

**SCRIPT FOR FIRST PUBLIC HEARING (MARCH 26<sup>TH</sup>)  
FOR THE  
TYPE IV CERTIFICATE OF APPROPRIATENESS  
APPLICATION:**

***CA4ER-14-048 – 333 AUBURN AVENUE  
(MARTIN LUTHER KING, JR. LANDMARK DISTRICT)***

*(Commission Secretary reads item into record.)*

**Chair:** The Commission this afternoon will be hearing the application of WILLIAM JAMES TALLEY for a Type IV Certificates of Appropriateness for the demolition of 333 AUBURN AVENUE, located in the MARTIN LUTHER KING JR. LANDMARK DISTRICT.

The Applicant shall have the burden of showing the property in question is incapable of earning a reasonable economic return in the absence of the requested demolition in accordance with the standards and criteria set out in Section 16-20.008, Subsection d. Unlike cases that do not involve an Economic Review Panel, there is no Staff recommendation, but the application will be reviewed by the Economic Review Panel.

Tonight, in the first of at least two public hearings that will be held regarding this application, the Commission will:

1. Hear a presentation by the Applicant;
2. Receive public comment on the application;
3. Ask questions about the application;
4. Establish the Economic Review Panel;
5. Set a date to submit additional materials related to the application; and
6. Set a date to reconvene the public hearing that was started tonight at an upcoming meeting of the Commission.

The Commission will not be making a decision about the application at tonight's meeting.

**Chair:** First, we will hear from the Applicant and all those in favor of the application. Given that you have one application before the Commission, you have a total of ten (10) minutes to present and rebut any opposition comments, per Rule #2, Paragraph A of the Urban Design Commission's "Rules of Procedure".

As the Applicant, do you need any additional time to make your presentation?

*(Applicant states whether they need any additional time and how much. If so, a Commission Member may make a motion to grant such additional time.)*

**Chair:** After we hear from the Applicant, we will then hear from any opposition. Applicant, please go ahead.

*(Presentation by the Applicant within time frame allotted by the Commission.)*

**Chair:** Does that conclude the Applicant's presentation?

*(Applicant confirms if that is the end of their presentation / comments.)*

**Chair:** Are those who want to speak in support of the application?

*(Presentations / comments by those in support of the application.)*

**Chair:** The Applicant has \_\_\_\_ minutes available for rebuttal if they so choose.

**Chair:** Is there anyone here that would like to speak in opposition to this application? Please come forward.

As the opposition, do you need any additional time to make your presentation?

*(Opposition states whether they need any additional time and how much. If so, a Commission Member may make a motion to grant such additional time.)*

*(Presentation by any opposition within the time frame allowed by the Commission.)*

**Chair:** Applicant, you have \_\_\_\_ minutes for rebuttal. Would you like to rebut the opposition's comments and presentation?

*(Rebuttal by the Applicant within remaining time if they so choose.)*

**Chair:** We will now go into Executive Session. Are there any questions or comments from the Commission members?

*(Questions or comments from the Commission members.)*

**Chair:** Are there any final questions or comments from the Commission members?

*(Any final questions or comments from the Commission members.)*

**Chair:** Hearing no more questions or comments, we will now proceed with the next step in our hearing tonight.

The procedures that will govern this application require that the Applicant select its representative to the Economic Review Panel, and the Commission select its representative, and those two persons in turn select the third and final member of the panel.

All materials submitted to the office of the Urban Design Commission by the Applicant, any opposition, and any other interested party, as well as the transcript of this hearing, will be forwarded to the Economic Review Panel for their consideration. The Economic Review Panel, having reviewed all of that information, will prepare a written report of their findings with regard to the criteria set out in Section 16-20.008, Subsection d of the City's Historic Preservation Ordinance for the demolition based on unreasonable economic return. The Economic Review Panel will then submit that report to the Commission for review at the next regularly scheduled meeting following the receipt of their written report.

At this point, I need to request the name of the Applicant's representative to serve on the Economic Review Panel and the amount of time that the Applicant expects the Panel would need to do its work and to submit its written report to the Commission for a meaningful review by the Commission.

*(Applicant submits name of their representative to the Economic Review Panel and proposes their estimate of the time it would take for the Economic Review Panel to do its work.)*

**Chair:** The Applicant's representative to the Economic Review Panel is

\_\_\_\_\_.

**Chair:** The Staff has recommended JIM CHEEKS as the Commission's representative to the Economic Review Panel and they have indicated a willingness to serve. Their resume / qualifications are included in the Commissioner's desk package for your review.

I would like, therefore, on the basis of the Staff recommendation, to entertain a motion from the Commission to name JIM CHEEKS as the Commission's representative on the Panel.

**Commission Member:** I move to appoint JIM CHEEKS as the Commission's representative on the Economic Review Panel.

*(Motion seconded by Commission Member.)*

**Chair:** It has been moved and seconded to accept JIM CHEEKS as the Commission's representative to the Economic Review Panel.

**Chair:** Any discussion on the motion? All in favor please indicate by raising your hand. Any opposed? Any abstentions?

*(Vote taken by **Commission** on motion.)*

**Chair:** Let the record show that \_\_\_\_\_ members voted in favor of the motion.

**Chair:** We now need to set a time and date certain for any additional materials, documentation, or evidence that will be submitted to the offices of the Urban Design Commission for consideration of the Economic Review Panel, per Section 16-20.008, subsection (d). The Staff is recommending that the deadline for the submission of additional materials, documentation or evidence to the Commission Office is 5:00 p.m., WEDNESDAY, APRIL 2, 2014.

Does the Applicant have any concerns about this date? I would note that the transcript of these proceedings that the Applicant must provide would have to be submitted to the office of the Urban Design Commission by this date as well.

*(Time and date certain agreed upon by the **Applicant** and **Commission**.)*

I would like, therefore, to entertain a motion from the Commission to make the deadline for the submission of additional materials, documentation or evidence to the offices of the Urban Design Commission as 5:00 p.m., WEDNESDAY, APRIL 2, 2014.

**Commission Member:** I move to make the deadline for the submission of additional materials, documentation or evidence to the offices of the Urban Design Commission as 5:00 p.m., WEDNESDAY, APRIL 2, 2014.

*(Motion seconded by **Commission Member**.)*

**Chair:** It has been moved and seconded to make the deadline for the submission of additional materials, documentation or evidence to the offices of the Urban Design Commission as 5:00 p.m., WEDNESDAY, APRIL 2, 2014.

**Chair:** Any discussion on the motion? All in favor please indicate by raising your hand. Any opposed? Any abstentions?

*(Vote taken by **Commission** on motion.)*

**Chair:** Let the record show that \_\_\_\_\_ members voted in favor of the motion.

**Chair:** So at this point we would like to entertain a motion to establish the Economic Review Panel and to direct the case numbered CA4ER-14-048 to the Economic Review Panel.

**Commission Member:** I move to establish the Economic Review Panel and to direct the case numbered CA4ER-14-048 to the Economic Review Panel.

*(Motion seconded by Commission Member.)*

**Chair:** It has been moved and seconded to establish the Economic Review Panel and to direct the case numbered CA4ER-14-048 to the Economic Review Panel.

**Chair:** Any discussion on the motion? All in favor please indicate by raising your hand. Any opposed? Any abstentions?

*(Vote taken by Commission on motion.)*

**Chair:** Let the record show that \_\_\_\_\_ members voted in favor of the motion.

**Chair:** In summary, the Commission's representative to the Economic Review Panel is JIM CHEEKS. The Applicant's representative is \_\_\_\_\_.

Any additional materials, documentation, or evidence should be submitted directly to the offices of the Urban Design Commission, 55 Trinity Avenue, SW, Suite 3350, Atlanta, Georgia 30335-0331, by 5:00 p.m. on WEDNESDAY, APRIL 2, 2014. The Director will transmit all received materials, documentation and evidence to the Economic Review Panel for their review and consideration.

Now the only remaining business with respect to this application is I would like to entertain a motion that this item be continued until a future meeting of the Commission. The Staff has recommended the meeting of WEDNESDAY, APRIL 23, 2014. Assuming that APRIL 23, 2014 is the meeting date chosen by the Commission tonight, please note that if additional time is needed by the Economic Review Panel to deliberate and/or produce their final written report, the application can be deferred from the APRIL 23, 2014 meeting.

**Commission Member:** I move that the public hearing on the application of a Type IV Certificate of Appropriateness CA4ER-14-048 for the demolition of 333 AUBURN AVENUE be reconvened at the WEDNESDAY, APRIL 23, 2014 meeting of the Urban Design Commission at 4:00 pm, City Council Chambers, Second Floor, City Hall, 55 Trinity Avenue, Atlanta, Georgia.

*(Motion seconded by Commission Member.)*

**Chair:** It has been duly moved and seconded that the public hearing on the application of a Type IV Certificate of Appropriateness CA4ER-14-048 for the demolition of 333 AUBURN AVENUE be reconvened at the WEDNESDAY, APRIL 23, 2014 meeting of the Urban Design Commission at 4:00 pm, City Council Chambers, Second Floor, City Hall, 55 Trinity Avenue, Atlanta, Georgia.

**Chair:** Any discussion on the motion? All those in favor indicate by raising their hands. Any opposed? Any abstentions?

*(Vote taken by the Commission on the motion.)*

**Chair:** Let the record show that \_\_\_\_\_ members voted in favor of the motion.

That concludes the discussion of the application regarding 333 AUBURN AVENUE at this time.

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**END OF SCRIPT FOR THE FIRST PUBLIC HEARING REGARDNG APPLICATION.**



## CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

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

**JAMES SHELBY**  
Commissioner

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

### **STAFF REPORT** **March 26, 2014**

**Agenda Item:** Review and Comment (RC-14-057) for construction of a new public library at **1821 Hollywood Road (aka 2489 Perry Boulevard)** - Property is zoned MRC-3-C.

**Applicant:** Jesse Frasier  
3391 Peachtree Road

**Facts:** The building in question is located in the Scotts Crossing Neighborhood in NPU G.

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

Per Section 6-4043 of the Atlanta City Code:

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

#### **Site**

The lot in question is located at the corner of Hollywood Road and Perry Boulevard. In looking at pictures submitted by the Applicant, the lot appears vacant. In looking at an aerial site view submitted by the Applicant, there appears to be both residential and commercial properties nearby.

The Applicant is proposing to redevelop the existing site for a new library. The site will feature a one story building, a circular driveway with staff parking and a book drop off of Hollywood Road and a large parking area behind the library that faces and has access from Perry Boulevard. Staff would note that the lot is heavily landscaped creating a visual buffer between the main parking lot and the street. There is also a landscape buffer between the parking lot and the east elevation of the proposed library. Staff finds the proposed landscaping will be a great improvement for the lot and create a great environment for the proposed new library.

The site features 10' wide sidewalks, an entry plaza and a secondary plaza with benches, seat walls and bike racks. Near the north east corner of the building there is a rain garden and an outdoor program space. Overall, Staff finds the additions to the site are appropriate and an improvement to the existing conditions.

#### **New Construction**

As previously mentioned, the lot in question is located near residential and non-residential properties. While the building materials that are found in the area are indicated, the general design and massing of the structures

nearby are unknown. As such, it is not clear whether the overall design and massing of the proposed new library will be compatible with the existing residential and non-residential in the area.

The proposed one-story building is defined by aluminum storefront windows, differing roof forms and multiple materials. Specifically, the proposed building features composite wood siding, cementitious wall panels, standing seam roofing system, metal panels aluminum fascia and EIFS soffits. Without comparing the proposal to examples in the neighborhood, Staff finds the overall design, massing and materials is appropriate for this lot. Staff does have some concerns regarding the proposed composite wood as this is an unusual material for a building of this use. Staff finds that wood looking material is more appropriate for single-family residential projects. Staff also has concerns with the use of EIFS as this material often does not hold up well over time.

On the east and south elevations, there appears to be an appropriate amount of fenestration. There are also additional skylights and clerestory windows on both the east and north elevation. Staff finds the fenestration is mostly appropriate and will allow light into the building. Staff does have concerns regarding the west elevation that faces Hollywood Road. As this is a street facing façade, Staff finds that having more fenestration on this elevation would be preferable. With that said, given the amount of heat that will be concentrated on the west elevation, Staff finds the proposed sun shading system is a good solution.

Staff has concerns regarding lack of an entrance on the Hollywood Road elevation. Usually public libraries have one main entrance. As the proposed building is on a corner, Staff finds the main entrance should be located at the corner. The best way to accomplish this would be to orientate the building to face the corner. Another way to accomplish this would be to orientate the entrance to face the corner so that both streets are addressed.

Given the information we have at this time, Staff is generally supportive of the proposed site and new construction. Staff's main concerns are how the building fits into the context of the residential and non-residential buildings nearby, the treatment of the entrance, the use of composite wood material and the use of EIFS.

**Staff Recommendation:** Staff recommends that the Commission deliver its comments regarding Review and Comment (RC-14-057) for demolition and new construction at **1821 Hollywood Road**.





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Director, Office of Planning

### STAFF REPORT

March 26, 2014

**Agenda Item:** Application for Type III Certificates of Appropriateness (CA3-14-059) for renovations and an addition at **944 Euclid Avenue** – Property is zoned R-5/Inman Park Historic District (Subarea 1)/Beltline.

**Applicant:** Sharon Gay  
944 Euclid Avenue

**Facts:** According to the Applicant's submission, the house was built in 1896 and is considered contributing to the District. The two-story, cross-gable sites 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 aligned with the side lots lines such that the side yards are a consistent width from front to back. The front of the lot sits essentially at sidewalk and street level, while the rear of the property drops down. In the 1991, the Applicant added a master bath, remodeled the existing kitchen and remodeled the existing deck. As such, the rear facing gable, bay window, and deck are non-historic additions / alterations to the rear of the house.

The Applicant proposes to:

1. Demolish the existing deck, vine arbor, stairs, and bay window;
2. Construct a flat-roofed addition to include a renovated and expanded kitchen, sitting room, and porch;
3. Construct a small, rear deck with stairs down to the back yard.

Apart from the renovations needed where the addition will connect to the existing house, there are no other renovations proposed to the house on the side elevations. There are no changes proposed to the front elevation.

**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

Apart from the ground disturbance associated with the addition itself, there is no other site work proposed as part of this application.

Regarding the lot coverage, the allowable lot coverage is 12,290 sq. ft. or 55% of the existing lot, per the R-5 zoning district regulations. The existing lot coverage is 4,495 sq. ft. and the proposed lot coverage is 5,295 sq. ft., which is still less than 55%.

### Partial Demolition of Existing Shed Roof Addition

The Staff has no concerns about the demolition of the existing deck, vine arbor, stairs, and bay window 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) given that the allowable square footage is 11,173 sq. ft. while the proposed is only 6,112 sq. ft.

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 at least equal distance from the side property lines as the house at its respective closest points.

The rear yard setback of additions is subject to the compatibility rule. The proposed addition and new deck expand the footprint of the deck reducing the rear yard setback from about 100 ft. to 98.5 ft. The Applicant has noted in their submission that on the block face the smallest rear yard setback is 52 ft., but it is not indicated which property this measurement was taken from. The Staff would recommend that the Applicant document the calculation of the rear yard setback requirement.

Given the existing roof form of the house (original cross gable roof form with additional sub-forms) the Staff finds that the new, flat roof is either not visible from the public street or does not substantively affect the form and pitch of the primary roof. The new flat roof over the addition, in fact, will be similar to flat roofs on historic rear porches in the District.

Generally speaking, 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 could be removed in the future and the essential form and integrity of the historic property and its environment would be unimpaired, taking into account the previous additions and renovations from 1991. However, the Staff is concerned about two elements on the addition.

First, the Staff is concerned that the addition's materials and elements (which "will match existing") could be too similar to the main house and in particular with the eave and entablature detail of the addition. This "matching" could diminish the visual significance of the original

house's details and raise the architectural significance of the addition to be equal with the original house, rather than being subtly secondary to the main house. Increased differentiation can be achieved by minor changes in the materials, trim, or proportions of those components. For example the eave and entablature could be slightly simplified. The Staff would recommend that some additional differentiation in the materials, ornamentation, or trim be introduced into the addition's design.

Second, the Staff is concerned about the shape and size of the horizontal windows found on the sides of the addition, particularly on the east elevation. On both elevations, a large expanse of blank wall is created due to the location of the windows (adjacent to the entablature) and their small height. This creates almost a ribbon window effect, particularly on the east elevation. While the Staff acknowledges that the original house (as do other houses in the District) have smaller, accent windows, the Staff does not find that the size of the windows on the east elevation are similar to such windows and as such are not compatible with the historic features of the existing house. The Staff also acknowledges that these windows might not be able to be seen from a public street or park, which would eliminate the Commission's purview over their design. The Staff would recommend that the windows on the sides of the addition are increased in height or the Applicant document that these windows will not be visible from a public street or park.

**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 (CA3-14-059) at **944 Euclid Avenue** – Property is zoned R-5/Inman Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The Applicant shall document the calculation of the rear yard setback requirements, per Section 16-20L.006(2)(b);
2. Some additional differentiation in the materials, ornamentation, or trim shall be introduced into the addition's design, per Section 16-20L.005(1)(b)(ix);
3. The windows on the sides of the addition are increased in height or the Applicant shall document that these windows will not be visible from a public street or park, per Section 16-20L.005(1)(b)(ix); and
4. The Staff shall review, and if appropriate approve, the final elevations, plans, and documentation.





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**M. KASIM REED**  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
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**JAMES SHELBY**  
Commissioner

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

## STAFF REPORT March 26, 2014

**Agenda Item:** Application for Type II Certificates of Appropriateness (CA2-14-060) for an upper level terrace replacement and alterations at **699 Cherokee Avenue** - Property is zoned R-5/Grant Park Historic District (Subarea 1).

**Applicant:** Chris Craft  
1550-A Oak Industrial Lane, Cumming

**Facts:** According to the Grant Park Inventory sheet this existing single family dwelling was built in 1988 is considered non-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:

(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.).

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.

c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.

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

In Grant Park, the Commission reviews alterations that face a public street. As this is a double frontage lot, Staff will make comments regarding the street facing facades.

The Applicant is proposing to replace the existing siding with cementitious siding. As the existing house is non-contributing, Staff has no concerns regarding the destruction of historic fabric. Staff has no concerns regarding the replacement of the siding. The material details are not clear. Staff recommends the proposed siding is smooth with a 4"-6" reveal.

The Applicant is proposing to replace the terrace railing and decking, the first floor handrail and the front porch stairs. As the above mentioned elements are not historic, Staff has no concerns regarding the proposed replacements. The material details for terrace railing, handrail and porch stairs are not indicated on the plans. Staff recommends the plans indicate appropriate materials for the terrace railing, handrail and front porch stairs.

There was a site plan submitted, however there is no indication of proposed site work. Staff recommends the Applicant clarify whether the project includes any site work. In general, Staff finds the project does not impact historic fabric, reinforces the architecture of the existing house and meets the regulations.

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

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

Staff recommends approval of the application for a Type II Certificate of Appropriateness (CA2-14-060) for an upper level terrace replacement and alterations at **699 Cherokee Avenue** - Property is zoned R-5/Grant Park Historic District (Subarea 1), with the following conditions:

1. The proposed siding shall smooth with a 4"-6" reveal, per Section 16-20K.007(2)(B)(1);
2. The plans shall indicate appropriate materials for the terrace railing, handrail and front porch stairs, per Section 16-20K.007(2)(C);
3. The Applicant shall clarify whether the project includes any site work; and
4. Staff shall review and if appropriate, approve the final plans.





# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
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**JAMES SHELBY**  
Commissioner

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

## STAFF REPORT March 26, 2014

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-14-062) for a variance to reduce the west side yard setback from 77'10" (required) to 2'5" (proposed) at **541 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 5)/Beltline.

**Applicant:** Ashley McClure  
154 Krog Street

**Facts:** According to the neighborhood inventory, this commercial building was built in 1906 and is considered contributing.

On July 11, 2012, an application for a Type II Certificate of Appropriateness (CA2-12-146) for alterations and signage was approved with conditions.

On May 22, 2013, an application for a Type II Certificate of Appropriateness (CA2-13-111) for signage and renovations was approved with conditions. This current application is for revisions and additions to the previously approved application.

On February 26, 2014, an application for a Type III Certificate of Appropriateness (CA2-13-018) for new construction and alterations was approved with the following conditions:

1. The Applicant shall clarify the window proposal for the west elevation, per Section 16-20.009(1) and (5);
2. The Applicant shall provide design and material details for the proposed stair, per Section 16-20.009(1) and (5);
3. The Applicant shall provide documentation the proposed awning structure meets the setback requirements, per Section 16-20C.008(5)(c);
4. The Applicant shall provide details regarding the design, including the support posts, per Section 16-20.009(1) and (5);
5. The sign request shall be submitted as a separate application;
6. The Applicant shall provide documentation the proposed accessory structure meets the setback requirements, per Section 16-20C.008(5)(c);

7. The Applicant shall provide documentation the bulk limitation requirements have been met, per Section 16-20C.008(50(a));
8. Any changes necessitated by the Beltline SAP review shall be approved by Staff and
9. Staff shall review and if appropriate, approve the final plans

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

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

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

(3) Landmark Districts:

- 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."

The Applicant is requesting a reduction in the west side yard setback in order to construct a new accessory structure. In general, there are few accessory structures in this particular subarea. Most accessory structures in the district are associated with residential properties. In this subarea, setbacks are based on structures of like use on the block. In this case, there was only one accessory structure on the block. As pointed out by the Applicant, the width of the lot for the comparison structure is 130' and the width of the subject lot is 50'. As such, the subject lot is not wide enough to accommodate a required side yard setback of 77'10", it is physically impossible.

Staff finds that denial of the variance would not allow the Applicant to build an accessory structure on the lot, no matter how small. As accessory structures are allowed, Staff finds the Applicant has proven that denial of the variance creates a hardship. Given the location of the proposed accessory structure, Staff finds it will not cause a substantial detriment to the public good. Based on the information we have at this time, Staff has no concerns regarding the proposed variance request.

**Staff Recommendations:** Based upon the following:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
2. The application of the zoning ordinance of the City of Atlanta to this Particular piece of property would create an unnecessary hardship;
3. Such conditions are peculiar to the particular piece of property involved; and
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the zoning ordinance of the City of Atlanta.

Staff recommends approval of the Application for a Type III Certificate of (CA3-14-062) for a variance to reduce the west side yard setback from 77'10" (required) to 2'5" (proposed) at **541 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 5)/Beltline.





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Director, Office of Planning

### **STAFF REPORT** **March 26, 2014**

**Agenda Item:** Review and comment (RC-14-081) on a text amendment (Z-14-009) on a revision to the **Martin Luther King, Jr. Landmark Historic District** regulations.

**Applicant:** Office of Planning  
55 Trinity Avenue, SW

**Facts:** In 1989, the majority of the Sweet Auburn commercial corridor and much of the surrounding residential areas were rezoned to the Landmark District category of protection under the City's Historic Preservation Zoning Ordinance. This 1989 rezoning essentially continued the previous "zoning" of the District that occurred prior to 1989 under the City's pre-1989 historic preservation / zoning ordinance. The 1989 rezoning supplanted most of the then existing zoning, with the exception of several "transitional areas" near the edges of the District in which the District became an overlay zoning district with the then-existing zoning categories retained. There have been only a couple of substantive changes to the District regulations since 1989.

In August, 2010, the Staff launched an effort to update many of the City Landmark and Historic District regulations, some of which were over 15 years old. The neighborhood leadership, stakeholders, and interested parties in each respective district, in partnership with the Staff, developed proposed regulatory revisions that were discussed and reviewed at the community level.

In the case of this District, there has been extensive community engagement over the course of several years that included residential, commercial, and institutional property owners. This effort also involved Central Atlanta Progress, the National Park Service, local community development corporations, and business associations. The current rezoning application (Z-14-009) is based on this extensive community engagement. Given the comprehensiveness and depth of this engagement and the complexity of the land use, site planning, design, and street corridor issues in the District, the current proposal before the Commission is to completely replace the existing District regulations with a new set of regulations.

The community engagement process noted above is still on-going.

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

Per Section 6-4043 of the Atlanta City Code:

- (e) Powers and Duties: The commission is the city agency responsible for developing and administering the city's historic preservation and urban design activities and shall have the following powers and duties:
  - (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.

In 2010, the Staff developed a set of principles or “framework” to be used for all of the proposed revisions to all of the Districts’ regulations. While some of these do not apply to the Martin Luther King, Jr. Landmark District (given the wholesale replacement proposed), they are useful to put the proposed District revisions into context:

- Add Staff-level / “administrative” reviews for all districts that currently do not have them. The addition of administrative reviews will save customers time and money while freeing up Staff time to work on more complicated reviews.
- Amend existing language to clarify the intent of the regulations. There are instances where the apparent intent of the regulations is not carried out in the specific language / text of the regulations.
- Address general concerns / ambiguities / oversights in individual districts. There are examples of regulation sections that do not address all the pertinent issues for that topic.
- Do not add more substantive requirements or significant new topics to the regulations, expand the scope of the regulations, or add or delete any geography to the districts.
- Create more uniform requirements among similar districts, including but not limited to the following:
  - Staff review of independent driveways not connected to a public street.
  - Staff review of the replacement of non-original / non-historic or missing elements that otherwise meet the regulations (i.e. siding, windows, porch railings, porch columns, porch flooring, exterior doors, etc.).
  - Staff review of the use of synthetic roofing materials when not visually distinguishable from the original.
  - Clarification of language regarding energy generating devices (solar panels, wind turbines, etc.) if currently missing.

The stakeholders noted above found that significant portions of the current regulations did not always have the desired effect regarding new construction, additions, renovations, etc. In the last several years, various stakeholders have been interested in revising and/or adding language to its existing regulations. The Staff has been working closely with the various stakeholders to identify changes that would help better preserve the historic integrity of the District while also encouraging compatible new construction, additions and alterations. Given the land use, site planning, design, and street corridor issues in the District this has led to the decision to completely replace the existing regulations with a new set of regulations. In general, the Staff and the stakeholders want to create regulations that are more clear and consistent, as well as reflect the City’s current approach to urban design, pedestrian activity, and in-fill development.

In summary, the current proposal before the Commission at this time includes the following significant changes from the existing regulations (organized by regulation topic):

### **Statement of Intent**

- The Statement of Intent is updated to reflect goals and priorities related to historic development patterns, economic development, neighborhood revitalization, pedestrian safety, affordable and equitable housing; and transit.

### **District Boundaries**

- The Auburn and Edgewood Commercial Subareas have been merged into a single consolidated commercial subarea.

### **General regulations**

- The Secretary of the Interior's Standards for Rehabilitation are listed in the district text as opposed to the current structure which only references these standards.
- Compatibility Rule is revised to incorporate “no smaller than the smallest or larger than the largest” application.
- Grade level for Subarea 1 and 2 is defined as the current height of the lot as measured at the front yard adjacent to the public sidewalk.
- Certificates of Appropriateness reflect what has been incorporated into other/newer Landmark Districts.
- Contributing Buildings List is incorporated to delineate contributing structures for the entire district, with the ability for the list to be periodically updated for errors or revisions.
- The criteria for financial hardship exemptions has been expanded and updated.
- Lot Consolidations and Subdivisions provide greater specificity to ensure lots are in keeping with the historic pattern of the district.

### **Permitted Principal Uses and Structures**

- Subarea 2 permits limited non-residential uses along Boulevard and Irwin.
- Drive-in and Drive-through uses are prohibited.
- Park-for-hire surface parking lots permitted only by Special Use Permit, for a 2-year time limit and only with an Area Parking Analysis documenting the need for such use.
- Places of Worship are treated similarly to other uses of assembly – the minimum acreage requirement is removed.
- Accessory uses and structures in Subareas 1 and 2 provide greater specificity into the permissible building envelope for these uses.

### **Lot Controls and Building Heights**

- Maximum building heights are established for portions of Subareas 1 and 2 with little contributing building stock.
- Maximum building heights are established for Subareas 3 and 4 at 1.5 times the height permitted by the compatibility rule, with a total maximum height allowed of 55 feet.

### **Sidewalks, Yards and Open Space**

- Open Space required only for multi-family in the amount equal to 5% of total floor area.
- Yard standards are established for portions of Subareas 1 and 2 with little contributing building stock, and for the frontage along Irwin Street and Boulevard.

### **Design Standards**

- Façades, fenestration, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details are regulated by the compatibility rule.
- Dumpsters, loading and mechanical features are required to be screened.
- Replacement materials are recommended to allow cementitious siding and simulated divided light windows or plain sash windows in Subareas 1 and 2.
- Retaining walls are permitted on block faces based on the compatibility rule.
- Active uses are required on the ground floor of all buildings and parking structures.

### **Off-Street Parking, Parking Structures, Driveways, Driveways and Curb Cuts**

- Bicycle parking is required for uses other than single-family.
- Minimum automobile parking requirements are not required but maximum automobile parking requirements are required.
- Park-for-hire surface parking lots must be located at least 65 feet away from public streets.
- Curb cuts and driveways are restricted on Edgewood, Auburn, Boulevard and Piedmont.

### **Signage**

- Freestanding signs, monument signs and large screen video display signs are prohibited.
- Signs must be designed to be compatible with the historic character of the historic structures within the district.

While the Staff finds that the proposed regulations accomplish the goals of the neighborhood and the Staff, the community engagement process is still on-going. As such, the Staff anticipates additional revisions to the proposal in the next month or so. Therefore, while the Commission can and should provide some comments at this time, the Staff would recommend that the application be deferred until such time as the final proposal is ready for the Commission's final Review and Comment action.

**Staff Recommendation:** Staff recommends that Review and comment (RC-14-081) on a text amendment (Z-14-009) to the **Martin Luther King, Jr. Landmark Historic District** regulations be deferred.





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### STAFF REPORT February 12, 2014

**Agenda Item:** Review and Comment (RC-14-006) for demolition of a single family house at **1474 Metropolitan Parkway**- Property is zoned R-4/Beltline.

**Applicant:** Henrietta Kisseih  
1100 2<sup>nd</sup> Street, Stone Mountain

**Facts:** The existing single family dwelling is located in the Capitol View Manor Neighborhood. According to the Fulton County tax records available online, this house was built in 1903.

In 2011, the Commission submitted a letter of support regarding a review and comment application (RC-11-201) on the National Register of Historic Places nomination for Capitol View Manor Historic District. The proposed historic district is a 100 acres residential neighborhood that began development in the mid 1920's. The majority of the houses were built before 1945. The proposed district is characterized by mostly residential structures in the Craftsman, English Vernacular Revival and Colonial Revival styles. There are also American Small Houses and Ranch Houses built between the 1940's and mid to late 1950's.

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

Per Section 6-4043 of the Atlanta City Code:

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

The Applicant is proposing to demolish the existing single family dwelling to create additional green space for Emma Millican Park. In looking at pictures of the existing house, it is clearly historic and typical of the architecture in this neighborhood. It also appears that the house has been significantly damaged by a fire. Many of the windows are damaged and part of the roof is damaged. The existing house clearly requires repairs and renovations.

While Staff finds that green space is important, Staff finds that the demolition of this house would be a permanent loss to the Capitol View Manor neighborhood. While the house in question is located just outside the proposed National Register Historic District, it is eligible. Staff further finds that the architectural style of the existing house is consistent with the contributing houses in the proposed National Register Historic District. Staff strongly suggests that alternatives to the demolition of the house be considered, such as repairing, renovating and retaining the existing historic house as an amenity for the park. Another alternative is moving the house to a vacant lot within the neighborhood.

Given the information we have at this time, Staff cannot support the proposed demolition. If the house is demolished, Staff suggests that the house and its context are appropriately documented with archival quality photographs.

**Staff Recommendation:** Staff recommends that the Commission deliver its comments regarding Review and Comment (RC-14-006) for demolition of a single family house at **1474 Metropolitan Parkway**.