proposed heated space is 2,281 sq. ft. The architectural plans indicate the proposed heated space is 2,329 sq. ft. Staff recommends the Applicant clarify the discrepancy of the proposed FAR. Staff recommends the survey, site plans, elevations and floor plans are internally consistent. While the FAR calculations on the survey and the architectural plans are not the same, Staff would note that both calculations meet the FAR requirement.

Per underlying zoning, the maximum lot coverage allowed is 55%. The survey indicates the lot coverage is 58% and therefore does not meet the lot coverage requirement. The architectural plans indicate the coverage is 36.6% and therefore does meet the lot coverage requirement. Staff recommends the Applicant clarify the discrepancy of the proposed lot coverage. Staff recommends the project meet the lot coverage requirement.

The front yard setback is based on the compatibility rule. The Applicant provided front yard setbacks for 369, 375, 383, 389 and 401 Georgia Avenue. As 389 Georgia Avenue is non-contributing, Staff finds the range on the block face is 22' to 32.1'. In measuring the survey, the front yard setback is indicated as 23.5' and therefore meets the front yard setback requirement. The architectural site plan is not properly scaled, therefore Staff cannot confirm that the survey and architectural site plan match. Given the discrepancies with the lot coverage and the FAR, Staff finds there are likely discrepancies in the setbacks as well. Staff recommends the Applicant submit properly scaled architectural site plans.

Per regulations, the side and rear yard setbacks shall be no less than 7'. In measuring the survey, the side and rear yard setbacks have been met. As previously mentioned, Staff cannot verify the setbacks on the architectural site plan. As such, Staff recommends the project meet the side and rear yard setback requirements.

Per regulations, there must be a walkway from the porch to the sidewalk. The survey and the site plan do not indicate the required walkway. Staff recommends the plans indicate an appropriate walkway from the porch to the sidewalk. The existing sidewalk may be damaged or destroyed during construction. If the sidewalk is damaged or destroyed 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 a 6 in 12 gable roof and a half 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. The elevations are not properly scaled, therefore Staff cannot determine whether the proposed height meets the requirements. The written notes on the elevations indicate the maximum height is 32.5' and therefore meets the height requirement. Staff recommends the Applicant submit properly scaled elevations. Staff recommends the project meet the height requirement.

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 wood door meets the regulations. The Applicant is proposing to install 3 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 the windows shall be no less than 15% and no more than 40% of the wall surface. Staff finds the proposed windows meet the percentage requirement. While Staff finds that 3 over 1 windows are architecturally appropriate, the plans do not indicate details regarding the lite divisions. Staff suggests the elevations indicate the windows are simulated divided lite or true divided lite to be consistent with historic houses in the district.

Building Materials

The proposed materials include cementitious siding with a 6" reveal, wood windows, cedar shake in the gable, wood door, wood columns, brick chimney, brick foundation, wood columns with brick base, wood stairs, asphalt shingles for the main roof and a standing seam metal roof for the porch. Staff would note that while a standing seam metal roof is not typical in the district, it is allowed by the regulations. Staff finds most of the materials are appropriate. Staff recommends the siding material is indicates as smooth cementitious siding with a 4" to 6" reveal.

Porch

In measuring the survey, the proposed half with porch has a depth of 7'. Staff finds the depth and width of the porch meet the regulations. 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. While Staff cannot confirm the height of the foundation, given the number of proposed stairs, Staff finds it likely a railing is required to meet code. Staff has no concerns regarding the proposed porch.

General Comments

In general, Staff has concerns regarding the numerous discrepancies between the survey, site plan and floor plans. Given the size of the lot, it is important that it be clear the exact size of the house, the setbacks, FAR, lot coverage and height. Staff has concerns that the overall shape of the house is slightly different between the survey, site plan and floor plan. At this time, Staff suggests a deferral to allow the Applicant time to address all discrepancies indicated above.

Staff Recommendation: Based upon the following:

1) The plans do not 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 Appropriateness (CA3-13-309) for a new single family house at **393 Georgia Avenue** – Property is zoned R-5/ Grant Park Historic District (Subarea 1)/ Beltline, to allow the Applicant time to address the following concerns:

1. The Applicant shall clarify the discrepancy of the proposed FAR, per Section 16-06A.008(5)(a);
2. The survey, site plans, elevations and floor plans shall be internally consistent;
3. The Applicant shall clarify the discrepancy of the proposed lot coverage, per Section 16-07.008(6);
4. The project shall meet the lot coverage requirement, per Section 16-07.008(6);
5. The Applicant shall submit properly scaled architectural site plans, elevations and floor plans;
6. The project shall meet the side and rear yard setback requirements, per Section 16-20K.007(1)(b) and (c);

7. The plans shall indicate an appropriate walkway from the porch to the sidewalk, per Section 16-20K.007(2)(b)(2);
8. If the sidewalk is damaged or destroyed during construction, it shall be repaired or replaced as outlined in the regulations, per Section 16-20K.007(2)(E);
10. The project shall meet the height requirement, per Section 16-20K.007(2)(b)(6);
11. The siding material shall be indicated as smooth cementitious siding with a 4" to 6" reveal, per Section ;
and
12. The Applicant shall submit appropriate copies of updated plans no later than eight days before the deferred meeting.

