



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

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

## **STAFF REPORT** **January 14, 2015**

**Agenda Item:** Application for a Type IV Certificate of Appropriateness (CA4PH-14-266) for demolition due to a threat to health and safety at **103 Bradley Street** – Property is Martin Luther King, Jr. (Subarea 2) / Beltline.

**Applicant:** Douglas Vason  
787 Field Street

**Facts:** This duplex structure is considered contributing to the District and according to the District inventory sheet was built in 1900-1910. It is a two-story building with a full width, two-story front porch.

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

Per Section 16-20.007. Certificates of appropriateness; generally.

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

Per Section 16-20.008

- (d) Type IV Demolitions: Demolition of a Landmark Building or Site, a building or site in a Landmark District or a contributing building or site in a Historic District, constitutes an irreplaceable loss to the quality and character of the City of Atlanta. Therefore, all demolitions of said specified buildings or sites shall require a type certificate of appropriateness. Said certificates shall be granted according to the following procedures and standards:
- Conditions: Type IV certificates of appropriateness shall be issued by the commission only when (1) or both of the following two (2) conditions have been established pursuant to the standards and criteria required below:
    - The demolition is required to alleviate a threat to public health and safety;
  - Standards and criteria: The standards and criteria required to be shown in order to establish the existence of the conditions specified in subsection (d)(1) above shall be as follows:
    - Threats to public health and safety:  
To prove the existence of a threat to public health and safety, the applicant must establish, and the commission must find, the following:

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

3. Certificates of Appropriateness

d. Type IV Certificates of Appropriateness.

- i. Type IV Certificates of Appropriateness shall be reviewed by the Commission and shall be required for the demolition or moving of any contributing structure.
- ii. A partial demolition of a contributing 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 or cultural interpretability or importance.

**Staff Response to the Application Submitted**

**1. Demonstrate through independent analysis and supporting information that a major and imminent threat to public safety exists.**

The Applicant provided a structural analysis from Omega One Enterprises, Inc. This report was based on a site visit and inspection by the company personnel. This analysis focused on the structure deterioration of the building from termites, wood beetles, and water damage, particularly in the rear portion of the building. It is this portion of the building which has the most contact with the ground given the slope of the property. Additionally, the report noted the deterioration of the interior features due to holes in the roof.

The report also notes the presence of asbestos siding and lead paint, given the age of the house and previous renovation attempts. The report included photographs of the damaged areas of the house.

The report concludes by finding that the house cannot be rehabilitated given the amount of structural damage to the foundation, sill plate, bottom of the wall studs, water damage to the roof, and water damage to the interior due.

The Staff's main concern about the engineering report and the supporting photographs is that it is not clear as to how many or to what extent the structural components of the house have been effected by the wood rot, termite damage, and wood beetle damage. While there is no question that the photographs show that were such damage has occurred it is severe, the Staff needs to know if this level of damage exists throughout the structure, particularly the damage associated with the foundation and sill plate. This information would be significant as the engineer's report uses this foundation and sill plate damage as the main argument within their recommendation to demolish the structure.

The Staff would also note that having asbestos siding and/or lead paint is typical of a house of this age and as such should be an expected issue in any renovation project. As to the issue of the animal feces and insect infestation, this would likely need to be remedied (if it already hasn't been) regardless of the alternative selected.

The Staff would recommend the Applicant provide addition documentation as to the extent of the level of physical damage already included in the submitted documentation and that the extent of this physical damage is a major and imminent threat to public safety.

**2. Present all reasonable alternatives for rectifying the threat and analysis of all such alternatives.**

Based on the engineer's and contractor's analysis, the Applicant provided the following costs for various scenarios, as follows:

Demolition and Rebuilding of similar duplex structure:	\$325,363
Renovation of existing building as a duplex structure:	\$401,211
Renovation of existing building as a single-family structure:	“similar to duplex renovation”
Renovation of existing building with allowed rear addition:	\$460,746
Partial Demolition, Partial Addition and Renovation of existing building:	unknown
Demolition, Combination with 105 Bradley and Construction of Apartment:	\$320,000

The description of the costs related to the renovation scenarios includes some basic analysis of the logistical and architectural issues associated with these alternatives, including that the renovation alternative would require replacement of most of the existing fabric making the renovation result in essentially a new building.

The Staff generally concurs with the cost analysis and the assessment of the alternatives. However, it would note that the costs associated with the renovation alternatives assume a total replacement of all of the components of the building, which based on its assessment of the Applicant's response to Question #1, the Staff has concerns about. Further, the Staff would like to know the cost estimate for the partial demolition, partial addition and renovation alternative.

The Staff would recommend the Applicant provide a cost estimate of the partial demolition / partial addition / renovation alternative.

**3. Demonstrate that the costs associated with rectifying the threat would create a condition whereby the investments in the project are incapable of earning a reasonable economic return. This finding shall be made by considering, and the applicant shall submit to the Commission evidence establishing, each of the following factors:**

- a) **The applicant's knowledge of the landmark designation at the time of acquisition, or whether the property was designated subsequent to acquisition.**

The property owners were not aware of the historic designation at the time of purchase.

- b) **The current level of economic return on the property as considered in relation to the following:**

- (1) **The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased.**

The property was purchased in 2011 for \$45,000. There is no relationship between the seller and buyer / current owner.

- (2) **The annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.**

The Applicant has indicated that there has been no operating income, no annual cash flow, no depreciation deduction claimed to due to a lack of income, no debt service, and minimal maintenance expenses that were limited to boarding the property and cleaning it up in 2013.

**(2) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the prior three (3) years.**

There is no debt owed on the property.

**4. Real estate taxes for the previous four (4) years and assessed value of the property according to the two (2) most recent assessed valuations.**

The Applicant has provided documentation the real estate taxes and assessed values of the property, as follows:

Year	Taxes Paid	Assessed Value	Appraised Value
2014		\$54,840	\$137,100
2013	\$806.35	\$17,960	\$44,910
2012	\$812.01		
2011	\$1,148.21		
2010	\$1,399.16		

**5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.**

No appraisals were completed as part of the purchase of the property, but an appraisal was performed late last year in preparation of the submission of this application. That appraisal documented the value of the property as follows:

As-Is value:	\$77,000
Replacement Duplex value:	\$295,000
Replacement Single-family value:	\$330,000

However the Applicant submitted information from a real estate professional which states the values as follows:

As-is value:	\$150,000
New Construction market value:	\$322,000

**6. The fair market value of the property immediately prior to its designation and the fair market value of the property (in its protected status as a designated building or site) at the time the application is filed.**

According to the Applicant, the property value at the time the application was submitted was \$137,100, per the Fulton County Tax Assessor's appraised value. The Applicant was not able to determine the fair market value prior to the designation, which occurred in 1989.

**7. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or both.**

According to the Applicant the property is owned in joint tenancy by the Douglas and Carolyn Vason.

**8. Any state or federal tax returns on or relating to the property for the past two (2) years.**

The Applicant has provided their tax returns related to the property, which do not appear to indicate any information related to the subject property.

**9. That the property if not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two (2) years. Including testimony and relevant documents regarding:**

**a) Any real estate broker or firm engaged to sell or lease the property.**

The Applicant did not and does not wish to sell or rent the property.

**b) Reasonableness of the price or rent sought by the applicant.**

The Applicant did not and does not wish to sell or rent the property.

**c) Any advertisement placed for the sale or rent of the property.**

The Applicant did not and does not wish to sell or rent the property.

**10. The infeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:**

**a) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.**

The Applicant provided a structural analysis from Omega One Enterprises, Inc. This report was based on a site visit and inspection by the company personnel. This analysis focused on the structure deterioration of the building from termites, wood beetles, and water damage, particularly in the rear portion of the building. It is this portion of the building which has the most contact with the ground given the slope of the property. Additionally, the report noted the deterioration of the interior features due to holes in the roof.

The report also notes the presence of asbestos siding and lead paint, given the age of the house and previous renovation attempts. The report included photographs of the damaged areas of the house.

The report concludes by finding that the house cannot be rehabilitated given the amount of structural damage to the foundation, sill plate, bottom of the wall studs, water damage to the roof, and water damage to the interior due.

The Staff 's main concern about the engineering report and the supporting photographs is that it is not clear as to how many or to what extent the structural components of the house have been effected by the wood rot, termite damage, and wood beetle damage. While there is no question that the photographs show that were such damage has occurred it is severe, the Staff needs to know if this level of damage exists throughout the structure, particularly the damage associated with the foundation and sill plate. This information would be significant as the engineer's report uses this foundation and sill plate damage as the main argument within their recommendation to demolish the structure.

The Staff would also note that having asbestos siding and/or lead paint is typical of a house of this age and as such should be an expected issue in any renovation project. As to the issue of the animal feces and insect infestation, this would likely need to be remedied (if it already hasn't been) regardless of the alternative selected.

The Staff would recommend the Applicant provide addition documentation as to the extent of the level of physical damage already included in the submitted documentation and that the extent of this physical damage is a major and imminent threat to public safety.

**b) Estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of the proposed alterations.**

Based on the engineer's and contractor's analysis, the Applicant provided the following costs for various scenarios, as follows:

Demolition and Rebuilding of similar duplex structure:	\$325,363
Renovation of existing building as a duplex structure:	\$401,211
Renovation of existing building as a single-family structure: "similar to duplex renovation"	
Renovation of existing building with allowed rear addition:	\$460,746
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The description of the costs related to the renovation scenarios includes some basic analysis of the logistical and architectural issues associated with these alternatives, including that the renovation alternative would require replacement of most of the existing fabric making the renovation result in essentially a new building.

The Staff generally concurs with the cost analysis and the assessment of the alternatives. However, it would note that the costs associated with the renovation alternatives assume a total replacement of all of the components of the building, which based on its assessment of the Applicant's response to Question #1, the Staff has concerns about. Further, the Staff would like to know the cost estimate for the partial demolition, partial addition and renovation alternative.

The Staff would recommend the Applicant provide a cost estimate of the partial demolition / partial addition / renovation alternative.

- c) **Estimated market value of the property in the current condition; after completion of the proposed construction, alteration, demolition, or removal; and, in the case of a proposed demolition, after renovation of the existing property for continued use.**

An appraisal was performed late last year in preparation of the submission of this application, documented the value of the property as follows:

As-Is value:	\$77,000
Replacement Duplex value:	\$295,000
Replacement Single-family value:	\$330,000

However the Applicant submitted information from a real estate professional which states the values as follows:

As-is value:	\$150,000
New Construction market value:	\$322,000

What does not appear to have been provided is the market value of the following alternatives: a renovated duplex structure, a renovated and partially added to duplex structure, and the renovation of the existing structure into a single family house. The Staff would recommend the Applicant provide property valuations for all of the development alternatives and cost alternatives outlined in their submission.

- d) **In the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.**

The Applicant provided a cost estimate from the appraiser for the renovation of the existing structure and the demolition of the existing structure and the construction of a new structure.

- e) **The infeasibility of new construction around, above, or below the existing protected building or site, and the infeasibility of a transfer of development rights, including an assessment of the monetary value that could be derived from such a transfer, pursuant to section 16-28.023 of the Code of Ordinances.**

The Applicant’s analysis noted that given the District regulations regarding the setbacks and lot coverage, and the existing conditions on the subject property, a 378 sq. ft. addition could be made to the back of the property. The Applicant further notes that no addition would be possible to the front and sides of the existing house.

Regarding the development rights, the Applicant asserts that if there were any excess development rights to transfer, the administrative and logistical costs would outweigh the benefits.

**11. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.**

According to the Applicant, the economic incentives are not helpful given their limited income tax liability.

**12. Also, please provide photographs of the existing conditions of the building, both exterior and interior.**

The Applicant provided pictures.

**Overall Comments**

Based on the reports, narrative and pictures provided by the Applicant, Staff finds that the existing building is in a state of disrepair. It is clear that there are structural, environmental, interior and building material issues. While there is significant discussion of the existing physical conditions and circumstances of the property and the alternative scenarios, it is still not clear to the Staff that conditions and circumstances create and imminent and major threat to public health and safety.

The Staff would note that in comparing the costs of the various alternatives for which cost estimates were provided with the various property values that were provided, any of the alternatives could result in an economic loss to the property owner.

While the Staff finds that the building in its current condition is unsafe, a nuisance and needs significant rehabilitation, the Staff does not find the Applicant has proven the property is an imminent and major threat to public health and safety. A major and imminent threat to public health typically exists when the building is in danger of collapsing. Based on the information submitted, the Staff finds a major and imminent threat has not been proven. Given the information we have at this time, the Staff cannot support the application for demolition.

**Comment on Application Materials by the Office of Buildings**

One of the requirements of the Type IV Certificate of Appropriateness process is for the Office of Buildings to comment on the application materials via a written report. The Staff has submitted a request to the Office of Buildings to inspect the property and produce a report regarding this property. When the inspection and report are complete, the Staff will include the report in the file for future reference.

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

- a) The Applicant has not proven a threat to public health and safety, per Section 16-20.008;

Staff recommends deferral of the application for a Type IV Certificate of Appropriateness (CA4PH-14-266) for demolition due to a threat to health and safety at **103 Bradley Street** – Property is Martin Luther King, Jr. (Subarea 2) / Beltline, to allow time for the Applicant to address the following concerns and comments:

1. The Applicant shall provide additional documentation as to the extent of the level of physical damage already included in the submitted documentation and that the extent of this physical damage is a major and imminent threat to public safety, per 16-20.008;
2. The Applicant shall provide a cost estimate of the partial demolition / partial addition / renovation alternative, per Section 16-20.008;
3. The Applicant shall provide property valuations for all of the development alternatives and cost alternatives outlined in their submission, per Section 16-20.008; and
4. The Applicant shall submit the revised documentation (including the required number of copies) at least eight (8) days prior to the Commission meeting to which this application is deferred.



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Director, Office of Planning

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## STAFF REPORT January 14, 2015

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-14-395) for a new single-family house at 632 Eloise Street- Property is zoned R-4B/ Grant Park Historic District (Subarea 1)/Beltline. District.

**Applicant:** Mahmood Hussain  
1024 Shadowood Parkway

**Facts:** This interior lot was previously part of a larger vacant lot that was subdivided into six separate lots. In 2005, the Commission approved an application for a Type III Certificate of Appropriateness (HD-05-501) to allow for the construction of a single family house at 632 Eloise Street. As the Applicant is now proposing a completely different house design, a new review is required.

**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

The subject lot has a frontage of 56.34' on the east side of Eloise and a depth of 95.40' on its longest side. The front yard setback is based on the compatibility rule. The Applicant did not provide information regarding the front yard setbacks of other contributing houses on the block. In the previous application, the front yard setback range was established as 23'-30' as measured from the porch to the front property line. Staff finds the front yard setback has been met. Per regulations, the side and rear yard setbacks should be no less than 7'. The proposed side and rear yard setbacks are more than 7' and therefore meet the requirement.

Per the underlying R-4B zoning district, the maximum lot coverage is 85% of the net lot area. The plans indicate the proposed lot coverage is 59.2%. Staff finds the lot coverage requirement has been met. Per the underlying R-4B zoning district, the maximum floor area ratio (FAR) allowed is .75 of the net lot area. The proposed square footage is 3,631. Staff finds it likely the floor plans and elevations were created before the residential scale ordinance was passed. As such, it is not clear whether the calculation of the heated space is correct. Staff recommends the Applicant provide documentation FAR requirement has been met.

Staff has concerns regarding the accuracy of the plans. There is a chimney that is indicated on the floor plans and elevations that is not indicated on the site plan. In comparing the floor plans to the site plan, the proposed house is larger on the site plan than it is on the floor plan. As such, it is not clear whether the FAR, lot coverage or setbacks are accurately depicted. Staff recommends the Applicant submit accurate site plans, floor plans and elevations that are internally consistent. Staff recommends the project meet the setback and lot coverage requirements.

Per regulations, a walkway from the front of the house to the sidewalk is provided. The material of the walkway is not indicated, Staff recommends the walkway material is indicated on the site plan. Per regulations, driveways shall be a maximum of 10' wide. The proposed concrete driveway is 10' wide, therefore the regulations have been met. The site plan indicates an existing concrete driveway. If the sidewalk is damaged during construction, Staff recommends the sidewalk is repaired or replaced as specified by the regulations.

### Massing and Building Height

The proposed two story house is defined by an 8 in 12 gabled roof, a single story full width porch with a 3 in 12 hipped roof. Staff finds the overall height and massing of the proposed house is similar to other two-story houses in the district. 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. Staff finds the proposed house is no taller than the maximum 35' allowed as measured from the front facade.

### Building Facades

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

## **Windows and Doors**

The Applicant is proposing decorative windows on the front façade. 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. While the fenestration pattern meets the percentage requirement, Staff has concerns regarding the triple window unit on the first floor. Per regulations, no individual window unit shall exceed 28 sq. ft. The proposed triple window unit exceeds 28 sq. ft. and therefore does not meet the fenestration requirement. Staff recommends the window unit on the first floor is reduced to be no more than 28 sq. ft. The details regarding the windows are not indicated on the plans. Staff suggests the proposed windows are either true divided lite or simulated divided lite. Staff suggests the windows have actual sills and trim that is consistent with the historic windows in the district. Staff has no concerns regarding the proposed front door

## **Building Materials**

The following building materials are indicated: smooth cementitious siding with a 6" reveal, brick porch foundation, brick stairs, shake siding, brick column piers and a brick chimney. While Staff finds the materials indicated are appropriate, Staff finds many of the building materials are not indicated on the plans. Staff recommends the materials for the columns, window, trim, roof, railing, porch flooring and door are indicated on the plans.

## **Porch**

Per regulations, the minimum depth for new porches is 7'. The proposed front porch has a depth of 8' and therefore meets the requirements. The porch features columns, stairs and railings that are compatible with other similar porches in the district. Staff finds the overall decorative details of the proposed porch are consistent and compatible with the house style.

**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(2)(B).

Staff recommends approval of the application for a Type III Certificate of (CA3-14-395) for a new single-family house at 632 Eloise Street- Property is zoned R-4B/ Grant Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The Applicant shall provide documentation FAR requirement has been met, per Section 16-06B.008(5);
2. The Applicant shall submit accurate site plans, floor plans and elevations that are internally consistent;
3. The project shall meet the setback and lot coverage requirements, per Section 16-06B.008(5);
4. The window unit on the first floor shall be reduced to be no more than 28 sq. ft., per Section 16-20K.007(2)(B)(11);
5. The materials for the walkway, columns, window, trim, roof, railing, porch flooring and door shall be indicated on the plans; and
6. Staff shall review and if appropriate, approve the final plans.



# 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 14, 2015

**Agenda Item:** Application for a Type III Certificates of Appropriateness (CA3-14-402) for a special exception to allow a fence in the front yard where otherwise prohibited at **360 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4)/Beltline.

**Applicant:** Mang Nguyen  
1024 Shadowood Parkway

**Facts:** This existing commercial building is considered non-contributing.

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

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

3. Certificates of Appropriateness.
  - a. General Provisions.
    - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
    - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
    - i. All new principal structures;
    - v. Variances, special exceptions and administrative appeals.
8. Variances, special exceptions and administrative appeals.
  - a. Variance applications and applications for special exceptions and administrative 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 pursuant to the procedures, standards, and criteria specified in Section 16-26.001 through Section 16-26.006. The Commission shall have the authority to grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16.25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).
  - b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals shall be as provided for in Section 16-20.010.
9. Prohibited variances. Notwithstanding any provision in this chapter or part to the contrary, no variance from this chapter's maximum building height requirements shall be permitted or authorized by the Commission, Commission Staff or any other Board, official or entity.

10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).

Sec. 16-20C.008. Design Standards.

3. The following Design Standards provisions shall apply to Subareas 3 through 4.
  - a. Fences and walls.
    - i. All fences and walls shall require a Certificate of Appropriateness by the Director of the Commission. Barbed wire, razor wire and chain link or similar elements are prohibited.
    - ii. Fences and walls are not permitted in front yards or where otherwise visible to public view as determined by the Director of the Commission.
    - iii. Fences and walls shall be permitted only to a total combined height of six (6) feet.

The Applicant is proposing to install a new fence on the front of the property. Per regulations, fences and walls are not permitted in front yards or where otherwise visible to public view as determined by the Director of the Commission. The Applicant submitted an application for a special exception to allow a fence where otherwise prohibited. There are four questions the Applicant must appropriately answer to demonstrate that denial of the special exception would be a hardship. While the Applicant has indicated the proposed fence is replacing an existing fence, the Applicant has not answered any special exception questions. The Applicant has not demonstrated that denial of the special exception would be a hardship. Given the information we have at this time, Staff cannot support the special exception request.

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

- a) The Applicant has not provided appropriate information in regards to the special exception addendum, per Section 16-20.008(5)(e);

Staff recommends denial of an Application for a Type III Certificates of Appropriateness (CA3-14-402) for a special exception to allow a fence in the front yard where otherwise prohibited at **360 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4)/Beltline.



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

## STAFF REPORT January 14, 2015

**Agenda Item:** Application for Type II Certificate of Appropriateness (CA2-14-403) for alterations and site work at **1493 Fairview Road**– Property is zoned Druid Hills Historic District.

**Applicant:** Michael DeCarlo  
2470 Hosea Williams Dr.

**Facts:** According to the architectural survey in 2002, this dwelling built in 1920 is contributing.

In 2012 the Commission reviewed two applications for Type II Certificates of Appropriateness (CA2-10-145) for a window replacement which was approved and (CA2-10-233) for the removal of a rear deck and the installation of a new rear stair and landing which was approved with conditions.

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

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

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

- (3) Landmark buildings and sites:  
(b) To change the exterior appearance of any structure within any Landmark District;

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

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

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

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

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

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

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

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

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

The Applicant is proposing to remove the existing gravel walkway, metal fence with stone piers, chain link fence, the side entry lite, and the side entry railing and newel posts. Staff has no concerns with the removal of these non-historic features.

The Applicant is proposing to install a new brick walkway on the footprint of the existing gravel walkway. Staff has no concerns with the use of brick in this walkway as it is compatible with the brick foundation of the existing house. The Applicant is proposing to expand a section of the gravel drive on the southwest corner of the house. Staff has no concerns with the expansion of this gravel drive as it is similar to materials used in the existing gravel drive.

The Applicant is proposing to install a new wooden side entry handrail with newel posts. Staff has no concerns with the design or materials of the handrail and newel posts as they are compatible with the materials used on the existing house. The Applicant is proposing to remove the existing side entry door and install a new true divided lite side entry door and side lite. The Staff is concerned that the existing door might be an original or historic element given that it has the same features as the existing front door of the home. As such, Staff recommends that the Applicant submit information that documents the existing door is not historic. If the door is determined to be original or historic to the house, Staff recommends that this feature be retained. If the door is determined to be non-original or non-historic, the Staff still has concerns regarding the compatibility of the the replacement true divided lite door and side lite. Staff recommends that the Applicant submit documentation that the design of the new door and side lite are compatible with similar houses in the District and with the existing house.

The Applicant is proposing to install a new wood picket fence with brick piers and knee walls on both the southwest and southeast corners of the house. The proposed fence will have two gates to accommodate foot and vehicular accessibility on the southwest corner of the house. Staff has no

general concerns regarding the installation of this fence. However, Staff recommends that the Applicant submit documentation that the design of the new fence is compatible with similar houses in the District and with the existing house.

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

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

Staff recommends approval of the Application for Type II Certificate of (CA2-14-366) for site work at **1463 Fairview Road**– Property is zoned Druid Hills Historic District, with the following conditions:

1. The Applicant shall provide information that documents the existing side entry door is not historic, and if the door is determined to be historic or original to the house, it shall be retained, per Section 16-20B.003;
2. If the door is determined to not be historic or original to the house the Applicant shall submit documentation that the design of the new side entry door and newside lite are compatible with similar houses in the District and with the existing house, per Section 16-20B.003(5);
3. The Applicant shall submit documentation that the design of the new fence is compatible with similar houses in the District and with the existing house, per Section 16-20B.003(5); and
4. Staff shall review, and if appropriate, approve the final plans and supporting documentation.



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

## STAFF REPORT January 14, 2014

**Agenda Item:** Application for Type III Certificates of Appropriateness (CA3-14-406) for alterations and an addition at **521 Robinson Avenue**– Property is zoned R-5/Grant Park Historic District (Subarea 1)/Beltline.

**Applicant:** Adam Stillman  
350 Sinclair Avenue

**Facts:** According to the Grant Park Inventory sheet this existing dwelling built in 1941 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 a corner lot, Staff will make comments on all street facing facades.

### **Site**

This corner lot fronts 50.48' on Robinson Avenue and has a depth of 137.48' on South Park Avenue. Per underlying zoning, the maximum floor area ratio (FAR) allowed is the lesser of .65 or 3,750 sq. ft. The proposed FAR .22 and therefore meets the requirements. Per underlying zoning, the maximum lot coverage allowed is 55%. The proposed lot coverage is 35% and therefore meets the requirement.

The Applicant is proposing a rear addition and a deck. Per regulations, the side yard setbacks can either conform to the setbacks of the existing house or be no less than 7'. Staff finds the side yard setbacks of the proposed addition are no closer than the existing house. As such, Staff finds the side yard setbacks have been met. Per regulations, the rear yard setback shall be no less than 7'. The proposed rear yard setback is more than 7' and therefore meets the requirement.

### **Alterations**

The Applicant is proposing to remove the existing asbestos and repair the original siding underneath. If the original siding does not exist, the Applicant is proposing to install smooth cementitious siding. If the original siding does exist but is not repairable, Staff recommends the new siding match the material, size and reveal of the original siding. If the original siding does not exist, Staff has no concerns with the siding proposal. If smooth cementitious siding is allowed, Staff recommends the reveal is 4"-6".

The Applicant is proposing to replace existing vinyl windows. Given the material of the existing windows, Staff agrees the windows are not historic. While Staff has no concerns regarding the design of the windows, the materials are not clear. Staff recommends the Applicant clarify the window material for the replacement windows on the South Park Avenue elevation. The Applicant is proposing to replace a historic window on the Robinson Avenue elevation. In looking at interior and exterior pictures, the window appears to be beyond repair. The Applicant is proposing to install a new window to match the existing. As this is replacement of a historic window, Staff recommends the new window on the Robinson Avenue elevation be wood and true divided lite.

The Applicant is proposing to replace the existing front door. While Staff finds the replacement door is appropriate, it is not clear what the existing door looks like. Staff recommends the Applicant provide additional pictures of the front door. The Applicant is proposing to remove the existing front porch screen and install new wood columns. Staff has no concerns regarding the removal of the screen or the installation of new columns.

The Applicant is proposing to remove steps and concrete behind the house to accommodate the new additions. Staff has no concerns regarding the removal of the steps and excess concrete. The Applicant is proposing to screen the HVAC equipment with evergreen shrubs. Staff has no concerns regarding the screening of the HVAC equipment.

### **Additions**

The Applicant is proposing a rear addition and rear deck. Staff finds the overall height, massing, design and materials are consistent and compatible with the existing house. The addition is inset on both sides which helps differentiate the addition from the existing historic house. Staff initially had a concern regarding the size of the windows on the right elevation as smaller windows are usually associated with a kitchen or bathroom. In looking at the floor plan, there is an interior chimney. Staff finds that having smaller windows on either side of a chimney is seen on historic houses and is therefore appropriate in this case.

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

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

Staff recommends approval of the application for a Type III Certificate (CA3-14-406) for alterations and an addition at **521 Robinson Avenue**— Property is zoned R-5/Grant Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. If the original siding does exist but is not repairable, the new siding shall match the material, size and reveal of the historic siding, per Section 16-20K.007(2)(B)(1);
2. If smooth cementitious siding is allowed, the reveal shall be 4”-6”, per Section 16-20K.007(2)(B)(1);
3. The Applicant shall clarify the window material for the replacement windows on the South Park Avenue elevation, per Section 16-20K.007(2)(D);
4. The new window on the Robinson Avenue elevation shall be wood and true divided lite, per Section 16-20K.007(2)(D);
5. The Applicant shall provide additional pictures of the front door; and
6. Staff shall review and if appropriate, approve the final plans.



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## **STAFF REPORT** **January 14, 2015**

**Agenda Item:** Review and comment (RC-14-408) for the Atlanta Botanical Gardens Master Plan at **1345 Piedmont Avenue (Atlanta Botanical Gardens)** – Property is zoned R-4 / Beltline.

**Applicant:** Arthur Fix, CEO, Atlanta Botanical Gardens  
1345 Piedmont Avenue

**Facts:** The Atlanta Botanical Gardens is located on City of Atlanta property northwest of Piedmont Park along Piedmont Avenue. Though operated as a private, non-profit facility, its use of City of Atlanta property means that it is reviewed by the City of Atlanta as a semi-public facility for the purposes of zoning, building permits, etc. In 2005, the Commission reviewed and commented on the current Master Plan. Since that review and comment, the Staff has reviewed the construction proposals for a variety of projects included with or developed consistent with the 2005 Master Plan, such as the Canopy Walk, reconfiguration of the Piedmont Avenue vehicle entrance, reconfiguration of the service and “back of house” spaces, enhancements to Storza Woods, and alterations and additions to the existing buildings.

At this time, the Commission is reviewing and commenting on the 2014 Master Plan which according to the Applicant is a “seamless evolution and refinement of the 2005 Master Plan.” There are a variety of projects that were generally described in the 2005 Master Plan which are more specifically shown in the 2014 Master Plan and are already being developed, including several projects in the Storza Woods area and the Café expansion.

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

Per Section 6-4043 of the Atlanta City Code:

- (4) The commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation or significant change, alteration or addition to any existing park.
- (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.

## **Overall Comments**

The Staff finds that the Master Plan is a comprehensive, yet succinct and easily comprehended document. The Staff finds that such master planning efforts are necessary for all of the City's publically-accessible spaces (existing, expanded, and new), including those which are managed as private facilities.

As the Staff has recommended in the past, publically-accessible spaces need to be planned as a whole so that as public amenities they are sustainable, reflect the changing interests of the constituents they must serve (both local and regional), and take into account other development activity around them, which in this case would include on-going changes to Piedmont Park. Thorough evaluation of future proposals against the current Master Plan will be important to balance the various interests and constraints of the site, as well as appropriately interact with adjacent property and Piedmont Park. The Staff acknowledges that specific programming (non-physical) recommendations are not always the subject of a master plan process. However, the Staff finds that programming recommendations for this facility would be as useful as the physical recommendations found in the Master Plan.

It is not clear to the Staff if the Master Plan has its own set of goals and priorities beyond the architectural tenets listed in the provided narrative. The Staff finds that goals and priorities within a Master Plan can provide direction to future decision making regarding physical, programmatic, or management proposals; whether or not those proposals are in the Master Plan. The Master Plan does describe the physical characteristics of the future Botanical Gardens (key features, new construction vs. renovation vs. additions, planting changes, service / "back of house" enhancements, accessibility changes, etc.) but it is not clear to the Staff how those physical components advance a set of policies or goals (i.e. what criteria would be used to assess future proposals as interests or funding change?).

Similarly, the Staff would recommend that the Master Plan contain some basic design guidelines that address materials, aesthetics and other physical features of the facility. These could provide a design framework to assess when and where the various architectural themes in the facility should be maintained, as well as when and how new themes could be introduced.

## **Specific Comments**

Given the very nature of master plans, the Staff knows that the suggested designs and site planning arrangements are not the only design solutions possible (and could very well change in the future) and that all of the design details would not be known at this time. At the same, it would like to offer several comments about what is included in the Master Plan as a way to provide some basis for further refinement of the proposals therein if needed.

### **New Construction and Additions**

While the specific architectural designs of the proposed buildings or additions are not known at this time, the Staff supports the design concepts outlined in the narrative. In particular, the Staff finds that consistency with the adjacent buildings (either as additions or new construction) and the placement of new spaces on already disturbed portions of the property is appropriate. Given the lack of green space in the City and the constraints of the site ("structured" vs. "natural" gardens), the less green space within the facility that is removed for buildings the better. Further, the Staff does support the reinforcement of the various architecture themes in the facility vs. making the facility more consistent in design, given its functions, existing arrangement, and semi-public management.

### Circulation

The Staff supports the increase in accessible and semi-accessible paths and walkways in the facility. It also finds that the continued separation and segregation of the public and back of house / service areas is critical to maintaining the visual appeal of the facility. This is most critical in areas such as the Kitchen Garden and Perennial Garden areas which are immediately adjacent to the large north-south service drive, which was the former parking lot.

### Relationship to Piedmont Park and Piedmont Avenue

The Staff understands the need for a secure boundary and perimeter to the facility. At the same time, the facility has a very long frontage along Piedmont Avenue and a common boundary with Piedmont Park on its south, east, and north sides; both of which are completely accessible to the public. While the Piedmont Avenue frontage is well maintained (and has been greatly improved in the past), the Staff would recommend further enhancements that could better integrate the garden to the road corridor (to the north) and screen the service areas from the corridor (to the south). Regarding the Piedmont Park boundary, the Staff would recommend that this boundary area be programmed and designed to provide enhanced visual connections between the park and the facility.

### Hillside and Cactus / Succulent Gardens

The design narrative described proposed changes to these gardens, which would have some of the greatest exposures to Piedmont Park and adjacencies to the historic Cotton States Exposition stone stairway and urns. The narrative mentions new landscaping and facility signage which given the adjacency to the historic stone elements and view from Piedmont Park needs to be carefully considered.

### Conclusions

The Staff finds that the Master Plan is a positive contribution to the future of the facility. It further finds that in the absence of such a master plan, the facility's future would be less clear and as such would ultimately provide fewer benefits to its users and the entire City as a whole.

**Staff Recommendation:** Staff recommends that the Commission deliver its comments to the Applicant at the Commission meeting regarding the Review and comment (RC-14-408) for the Atlanta Botanical Gardens Master Plan at **1345 Piedmont Avenue (Atlanta Botanical Gardens)** – Property is zoned R-4 / Beltline.



# CITY OF ATLANTA

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

## **STAFF REPORT**

**January 14, 2015**

**Agenda Item:** Review and Comment (RC-14-410) for alterations, additions and site work at **1616 Joyland Place (Arthur Langford Jr. Park)**-Property is zoned R-4A/Beltline.

**Applicant:** Andrew Kohr  
2310 Parklane Drive

**Facts:** Arthur Langford Park is located in the Joyland Neighborhood in NPU Y. In 2012, the Commission issued comments regarding application (RC-12-075) on a demolition for the existing pool.

**Analysis:** The following code sections apply to this application.  
Per Section 6-6043(e):

- (4) The commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation or significant change, alteration or addition to any existing park.

### **Building Renovation and Additions**

At the front elevation the building appears to be a single story, however the change in topography allows for a basement level on the sides and rear. This 1970's building is typical of its time and function with its brick and concrete façade and small amounts of fenestration. While the building is not historic, Staff finds it is appropriate to retain the existing building and alter it to accommodate a new use. The building formerly used in association with the pool is proposed as a community and recreation center. While Staff previously had concerns with the demolition of the pool without plans for a new pool, Staff finds the proposed use is consistent with the desire of the community and is therefore appropriate.

The Applicant is proposing to face the lower portion of the building with brick to match the existing. Staff finds the change in the lower façade material is appropriate. The Applicant is proposing the addition of several storefront windows on the south and east elevations. Staff finds the increase in fenestration is a great improvement to the building and highly appropriate for a community and recreation center. The Applicant is proposing to add balconies to the south, west and east elevation.

Staff finds the addition of the balconies is appropriate and will create additional outdoor space. The Applicant is proposing to add ramps, railings and stairs that will allow better access to the building and the various amenities. Staff has no concerns regarding the addition of new stairs, ramps and railing.

### **Site Work**

The Applicant is proposing site alterations and additions that include an ADA pathway, an ADA ramp, a rain garden, an outdoor workout area and a skate park. In general, Staff finds all the site alterations are appropriate and help transform the site for better use and hopefully will attract a large portion of the community.

While Staff finds ADA accessibility is required and extremely important, Staff has concerns regarding the pathway and the change in the topography from the front of the building to the side. In looking at the pictures there appears to be a significant change in the topography. Staff suggests the Applicant clarify how big the change in topography is and whether the ramp may be difficult for some to navigate. Staff suggests the Applicant clarify whether there will be access from the front of the building to the rear amenities by using the interior of the building.

The Applicant is proposing an outdoor workout station, climbing cubes and a skate park. Staff finds that proposed outdoor recreation area has the potential to attract widely varying ages. Staff finds the proposed recreation area is highly appropriate and a great amenity for the community. The details and materials of the various recreation equipment are not clear. Staff suggests the Applicant clarify the materials and kinds of workout stations that will be installed. Staff suggests the Applicant clarify the material and design of the climbing cubes. Staff suggests the Applicant clarify how the various components will be maintained.

The Applicant is proposing to address the stormwater issues with an underground infiltration system and a rain garden. Staff has no concerns regarding the proposal to address the stormwater. The Applicant is also proposing to install over 25 species of plants and trees. In looking at the pictures submitted, the site is very has trees and shrubs but very few plants. Staff finds that incorporating plants and additional trees will greatly improve the site.

**Staff Recommendation:** Staff recommends the Commission deliver its comments at the meeting.



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## STAFF REPORT January 14, 2015

**Agenda Item:** Application for Type III Certificates of Appropriateness (CA3-14-412) for a new single family house at **801 Cherokee Avenue** – Property is zoned PD-MU/ Grant Park Historic District (Subarea 1).

**Applicant:** Gail Glozier  
3763 Rogers Bridge Road, Duluth

**Facts:** In 2005, the property in question, along with the rest of the block fronting Cherokee Avenue between Grant Park Place and Augusta Avenue, was rezoned to the Planned Development – Mixed-use zoning classification (PD-MU), while retaining the Grant Park Historic District overlay (Z-05-128). This rezoning was site plan specific and included numerous conditions. In 2007, the conditions to the PD-MU rezoning were amended and reduced to 31 total conditions, with again retaining the previous site plan and Grant Park Historic District overlay (Z-07-119).

Overall, the PD-MU property consists of several components. At the northeast corner is a proposed mixed-use and townhouse site, fronting Cherokee Avenue and Grant Park Place are five (5) single-family house lots, and internal to the property are nine (9) townhouse lots. The property is served by a system of access roads, with a large green space between the two east-west rows of townhouses. At the southeast corner of the property is an existing, one-story duplex that has been retained as part of the redevelopment of the site. The site previously consisted of a non-contributing commercial building (the former Taco Mac), associated parking, and vacant land / former house lots.

Before the commission now is a single family house fronting Cherokee Avenue on the west elevation of the property. Of the 31 conditions included in the revised PD-MU rezoning, the Staff finds that 14 conditions either directly relate to the construction of a single family house or could affect the design of the house.

Given the organization and conditions of the PD-MU rezoning, the relationship between the PD-MU rezoning and the District overlay requirements is as follows: First, the site plan, setbacks, orientation, size, and arrangement of the property are fixed and as such are not subject to the District overlay regulations. Second, the PD-MU rezoning conditions expand the role of the existing District overlay regulations as they relate to architectural elements without generally adding more specifics or subject requirements. Thirdly, there are some topics that are in the District overlay regulations that are not covered by or dealt with in the PD-MU rezoning and as such remain as currently written in the District overlay.

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

(Those District regulations that would otherwise apply, but are superseded by the PD-MU site plan or conditions have been removed from the listing of applicable District regulations set out below.)

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.*

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 quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

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

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

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth.
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 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 entrance step risers each of which shall be no less than six inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.  
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 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
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.
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 façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standards, 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.

The PD-MU rezoning and conditions make the District overlay requirements, which normally only apply to the front façade of the house, apply to any façade that faces interior alleys, the primary access, the secondary access and the green space within the development. As such, Staff finds the front and rear elevations are within the purview of the Commission.

### **General Development Controls, Setbacks, and Parking**

The lot in question fronts 45' on Cherokee Avenue and has a depth of 79.81'. The lot frontage, depth, and shape match the PD-MU site plan. The PD-MU rezoning does not include any floor area ratio or lot coverage limitations.

Per the PD-MU site plan and conditions, the front yard setback shall be at least 10', the side yard setbacks shall be at least 4' and the rear yard setback can be 0'. Staff finds all of the setback requirements have been met.

The PD-MU rezoning and conditions require two (2) parking spaces for each single family house, either in attached or detached garages. The proposed house includes an attached garage with two parking spaces. Staff finds the parking requirement has been met. Staff would note that the PD-MU rezoning allows for a two car garage with doors that face the street. Staff would further note that the proposed garage has a 0' setback as

allowed by the regulations, therefore the underlying zoning requirement regarding parking in the half depth front yard does not apply.

### **Site Plan Features**

Per district regulations, a walkway from the front entryway to the sidewalk is required. In looking at the site plan, a combination stair that leads to the sidewalk is provided. It is not clear whether there is a landing between the porch stairs and the concrete stairs that lead to the sidewalk. Staff recommends the Applicant clarify how the porch stairs will connect to the concrete stairs.

Condition #26 of Z-07-119 states: “Sidewalks shall be included throughout the interior of the development and along the entire frontage of the property. Existing sidewalks must be preserved to the extent possible.” The site plan indicates a 4’ sidewalk at the rear of the property. Staff finds the new sidewalk requirement has been met. Staff recommends the material details of the sidewalk are indicated on the site plan. In looking at the proposed site plan, there is a note the existing sidewalk will be repaired if damaged. Staff recommends any portion of the sidewalk that is damaged be repaired in-kind as required by the regulations.

No replacement trees are shown on the site plan. Staff recommends the site plan reflect the proper tree replacement as outlined in the conditions of the PD-MU rezoning.

### **Massing, Style, Building Height, and Roof Plan**

The proposed two story house is defined by a hipped roof with small decorative gables and a 3/4 width porch. Staff finds the overall design and massing is similar to other historic houses in the district.

Per the PD-MU rezoning and conditions, and District overlay regulations, the maximum height allowed is 35’. The proposed height is about 35’ to the roof peak and therefore meets the maximum height requirement. The house is elevated above grade at least two entrance steps, which meets the District regulations.

### **Windows and Doors**

A single front door is parallel and facing the street frontage as required.

The Grant Park regulations allow the proposed fenestration to be either consistent with other contributing houses in the District or meet the fenestration percentage requirement (15%-40%). The Staff would consider this requirement to be further refined by Conditions #9 and #10 of the PD-MU rezoning require that the house “be designed to be consistent with the historic architectural style of the Grant Park neighborhood and to comply with Grant Park’s historic zoning regulations”.

Staff finds the proposed simulated divided lite windows are appropriate in regards to design, location and number of windows. The material details are not indicated on the plans. Staff recommends the material details of the windows are indicated on the plans. There appear to be non-operable shutters on the front elevation. Staff finds non-operable shutters are not appropriate. Staff recommends the proposed shutters are eliminated from the design.

Staff has concerns regarding the lack of a continuous return for the gable on the left side of the front façade. Staff finds that lack of a continuous return is not consistent or compatible with similar historic houses in the district. Staff recommends the elevation indicates a continuous return for the gable on the left of the front façade.

## **Porches**

The ¾ width porch has a depth that varies from 6'-8'. As the District regulations requires that front porches have a depth of no less than 7', Staff recommends no portion of the porch have a depth that is less than 7'. Notwithstanding the concern regarding the depth of the porch, Staff finds the overall architectural details are appropriate.

## **Building Materials**

In comparing the materials indicated on the plans to the materials indicated in the narrative, Staff finds there are several discrepancies. With the exception of the 8" siding, Staff finds the materials details indicated in the narrative are generally appropriate. Staff finds the actual elevations lack appropriate material details. Staff recommends all materials are indicated on the elevations and site plan. Staff recommends the reveal of the proposed siding be between 4' to 6".

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

- 1) The plans meet the regulations with the exception of the comments noted above;

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-14-412) for a new single family house at **801 Cherokee Avenue** – Property is zoned PD-MU/ Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall clarify how the porch stairs will connect to the concrete stairs;
2. The material details of the sidewalk shall be indicated on the site plan, per PD-MU rezoning condition# 26;
3. The site plan shall include notes regarding the retention and repair or replacement in-kind of the existing sidewalk along Cherokee Avenue, per PD-MU rezoning condition# 26;
4. The site plan shall reflect the proper tree replacement, per PD-MU rezoning condition #30;
5. The proposed shutters on the front elevation shall be eliminated from the design, per PD-MU zoning condition #9 and #10;
6. The elevation shall indicate a continuous return for the gable on the left of the front façade, per PD-MU zoning condition #9 and #10;
7. No portion of the porch shall have a depth that is less than 7', per Section16-20K.007(2)(B)(3);
8. The proposed siding shall have a reveal between 4" to 6", per Section 16-20K.007(2)(B)(15)(B);
9. The plans shall indicate all material details; and
10. Staff shall review and if appropriate, approve the final plans.



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Director, Office of Planning

### STAFF REPORT

January 14, 2015

**Agenda Item:** Application for Type III Certificates of Appropriateness (CA3-14-413) for a porch addition and site work at **1181 Cleburne Avenue** – Property is zoned RG-2/Inman Park Historic District (Subarea 1).

**Applicant:** Meaghan Muller  
1181 Cleburne Avenue

**Facts:** In 2007, the Commission approved the construction of a project with three living units in one semi-attached building. At that time, the lot was one corner lot with its smaller frontage facing North Highland Avenue and a longer frontage facing Cleburne Avenue. Since the construction was completed a several years ago, the property has been divided through a zero-lot line subdivision, creating three lots; one for each living unit. The property of the subject lot, as approved in the zero-lot line subdivision does not include the long leg that connects to North Highland Avenue that is shown on the submitted site plan.

The living unit facing North Highland Avenue is only connected to the two eastern most living units through the basement walls / front porch foundation and the roof of the subject property's current front stoop. The two eastern most living units share a party wall and are a two-unit building. Given the design of the project and the eventual zero-lot line subdivision, at this time there is essentially a single family house facing North Highland Avenue and a two-unit house facing Cleburne Avenue. Along the Cleburne Avenue frontage, there is an unusual relationship, which is depicted on the submitted site plan. The Georgia Department of Transportation (DOT) owns a section of property between the three lots and the physical Cleburne Avenue such that the Cleburne Avenue yards of the three lots are mostly Georgia DOT property. The subject lot does not have a physical connection to the public sidewalk along Cleburne Avenue, except indirectly through the alley at the rear of the property.

Given the underlying multifamily zoning category (RG-2), the somewhat unusual site plan, the adjacencies between structures, and the surrounding context of almost exclusively single-family detached or duplex houses, the Staff found in 2007 that there could be several different interpretations for applying the District regulations to the then proposed project. While the *use* of the property is multifamily (three or more units on one property), the actual *structures* physically are and were intended to be perceived as a single-family and two-unit structure. As such, in 2007 the Staff applied the District regulations to the project as a single-family structure facing North Highland Avenue and a two-unit

structure facing Cleburne Avenue. The Staff would add that this interpretation of the District regulations did not negate the need to satisfy the standard building code requirements applicable to such projects and the RG-2 requirements that are not otherwise superseded by the District regulations (internal setbacks, open space requirements, etc.) The Staff finds that the 2007 application of the District regulations should be continued today as that is how the living units function. As such, the subject property is considered a Cleburne Avenue property with no relationship to the houses or buildings on North Highland Avenue.

The proposal before the Commission at this time is to extend the existing front stop to the east, creating a front porch along the front of the subject property. The connected living unit currently has a front porch facing Cleburne Avenue.

**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.
  - 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 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.

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.
  - e. All front façades, 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.
  - i. Front porches on principal structures shall be required. The compatibility rule shall apply to the design and size of said front porches, provided that such porches shall be a minimum of 12 feet wide or one-half of the width of the

front façade, whichever is greater, and a minimum of eight feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to ten feet into the required front yard. All front porch steps shall have closed risers and ends.

- 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.
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.

### Site Work and Setbacks

There is no site work proposed as part of the application, except for front porch extension / addition. A fence is proposed as part of the overall project, but fences can be approved via a Type II Staff Review Certificate of Appropriateness application. The Staff would note, however, that the opaque gate that is part of the fence proposal cannot be approved as opaque portions of fences are considered walls, which are not permitted in the front yard.

The front and side yard setbacks of additions to existing structures cannot be less than the respective setback, at its closest point, of the existing structure. The rear yard setback is based on the compatibility rule, but it not affected by the work in the front yard of the subject property. In this case, the “existing structure includes” the features of both connected living units. Even though the living units are on separate lots, they are part of the same structure, appear architecturally as one structure and were designed as one structure.

In this case, the existing structure has a zero west side yard setback where the fireplace and living room abut the west property line. The proposed front porch will also have a zero west side setback where it touches the North Highland-facing structure.

The existing structure’s east side yard setback is defined by the eastern edge of the main structure and the eastern edge of the other living units front porch. The proposal will not affect this setback.

The front yard setback of the proposed porch cannot be any closer to the front property line than the closest point of the existing structure, which includes the existing front porch of the connected living unit. It would appear that the proposed front porch is slightly closer to the front yard property line than the existing front porch of the other living unit. The Staff would recommend the front yard setback of the proposed front porch be revised to meet the District regulations.

### Size of the Front Porch Addition

There are District specific requirements for front porches regarding size, design, and architectural elements. The District regulations require that the compatibility rule shall apply to the design and size of front porches, provided that such porches shall be a minimum of 12 feet wide or one-half of the width of the front façade, whichever is greater, and a minimum of eight feet deep. The submission includes photographs of the three adjacent houses, but not the other contributing house with a Cleburne Avenue address on the block face. However, the three houses that are shown have full width front porches. As such, the predominant front porch size is a full width front porch which would supersede the minimum width specified as half the width of the front façade. The proposed front porch isn't half the width of the front façade either. The Staff would recommend the width of the front porch addition be revised to meet the compatibility rule.

The depth is not known for the contributing buildings on the block face. While the depth of the proposed front porch addition would meet the minimum requirements, the compatibility rule comparison could require a deeper front porch.

The Staff would recommend the depth of the front porch addition be revised to meet the District regulations.

### Architectural Elements of the Front Porch Addition

The District regulations require that front porches shall contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. The proposed front porch addition has round, slightly tapered, full height wood columns. The columns of the contributing houses on the block face are split columns with the top portion be straight, square columns. The Staff would recommend the columns of the front porch addition be revised to meet the District regulations.

The Staff has no concerns about the front porch addition railing.

The District regulations also require that the front porch steps have closed risers and ends, which the proposed front porch addition does.

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

- (a) Except as noted above, the proposed design meets all of the District regulations, per Section 16-20L.005 and Section 16-20L.006.

Staff recommends approval of the Application for Type III Certificates of Appropriateness (CA3-14-413) for a porch addition and site work at **1181 Cleburne Avenue** – Property is zoned RG-2/Inman Park Historic District (Subarea 1), with the following conditions:

1. The front yard setback of the proposed front porch shall be revised to meet the District regulations, per Section 16-20L.006(2)(b);
2. The width of the front porch addition shall be revised to meet the compatibility rule, per Section 16-20L.006(1)(i);
3. The depth of the front porch addition shall be revised to meet the District regulations, per Section 16-20L.006(1)(i);
4. The columns of the front porch addition shall be revised to meet the District regulations, per Section 16-20L.006(1)(i); and
5. The Staff shall review, and if appropriate approve, the final elevations, plans, and documentation.



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

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

## STAFF REPORT January 14, 2015

**Agenda Item:** Application for Type III Certificate of Appropriateness (CA3-14-414) for a new single family house at **258 Sunset Avenue**-Property is zoned SPI-11 (Subarea 7)/Sunset Avenue Historic District.

**Applicant:** Michael Hagger  
55 Sunset Avenue

**Facts:** According to the Sunset Avenue district inventory this is a vacant lot.

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

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

The following general regulations shall apply to the Sunset Avenue Historic District.

**Sec. 16-20P.005. General Regulations.**

The following regulations shall apply to all properties within the Sunset Avenue Historic District.

**1. General Criteria:**

- a. The Commission shall apply the standards referenced below if the standards set forth elsewhere in this Chapter 20P do not specifically address the application, including but not limited to commercial properties in the district:
  - (1) A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features and exterior spatial relationships.
  - (2) The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, and exterior spatial relationships that characterize a property shall be avoided.
  - (3) 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 or eras.
  - (4) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
  - (5) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved. 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.
  - (6) 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, but shall be compatible with the historic materials, features, size, massing, scale and proportion, to protect the integrity of the property and its environment.
  - (7) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**2. The Compatibility Rule:**

- a. In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of (i) the structure itself, (ii) the contributing buildings in the entire block, and (iii) the contributing buildings in the subarea.
- b. The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "The elements in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face."
- c. To permit flexibility, many regulations are made subject to the compatibility rule. Those elements to which the compatibility rule applies are specified in regulations by reference to the "compatibility rule."

**3. Certificates of Appropriateness.**

- (a) *When required:*
  - (i) To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the public right-of-way;
  - (ii) To erect a new structure or to make an addition to any structure within the district, when said addition can be seen from public right-of-way;
  - (iii) To demolish or move any contributing principal structure, in whole or in part, within the district; and
  - (iv) Site work.
- (b) *Type required:*
  - (i) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Code of Ordinances.
  - (ii) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - (iii) Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. This exemption in no way obviates the requirements for certificates of appropriateness set forth in this section.
  - (iv) The following Type II Certificates of Appropriateness shall be reviewed by the Director of the Commission and shall be required for any of the following:
    - (a) fences, walls, and retaining walls;
    - (b) decks, skylights, solar panels, and mechanical and communication equipment if visible from the public right-of-way;
    - (c) new accessory structures and alterations to existing accessory structures;
    - (d) shutters and awnings if visible from the public right-of-way;
    - (e) replacement of non-original, non-historic or missing elements with elements that otherwise meet the regulations, including but not limited to: siding, windows, porch railings, porch columns, porch flooring, exterior doors, if visible from the public right-of-way, and
    - (f) paving.

If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of this Chapter, as applicable, and other criteria applicable to Type II certificates, the Director of the Commission shall issue the Type II certificate within 14 days of receipt of the completed application. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of this Chapter, as applicable, the Director of the Commission shall deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the Director regarding the approval and/or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for Type I certificates.
- (v) The following Type II Certificates of Appropriateness shall be reviewed by the Commission and shall be required for any of the following to the extent they are visible from the public right-of-way:
  - (a) Alterations to any façade of any principal structure; and
  - (b) All site work, except as noted in Section 16-20P.005(3)(b)(4).
- (6) The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
  - (a) All new principal structures;
  - (b) Additions visible from the public right of way;
  - (c) Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint;
  - (d) Subdivisions and Aggregations; and
  - (e) Variances.

- (7) Type IV Certificates of Appropriateness shall be reviewed by the Commission and 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 of the front facade.

**Sec. 16-20P.006. Specific regulations**

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

1. Lot Size, Dimensions and Configurations: In addition to the requirements of the Subdivision and Zoning Ordinances, the compatibility rule specified in this chapter 20P shall apply to all subdivisions and aggregations of lots with regard to lot size, dimensions and configurations.
2. Grading:
  - a. Grading shall not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the structural integrity of a structure.
  - b. New grades shall meet existing topography in a smooth transition.
3. Architectural Standards:
  - a. Building facades:
    - (1) All new construction shall conform to the existing building orientation by having porches and front doors facing the front yard.
    - (2) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule.
    - (3) There shall be two (2) side yards, one (1) on each side of the principal structure, established by the compatibility rule.
    - (4) There shall be a rear yard of not less than 10 feet.
    - (5) All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
    - (6) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
    - (7) The height of all new construction shall be based on the compatibility rule. Notwithstanding the compatibility rule, the height of new additions shall not exceed the height of the principal structure.
  - b. Windows and doors:
    - (1) Architecturally significant windows and doors, including details, trim work, and framing, shall be retained.
    - (2) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in design, materials, shape and size with no more than a one-inch width or height difference from the original size.
    - (3) New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and design to existing windows and doors.
    - (4) The ratio of window and door area to wall area for all new construction shall be established by the compatibility rule, with a permitted differential of ten (10) percent.
    - (5) Windows in the front facade of new construction shall be predominantly vertical in proportion and must not be constructed in combination of more than two (2) windows.
    - (6) Replacement exterior doors shall match the original openings and conform to the original door in material and design.
    - (7) New exterior doors shall be wood panel or fixed glass panel in wood frame. Metal doors may be used if their design matches that of an original door.
  - c. Foundations:
    - (1) Foundations shall be finished with brick, painted concrete block or true stucco.
    - (2) Foundations shall be continuous wall construction or masonry piers with closed with solid infill wall.
    - (3) Except for garage and utility additions and free-standing buildings, painted concrete block, brick or true stucco shall be used as infill between foundation masonry piers when infill is otherwise required.
    - (4) Slab on grade foundations are not permitted.
  - d. Storm doors and storm windows: Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.
  - e. Chimneys:
    - (1) Chimneys shall be retained whenever possible.
    - (2) If extending or repairing a chimney, the original materials, mortar, color and pattern shall be matched whenever possible.
    - (3) The construction of new chimneys shall not be permitted on the front facade.
    - (4) New chimneys shall be faced with brick, stucco or stone and shall originate at grade.
    - (5) Siding on chimneys is prohibited.

**f. Roofs:**

- (1) Replacement roofs and roofing shall match the original roof in material, pitch and shape as well as ridge, overhang and soffit design.
- (2) Cold-rolled roofing is permitted only on flat roofs and roofs with a 15° or less pitch.
- (3) Architectural metal roofing, slate, tile, and shingle roofing are permitted; corrugated metal and corrugated fiberglass roofs are not permitted.
- (4) The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
- (5) Dormers shall not be permitted on the roof over the front facade of any structure.
- (6) Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are not permitted on the roof over the front facade of any structure.

**g. Porches:**

- (1) Architecturally significant front porches, steps and stoops shall be retained, whenever possible.
- (2) Replacement front porches, steps and stoops shall match the original in size, design and materials.
- (3) Front porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
- (4) Front porches shall be required for new homes and the compatibility rule shall apply for all porch elements.
- (5) Front porches shall contain balustrades, columns and other characteristics including floor dimension, height, roof pitch and overhang that meet the compatibility rule, although standard lumber is permitted.
- (6) New decks shall be permitted to the rear of the house.

**h. Accessory structures:** Accessory structures, such as carriage houses, smoke houses, garages, car ports, tool sheds, greenhouses, tenant and alley houses, air conditioners and heating units, shall be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structure. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials may be required if said structure is visible from the public right-of-way.

**i. Walls and fences:**

- (1) Walls are not permitted in the front yard. Where permitted, walls shall be no more than 6 feet in height.
- (2) Fences in the front yard shall be made of wood picket, brick, stone or iron type construction and shall be no more than 4 feet in height.
- (3) Retaining walls which are located in the front yard shall have a finished masonry surface constructed of materials compatible with the exterior finish of the principal dwelling. Retaining walls shall be integrated into the landscape.

**j. Architectural details:**

- (1) Exterior architectural details, such as brackets, decorative trim, corner boards, windows moldings, railings, columns, steps and doors, which contribute to the character of the buildings and appear on the front facade, shall be retained, restored or replaced to match the original in dimension and design.

**4. Paved Surfaces:**

- a. The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained. Replacement, when necessary, shall be done in kind as to layout, pattern, and paving material.
- b. New sidewalks shall be the same material and width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match the material and widths on the block. If no sidewalk exists on the block, the new sidewalk shall be concrete and shall six feet wide.

**5. Off-Street Parking Requirements:**

- a. Off-street parking shall not be permitted in the front yard.
- b. Carports and garages shall be behind the rear of the main structure. If the principal structure is located on a corner lot, the front yard setback of that side street shall apply to the construction of a carport or garage.

## Site

The lot in question fronts 80.38' on Sunset Avenue and has a depth of 117.43' on its longest side. Per regulations the front yard setback is based on the compatibility rule. The Applicant submitted documentation for 10 properties. Staff would note that 220 Sunset Avenue is not on the block face and therefore cannot be used. 296 Sunset Avenue is non-contributing and therefore cannot be used. 316 Sunset Avenue is an apartment building as opposed to a single-family dwelling and therefore is not an appropriate comparison. In looking at map of street, Staff finds that information for all of the contributing houses on the block face were not submitted. Staff recommends the Applicant submit the

front yard setbacks of all contributing single-family houses on the block face. Staff recommends the proposed front yard setback meet the requirements.

Per regulations, the side yard setback is based on the compatibility rule. The Applicant submitted an average of the side yard setbacks instead of the side yard setback range for both the right and left elevations. Staff recommends the Applicant submit both the right and left yard setbacks of all the contributing single-family houses on the block face. Per regulations, the rear yard setback shall be no less than 10'. The rear yard setback is more than 10' and therefore meets the requirement.

This property is also located in SPI-11 (Subarea 7). The requirements for floor area ratio, lot coverage, parking, sidewalks and supplemental zones are governed by the requirements of the SPI District. Staff would note this project requires and special administrative permit (SAP) in addition the UDC review. Staff suggests the Applicant submit an SAP application. Staff recommends that any changes necessitated by the SAP review be reviewed and if appropriate, approved by Staff.

In looking at the site plan, it is not clear whether any fences or walls are proposed. Staff recommends the Applicant clarify whether any fences or walls are proposed. If fences or walls are proposed, Staff recommends the materials, height, location and design are indicated on the plans.

### **Accessory Structure**

The Applicant is proposing a two-story accessory structure at the rear of the property. Per regulations, accessory structures must be detached and located in the least visible area of the lot. Staff finds the accessory structure will be highly visible and therefore does not meet the requirement. Staff recommends the accessory structure be moved to the least visible area of the lot. Per regulations, the accessory structure shall be located in the buildable area of the lot. As the accessory structure has a 23' rear yard setback, Staff finds the rear yard setback has been met. If the accessory structure were to be moved to the least visible area behind the house, Staff finds the Applicant would be able to use half of the rear 20' alley to meet the minimum 10' rear yard setback requirement.

The Applicant has not submitted the side yard setbacks of the existing accessory structures on the block face. Staff recommends the Applicant submit the side yard setbacks of all the accessory structures on the block face. Staff recommends the side yard setbacks of the accessory structure meet the requirements. Per regulations the height of the accessory structure is based on the compatibility rule. The Applicant has not submitted the heights of the accessory structures on the block face. Staff recommends the Applicant submit the heights of all the accessory structures on the block face.

### **Design, Massing, Roof Form and Building Height**

The proposed house is defined by a 4 in 12 hipped roof, with an extended gable, a second story balcony and a first floor full width porch. Staff finds the design has elements from the apartment building at 316 Sunset Avenue, the non-contributing house at 296 Sunset and some architectural elements from the historic house next door at 250 Sunset. Staff finds it is important to have a design that is representative of one architectural style on the block face as opposed to a mix of several architectural styles. Staff recommends the house be redesigned to reflect one of the architectural styles of one of the historic single-family houses on the block face.

Per regulations, the roof form and pitch are based on the compatibility rule. Staff would note the proposed house must have a roof pitch and roof form that predominates on the contributing single-family houses on the block face. Staff recommends the Applicant provide documentation regarding the roof forms and pitches of all of the contributing single-family houses on the block face.

Per regulations, the house height is based on the compatibility rule. As previously mentioned, three of the houses submitted by the Applicant cannot be used as a point of comparison and not all of the houses on the block face were measured. Staff has a concern with how the existing houses were measured. In looking at the pictures submitted, it is clear the topography on the block face varies greatly. There is a single story house with a front facing garage that is indicated as 28' in height. Staff finds it likely that measurement was taken from the bottom of the garage to the peak of the roof. As the garage is not at the average grade, Staff finds this measurement does not account for the change in topography. Staff recommends the Applicant clarify how the height measurements were taken. Staff recommends the Applicant submit height measurements for all contributing single-family houses on the block face. Staff recommends all height measurements are taken from average grade to the peak of the roof.

The proposed house width is 41.5'. In looking at the widths of the houses submitted by the Applicant, the widths of the houses are between 31'-66'. While widths of all of the houses were not submitted, Staff finds the proposed width is clearly within the range. Staff does not have concerns regarding the proposed width of the house.

### **Building Facades**

The Commission reviews the façades visible from a public right-of-way. As this is an interior lot, Staff will comment on the front and side facades.

#### *Windows and Doors*

A single front door is parallel and facing the street frontage, as required by the regulations. Per regulations the ratio of window and door area to wall area is based on the compatibility rule. The Applicant did not provide any information regarding the ratio of window and door area to wall area. Staff recommends the Applicant provide documentation the proposed ratio of window and door area to wall area meets the requirements. Per regulations, window units on the front façade cannot contain more than two windows. Staff finds the first floor window units contain more than two windows and therefore does not meet the requirements. Staff recommends the proposed window units on the front façade contain no more than two windows.

In looking at the left side elevations, there are no double hung windows. Staff finds having an entire elevation of single pane windows is not appropriate or compatible with other contributing houses. Staff recommends the left side elevation indicate appropriate double hung windows. Staff recommends the design of all windows is consistent and compatible with the windows on contributing houses on the block face. Staff recommends any windows with lite divisions are either simulated divided lite or true divided lite.

#### *Building Materials*

Per regulations, all building materials visible from a public right-of way shall be consistent with the materials of the contributing houses. Staff recommends the Applicant provide the façade materials of all the contributing houses on the block face. Per regulations, foundation can be brick, true stucco or painted concrete. The plans do not indicate the foundation material. Staff recommends all material details are indicated on the plans. Staff recommends all building materials meet the requirements.

#### *Porch*

The project includes a second story balcony, a first floor full width porch and an extended front gable with two story columns. Staff finds the height of the columns and the second story balcony is not consistent or compatible with the contributing houses submitted by the Applicant. Per regulations, the front porch shall have balustrades, columns and other characteristics including

floor dimension, height, roof pitch and overhang that meet the compatibility rule. Staff finds the Applicant has not submitted enough documentation regarding the existing elements and dimensions of the existing contributing porches on the block face. Staff recommends the Applicant provide documentation regarding the architectural elements and dimensions of the existing porches of contributing houses on the block face. Staff recommends the proposed porch be redesigned to meet the requirements.

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

- a) The plans do not meet the regulations, with the exceptions noted in the above analysis, per Section 16-20P.006.

Staff recommends deferral of the Application for Type III Certificate of Appropriateness (CA3-14-414) for a new single family house at **258 Sunset Avenue**-Property is zoned SPI-11 (Subarea 7)/Sunset Avenue Historic District, to allow the Applicant time to address the concerns of Staff:

1. The Applicant shall submit the front yard setbacks of all contributing single-family houses on the block face, per Section 16-20P.006(3)(a)(2);
2. The proposed front yard setback shall meet the requirements, per Section 16-20P.006(3)(a)(2);
3. The Applicant shall submit both the right and left yard setback of all the contributing single-family houses on the block face, per Section 16-20P.006(3)(a)(3);
4. Any changes necessitated by the SAP review shall be reviewed and if appropriate, approved by Staff;
5. The Applicant shall clarify whether any fences or walls are proposed;
6. If fences or walls or proposed, the materials, height, location and design shall be indicated on the plans, per Section 16-20P.006(3)(i);
7. The accessory structure shall be moved to the least visible area of the lot, per Section 16-20P.006(3)(h);
8. The Applicant shall submit the side yard setbacks of all the accessory structures on the block face, per 16-20P.006(3)(a)(3);
9. The side yard setbacks of the accessory structure shall meet the requirements, per Section 16-20P.006(3)(a)(3);
10. The Applicant shall submit the heights of all the accessory structures on the block face, per Section 16-20P.006(3)(a)(7);
11. The house shall be redesigned to reflect one of the architectural styles of one of the historic single-family houses on the block face, per Section 16-20P.005(1)(a)(6);
12. The Applicant shall provide documentation regarding the roof forms and pitches of all of the contributing single-family houses on the block face, per Section 16-20P.006(3)(f)(4);
13. The Applicant shall clarify how the height measurements were taken;
14. The Applicant shall submit height measurements for all contributing single-family houses on the block face, Section 16-20P.006(3)(a)(7);
15. All height measurements shall be taken from average grade to the peak of the roof, per Section 16-20P.006(3)(a)(7);
16. The Applicant provide documentation the proposed ratio of window and door area to wall area meet the requirements, per Section 16-20P.006(3)(b)(4);
17. The proposed window units on the front façade shall contain no more than two windows, per Section 16-20P.006(3)(b)(3);
18. The left side elevation shall indicate appropriate double hung windows, per Section 16-20P.006(3)(b)(3);
19. The design of all windows shall be consistent and compatible with the windows on contributing houses on the block face, per Section 16-20P.006(3)(b)(3);

20. Any windows with lite divisions shall be either simulated divided lite or true divided lite, per Section 16-20P.006(3)(b)(3);
21. The Applicant shall provide the façade materials of all the contributing houses on the block face, per Section 16-20P.006(3)(a)(5);
22. All material details shall be indicated on the plans, per Section 16-20P.006(3)(a)(5);
23. All building materials shall meet the requirements, per Section 16-20P.006(3)(a)(3);
24. The Applicant shall provide documentation regarding the architectural elements and dimensions of the existing porches of all contributing houses on the block face, per Section 16-20P.006(3)(a)(3);
25. The proposed porch shall be redesigned to meet the requirements, per Section 16-20P.006(3)(a)(3); and
26. Appropriate copies of all updated plans, information and documentation must be submitted to Staff no later than eight days before the deferred meeting.



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

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

## STAFF REPORT January 14, 2015

**Agenda Item:** Application for a Type II Certificates of Appropriateness (CA2-14-415) for new signage at **145 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4) / Beltline.

**Applicant:** 145 Auburn Avenue LLC.  
145 Auburn Avenue

**Facts:** This existing commercial building is considered contributing.

In 2012 the Commission reviewed an application for a Type IV Certificate of Appropriateness (CA4PH-12-025) for demolition due to a threat to public health and safety which was denied. In 2014 the Commission reviewed a Type III Certificate of Appropriateness for alterations related to the renovation of this property which was approved with conditions.

**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.

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

- a. *General Regulations: Signs* within the M.L. King, Jr. landmark district are subject to the following regulations:
  1. No general advertising signs shall be permitted in the M.L. King, Jr. landmark district.
  2. No sign shall be permitted within the M.L. King, Jr. landmark district except after approval by the urban design commission of a certificate of appropriateness as specified in chapter 20 of this part.
  3. One (1) identification sign, not exceeding 20 square feet in sign area, shall be permitted for multi-family uses.
  4. For all other uses permitted in this district, one (1) identification sign per street frontage shall be permitted. Such sign shall not exceed 35 square feet in sign area.
- f. *Edgewood Commercial Corridor (Subarea 5):* The sign regulations for Edgewood commercial corridor (Subarea 5) shall be the same as the regulations for the SPI-1 (Central core) district, provided that:
  1. No individual sign shall exceed 100 square feet in sign area.

2. No freestanding sign shall exceed 20 feet above ground level.
3. No projecting sign shall exceed eight (8) square feet in sign area.
4. Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.
5. Sign shall be located as follows:
  - i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.
  - ii. On or in display windows or upper facade windows.
  - iii. On or in the glazing of the doors.
  - iv. On the valance of awnings.
  - v. On the fascia or top edge of canopies.
  - vi. Projecting perpendicularly from the building.
6. No changing signs shall be permitted.

**SPI-1 Downtown District:**

- a. **General Regulations:** Signs within SPI-1 Downtown District are subject to the regulations set forth in this section (12). For purposes of this section (12), "street" means public streets and private streets, as well as associated public right-of-way including public right-of-way accessible only to pedestrians.
- b. **Building Business Identification Signs:**
  1. **Type:** Wall signs, projecting signs, canopy signs, parapet wall signs, suspended signs, and marquee signs shall be permitted. Only one of the signs may be either suspended or projecting along each street frontage per business establishment, provided that corner business establishments may have two projecting signs limited to one projecting sign per street frontage.
  2. **Number:**
    - (a) **Sidewalk-Level Business Establishments:** A maximum of three business identification signs shall be allowed for each business establishment on the sidewalk-level of a building. For the purposes of this section (12), "sidewalk-level" shall be as defined by Section 16-18A.005(3) except where additional signage identifying the business is authorized on a monument sign or multi-tenant sign.
    - (b) **Second-Level Business Establishments:** A maximum of three business identification signs shall be allowed for each second-level business establishment engaged in a permitted use listed under the commercial/retail and institutional headings of the Use Table in Section 16-18A.006 and having a facade that faces a street except where additional signage identifying the business is authorized on a monument sign or multi-tenant sign. For purposes of this section (12), "second-level" means the building floor level immediately above sidewalk-level.
    - (c) **Corner Business Establishments:** One additional business identification sign shall be allowed for each business establishment occupying a corner space that faces two streets and is located on the sidewalk-level or second-level, provided such sign is oriented toward the additional street.
  3. **Area:** Where a business establishment is permitted to have business identification signs, the following regulations shall apply:
    - (a) **Sidewalk-Level and Second-Level Business Establishments:** The combined area of the business identification signs except for that signage on monument signs or multi-tenant signs if allowed shall not exceed ten percent of the total area of the walls of the business establishment that face the street but at least 60 square feet of combined sign area is allowed for each business establishment.
    - (b) **Corner Business Establishments:** The area of the additional sign authorized by subsection (12)b.2.(c.) shall not exceed ten percent of the total area of the walls of such business establishment that face the additional street, or 60 square feet, whichever is less and this calculation shall exclude that signage on monument signs or multi-tenant signs if allowed.
    - (c) No individual sign shall exceed 200 square feet.
  4. **Height:** The height limitation set forth in Section 16-28A.007(m) may be exceeded as follows:
    - (a) Subject to subsection (12)b.4.(a.) above, no portion of a business identification sign for a sidewalk-level business establishment shall be located more than 40 feet in height above the elevation of the nearest sidewalk clear zone.

The Applicant is proposing four new signs on the front façade of the building which will consist of two blade signs that project perpendicularly from the building and two signs that will be installed in the glazing of a lower level window and door.

Per regulations, the maximum sign area allowed for perpendicular signs is 8 square feet. The proposed “Historic Daily World” sign is 6.37 square feet and the “Arden’s Garden” sign is 5.17 square feet. Therefore both signs meet this requirement.

Per regulations, the maximum sign area allowed for a window sign is 4 square feet or 25 percent of the window area, whichever is less. The lower level door window area is 17.6 square feet meaning that the sign can be no larger than 4 square feet. The proposed window sign on the lower level door is 52.25 square inches, and therefore meets this requirement. The storefront window area is 48.23 square feet meaning that the sign can be no larger than 4 square feet. The proposed storefront window sign is 6.97 square feet and therefore does not meet this requirement. Staff recommends the Applicant revise the proposed storefront window sign to a size no greater than 4 square feet.

While Staff has no general concerns regarding the installation of the blade signs, Staff finds the application does not include sufficient details regarding how the signs will be attached to the building, internal illumination or other lighting, or the materials for the “Historic Daily World” sign. Staff recommends the Applicant clarify whether there will be any lighting for the proposed perpendicular signs. As this is a historic building, Staff recommends the perpendicular signs be mounted into the mortar joints. Staff recommends that the sign material for the “Historic Daily World” sign meet the District regulations.

Staff Recommendations: Based upon the following:

Staff recommends approval of an Application for a Type II Certificate of Appropriateness (CA2-14-415) for new signage at **145 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4)/Beltline, with the following conditions:

1. The Applicant shall revise the proposed storefront window sign to be no larger than 4 square feet per Section 16.28A.007(q)(1);
2. The Applicant shall clarify whether there will be any lighting for the proposed sign, per Section 16-28A.010(27)(f)(7);
3. The perpendicular blade signs shall be mounted into the mortar joints, per Section 16-28A.007(v);
4. The materials used for the “Historic Daily World” sign shall meet the District regulations per section 16-28A.010(27)(a)(6); and
5. Staff shall review and if appropriate, approve the final plans.



# CITY OF ATLANTA

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MAYOR

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

## **STAFF REPORT** **January 14, 2015**

**Agenda Item:** Review and comment (RC-14-418) for alterations, an addition and site work at 545 Hill Street (aka 582 Connally Street) (Martin Luther King, Jr. Middle School)- Property is zoned R-4/Beltline.

Applicant: Steven Brown  
1315 Peachtree Street

**Facts:** The existing elementary school is located in the Grant Park Historic District. In 2014, the Commission issued comments regarding application (RC-14-329) for the demolition of a 1951 gymnasium and a 1997 community center.

Per Section 6-4043 of the Atlanta City Code:

- (5) The Commission shall review the proposed location and design of buildings, bridges, viaducts, elevated ways, streets, highways, gates, fences, railings, lamp standards, and other structures or fixtures to be erected or placed on land belonging to the city, or on any private or public property which extends over or upon any property or right-of-way owned or controlled by the city.
- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

Per Section 16-20.009. Same; further 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.
- (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) Whenever 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.

## **Site**

The existing school has frontage on Connally Street, Hill Street, Cherokee Place and Kelly Street. The Applicant is proposing to add a new multi- purpose field, a new track/playfield, expanded parking area and expansion of Glenn Street.

In general, Staff finds the installation of various tracks and athletic fields are important and a great amenity to schools. Staff has concerns regarding the expansion of the parking area. The current parking area appears to extend past the main entrance so the parking is partially located in front of the school. As the site will be heavily altered to accommodate the athletic fields, Staff finds there is an opportunity to reconfigure the parking so that it is located on the side of the school as opposed to partially in the front yard.

Glenn Street appears to currently function as a pedestrian walkway. The Applicant is proposing to expand Glenn Street. Staff's initial thought was the expansion of Glenn Street was to allow vehicular traffic as a public street. As the front entrance of school faces Glenn Street, Staff finds it is appropriate and important to have an actual street at the front of the school. In looking at the rendering, it is not clear whether Glenn Street will be used as a public street or whether it will be absorbed into the property and used as a driveway. Staff suggests the Applicant clarify what the extension of Glenn Street will do and whether it is a public street used for vehicular traffic or is really a driveway on the school property.

In looking at the Connally elevation, there appears to be a walkway to the school, however there does not appear to be a significant entrance. Staff finds that having a more prominent entrance on the Connally elevation would be appropriate.

## **Alterations and Additions**

According to the Applicant, the existing school was built in 1973 and was designed by Heery and Heery. As pointed out by the Applicant, the existing architecture is the Brutalist Style which is defined by its cast-in-place concrete and lack of fenestration. The Applicant is proposing to enlarge existing windows and add windows to help bring in much needed natural daylight. The Applicant is also proposing to use shade fins to protect from glare. Staff finds the addition and enlargement of the windows is critical to creating a better design for the building and a better experience for the students.

In regards to the design of the windows and shade fins, Staff finds it is consistent with the architecture of the existing building. Staff's concern is the combination of the vertical windows and shade fins make the building appear to be closed and windowless. Even in the renderings it is hard to see the windows and the building does not appear to be inviting.

Staff finds the proposed addition at the front of the school is highly appropriate. The existing school suffers greatly from a lack of a clearly defined entrance. Staff finds the proposed addition creates a clear entrance. The use of glass creates an openness and transparency that is sorely lacking on some of the other elevations.

Staff recommends the Commission deliver its comments at the meeting.



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

## STAFF REPORT January 14, 2015

**Agenda Item:** Application for a Type III Certificates of Appropriateness (CA3-14-420) for a subdivision of one (1) lot into two (2) lots at **95 Hogue Street**-Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

**Applicant:** Malgorzata Sobis/ Monica Woods  
4252 Joshua Way, Kennesaw

**Facts:** This is currently a vacant lot.

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

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
  - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
  - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  - c. Each property shall 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 architectural elements from other buildings, shall not be undertaken.
  - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
  - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with

the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
    - a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
      - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
      - ii. Block face. One side of a block, located between two consecutive street intersections.
    - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
      - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
    - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
    - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
    - e. 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.
    - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
    - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
  3. Certificates of Appropriateness.
    - a. General Provisions.
      - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
      - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
    - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
      - i. All new principal structures;
      - v. Variances, special exceptions and administrative appeals.
  7. *Lot Consolidations, Subdivisions and Replatting*. No subdivision, consolidation or replatting of parcels or lots shall be approved unless the applicant establishes:
    - a. That the proposed subdivision, consolidation or replat is substantially consistent with the historic character of the district and meets all lot requirements set forth in Chapter 20C; and
    - b. That the proposed subdivision, consolidation or replat will facilitate development that furthers the historic qualities and regulations of the District. In addition, within Subareas 1 and 2, all subdivisions, consolidations or replats of parcels or lots shall conform to the historic platting pattern in these Subareas with regard to lot size, dimensions, and configurations.
- Sec. 16-20C.006. Lot Controls and Building Heights.
1. The following Lot Controls and Building Heights provisions shall apply to Subareas 1 and 2.
    - a. Lot controls.
      - i. The compatibility rule shall apply for the purposes of determining permitted lot coverage.
    - b. Building heights.

- i. Within the portion of this Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the maximum height of any alteration, addition, or new construction shall be 32 feet.
  - ii. Within the portion of this Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the maximum height of any alteration, addition, or new construction shall be 32 feet.
  - iii. For all other areas, the height of any alteration, addition, or new construction shall be established through the compatibility rule.-
1. The following additional Yards provisions shall apply to Subareas 1 and 2.
    - b. Subarea 2.
      - i. Except as provided below, all front, side and rear yard setbacks shall be established through utilization of the compatibility rule. All new construction shall maintain a minimum of 10 feet for rear yard setbacks where the compatibility rule would permit a smaller rear yard setback, except as otherwise provided for accessory structures.

The existing lot fronts 50' on Hogue and has a depth of 140'. The Applicant is proposing to subdivide the existing lot into two 25' lots. Per regulations, the proposed subdivision shall be substantially consistent with the historic character of the district and meet all lot requirements set forth in Chapter 20C; and the proposed subdivision shall facilitate development that furthers the historic qualities and regulations of the District. Lastly, the proposed subdivision shall conform to the historic platting pattern in regards to lot size, dimensions, and configurations of Subarea 2. The Applicant has submitted very little information or documentation regarding the requirements for subdivisions.

In looking at a previous application submitted by the Applicant, Staff found the following information in regards to the existing contributing houses on the block face:

- The height of the houses range from 19.5' to 32'
- The front yard setback ranges from 4.8'-15.7'
- The rear yard setback ranges from 38.7'-71.6'
- The side yard setbacks range from 0'-9' on one side and 2'-29' on the other side
- The front porch depth ranges from 5.8'-10.4'
- The lot coverage ranges from 19%-47%

Staff finds the above information establishes most of the site requirements for any new construction that would occur on the proposed lots. Staff recommends the Applicant submit site plans for each lot containing a footprint that meets the setback, porch depth and lot coverage requirements.

The Applicant submitted an elevation for a house that could potentially be constructed on the new lots created. As the proposed elevations were recently approved by the Commission for the adjacent lot, Staff finds the Applicant has shown that an architecturally compatible house can be built on the proposed lots.

The Applicant has not submitted any information that documents the proposed lots conform to the historic platting pattern in regards to lot size, dimension and configuration. Staff recommends the Applicant submit documentation the proposed lots conform to the historic platting pattern of Subarea 2 in regards to lot size, dimension and configuration.

There is a requirement in the Land Subdivision code that requires a one year waiting period from the date the final plat has been approved by the Director of the Office of Planning for any application for variances to be submitted. If the proposed subdivision is approved, Staff recommends the Applicant

wait one year from the date the final plat is approved before applying for any variances for the lots created.

Staff Recommendations: Based upon the following:

- a) The plans meet the regulations, with the following exceptions noted in the above analysis, per Section 16-20C.003, and .005;

Staff recommends approval of an application for a Type III Certificates of (CA3-14-420) for a subdivision of one (1) lot into two (2) lots at **95 Hogue Street**-Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, with the following conditions:

1. The Applicant shall submit site plans for each proposed lot containing a footprint that meets the setback, porch depth and lot coverage requirements, per Section 16-20C.004(7);
2. The Applicant shall submit documentation the proposed lots conform to the historic platting pattern of Subarea 2 in regards to lot size, dimension and configuration, per Section 16-20C.004(7);
3. If the proposed subdivision is approved, the Applicant shall wait one year from the date the final plat is approved by the Director of Planning before applying for any variances for the lots created, per Section 15-07.005(g); and
4. Staff shall review and if appropriate, approve the final documentation and plans.



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

## STAFF REPORT January 14, 2015

**Agenda Item:** Application for Type III Certificate of Appropriateness (CA3-13-400) for a variance for a building height that does not meet the compatibility rule and (CA3-14-361) for a new single family house at **812 Peeples Street** - Property is zoned R-4A/West End Historic District.

**Applicant:** Mario McMichael  
6700 Tara Boulevard

**Facts:** According to the West End Historic District inventory this is a vacant lot on the west side of Peeples Street between Beecher Street on the north and White Street on the house. There are six other lots on the block face, each one with a one-story house on it; five of the six houses are considered contributing to the District. Across the street is Brown Middle School.

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

Per Section 16-20G.005 of the Atlanta Land Development Code, as amended:  
The following general regulations shall apply to the West End Historic District.  
Sec. 16-20G.005. - General regulations.

- (2) The Compatibility Rule: The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), shall be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
- (3) Variances: The urban design commission shall have the power to hear, grant and deny variances from the provisions of this chapter (20G) when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 46, which provisions are hereby incorporated herein.

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

In addition to the general regulations set forth in section 16-20G.005, and any other applicable regulations, the following regulations shall apply to all rehabilitations, new construction, alterations, and other changes:

- (1) Generally: The following building elements and architectural features shall be considered when applying section 16-20.009 of this chapter to the West End Historic District: doors, windows, foundations, finished floor elevations, roofs,

roof features, gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvres, walls, fences, and gates.

(2) Building Façades:

- (a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.
- (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
- (c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.
- (d) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
- (e) Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
- (f) Height of the first floor of the front façade above grade shall be subject to the compatibility rule. Notwithstanding 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 seven inches in height. Slab-on-grade construction is not permitted.
- (g) No structure shall exceed that height established by the compatibility rule.

(3) Windows and Doors:

- (d) 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.
- (e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
- (f) Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
- (h) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule.
- (i) The scale, size, proportion, and location of all openings in new construction shall be established by the compatibility rule.
- (j) New windows or doors added to existing structures shall be located façades that don't face a public street.
- (k) New or replacement doors shall be made of wood and shall contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.

(4) Storm Doors, Storm Windows, Shutters and Awnings:

- (a) Shutters shall not be added to the building if they were not a part of the original building.
- (b) Shutters shall be operable or appear operable, and shall fit the size of the window.
- (c) Replacement shutters shall match the original shutters in design, materials and configuration.
- (d) Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.
- (e) Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.

(5) Foundations:

- (a) Foundation materials, including infill materials, shall replicate the original materials in size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.
- (b) New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials and style with adjacent and surrounding buildings.
- (c) Slab on grade is not permitted.
- (d) Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.

(6) Chimneys:

- (a) Chimneys shall match original materials, mortar, color and pattern whenever possible.
- (b) New chimneys shall be faced with brick or stucco.
- (c) Siding on chimneys is prohibited.
- (d) When any portion of a chimney is visible from a public street as a façade element, the chimney shall originate at grade.

(7) Roofs:

- (a) Replacement roofing materials shall be of the same size, texture and material as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
- (b) Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.

- (c) The use of synthetic roofing materials is permitted if not visibly distinguishable from the original as viewed from the public street.
- (d) The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
- (8) Decks: Decks shall be constructed to the rear of the structure and shall not extend beyond the sides of the structure. Decks on the corner lots shall be screened with fencing or vegetation to reduce visibility from the public street.
- (9) Porches:
  - (d) New or replacement porches shall contain balustrades, columns and other features consistent with the architectural style of the house or other original porches in that block. The height of the top rail shall be no more than 33 inches above the finish porch floor, except as required by the City's building code.
- (12) Paved Surfaces:
  - (a) The original layout, patterns and paving materials of sidewalks, driveways, alleyways, curbs and streets shall be retained. The design and material of new replacement paving materials shall be subject to the compatibility rule.
  - (b) The design and material of new paved surfaces areas, other than those specified in subsection (a) above, including driveways, walkways, and patios, or portions thereof, shall be subject to the compatibility rule.
  - (c) New driveways shall not exceed a width of ten feet not including the flare at the street.
- (13) Off-Street Parking Requirements:
  - (a) Off-street parking shall not be permitted in the front yard or half-depth front yard.
- (17) Public Sidewalks and Planting Strips:
  - (a) Existing public sidewalks, planting strips, and associated topography shall be retained.
  - (b) The public sidewalk shall be the same width as the sidewalk on abutting properties.
  - (c) The compatibility rule shall apply to public sidewalk paving materials.
  - (d) Where a public sidewalk to be replaced is adjacent to poured concrete, original concrete hexagonal pavers or poured concrete with stamped hexagonal motif, the new sidewalk shall be poured concrete bordered with brick laid flat.

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's variance argument has previously been provided to the Commission. In their argument they note that the vacant lot is a nuisance to the neighborhood and its presence is detrimental to the neighborhood's revitalization and the safety of the students at the school across the street. While the Staff does not dispute that a vacant lot does not help a neighborhood's revitalization, the Applicant has not provided any rationale addressing the variance criteria, which deal with the physical characteristics and circumstances of the property. The property is a rectangular lot similar in wide and depth to other lots in the District. It is relatively flat with a few trees that do not infringe on the buildable area of the lot. There appear to be no unusual circumstances associated with the property. Further, the Applicant has not shown that the physical characteristics and circumstances of the property would prevent the construction of a house that meets the height limitation. The Staff finds that if the Applicant wanted to build a house with a similar amount of square footage, notwithstanding other District regulations, the lot itself would not preclude a house that meets the height limitations.

The Staff would recommend denial of the variance request.

## **Site**

The lot in question fronts 53' on the east side of Peeples Street and has a depth of 178'. Per the District regulations, the front yard setback is based on the compatibility rule. The front yard setbacks of the contributing houses on the block face range from 15' to 27' according to information provided by the Applicant. It is not clear to which point on the existing houses is the front setback distance being measured. The proposed front yard setback to the front edge of the front porch is 38', which does not meet the District regulations regardless of the measuring technique. The Staff recommends the Applicant document how the front yard setback of the contributing houses was measured and that the front yard setback of the proposed house be revised to meet the District regulations.

Per the underlying zoning, the side yard shall be no less than 7' and the rear yard shall be no less than 15'. While the north side yard setback is substantially more than 7', it is not clear to the Staff that the south side yard setback meets the setback requirement. The Staff would recommend the Applicant document that the south side yard setback meets the zoning regulations. The Staff finds the rear yard setback meets the requirement.

Per the underlying zoning, the maximum floor area ratio (FAR) allowed is .50. While the FAR is not calculated on the site plan, the 2,080 sq. ft. of living space is less than 50% of the 9,460 sq. ft. lot. The maximum lot coverage allowed is 55%. The lot coverage calculations are indicated on the site plan, which indicates the lot coverage is 24%.

Per the District regulations, there is no parking allowed in the front yard. The proposed concrete, 10 ft. wide driveway is located 20' past the front façade of the house and is therefore not considered parking in the front yard.

The site plan indicates an existing concrete public sidewalk. The Staff would recommend that if the public sidewalk is damaged beyond repair, the public sidewalk shall be replaced in accordance with the District regulations.

There is not walkway indicated from the front porch steps to the public sidewalk. The Staff would recommend a 4 ft. wide concrete walkway connect the front porch steps to the public sidewalk.

No fences, retaining walls or other site features are indicated on the site plan.

## **Massing, Roof Form, and Building Height**

The proposed house is defined by a simple rectangular massing with a hipped roof with a full width porch. On the block face, all five contributing houses have a similar rectangular massing. As to roof form, on the block face there are two gabled roof, two hipped roofs, and one house with a gable face within a hip. The Staff finds that given the range of roof types on the block face, the hipped roof form meets the District regulations.

The roof pitches of the contributing houses on the block face range from 6 in 12 to 8 in 12, with three of the houses having an 8 in 12 roof pitch. As the proposed roof pitch is 8 in 12, the Staff finds the roof pitch requirement has been met.

Per the District regulations, the house height is based on the compatibility rule. No overall heights were provided for the contributing houses on the block face, though they are all one story houses and the height from grade to the bottom of the roof from 11' 6" to 13' 2". The height of the proposed house is at least 25'. Given the Staff's recommendation regarding the building height, the Staff would recommend the design be revised to meet the overall height limitations of the District regulations.

Per the District regulations, the height of the first floor is also based on the compatibility rule. The first floor heights on the block face range from 2' 6" to 3' 2". It is not clear what the proposed first floor height would be. The Staff would recommend the Applicant document that the first floor height meets the District regulations.

### **Building Elements**

The Commission reviews the façades visible from a public street. As this is an interior lot, the Staff will review the front and side facades.

#### *Windows and Doors*

A single front door is parallel and facing the street frontage, as required by the regulations. The material of the front door is indicated as wood. Per the District regulations, new doors shall be made of wood and shall contain a rectangular light opening subject to the compatibility rule. Several of the doors on the contributing houses on the block face have been replaced. The one remaining original or historic door is similar in design to the proposed front door. Therefore, the Staff finds the design and material of the front door does meet the District regulations.

Many of the windows have been replaced on the contributing houses on the block face with one-over-one windows. One house appears to retain its historic or original windows which are four vertical lights over one light. As the proposed windows are three vertical lights over one, the Staff finds that the proposed window design does not meet the District regulations. Further, the spacing of the paired windows, the use of a triple window, the almost complete lack of windows on the left side and the large blank walls on the right side do not meet the District regulations either. It is also not clear if the windows will have the appropriate headers, sills, and trim. No material is indicated for the windows. Per regulations, the material of the window is based on the compatibility rule. The Staff recommends the window design, placement, spacing, material, and trim be revised to meet the District regulations.

#### *Front Porch and Rear Deck*

Three of the five houses have projecting front porches but three of them are also only half the width of the front façade. Therefore, the Staff finds that the projection of the front porch meets the District regulations, but its width does not. The Staff would recommend the front porch be reduced in width to be about ½ the width of the front façade.

The proposed full width porch has a depth of 8'. The Staff would note that the regulations do not require a minimum depth for porches.

As noted above, no materials are indicated for the porch elements. Further, the Staff is concerned about the wide gap between the middle and right hand columns, the short height of the railing (which would not appear to meet the minimum building code requirements), the width of the columns themselves, and the use of wood, open ends front stairs. The Staff would recommend that all the front porch elements and materials meet the District regulations.

The side and rear elevations appear to show a rear deck, but no deck is shown on the site plan. Decks are permitted if they do not project beyond the sides of the house. The Staff would recommend the rear deck design be clarified on the plans and meet the District regulations.

## **Building Materials**

Wood siding is indicated on the rear façade, brick for the front foundation, and architectural shingles on the roof. Siding is indicated on the chimney, which is not permitted by the District regulations. No materials are indicated for the side foundation, any trim, or any architectural components. The Staff recommends the elevations indicate all materials and all materials meet the District regulations.

## **Variance (CA3-14-400):**

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

- a) The Applicant has not shown their proposal meets the variance criteria, per Section 16-26.003(1).

Staff recommends denial of the application for Type III Certificate of Appropriateness (CA3-13-400) for a variance for a building height that does not meet the compatibility rule for a new single family house at **812 Peeples Street** - Property is zoned R-4A/West End Historic District.

## **Design Review (CA3-14-361):**

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

- a) The Staff's recommendation regarding V-14-400;
- b) The plans do not meet the regulations, with the exceptions noted in the above analysis, per Section 16-20G.006.

Staff recommends deferral of the application for Type III Certificate of Appropriateness (CA3-14-361) for a new single family house at **812 Peeples Street**-Property is zoned R-4A/West End Historic District, to allow time for the Applicant to address the following concerns and comments:

1. The Applicant shall document how the front yard setback of the contributing houses was measured and that the front yard setback of the proposed house shall be revised to meet the District regulations, per Section 16-20G.006(2)(b);
2. The Applicant shall document that the south side yard setback meets the zoning regulations;
3. If the public sidewalk is damaged beyond repair, the public sidewalk shall be replaced in accordance with the District regulations, per Section 16-20G.006(17)(d);
4. A 4 ft. wide concrete walkway shall connect the front porch steps to the public sidewalk, per Section 16-20G.006(12)(b);
5. The house design shall be revised to meet the overall height limitations of the District regulations, per Section 16-20G.006(2)(g);
6. The Applicant shall document that the first floor height meets the District regulations, per Section 16-20G.006(2)(f);
7. The window design, placement, spacing, material, and trim shall be revised to meet the District regulations, per Section 16-20G.006(3);
8. The front porch shall be reduced in width to be about ½ the width of the front façade, per Section 16-20G.006(9);
9. All the front porch elements and materials shall meet the District regulations, per Section 16-20G.006(9);
10. The rear deck design shall be clarified on the plans and meet the District regulations, per Section 16-20G.006(8);
11. The elevations shall indicate all materials and all materials meet the District regulations, per Section 16-20G.006(2)(c); and
12. The Applicant shall submit to the Staff revised plans and supporting documentation (including all of the required copies) at least eight (8) days prior to the Commission meeting to which this application is deferred.



**KASIM REED**  
MAYOR

**CITY OF ATLANTA**  
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
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**CHARLETTA WILSON JACKS**  
DIRECTOR  
Office of Planning

**STAFF REPORT**  
**December 10, 2014**  
***REVISED***  
***January 14, 2015***  
***(Revised text shown in italic.)***

**Agenda Item:** Application for a Type III Certificate of Appropriateness *for a variance (CA3-14-427) for a variance to allow a loading dock on a primary façade where otherwise prohibited and (CA3-14-300) for a new multi-family building at 186, 204, and 206 Edgewood Avenue and 10-20 Jessie Hill Drive - M. L. King, Jr. Landmark District (Subarea 4).*

**Applicant:** Cecil Philips – Place Properties  
3445 Peachtree Street

**Facts:** The project involves several properties, some of which are vacant (facing Edgewood Avenue) and three of which have existing, contributing buildings on them as follows:

20 Jessie Hill, Jr. Drive (YMCA Boys Branch Building) – Part of the Butler Street YMCA complex of buildings, this is a two-story, brick building with simple windows, doors, and cast concrete trim.

10 Jessie Hill, Jr. Drive (Hill Haverty Building) - This is a two-story, brick building with two, bricked-in storefronts on the ground floor and two, multiple-pane, metal window panels above .

206 Edgewood Avenue (Edgewood Haverty Building) – This is very similar in materials, fenestration pattern, and detailing to 212 Edgewood Avenue, except that the storefronts and upper story windows have been replaced with modern components. Although it has the same number of floors as 212 Edgewood Avenue, its parapet wall extends slightly above the adjacent building.

212 Edgewood Avenue (at the very corner of Jesse Hill Jr. Drive and Edgewood Avenue) is not included in the project.

From 2005 to 2012, the Commission reviewed and approved with various conditions other projects for this site, which included the review of the consolidation of the formerly separate lots in 2012.

The Staff would add that since the Commission’s previous reviews related to this property from 2005 to 2012, the City has adopted comprehensive revisions to the District regulations (via Z-14-09) that would apply to this new project. This would include the inclusion of the Edgewood Avenue corridor and the Auburn Avenue corridor in one Subarea 4, combining the former Subareas 4 and 5.

The project before the Commission at this time is a completely new proposal with a new design and program that consists of:

1. A new, 6-story multi-family building above a underground parking deck with commercial uses at the sidewalk level;
2. Demolition of the rear portion of 206 Edgewood Avenue and renovation of the remaining portion into leasable / usable space;
3. Demolition of the rear portion of 20 Jessie Hill, Jr. Drive and renovation of the remaining portion into leasable / usable space;
4. Renovation of 10 Jessie Hill, Jr. Drive into a loading dock area; and
5. General streetscape improvements.

There has been a companion application for the partial demolition of the rear of two of the three contributing buildings via CA4PH-14-301.

*On December 10, 2014, the Commission approved the demolition application CA4PH-14-301 and deferred action on the subject application. This deferral allowed time for the Applicant to address the concerns of the Staff regarding the proposed design, as well as allow for the submission and advertisement of a variance to allow the loading dock on Jesse Hill Jr., Drive which would otherwise not be allowed by the District regulations. On December 22, 2014 the variance request was submitted and on January 6, 2015 a revised set of plans was submitted, both of which are reflected in this revised Staff Report.*

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

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
  - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
  - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  - c. Each property shall 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 architectural elements from other buildings, shall not be undertaken.
  - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
  - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. The compatibility rule.
  - a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
    - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
    - ii. Block face. One side of a block, located between two consecutive street intersections.
  - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
    - ii. On contributing buildings on the same block in Subareas 3 and 4.
  - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
  - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
  - e. 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.
  - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
  - a. General Provisions.
    - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
    - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
    - iii. No certificate of appropriateness shall be required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials.
  - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
    - i. All new principal structures;
8. Variances, special exceptions and administrative appeals.
  - a. Variance applications and applications for special exceptions and administrative 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 pursuant to the procedures, standards, and criteria specified in Section 16-26.001 through Section 16-26.006. The Commission shall have the authority to grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16.25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).
  - b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals shall be as provided for in Section 16-20.010.
10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).

Sec. 16-20C.005. Permitted Principal Uses and Structures.

1. Permitted Principal Uses and Structures: The following permitted uses and restrictions apply to all Subareas within this District, except Subarea 5:
  - a. The permitted principal uses and special permit uses set forth in Table 1: Martin Luther King Jr. Landmark District Table of Uses shall be permitted only as listed within each Subarea within said table of uses and only in the manner so listed.
  - b. Permitted principal uses. A building or premises shall be used only for the principal uses indicated with a "P" in Table 1: Martin Luther King Jr. Landmark District Table of Uses, subject to further restrictions where noted.

e. Prohibited uses.

- i. All uses marked with an "X" in Table 1: Martin Luther King Jr. Landmark District Table of Uses shall be prohibited in the Subarea(s) identified unless otherwise authorized in subsection 16-20C.005(2) or (3) below. All uses not listed in Table 1: Martin Luther King Jr. Landmark District Table of Uses shall be prohibited in all district Subareas unless otherwise authorized in subsection 16-20C.005(2) or (3) below.
- ii. No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.
- iii. Use of heavy drop hammers, punch presses or other machinery, or processing methods creating an excessive noise or vibration is prohibited in this district, subject to the provisions in chapter 74, article IV, noise control.

<b>TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES</b>	<b>SUBAREA 1 Auburn Ave Res</b>	<b>SUBAREA 2 Residential</b>	<b>SUBAREA 3 Institutional</b>	<b>SUBAREA 4 Auburn/Edgewood Commercial</b>
<b>RESIDENTIAL and DWELLING USES</b>				
Assisted living facilities	X	X	SUP	SUP
Dormitories, fraternity houses and sorority houses, officially affiliated with an accredited college, university or private school and only for the time period that such affiliation is in effect, such that loss of affiliation shall result in the loss of permission for the use	X	X	X	P
Multi-family dwellings	X	X	P	P
Personal care homes	P	P	P	P
Single-family dwellings	P	P	P	P
Supportive housing	X	X	P	P
Two-family dwellings	P	P	P	P
<b>NON-RESIDENTIAL USES</b>				
Auditoriums, museums, libraries, galleries and similar cultural facilities	X	P *	P	P
Bakeries and catering establishments	X	P *	X	P
Banks, savings and loan associations, and similar financial institutions	X	X	X	P
Barber shops and beauty shops	X	P *	X	P
Bed and breakfast inns	X	P #	P	P
Business or commercial schools	X	X	X	P
Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services	X	X	X	P
Child care centers, kindergartens and special schools	X	X	X	P
Churches, synagogues, temples, mosques, other places of worship	X	P ^	P	P
Clubs and lodges	X	X	P	P
Commercial recreational establishments, including theaters, convention halls, places of assembly and similar uses, with primary	X	X	P	P

activities conducted within fully enclosed buildings				
Digital industry switchboards, relay equipment, and associated power generators as principal uses	X	X	X	X
Drive-in and drive-through facilities	X	X	X	X
Eating and drinking establishments	X	P *	X	P
Farmers markets	X	X	P	P
Grocery stores	X	P ^	X	P
Hospitals	X	X	X	P
Hotels and motels	X	X	P	P
Laundry and dry cleaning, collection stations or plants, limited to no more than 5,000 square feet of floor area; laundry and dry cleaning where equipment is operated by customers	X	X	X	P
Manufacturing, repairing not including automobiles or heavy machinery, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and byproducts do not create adverse effects beyond the boundaries of the property	X	P *	X	P
Market Gardens	X	X	P	P
Mortuaries and funeral homes	X	X	X	SEP
Offices and studios	X	P *	P	P
Clinics (including veterinary), laboratories, studios and similar uses, but not blood donor stations	X	X	X	P

Park-for-hire surface parking lots	X	X	SUP @	SUP @
Park-for-hire parking structures	X	X	P	P
Poolrooms, billiard parlors	X	X	X	SEP
Printing and blueprinting shops	X	X	X	P
Professional or personal service establishments but not hiring halls	X	P *	X	P
Public schools or private schools having similar academic curricula and special schools for exceptional children	X	X	P	X
Rehabilitation centers, nursing homes	X	X	SUP	SUP
Repair establishments for home appliances, bicycles, lawn mowers	X	X	X	P
Retail establishments, including delicatessens	X	P *	X	P
Roof antennas	X	X	P %	P %
Service stations	X	X	X	P
Shelter	X	X	SUP	SUP

Structures and uses required for operation of MARTA or of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shop as the primary purpose	X	X	P	X
Tailoring, custom dressmaking, millinery and similar establishments limited to not more than 5000 square feet in area	X	P *	X	P
Temporary commercial activities	X	X	X	P
Trade schools, colleges, universities	X	X	X	P
Urban Gardens	SAP <sup>&amp;</sup>	SAP <sup>&amp;</sup>	P	P
<b>NOTES</b>				
# Bed and breakfast uses in Subarea 2 shall comply with the use restrictions of 16-20C.005(2)(b).				
@ Park-for-hire surface parking lots shall comply with the use restrictions of 16-20C.005(3)(c).				
% Roof antennas and similar uses shall comply with the use restrictions of 16-20C.005(3)(d).				
* Limited to location set forth in 16-20C. 005(2)(c) and further limited to a maximum size of 2,000 square feet for each individual use.				
^ Limited to location set forth in 16-20C. 005(2)(c) and further limited to a maximum size of 4,000 square feet for each individual use.				
& On an undeveloped lots.				

3. The following additional Permitted Principal Use and Structures provisions shall apply to Subareas 3 and 4.
  - a. Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises; and no storage for such merchandise shall occupy more than 40 percent of the floor area on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.
  - b. Veterinary offices. Veterinary office and clinics shall keep animals in sound-proofed buildings, laboratories, and studios (authorized in Subarea 4 only).

Sec. 16-20C.006. Lot Controls and Building Heights.

2. The following Lot Controls and Building Heights provisions shall apply to Subareas 3 and 4.
  - a. Building heights.
    - i. Maximum building heights shall be permitted up to a maximum of one and one-half (1.5) times the height permitted utilizing the compatibility rule, provided that:
      - (1) For property located east of Interstate 75/85, no building shall be permitted to exceed a maximum height of 55 feet.
      - (2) For property located west of Interstate 75/85, no building shall be permitted to exceed a maximum height of 68 feet.
    - ii. The building heights permitted in this subsection are intended to be the maximums authorized but are subject to further compatibility restrictions under other provisions of this district relative to building form, scale, massing and materials.
    - iii. Notwithstanding the height requirements of these subareas, previously existing structures in existence before 1967 but no longer in existence may be reconstructed to their original footprints and height where the applicant shows by archived evidence or sworn affidavit(s), and the Commission finds, that such structural dimensions previously existed on the proposed site.

Sec. 16-20C.007. Sidewalks, Yards and Open Space.

1. The following Sidewalks, Yards and Open Spaces provisions shall apply to Subareas 1 through 4.
  - a. Sidewalks.
    - i. Public sidewalks shall be located along all public streets and shall consist of two (2) zones: an amenity zone and a walk zone.
    - ii. The amenity zone shall be located immediately adjacent to the curb with a consistent cross-slope not to exceed two (2) percent. Width shall be measured from back (building side) of curb to the walk zone. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where

installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.

- iii. The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape, with a consistent cross-slope not exceeding two (2) percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight (8) feet.
- iv. New sidewalks and their corresponding zones 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 amenity zone shall be a minimum of two (2) feet wide and the new walk zone shall be a minimum of five (5) feet wide.
- v. Street trees shall be planted a maximum of 30 feet on-center within the amenity zone and shall be spaced equal distance between street lights.
- vi. Any existing decorative hardscape treatment of sidewalks, including amenity zone or walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape and color.
- vii. Decorative pedestrian lights, where installed, shall be placed a maximum of 60 feet on center and spaced equidistant between required trees. Where installed, said lights shall be located within the amenity zone. Said lights shall be as approved by the Director. New developments shall match the light and tree spacing on blocks where existing Atlanta Type lights are installed.
- viii. Changes or additions of planters, trash containers, street lighting, and similar elements, shall require a Certificate of Appropriateness by the Commission.
- ix. Upon redevelopment of a parcel reasonable efforts shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.

c. Required Open Space.

- i. Open Space shall be required only for multi-family uses. All other uses shall have no Open Space requirements.
- ii. Required Usable Open Space shall be provided equal to five (5) percent of the total floor area dedicated to multi-family use.

3. The following additional Yards provisions shall apply to Subareas 3 and 4.

- a. Front, Rear and Side Yards. All front, rear and side yards for this Subarea shall be established through the compatibility rule, except that zero-lot-line side yards shall be permitted as a minimum side yard allowance regardless of the compatibility rule application.

Sec. 16-20C.008. Design Standards.

1. The following Design Standards provisions shall apply to Subareas 1 through 4.

a. Building Compatibility.

- i. All elements of new construction shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
- ii. The compatibility rule shall apply to a principal structure's general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.
- iii. Fiberglass roofs shall be prohibited.

b. Fenestration.

- i. The compatibility rule shall apply to the following aspects of fenestration:
  - (1) The style and material of the individual window or door.
  - (2) The size and shape of individual window and door openings.
  - (3) The overall pattern of fenestration as it relates to the building façade.
  - (4) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
- ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.
- iii. Except as otherwise provided in 16-20C.008(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.

c. Landscaping.

- i. A landscape plan may be required by the Commission to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the district.
- ii. Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158-26 et seq., shall apply to this district.

- d. Loading Areas, Loading Dock Entrances, and Building Mechanical and Accessory Features for All Non-Residential Uses.
    - i. All dumpsters shall be concealed with walls six (6) feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco and shall not be visible from any public street.
    - ii. Loading docks and loading areas shall not be permitted on the primary façade of a principal building.
    - iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.
    - iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible from any public street.
    - v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.
3. The following Design Standards provisions shall apply to Subareas 3 through 4.
- a. Facades.
    - i. Building materials for the façades of principal structures shall be determined by the compatibility rule. Concrete block and other masonry materials may be used on façades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any façade.
    - ii. Covering of the original façade shall not be permitted.
    - iii. Painting of unpainted building materials and masonry is prohibited.
    - iv. All cleaning of stone, terra cotta, and brick shall be done with low-pressure water and mild detergents.
    - v. All repairs to original mortar shall be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints shall be duplicated in width and in joint profile.
    - vi. Cornice lines shall cap all building facades and shall consist of sheet metal, brick, cast concrete or terra cotta materials.
  - b. Active uses (See Sec. 16-20C.005(3)(e))
    - i. Active uses shall be provided within buildings and parking structures for the entire length of said building façade except ingress and egress points into parking structures or loading areas.
    - ii. Active uses shall be provided for a minimum depth of 20 feet, as measured from the sidewalk-level building façade.
  - c. Fences and walls.
    - i. All fences and walls shall require a Certificate of Appropriateness by the Director of the Commission. Barbed wire, razor wire and chain link or similar elements are prohibited.
    - ii. Fences and walls are not permitted in front yards or where otherwise visible to public view as determined by the Director of the Commission.
    - iii. Fences and walls shall be permitted only to a total combined height of six (6) feet.
  - d. Fenestration.
    - i. A minimum of 60 percent of the length of the building façade shall contain fenestration.
    - ii. Sidewalk-level development without fenestration shall not exceed a maximum length of 10 feet of façade.
    - iii. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.
  - e. Illumination and Security Features.
    - i. Security, decorative, and other lighting shall minimize light spillage by providing cutoff luminaries that have a maximum 90-degree illumination. The Commission may also require other elements to reduce light spillage.
    - ii. Any security, decorative, or other lighting luminaries shall be located a minimum height of eight (8) feet above the sidewalk, drive, or pedestrian area.
    - iii. External storefront security grilles, gates and security doors must be fully retractable during business hours. Such devices shall provide visibility into the interior of protected space when in use, and shall be prohibited from being opaque.
    - iv. Any external security grills, gates and security doors must be compatibly integrated into and concealed by the overall architecture and architectural patterns and elements of the façade on which they are located.
  - f. Awnings and Canopies.
    - i. Original awnings and canopies shall be retained.
    - ii. Replacement awnings or canopies are permitted only when original awnings or canopies cannot be rehabilitated.
    - iii. Awnings and canopies must have a minimum clearance of eight (8) feet above the sidewalk level, and shall not encroach more than five (5) feet over the public sidewalk.
    - iv. Installation of new canopies upon contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.

- v. Installation of new canopies upon non-contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the district.
- vi. New awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.
- vii. New awnings shall be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
- viii. Multiple awnings on a single building shall be similar in shape and configuration.
- ix. Only that portion of the awning used for signage shall be illuminated.

Sec. 16-20C.009. Off-Street Parking, Parking Structures, Driveways, Driveways and Curb Cuts.

- 1. The following Off-Street Parking regulations shall apply to Subareas 1 through 4.
  - a. Parking Requirements. Off-street parking and bicycle parking requirements shall be as specified in the Martin Luther King, Jr. Landmark District Parking Table and subject to the following:

TABLE 2: MARTIN LUTHER KING JR. LANDMARK DISTRICT PARKING TABLE	MINIMUM PARKING: BICYCLES	MINIMUM PARKING: AUTOMOBILES	MAXIMUM PARKING: BICYCLES	MAXIMUM PARKING: AUTOMOBILES
Single-family dwellings, Two-family dwellings	None	None	None	2 spaces for every 1 residential unit
All other Residential and Dwelling Uses	The greater of: 2 spaces or 1 space for every 5 residential units	None	No more than 50 spaces required	2.5 spaces for every 1 residential unit
Non-Residential Uses	The greater of: 2 spaces or 1 space for every 4,000 square feet of floor area	None	No more than 50 spaces required	2.5 spaces for every 1,000 square feet of floor area

- i. Bicycle parking spaces shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock and shall be a type specified by the Director of the Office of Planning as applicable.
    - ii. Bicycle parking shall be located a maximum horizontal distance of 100 feet from a building entrance.
  - b. Surface Parking.
    - i. When utilized, off-street surface parking shall not be permitted to be located between a building and an adjacent street without an intervening building.
    - ii. When authorized, park-for-hire surface parking lots shall be prohibited from being located within 65 feet of any public street frontage.
  - c. Screening for Non-Residential and Multi-family Uses.
    - i. All surface parking regardless of the number of parking spaces provided, shall comply with all of the requirements of Chapter 158, Article II, Sec. 158-30.
    - ii. Screen wall extensions shall be permitted when surface parking is directly adjacent to a public sidewalk and additionally shall:
      - (1) Be located predominantly parallel and congruent with the adjacent building façade;
      - (2) Be a minimum height of ten (10) feet and a maximum height of 12 feet;
      - (3) Be a minimum of 50 percent permeable or articulated to avoid blank walls; and
      - (4) Utilize the adjacent building for purposes of determining allowable materials and architectural features.
- 2. The following regulations shall apply to parking structures within the district.
  - a. In addition to the parking deck regulations of Section 16-28.028, parking structure façades shall have the appearance of a horizontal storied building and shall utilize the compatibility rule for the contributing structures of any use on the block for the purposes of determining building materials, building massing, architectural features, building heights and setbacks.
  - b. Parking structures shall meet the active use requirements as regulated in Section 16-20C.005(3)(e).

3. The following regulations shall apply to driveways and curb cuts within the district.
  - a. Use of shared driveways and/or alleys is permitted. Driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.
  - b. Circular drives and drop-off lanes shall not be located between any principal building and any public street. The Commission shall additionally have the authority to vary Section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
  - c. Curb cuts and driveways are not permitted on Edgewood Avenue, Auburn Avenue, Boulevard and Piedmont Road when reasonable access may be provided from a side or rear street or from an alley.
  - d. One curb cut is permitted for each development. Developments with more than one (1) public street frontage or more than 300 feet of public street frontage may have two (2) curb cuts.
  - e. Curb cuts shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the Commissioner of Public Works.
  - f. Sidewalk paving materials shall be continued across intervening driveways for all Non-Residential and Multi-family uses.

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's variance analysis has previously been provided to the Commission. The Staff agrees with the Applicant analysis. The loading dock would be located on the functionally and lengthwise less significant of the two frontage (Jessie Hill, Jr. Drive vs. Edgewood Avenue). The loading dock would re-establish the historic use of a building as a loading dock, which is highly unusual in the District. The location of the loading dock within a historic building / façade would create the least disruption to the streetscape pattern and context. There are few, if any, alternative locations on the project that would be better than the proposed location. Loading facilities are required for a project of this size and use.*

*The Staff would recommend approval of the variance request.*

### **General Development Controls and Uses**

A variety of residential and commercial uses are permitted in the Subarea, including multi-family, retail and eating/drinking establishments. At this time, the sidewalk level uses are not specifically defined, though retail is noted for the far western space and accessory uses to the multi-family use above are listed in the middle space along Edgewood Avenue. No use is listed for the renovated 20 Jessie Hill Jr. Drive building. The Staff would recommend all proposed uses are permitted by the District regulations.

*In the revised submission, the Applicant provides some additional information about the ground floor uses. However, given that as typically is the case at this stage of a project's development the specific tenants are not known, the Staff would retain the its previous recommendation.*

Notwithstanding the lack of specificity regarding the uses, the sidewalk level of the building must have active uses except in the case of parking deck access points and loading areas. The Staff would recommend the active use requirement for the sidewalk level spaces be met by the project.

*The Applicant has documented that all of the sidewalk level uses will meet the definition of “active use” even though the specific tenants are known at this time.*

In addition to the active use requirement noted above loading docks in particular are not permitted on the primary façade of the building, which the Staff finds to be any street facing façade. A secondary façade would be a side façade or a rear façade. The project proposes the retention of an existing two bay loading dock in the 10 Jessie Hill Jr. Drive building. The exterior façade of the building at the lower level currently consists of two bricked up openings (either storefront or similar openings) and there is no curb cut at the sidewalk. It is not clear to the Staff what current loading dock is being retained. If the Applicant cannot document that an actual two-bay loading dock currently exists at 10 Jessie Hill Jr. Drive, the loading dock will have to be re-located on the project to meet the District regulations or a variance will be required. The Staff would recommend the Applicant document the existence of the loading dock at 10 Jessie Hill Jr. Drive, re-locate the loading dock to another part of the project that meets the District regulations or apply for a variance for a loading dock that does not meet the District regulations.

*Given the Staff’s recommendation regarding the variance, the Staff does not have concerns about the loading dock location or design.*

Usable open space must be provided equal to five (5) percent of the total floor area dedicated to multi-family use. No usable open space calculations were included in the submission. The Staff would recommend that usable open space is provided and meets the District regulations.

*The revised plans include an “open space matrix” which calculates how much usable open space is required and how much is provided. The Zoning Ordinance defines usable open space as follows:*

*“Useable open space is part of total open space appropriately improved and located for outdoor living space for residents and for aesthetic appeal. Such space includes lawns and other landscaped areas, walkways, paved terraces and sitting areas, outdoor recreational areas and landscaped portions of street rights-of-way. Such space shall not be used for vehicles, except for incidental service, maintenance or emergency actions.”*

*In addition to the open courtyard within the building, this definition would include any landscaped areas within the public right-of-way, the portion of the sidewalk on the subject project (but not in the right of way), walkways on the subject property that are not used for vehicles, and landscaped areas on the subject property that are accessible to the residents.*

*The Staff would recommend the Applicant clarify their usable open space calculations to indicate those areas that meet the definition of usable open space and that such spaces together meet the minimum requirement of the District regulations.*

The District regulations require that the setbacks of the project meet the compatibility rule, which requires the front, side and rear yard setbacks are within the range established for each setback based on the contributing buildings on the block, with an additional allowance for zero side yard setbacks. No setback calculations or comparison tables were included in the submission. The Staff would note that the front yard setback along Edgewood Avenue would meet the District regulations given the forward most point of the building along Edgewood Avenue is aligned with the Edgewood Haverty Building, which is a contributing building. The Staff would recommend the side and rear yard setbacks of the project meet the District regulations.

*The points of comparison for the setbacks are the side and rear yards of the contributing buildings on the block, which is bounded by Edgewood, Jessie Hill Dr., Auburn, and Piedmont. The revised plans include a side yard and rear yard setback analysis. The property at 171 Auburn Avenue ("City Walk") cannot be included in the analysis as it is a non-contributing structure. As the existing (previously consolidated) property already contains three contributing buildings (20 Jessie Hill, Jr. Drive - YMCA Boys Branch Building, 10 Jessie Hill, Jr. Drive - Hill Haverty Building, and 106 Edgewood Avenue - Edgewood Haverty Building), the setback of those buildings can be used in the calculations. The Staff finds that the side yard setbacks range from 0 ft. (several buildings) to 198 ft. (the distance from the side of 206 Edgewood Avenue to the western property line). The Staff finds that the rear yard setbacks range from 3 ft. 10 in. (Butler Street YMCA Building) to 76 ft. (Walden Building). The Staff would add that given the dual frontages of the property, the orientation of the 206 Edgewood Avenue building towards Edgewood Avenue and the orientation of the new construction towards Edgewood Avenue, the long east-west property lines at the northern edge of the parcel and the north-south property line at the western end of the parcel could be assessed as side or rear yards. This duality would require some of these yards to be smaller or larger depending on which orientation of the property is used. As such, taking these calculations in combination, the Staff finds that all of the proposed side yard and rear yard setbacks fall within that ranges established by the compatibility rule.*

The mechanical equipment is located on the roof the building and is screened or is located in underground vaults. Both conditions meet the District regulations.

#### **Parking (Vehicle and Bicycle) and Curb Cuts**

There are no minimum parking requirements in this Subarea of the District, but there are maximum parking allowances for both multi-family and non-residential uses. While it would appear that the maximum parking limit has not been reached when only taking into account the multi-family unit and parking space count, it is not clear the total amount of non-residential square footage (which doesn't include the accessory spaces for the multi-family use) and thus the maximum parking for the whole project can't be determined. The Staff would recommend the total non-residential square footage of the project be calculated and the project meet the maximum parking limitations for all types of square footage.

*A parking calculation was included in the revised submission. Based on those calculations, the Staff would recommend the Applicant document that no more than 35 parking spaces will be allocated to the non-residential square footage.*

In contrast, bicycle parking is required, must have a certain anchor design and must be located within 100 ft. of the building entrance. While bicycle storage is shown on both parking levels, no details are provided about the number of bicycles that can be accommodated and the proposed anchor mechanism. Further, none of the bicycle storage areas are within 100 feet of the building entrance, which the Staff finds to be either the parking deck access drive at the front façade of the building at sidewalk level or the sidewalk level pedestrian entrances to the retail spaces and residential lobby. The Staff would recommend the bicycle storage be redesigned to become bicycle parking that meets all of the District regulations.

*The revised submission includes a bicycle parking analysis, which meets the District regulations. However, given that all of the required and excess bicycle parking is located inside the parking deck, the Staff would suggest that some of the bicycle parking be accommodated outside the parking deck and/or signage is included to direct people to the bicycle parking inside the deck.*

From a design perspective, the proposed vehicle parking is located below ground and does not have any street or sidewalk level exposure and does not face any street.

A 24 ft. wide curb cut is proposed along Edgewood Avenue for a two-way driveway, which meets the District regulations. There is no existing alley that could be used for vehicle access. Further, placing the curb cut along Jessie Hill Jr. Drive would require the extensive renovation or demolition of a contributing building, assuming that a loading dock could be located somewhere else on the property. If the loading can only be located along Jessie Hill Jr. Drive (and shown as such through the variance process), both buildings along Jessie Hill Jr. Drive would be affected. As such, the Staff finds that there is not a reasonable alternative to having a curb cut along Edgewood Avenue.

However, the Staff is concerned that there is only small walkways for pedestrian coming out of the parking area to get to the street or the front doors of the sidewalk level uses. The Staff would recommend a wider and clearer pedestrian exit from the parking deck to the public sidewalk be provided.

*The revised design includes a clear pedestrian path to and from the parking deck with its own access opening on the façade.*

The Staff would recommend that the plans specify that the sidewalk material will continue across the curb cuts.

*The revised plans note that the sidewalk material will continue across the Edgewood Avenue curb cut, but not the Jessie Hill, Jr. Drive curb cut for the loading docks. The Staff would retain its previous recommendation.*

### **Sidewalks and Site Features**

The site plan included in the submission notes that the existing sidewalk will remain along Edgewood Avenue and Jessie Hill Jr. Drive. The Staff finds that given the size of the project and it amounts to the wholesale redevelopment of most of the property, it is very doubtful that the existing sidewalk will remain on Edgewood Avenue. As such, the Staff finds that the project will need to incorporate a new sidewalk along Edgewood Avenue. The District regulations require new sidewalks to have the same width and delineation of amenity zone (along the curb) and walk zone as the abutting properties. Along Edgewood Avenue, the existing sidewalk does not include an amenity zone along the curb. Given the proposed building aligns with the existing and retained Edgewood Haverty Building, the Staff finds that a likely required new sidewalk meets the District regulations. Given that there is not amenity zone on the street, the Staff finds that street trees are not required for Edgewood Avenue.

Along Jessie Hill Jr. Drive, the existing buildings are being retained, so the Staff finds this sidewalk could in fact remain throughout the project. Regardless, as if the case with Edgewood Avenue, there is no amenity zone along the curb and any new sidewalk would also meet the District regulations.

The District regulations do not allow fences in the front yard of a property and restricts their visibility anywhere on the property. There are two fences proposed as part of the project: one located between the new building and the Edgewood Haverty building, and one between the new building and the property line to the west. The Staff finds that these fences are not located in the front yard, as no front yard exists in the case of this project. However, both fences are clearly visible from public view. While the Staff understands the need for such fences to provide both security with the project and accessibility for utility units and structures, the Staff is concerned about their design and proximity to the public sidewalk. The

Staff would recommend that the two fences proposed along Edgewood Avenue are substantially integrated into the design of the building itself and have fewer characteristics of a fence.

*The revised design includes a site wall / false façade between the Edgewood Haverty Building and the new building in which the access / maintenance gate is located. The fence / gate at the western property line has been maintained due to the need for emergency ingress. Other security fencing has been included behind the Jessie Hill Jr. Drive buildings. The Staff finds that the revised design of the first gate, the new fencing at the rear of the buildings, and the rationale for the second gate meets the District regulations.*

It does not appear that any trees will be removed as part of the project. If any trees are removed, the City's Tree Ordinance requirements must be met.

The Staff finds that given the proximity of the new construction to the surrounding buildings, the general character of Edgewood Avenue and Jessie Hill Jr. Drive, and the character of the buildings and structures that abut the property in the rear, no landscape buffering is necessary to screen this building from any of its surrounding buildings or uses.

The Staff would recommend the Applicant clarify if utilities will be buried underground or if not, their reasonable efforts to try to accommodate this design feature.

*The revised plans note that the only remaining overhead utility service (electrical lines) will be buried as part of the project. All other utilities will remain buried.*

### **Overall Massing and Scale**

The new building is 6 stories above the sidewalk level. In this portion of the Subarea, the District regulations limit the height of new construction to 1.5 times the height of the tallest contributing building on the block, which in this case is the Butler Street YMCA building. However, there is also a maximum cap on the building height of 68 ft. regardless of the height of the tallest contributing building on the block face.

Building height is 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. The Edgewood Avenue elevations show the maximum 68 ft. height measured from the finish floor at the "midpoint of the frontage" along Edgewood Avenue. There is no maximum height shown on the Jessie Hill Jr. Drive elevation. Given the site slopes down along Edgewood Avenue from west to east and along Jessie Hill Jr. Drive from south to north, the maximum height measurement needs to be taken starting at the average grade (which is a vertical delineation) vs. the midpoint of the frontage (which is a horizontal delineation) on each elevation and ending at the highest point anywhere on that elevation. The Staff would recommend the height calculations are revised to meet the measuring technique required by the District regulations and the maximum height of the building adjusted, as necessary, to comply with the District regulations.

*The building height measurement technique has been adjusted to accommodate the average point of grade and the resulting building height along Edgewood Avenue now meets the District regulations. The Staff has also concluded that given the majority of the dual frontage of the property is located along Edgewood Avenue and the building height will be regulated by the Edgewood Avenue calculation, the height of the building should not be assessed from Jessie Hill Jr. Drive. Therefore, the Staff finds the building meets the maximum height limitations.*

Regarding the scale of the building, the Staff finds that generally speaking the overall massing is compatible with the District. While it is clearly larger than the immediately surrounding buildings, the Butler Street YMCA building just to the northeast is as tall as the proposed building. However, the Staff is concerned about the various projections (though slight) and changes in cornice height. Presuming that they were included in the project to create variety within the building and “break up” the massing, the Staff is concerned that they create a too disjointed massing and complicated façade that is not compatible with the District regulations. While the Staff finds that breaking down the mass of the building is required to meet the District regulations, the proposed approach does not accomplish that and create a façade pattern that also meets the District regulations. The Staff would recommend that the number of changes in cornice height is reduced, longer sections of the same cornice height are used, and the number of slight projections in the façade be reduced so as to create larger, but still distinct, façade patterns.

*In the revised submission, the Applicant describes the new elevations and design of the building as a grouping of three “elements” so as to give the impression of three attached buildings. This was accomplished by revising the arrangement of the materials (which will be addressed below) but also changing and size of the projections and making all of the cornice lines the same.*

*The Staff generally agrees with the change in the projection sizes and locations, though it is somewhat concerned about the projecting portion of “element #2” with its knee brackets underneath. While it understands the intention of the projection, given it is cantilevered above the rest of the building, the Staff finds that it does not meet the District regulations. Further, the Staff is concerned that the lack of differentiation in the cornice line minimizes creation of the three “elements” and does not sufficiently allow the scale of the building to be broken down as recommended by the Staff. The Staff would recommend that the cantilevered portion of “element 32” be revised to be a detail that meets the District regulations and that cornice lines of the three “elements” be differentiated either in height or design to distinguish the “elements” from each other.*

### **Architectural and Façade Elements**

The District regulations have specific requirements as to the pattern, size, and location of the fenestration on the sidewalk level of the project that has to occupy a minimum of 60 % of the length of the façade. While it would appear the design would meet this requirement, no such calculation was included in the submission. The Staff would recommend the sidewalk level fenestration meet all of the District regulations and the plan indicate as such. Notwithstanding this requirement, the Staff finds that the storefronts meet the overall design requirements for such fenestration as they have a three part storefront design with large display windows, which is compatible with similar windows in the District.

*The revised submission includes the documentation that the sidewalk level fenestration requirements have been met both in the overall percentage of length and the amount of any given length of the façade without fenestration.*

The Staff is concerned, though, with the fenestration pattern on the upper floors of the building which includes numerous groups of three windows, an isolated use of arched windows and thin, horizontal windows behind the Jessie Hill Jr. Drive buildings, but facing Edgewood Avenue. While the Staff understands that the project is not required to mimic existing window patterns in the District, the Staff is concerned that these differences in fenestration pattern (along with the massing issues noted above) create an inconsistency in the façade pattern. Further, groups of three windows are not the predominant window pattern in the District. The Staff is not aware of any example of the three-part, horizontal windows found behind the Jesse Hill Jr. Drive buildings. The Staff would recommend the fenestration pattern on the building be revised to meet the District regulations.

*The revised design includes the reduction in the number of groups of three windows in the upper levels of the project from six groups to four groups on the main Edgewood Avenue façade. Given the presence of groups of three windows on the 206 Edgewood building, the Staff finds that this reduction is sufficient. However, it still concerned about the groups of three horizontal windows on the Edgewood facing and Jessie Hill Jr. Drive facing façades, behind the 206 Edgewood building which are un-changed in the revised design. Given these provide light into a public hallway in the apartments, the Staff finds that they too could be revised to have a pattern and design that is more compatible with windows in the District.*

*The Staff would retain its previous recommendation.*

The Staff is also concerned about the size of the opening in the building for the parking deck vehicle and parking deck pedestrian access. The curb cut is 24 ft. wide, with small walkway provided on either side of pedestrians to exit the parking deck. While the Staff acknowledges that it recommended an increase in the width of the pedestrian walkways, the Staff finds that one, widened pedestrian walkway could be incorporated into the area and visually separated from the vehicle access and/or integrated into the façade of the building. The other walkway could be eliminated completely, which would reduce the vehicle entrance width and at the same time increase the significance of the pedestrian walkway. The Staff would recommend the parking deck access way along Edgewood Avenue be redesigned to reduce its width, incorporate a wider pedestrian walkway, and increase the visual significance of the pedestrian walkway.

*The revised design still includes the 24 ft. wide curb cut, but substantially reduces the width of the opening in the building to just the width of the driveway. The pedestrian entrance has been made a separate distinct opening.*

No awnings are proposed for the new building, but three flat, metal canopies are proposed along Edgewood Avenue. While the overall concept of the canopies meets the District regulations, no information was provided about their clearance above the sidewalk or projection over the right of way. The Staff would recommend the flat, metal canopies meet all the District regulations.

*In the revised design, canopies are located on the new building, as well as the 206 Edgewood building. The design of the canopies meets the District regulations. The proposed canopies meet the District regulations as to their depth and clearance above the sidewalk as well.*

No exterior security grills, gates, or doors are proposed as part of the project.

No security or exterior lighting is indicated on the elevations. The Staff would recommend that any exterior lighting of any type be indicated on the plans and meet the District regulations.

*The revised design notes where and how new scones will be located on the new construction, as well as where security lighting will be located on the parking deck portion of the new construction. No new lighting is indicated on the exterior of the existing contributing buildings. The proposed lighting meets the District regulations.*

### **Materials**

Apart from the metal windows and doors, the exterior of the project utilizes brick (with different coursing and joints), EIFS, and case stone / concrete. These materials are used in both vertical and horizontal groupings. The District regulations require that exterior materials meet the compatibility rule and be used

in a coherent manner. The compatibility rule requires comparison to contributing buildings, though there is an allowance for other masonry materials on facades that don't face a public street.

The Staff is concerned that EIFS is not historically found on any contributing building, but is used in five significant groupings along the Edgewood Avenue facing façade and almost half of the Jessie Hill Jr. facing façade. It is also used as the cornice along both facades. The Staff does not find that the use of EIFS meets the District regulations for the Edgewood Avenue façade. Further, while agrees that the portion of the Jessie Hill Jr. façade is set behind the existing historic buildings and thus should be given some flexibility, the amount of EIFS is too significant on that façade.

Regarding the variation on the brick, the Staff finds that the different types of coursing also would create different visual effects that would not meet the District regulations.

Further, the materials are stacked and aligned in patterns that are not compatible with contributing buildings and do not follow the typical ornamentation pattern and façade hierarchy found on contributing buildings. For example, there are secondary cornices at the third level, but only in three locations intermixed with secondary cornices at the second level in four locations. The location and alignment of the materials creates the effect of a segmented, large building vs. the visual effect of two or three, internally cohesive smaller buildings next to each other.

The Staff would recommend the materials on the exterior of the building meet the District regulations as to the material itself, its location, alignment with other materials, and percentage of use.

*The EFIS has been eliminated from the proposed list of materials and the use of the other materials has been simplified. However, in what is now referred to as "element #3", the secondary cornices are still located at both the second and third levels. The Staff would still maintain its recommendation as to location of the secondary cornices.*

No painted glass, reflective glass, or other similarly treated fenestration is proposed. No glass block is proposed for the storefront areas.

### **Renovations to the Existing Buildings**

While the question of demolition of the rear portions of the 20 Jessie Hill Jr. Drive and the Edgewood Haverty Building are the subject of the companion application (CA4ER-14-300), the exterior renovation of what would be the remainder of those buildings and the 10 Jessie Hill Jr. Drive building are the subject of this application. The elevation have very general notes as to the exterior renovation of these buildings, noting new windows and doors "compatible with the historic structure". Photographs are provided of the exteriors of the buildings, but no specific information is included about the condition or historic status of the existing windows and doors. The narrative included in the submission notes that "restorations carefully undertaken...consistent with the Secretary of the Interior Standards for Rehabilitation". While the Staff acknowledges that such an exterior restoration would meet the District regulations, the Staff is concerned that replacement of repairable, historic windows and doors would not meet the Standards and thus would not meet the District regulations. Further, additional information about the treatment of the various masonry surfaces is needed. The Staff would recommend that additional information be provided about the exterior renovations of the retained buildings.

*Additional information was included in the revised submission for the exterior renovations of all three buildings. However, the Staff is still concerned about the treatment of the windows, though it understands that some of these renovation decisions can't be made until further in-the-field information is gathered*

about the windows. Eventually detailed photographs and condition assessments should be provided to the Staff documenting the condition of the windows and other architectural features on each building. Further, if replacement is necessary, the replacement windows or features should be similar to the historic or original windows in each building not necessarily the windows that exist today. The Staff would retain its previous recommendation.

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

1. The variance request meets the criteria for such requests, per Section 16-26.003(1)

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-14-427 for a variance to allow a loading dock on a primary façade where otherwise prohibited at **186, 204, and 206 Edgewood Avenue and 10-20 Jessie Hill Drive** - M. L. King, Jr. Landmark District (Subarea 4).

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

1. There are substantive components of the overall massing and design, architectural elements, façade components, and materials that do not meet the District regulations, per Section 16-20C.004, Section 16-20C.005, Section 16-20C.006, Section 16-20C.007, Section 16-20C.008, and Section 16-20C.009.

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-14-300 for a new multi-family building at **186, 204, and 206 Edgewood Avenue and 10-20 Jessie Hill Drive** - M. L. King, Jr. Landmark District (Subarea 4), with the following conditions:

1. All proposed uses shall be permitted by the District regulations, per Section 16-20C.005;
2. The Applicant shall clarify their usable open space calculations to indicate those areas that meet the definition of usable open space and that such spaces together meet the minimum requirement of the District regulations, per Section 16-20C.007(1)(c);
3. The Applicant shall document that no more than 35 parking spaces will be allocated to the non-residential square footage, per Section 16-20C.009(1)(a);
4. The plans shall specify that the sidewalk material will continue across the curb cuts, per Section 16-20C.009(3)(f);
5. The cantilevered portion of “element 32” shall be revised to be a detail that meets the District regulations and the cornice lines of the three “elements” shall be differentiated either in height or design to distinguish the “elements” from each other, per Section 16-20C.008(1)(a);
6. The fenestration pattern on the building shall be revised to meet the District regulations, per Section 16-20C.008(1)(b);
7. The location of the secondary cornices shall be the District regulations as to their location, and alignment with other materials, per Section 16-20C.008(1)(a) and (3)(a);
8. Additional information shall be provided about the exterior renovations of the retained buildings, per Section 16-20C.004(1);
9. The Staff shall review, and if appropriate, approve the final plans, specifications and supporting documentation.



**KASIM REED**  
MAYOR

**CITY OF ATLANTA**  
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**CHARLETTA WILSON JACKS**  
DIRECTOR  
Office of Planning

**STAFF REPORT**  
**June 11, 2014**  
***REVISED***  
***October 22, 2014***  
***(Revised text shown in italic.)***  
**REVISED**  
**January 14, 2015**  
**(Revised text shown in Arial.)**

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-14-145) for alterations and additions at 377 Edgewood Avenue- M. L. King, Jr. Landmark District (Subarea 4).

**Applicant:** Dana Armour  
3763 Rogers Bridge Road, Duluth

**Facts:** The existing one-story gas station building was converted to a restaurant several years ago. The contributing building to the District includes the service canopy, which was converted to an outdoor dining area by the use of planters and creation of a level walking / seating area.

The Applicant currently proposes to make substantial additions and alterations to the building, as follows:

1. Partially enclose the existing service canopy area;
2. Add a “bay” to the eastern end of the building;
3. Add an addition in front of the two existing service bays almost equal in depth to the enclosure of the service canopy;
4. Install a canopy above a new patio (which includes an outdoor fireplace on the eastern end) along the entire front of the building in front of the proposed addition almost equal in depth to the un-enclosed portion of the service canopy;
5. Add a roof top, outdoor dining area over the entire, expanded building;
6. Add a dumpster and dumpster enclosure at the southwest corner of the building; and
7. Add a landscaping strip along the William Holmes Borders Drive edge of the property and a landscaped area along the Edgewood Avenue portion of the property, the latter of which would define a valet drop-off zone / lane.

The Staff would add that as of the date of the Commission meeting, the proposed comprehensive revisions to the District regulations contained in Z-14-09 will have been enacted by the City and thus would apply to this project. This would include the inclusion of the Edgewood Avenue

corridor and the Auburn Avenue corridor in one Subarea 4, combining the former Subareas 4 and 5.

*At its June 11, 2014 meeting, the Commission deferred this application to allow time for the Applicant to address the Staff's concerns and comments. On October 8, 2014, the Applicant submitted a substantially revised design and supporting documentation. It is these revised materials that are taken into account in this revised Staff Report.*

At its October 22, 2014 meeting, the Commission deferred the application to allow time for the Applicant to address the concerns and comments of the Staff as well as those of the Commission. On January 9, 2015, the Applicant provided revised plans and supporting narrative. It is these revised materials that are taken into account in this revised Staff Report.

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

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
  - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
  - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  - c. Each property shall 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 architectural elements from other buildings, shall not be undertaken.
  - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
  - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
  - a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
    - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.

- ii. Block face. One side of a block, located between two consecutive street intersections.
- b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
  - ii. On contributing buildings on the same block in Subareas 3 and 4.
- c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
- d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
- e. 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.
  - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
- 3. Certificates of Appropriateness.
  - a. General Provisions.
    - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
    - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
    - iii. No certificate of appropriateness shall be required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials.
  - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
    - i. All new principal structures;
    - ii. Additions;

10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).

Sec. 16-20C.005. Permitted Principal Uses and Structures.

- 1. Permitted Principal Uses and Structures: The following permitted uses and restrictions apply to all Subareas within this District, except Subarea 5:
  - a. The permitted principal uses and special permit uses set forth in Table 1: Martin Luther King Jr. Landmark District Table of Uses shall be permitted only as listed within each Subarea within said table of uses and only in the manner so listed.
  - b. Permitted principal uses. A building or premises shall be used only for the principal uses indicated with a "P" in Table 1: Martin Luther King Jr. Landmark District Table of Uses, subject to further restrictions where noted.

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	SUBAREA 1 Auburn Ave Res	SUBAREA 2 Residential	SUBAREA 3 Institutional	SUBAREA 4 Auburn/Edgewood Commercial
NON-RESIDENTIAL USES				
Eating and drinking establishments	X	P *	X	P

NOTES
# Bed and breakfast uses in Subarea 2 shall comply with the use restrictions of 16-20C.005(2)(b).
@ Park-for-hire surface parking lots shall comply with the use restrictions of 16-20C.005(3)(c).
% Roof antennas and similar uses shall comply with the use restrictions of 16-20C.005(3)(d).

\* Limited to location set forth in 16-20C. 005(2)(c) and further limited to a maximum size of 2,000 square feet for each individual use.

^ Limited to location set forth in 16-20C. 005(2)(c) and further limited to a maximum size of 4,000 square feet for each individual use.

& On an undeveloped lots.

3. The following additional Permitted Principal Use and Structures provisions shall apply to Subareas 3 and 4.
  - a. Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises; and no storage for such merchandise shall occupy more than 40 percent of the floor area on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.
  - e. Active uses. Ground floor, sidewalk-level uses are further regulated in this district for the purposes of creating vibrant and pedestrian-oriented sidewalks and streets. Active uses, where provided, shall be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses designated in Table 1: Martin Luther King Jr. Landmark District Table of Uses, except that the following non-residential uses shall not be considered as active uses:
    - i. Drive-in and drive-through facilities.
    - ii. Parking and driveways.
    - iii. Accessory non-residential storage areas.

Sec. 16-20C.006. Lot Controls and Building Heights.

2. The following Lot Controls and Building Heights provisions shall apply to Subareas 3 and 4.
  - a. Building heights.
    - i. Maximum building heights shall be permitted up to a maximum of one and one-half (1.5) times the height permitted utilizing the compatibility rule, provided that:
      - (1) For property located east of Interstate 75/85, no building shall be permitted to exceed a maximum height of 55 feet.
      - (2) For property located west of Interstate 75/85, no building shall be permitted to exceed a maximum height of 68 feet.
    - ii. The building heights permitted in this subsection are intended to be the maximums authorized but are subject to further compatibility restrictions under other provisions of this district relative to building form, scale, massing and materials.
    - iii. Notwithstanding the height requirements of these subareas, previously existing structures in existence before 1967 but no longer in existence may be reconstructed to their original footprints and height where the applicant shows by archived evidence or sworn affidavit(s), and the Commission finds, that such structural dimensions previously existed on the proposed site.

Sec. 16-20C.007. Sidewalks, Yards and Open Space.

1. The following Sidewalks, Yards and Open Spaces provisions shall apply to Subareas 1 through 4.
  - a. Sidewalks.
    - i. Public sidewalks shall be located along all public streets and shall consist of two (2) zones: an amenity zone and a walk zone.
    - ii. The amenity zone shall be located immediately adjacent to the curb with a consistent cross-slope not to exceed two (2) percent. Width shall be measured from back (building side) of curb to the walk zone. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.
    - iii. The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape, with a consistent cross-slope not exceeding two (2) percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight (8) feet.
    - iv. New sidewalks and their corresponding zones 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 amenity zone shall be a minimum of two (2) feet wide and the new walk zone shall be a minimum of five (5) feet wide.

- v. Street trees shall be planted a maximum of 30 feet on-center within the amenity zone and shall be spaced equal distance between street lights.
- vi. Any existing decorative hardscape treatment of sidewalks, including amenity zone or walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape and color.
- vii. Decorative pedestrian lights, where installed, shall be placed a maximum of 60 feet on center and spaced equidistant between required trees. Where installed, said lights shall be located within the amenity zone. Said lights shall be as approved by the Director. New developments shall match the light and tree spacing on blocks where existing Atlanta Type lights are installed.
- viii. Changes or additions of planters, trash containers, street lighting, and similar elements, shall require a Certificate of Appropriateness by the Commission.
- ix. Upon redevelopment of a parcel reasonable efforts shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.

c. Required Open Space.

- i. Open Space shall be required only for multi-family uses. All other uses shall have no Open Space requirements.
3. The following additional Yards provisions shall apply to Subareas 3 and 4.
- a. Front, Rear and Side Yards. All front, rear and side yards for this Subarea shall be established through the compatibility rule, except that zero-lot-line side yards shall be permitted as a minimum side yard allowance regardless of the compatibility rule application.

Sec. 16-20C.008. Design Standards.

1. The following Design Standards provisions shall apply to Subareas 1 through 4.
- a. Building Compatibility.
    - i. All elements of new construction shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
    - ii. The compatibility rule shall apply to a principal structure's general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.
    - iii. Fiberglass roofs shall be prohibited.
  - b. Fenestration.
    - i. The compatibility rule shall apply to the following aspects of fenestration:
      - (1) The style and material of the individual window or door.
      - (2) The size and shape of individual window and door openings.
      - (3) The overall pattern of fenestration as it relates to the building façade.
      - (4) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
    - ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.
    - iii. Except as otherwise provided in 16-20C.008(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.
  - c. Landscaping.
    - i. A landscape plan may be required by the Commission to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the district.
    - ii. Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158-26 et seq., shall apply to this district.
  - d. Loading Areas, Loading Dock Entrances, and Building Mechanical and Accessory Features for All Non-Residential Uses.
    - i. All dumpsters shall be concealed with walls six (6) feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco and shall not be visible from any public street.
    - ii. Loading docks and loading areas shall not be permitted on the primary façade of a principal building.
    - iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.
    - iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible from any public street.

- v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.
3. The following Design Standards provisions shall apply to Subareas 3 through 4.
- a. Facades.
    - i. Building materials for the façades of principal structures shall be determined by the compatibility rule. Concrete block and other masonry materials may be used on façades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any façade.
    - ii. Covering of the original façade shall not be permitted.
    - iii. Painting of unpainted building materials and masonry is prohibited.
    - iv. All cleaning of stone, terra cotta, and brick shall be done with low-pressure water and mild detergents.
    - v. All repairs to original mortar shall be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints shall be duplicated in width and in joint profile.
    - vi. Cornice lines shall cap all building facades and shall consist of sheet metal, brick, cast concrete or terra cotta materials.
  - b. Active uses (See Sec. 16-20C.005(3)(e))
    - i. Active uses shall be provided within buildings and parking structures for the entire length of said building façade except ingress and egress points into parking structures or loading areas.
    - ii. Active uses shall be provided for a minimum depth of 20 feet, as measured from the sidewalk-level building façade.
  - d. Fenestration.
    - i. A minimum of 60 percent of the length of the building façade shall contain fenestration.
    - ii. Sidewalk-level development without fenestration shall not exceed a maximum length of 10 feet of façade.
    - iii. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.
  - e. Illumination and Security Features.
    - i. Security, decorative, and other lighting shall minimize light spillage by providing cutoff luminaries that have a maximum 90-degree illumination. The Commission may also require other elements to reduce light spillage.
    - ii. Any security, decorative, or other lighting luminaries shall be located a minimum height of eight (8) feet above the sidewalk, drive, or pedestrian area.
  - f. Awnings and Canopies.
    - i. Original awnings and canopies shall be retained.
    - ii. Replacement awnings or canopies are permitted only when original awnings or canopies cannot be rehabilitated.
    - iii. Awnings and canopies must have a minimum clearance of eight (8) feet above the sidewalk level, and shall not encroach more than five (5) feet over the public sidewalk.
    - iv. Installation of new canopies upon contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.
    - v. Installation of new canopies upon non-contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the district.
    - vi. New awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.
    - vii. New awnings shall be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
    - viii. Multiple awnings on a single building shall be similar in shape and configuration.
    - ix. Only that portion of the awning used for signage shall be illuminated.

Sec. 16-20C.009. Off-Street Parking, Parking Structures, Driveways, Driveways and Curb Cuts.

- 1. The following Off-Street Parking regulations shall apply to Subareas 1 through 4.
  - a. Parking Requirements. Off-street parking and bicycle parking requirements shall be as specified in the Martin Luther King, Jr. Landmark District Parking Table and subject to the following:

TABLE 2: MARTIN LUTHER KING JR. LANDMARK DISTRICT PARKING TABLE	MINIMUM PARKING: BICYCLES	MINIMUM PARKING: AUTOMOBILES	MAXIMUM PARKING: BICYCLES	MAXIMUM PARKING: AUTOMOBILES
Non-Residential Uses	The greater of: 2 spaces or 1 space for every 4,000 square feet of floor area	None	No more than 50 spaces required	2.5 spaces for every 1,000 square feet of floor area

- i. Bicycle parking spaces shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock and shall be a type specified by the Director of the Office of Planning as applicable.
- ii. Bicycle parking shall be located a maximum horizontal distance of 100 feet from a building entrance.
- b. Surface Parking.
  - i. When utilized, off-street surface parking shall not be permitted to be located between a building and an adjacent street without an intervening building.
  - ii. When authorized, park-for-hire surface parking lots shall be prohibited from being located within 65 feet of any public street frontage.
- c. Screening for Non-Residential and Multi-family Uses.
  - i. All surface parking regardless of the number of parking spaces provided, shall comply with all of the requirements of Chapter 158, Article II, Sec. 158-30.
  - ii. Screen wall extensions shall be permitted when surface parking is directly adjacent to a public sidewalk and additionally shall:
    - (1) Be located predominantly parallel and congruent with the adjacent building façade;
    - (2) Be a minimum height of ten (10) feet and a maximum height of 12 feet;
    - (3) Be a minimum of 50 percent permeable or articulated to avoid blank walls; and
    - (4) Utilize the adjacent building for purposes of determining allowable materials and architectural features.
- 3. The following regulations shall apply to driveways and curb cuts within the district.
  - a. Use of shared driveways and/or alleys is permitted. Driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.
  - b. Circular drives and drop-off lanes shall not be located between any principal building and any public street. The Commission shall additionally have the authority to vary Section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
  - c. Curb cuts and driveways are not permitted on Edgewood Avenue, Auburn Avenue, Boulevard and Piedmont Road when reasonable access may be provided from a side or rear street or from an alley.
  - d. One curb cut is permitted for each development. Developments with more than one (1) public street frontage or more than 300 feet of public street frontage may have two (2) curb cuts.
  - e. Curb cuts shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the Commissioner of Public Works.
  - f. Sidewalk paving materials shall be continued across intervening driveways for all Non-Residential and Multi-family uses.

**General Development Controls and Uses**

A variety of commercial uses are permitted in the Subarea, including eating and drinking establishments. The ground-floor sidewalk level is proposed for active uses for the required depth.

*The revised submission still meets this requirement.*

The revised submission still meets this requirement.

No off-street parking is indicated on the site plan, but bicycle parking is required. The Staff would recommend that the Applicant document compliance with the bicycle parking regulation. No new curb cuts or driveways are proposed.

*The revised site plan indicates a bike rack with six (6) bicycle parking spaces, which meets the minimum requirements.*

The revised submission still shows the bike rack, which has been relocated to the northwest corner of the property. While not required by the District regulations, the Staff would suggest that the bicycle racks be moved to be closer to the outdoor seating area to increase their usable and the security of the locked bicycles.

The front, east, and rear yard setbacks of the building are changing. The Staff would recommend the Applicant document compliance with the setback regulations.

*No additional information was included in the revised submission. The Staff would retain its previous recommendation.*

In the revised submission, the Applicant provided a copy of the tax plat which shows the contributing buildings on the block face to the east (379, 393, and 395-399 Edgewood Avenue.) The left side yard setback of 379 Edgewood Avenue is zero (0). The right side yard setback of 393 Edgewood is zero (0). The rear yard setbacks of 395 and 399 Edgewood are zero (0). Further, the half-depth front yard of 399 Edgewood Avenue (facing Jackson Street) is also zero (0). Given that the existing building is also considered contributing to the District, its setbacks can be used as points of comparison. As such, the zero left side yard, zero rear yard, and smaller half-depth front yard of the addition meet the District regulations. The front yard setback of the project also meets the District regulations given the enclosure of the service canopy is within the footprint of the existing canopy and the front portion of the addition aligns with the existing front façade of the building.

Partially enclose the existing service canopy area.

The Staff finds that it is possible to partially enclose the service canopy area so that the architectural character and proportion of the now open service canopy area can be maintained and the enclosure is distinct from but compatible with the historic building. However, the Staff further finds that the proposed design, essentially mimicking the existing fenestration patterns, detailing, and architectural components is too similar to the existing building and will not maintain the openness of the existing service bay. For any enclosure of the service canopy area to be found to meet the District regulations, it would have to be more transparent and more distinct from the existing building.

The Staff would recommend that the enclosure of the service canopy area be substantially re-designed to be much more transparent and distinct from but compatible with the existing building.

*In the revised submission, the enclosure of the open service canopy area is achieved through the use of “roll up glass doors” instead of “storefront”. The elevation shows the same graphic, with only a note describing the different functionality. As such, it is not clear how the new doors will visually be more transparent and more distinct from the existing building than the previous*

*proposal. Further, given the design of the ceiling and fascia of the open service canopy area, it is not clear how the roll-up door system will be mounted as to not unnecessarily harm and/or diminish the architecture of the canopy. The Staff would retain its previous recommendation and additionally recommend the Applicant provide more design details on the roll up door proposal.*

In the revised submission, the Applicant proposes that the service canopy area be enclosed with two roll-up, garage style doors on the sides and a permanent storefront window system on the front. The elevations show the retention of the original support poles and previously installed soffit, while the color rendering does not show the retention of the existing support poles. The revised submission also includes examples of how the tracks will work and look for the roll-up doors.

The Staff finds the roll up doors (as shown in the side elevation) are a compatible alteration to the service canopy given that they are substantially clear and their lifting mechanism does not require alteration to the soffit or canopy itself. However, the storefront system shown in the front elevation contains too heavy and too many framing members. The storefront system shown in the color rendering is substantially more compatible with the service canopy and in particular the Staff finds the all-glass corner to be a significant element of the design. Lastly, the Staff is concerned about the inclusion of a triple band detail below the existing soffit that extends the existing ornamentation of the building. The use of this detail will create a false sense of history and development to the building.

The Staff would recommend that the service canopy be enclosed with roll-up doors on the side as depicted in the side elevations, a storefront system on the front as shown in the color rendering, and that all existing, architectural features of the service canopy are retained and no triple band detail be added below the existing soffit.

Add a “bay” to the eastern end of the building.

Add an addition in front of the two existing service bays almost equal in depth to the enclosure of the service canopy.

The Applicant has proposed extending the building to the almost the eastern property line. Absent any concerns about the lack of documentation of the setbacks noted above, the Staff finds that making an addition to the side of the existing building is possible, regardless of whether or not three bay Gulf stations existed somewhere else. The Staff further finds that such an addition would have to be somewhat distinct from the rest of the building to clearly delineate it as a contemporary addition.

Even taking into account the Staff’s concurrence that a side addition could be compatibly added to the building, the Staff has substantial concerns about the construction of an addition along almost the entire length of the existing building, including in front of the proposed side addition. Taken together, these changes (along with the partial enclosure of the service canopy area) would completely engulf the existing building leaving only the William Holmes Borders façade visible from a public street. The building would essentially no longer present any historic materials to the public and would only be a facsimile of its historic presence. Further, given that the proposed design attempts to mimic the existing service bay fenestration pattern, materials, and architectural elements, the proposed addition would create a false sense of historic and evolution of the property.

The Staff would recommend the addition proposed to the front of the building be removed from the proposed design.

*The addition proposed along the front of the building has been removed from the proposed design.*

*The addition on the eastern end of the building has been retained and its panel system has been differentiated from the existing panel system on the rest of the building. The Staff finds that this differentiation will sufficiently distinguish the addition from the rest of the building and could maintain some compatibility with the rest of the building. The Staff would recommend the Applicant provide additional design details on the exterior finishes of the addition on the east end of the building.*

The revised submission includes some additional details regarding the metal panel system for the eastern addition, which would have a different pattern to the metal panels. While it appreciates the additional information, the Staff would retain its previous recommendation so that when the final plans are prepared, construction details / specifications will be included in that plan set.

Install a canopy above a new patio (which includes an outdoor fireplace on the eastern end) along the entire front of the building in front of the proposed addition almost equal in depth to the un-enclosed portion of the service canopy.

Notwithstanding the Staff's substantial concerns about the addition along the front of the building, the Staff does find that an outdoor seating area and canopy can be added to the front of the existing building so that the architectural character and proportion of the building can be maintained and the canopy / outdoor seating area is distinct from but compatible with the historic building. However, the Staff further finds that given the lack of details about the proposed canopy, it is not able to make such a determination. It would appear that the proposed canopy will be too similar to the existing service canopy design and will too closely draw from the trim and architectural details of the existing building.

The Staff would recommend that additional design information be provided about the proposed canopy and outdoor seating area in front of the existing building and the canopy design be compatible with but distinct from the existing building.

*In the revised submission, the canopies have been removed from the design. The outdoor seating area still retains the planter box boundary and outdoor fireplace. The Staff finds that planter boxes are an appropriate, but non-permanent way to define an outdoor dining space. It is still concerned about the outdoor fireplace, given the reference to both brick and steel. It would appear to be still a residentially-based design, with a brick exterior. While the Staff does not know of an outdoor fireplace original to a post-World War II gas station, it does find that adding such a feature, if compatibly designed, does meet the District regulations. The Staff would recommend the outdoor fireplace be re-designed to be compatible with but differentiated from the architecture of the existing gas station building.*

The revised submission includes photographic examples of fireplaces, some outdoor and some indoor. All of the examples have metal cladding over very simple, often rectangular designs. The Staff finds that these examples are more compatible than the previous design. The Staff finds that the simpler the material and design, the more

likely it is to be compatible to meet the District regulations. While it appreciates the additional information, the Staff would retain its previous recommendation so that when the final plans are prepared, construction details / specifications will be included in that plan set.

Add a rear addition along the entire rear façade of the existing building.

*In contrast to the previously proposed front addition, the Staff finds that a rear addition is a much more compatible way to expand the building. Notwithstanding the setback requirements noted above, the Staff finds that the rear addition (with its stucco coating) allows the existing building to continue to be the dominant architectural feature of the property and will be differentiated from the existing building. However, it is not clear how the stair case will provide access to the roof top area, given that there is no door indicated on the side elevation and the stairs stop below the roof top level. The Staff would recommend that additional design details be provided about the outdoor stairs to the roof top level and how access to the roof top level will be achieved.*

The revised submission includes a design for a switch back set of stairs along the western end of the new rear addition, which are enclosed by a solid stucco railing that is integral to the outside wall of the addition itself. There also appears to be an interior stair down from the rooftop patio into the restaurant along the back wall of the addition. The Staff finds that the new stair design is compatible with the building and meets the District regulations.

*In addition, the Staff would strongly suggest that the Applicant provide more information about the “dark stucco finish” proposed for the addition. While the District regulations do not have paint color requirements, the Staff would suggest that the stucco on the addition be only slightly darker than the existing bright, white panels of the existing building.*

No addition information was included about this issue in the revised submission. The Staff would retain its previous suggestion.

Add a roof top, outdoor dining area over the entire, expanded building.

The proposed design includes a new roof top, outdoor dining area covered by the shed roof that slopes to the back of the building. First, the Staff would recommend that the Applicant document that the roof top outdoor dining area meets the maximum height requirements of the District regulations.

Even if the proposed roof top, outdoor dining area meets the height requirements, the Staff finds that this component of the design would completely transform the appearance and character of the building and does not meet the District regulations. While having roof top, outdoor dining could be possible on this building, given its height (one-story), depth (shallow), and architectural design (no apparent parapet wall), it will be difficult to achieve such a proposal. Further, the proposed design appears to “float” the proposed roof top outdoor dining area above the existing building using a superstructure detached and separate from the building itself. This “stilt” approach adds to the incongruity between the existing and proposed design.

The Staff would recommend the proposed roof top, outdoor dining be substantially redesigned, including but not limited to a reduction in size, an increase in distance from the edge of the dining area to the facades of the building, and change in support structure and roof design.

*In the revised submission, the roof top, outdoor dining area (though likely the same size) has been re-positioned on the roof to be farther away from the front façade of the existing building. The materials have been changed to steel with either a wood or metal ceiling. Lastly, the roof top structure is completely contained within the existing building and addition's volumes vs. having an exterior superstructure. While all of these attributes increase the potential compatibility of the roof top structure, the Staff still finds that there are additional changes that need to be made to make the roof top structure meet the District regulations.*

*All of the materials for the structure should be metal. The "railing" of the roof top structure should be made of solid continuous metal panels, not planter boxes. The western edge should be moved away from the western edge of the existing building so as to clearly distinguish the roof top structure from the existing building.*

*The Staff would retain its previous recommendation.*

The revised design of the roof top patio shows it recessed from the western edge of the existing building, planter boxes replaced by metal panels, and no wood in the structure. The Staff finds that the proposed design of the roof top patio meets the District regulations.

The Staff would add that the height of the roof top addition also appears to meet the District regulations given there are three contributing buildings on the block face that are two stories. The District regulations limit the overall height of buildings on the block face to 1.5 times the height of the tallest contributing building on the block face. The addition raises the height of the subject building to the equivalent of two stories. The Staff would recommend the Applicant document the height of the addition meets the District regulations.

Add a dumpster and dumpster enclosure at the southwest corner of the building.

The dumpster is proposed between the building and William Holmes Borders Drive, which is not permitted by the District regulations. Further, the design and materials of the dumpster enclosure are not specified. The Staff would recommend that the dumpster's location and the dumpster enclosure's design and materials meet the District regulations.

*The revised submission notes that the existing dumpster enclosure will be retained and no changes will be made.*

No revisions to the dumpster enclosure are included in the revised submission.

Add a landscaping strip along the William Holmes Borders Drive edge of the property and a landscaped area along the Edgewood Avenue portion of the property, the latter of which would define a valet drop-off zone / lane.

While the Staff does not have concerns about the landscape strip proposed along William Holmes Borders Drive, the Staff does have concerns about the use of the landscaping in the front portion of the property to create a valet drop-off zone / lane. Such lanes are prohibited in the District. While the property is allowed to keep the existing, previously approved, paved configuration the design cannot be changed to a proposal that does not meet the District regulations. Further, such a change in the property (and the substantial expansion of the existing building) would require

meeting all of the new sidewalk, streetscape, curb cut, and landscaping requirements, which have not been included in the design.

The Staff would recommend that the valet drop-off zone / lane be eliminated from the front portion of the property.

*The landscape strip along William Holmes Borders Drive has been eliminated from the proposed design. Further, the landscape strip along Edgewood Avenue has been redesigned and the valet drop-off area has been eliminated from the proposal. However, given the revised design and the elimination of the valet drop-off zone from the design, the Staff would recommend that the eastern most curb cut be removed and a sidewalk segment installed in its place that is the same as the sidewalk already existing on the Edgewood Avenue frontage. This would allow eliminate confusion for vehicle traffic in and out of the property, increase the safety of bicycle riders using the bike racks, and create a more pedestrian friendly environment in front of the outdoor dining area.*

The site plan in the revised submission does not include a new proposal, but the narrative in the revised submission proposes to continue the sidewalk / curb cut treatment installed by the Atlanta Streetcar project further east by pushing out the curb line, retaining the curb cut in the new location and installing a concrete sidewalk between the new curb cut location and the property line. (See attached photographs for current, existing conditions.) The narrative also notes the Applicant would like to retain the eastern most curb cut to allow the parking of a food truck in front of the restaurant and to prevent on-street parking in front of the outdoor seating and property.

The Staff does not find that allowing un-constrained access of a food truck to the property or preventing on-street parking are sufficient reasons to not improve the pedestrian environment and reduce the level of non-conformity with the District regulations. Notwithstanding the existing conditions of the property, the District regulations would normally only allow two curb cuts for a corner property, not allow any curb cuts along Edgewood Avenue, and limit the curb cuts to 24 ft. wide for two-way access. Given the scope and scale of the project, the Staff finds that reducing though not eliminating the amount of non-conformity regarding curb cuts and vehicle access is an appropriate response to the project.

Given the optimum solution outlined by the District regulations and the particularly the priority given to the pedestrian environment along Edgewood Avenue, the Staff finds that changes should occur to both the Edgewood and Borders' frontages of the property. The Staff would recommend the curb lines along Edgewood Avenue and Borders be maintained in their current locations, the eastern most curb cut along Edgewood Avenue and the curb cut along Borders Drive be eliminated, and the sidewalks along those sections of Edgewood Avenue and Borders Drive be rebuilt to match the recent Atlanta Streetcar improvements along Edgewood Avenue thus creating the potential for on-street parking along Edgewood Avenue.

*Install a new pole-mounted sign in the northwest corner of the property.*

*The District's sign regulations are based on the SPI-1 sign regulations, with several significant additional specifications, including the prohibition of new freestanding signs. The SPI-1*

*regulations specifically prohibit freestanding signs and the District regulations limit the location of signs to the following:*

- 1) In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.*
- 2) On or in display windows or upper façade windows.*
- 3) On or in the glazing of the doors.*
- 4) On the valance of awnings.*
- 5) On the fascia or top edge of canopies.*
- 6) Projecting perpendicularly from the building.*

*The proposed freestanding sign does not meet any of these requirements. The Staff would recommend the freestanding pole sign is removed from the proposal.*

The freestanding sign has been removed from the proposal.

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

1. While aspects of the design, size, location, components, and materials of the proposed additions and alterations meet the District regulations, there are still outstanding components that do not, per Section 16-20C.004, Section 16-20C.005, Section 16-20C.006, Section 16-20C.007, Section 16-20C.008, and Section 16-20C.009.

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-14-145) for alterations and additions at 377 Edgewood Avenue- M. L. King, Jr. Landmark District (Subarea 4) to allow time for the Applicant to address the following concerns:

1. The service canopy shall be enclosed with roll-up doors on the side as depicted in the side elevations, a storefront system on the front as shown in the color rendering, and that all existing, architectural features of the service canopy shall be retained and no triple band detail shall be added below the existing soffit, per Section 16-20C.004(1) and 16-20C.008(1)(a)(i);
2. The Applicant shall provide additional design details on the exterior finishes of the addition on the east end of the building, per Section 16-20C.004(1) and 16-20C.008(1)(a)(i);
3. The outdoor fireplace shall be re-designed to be compatible with but differentiated from the architecture of the existing as station building, per Section 16-20C.004(1) and 16-20C.008(1)(a)(i);
4. The Applicant shall document the height of the addition meets the District regulations, per Section 16-20C.006(2)(a)(i);
5. The curb lines along Edgewood Avenue and Borders shall be maintained in their current locations, the eastern most curb cut along Edgewood Avenue and the curb cut along Borders Drive shall be eliminated, and the sidewalks along those sections of Edgewood Avenue and Borders Drive shall be rebuilt to match the recent Atlanta Streetcar improvements along Edgewood Avenue thus creating the potential for on-street parking along Edgewood Avenue, per Section 16-20C.007 and Section 16-20C.009(3); and
6. The Staff shall review, and if appropriate approve, the final plans, specifications, and supporting documentation.



**KASIM REED**  
MAYOR

**CITY OF ATLANTA**  
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**CHARLETTA WILSON JACKS**  
DIRECTOR  
Office of Planning

**STAFF REPORT**  
**November 24, 2014**  
***REVISED***  
***December 10, 2014***  
***(Revised text shown in italic.)***  
**REVISED**  
**January 14, 2015**  
**(Revised text shown in Arial.)**

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-14-363) and (CA3-14-364) for a variance to allow outdoor accessory dining within 100 feet of a residence, to reduce the tree well size from 5' x 5' to 3' x 3' and to reduce the number of off-street, on-site parking spaces from 99 spaces (required) to 14 spaces (proposed) at **131 and 159 Walker St.** - Property are zoned Castleberry Hill Landmark District (Subarea 1).

**Applicant:** Jerome Russell  
504 Fair St.

**Facts:** Castleberry Hill, located in the southwest Central Business District, is an area that is significant primarily for its important collection of modest, late 19<sup>th</sup> and early 20<sup>th</sup> century commercial, warehouse, and industrial buildings. These buildings range in size from small, one- and two-story retail store fronts to large, single-tenant factories and warehouses. Since the 1980s, many of these buildings have been rehabilitated and converted to loft apartments and condominiums, studios, retail and restaurants, and art galleries.

The one-story commercial structure at 159 Walker Street is located just off of the northwest corner of Walker Street and Haynes Street, such that the south east elevation has street frontage and the east elevation faces Walker Street. The building takes up a minority of the property, which also has frontage along Nelson Street to the west. The rest of the lot is either marked surface parking or general concrete paving. To the north of the building / property is another property for which a similar application has been submitted by the same owner. The proposed project consists of the following activities:

1. Replace the sidewalk at the southeast corner of the property and along the Walker Street frontage with concrete or hexagonal pavers.
2. Install street lights along the Walker Street frontage of the property.
3. Install trees in tree wells along the Walker Street frontage of the property.
4. Remove some existing curb cuts along Walker Street and install a 20 ft. wide curb cut north of the building.

5. Install a 20 ft. wide curb cut along Nelson Street.
6. Provide landscaping with-in the re-stripped parking lot and allow for future parking between the building and Walker Street.
7. Install a dumpster and 6 ft. tall screen / wall around it along the Nelson Street frontage of the re-stripped parking lot.
8. On all elevations, repair and clean existing metal doors and windows that will be retained.
9. On all elevations, restore existing brick using gentle means.
10. On the Walker Street façade and a portion of the south facing façade, remove infill block from selected masonry openings and install metal storefront systems with metal or fabric awnings above.
11. Between the Walker Street façade and Walker Street, create an entry patio with a brick and metal fence / railing.

*On November 24, 2014, the Commission deferred the applications to allow the Applicant to address the concerns noted in the Staff Report. On December 2<sup>nd</sup>, the Applicant submitted revised plans and supporting information. The Applicant further clarified that they wanted to move forward with the review of the renovations of the building and property using a use that doesn't require any off-street parking due to funding concerns related to the renovations.*

On December 10, 2014, the Commission approved with conditions CA3-14-355 for 159 Walker Street and CA3-14-354 for 131 Walker Street for the renovations and additions to those buildings, as well as the lot consolidation of the properties via CA3-14-391. At the same meeting, the Commission deferred variance applications CA3-14-363 and CA3-14-364 to allow time for the Applicant to address the Staff's concerns about variance requests at that time (tree well size and outdoor dining) and to allow the Staff to include in the variance request a special exception to reduce the on-site parking on the consolidated lot from 99 spaces (required) to 14 (proposed). What is before the Commission at this time is a variance for the consolidated lot with three components:

1. to allow outdoor accessory dining within 100 feet of a residence;
2. to reduce the tree well size from 5' x 5' to 3' x 3'; and
3. to reduce the number of off-street, on-site parking spaces from 99 spaces (required) to 14 spaces (proposed).

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

Sec. 16-20N.004. - Definitions.

For the purposes of interpreting this chapter 20N, the following definitions shall apply:

1. "District" means the Castleberry Hill Landmark District, as shown on the official zoning map adopted herewith entitled the "Castleberry Hill Landmark District."
2. "Fenestration" means the arrangement, proportion, and design of windows and doors in a building.
3. "Principal structure" means the main structure on a property, exclusive of any detached accessory structures.
4. "Public street" means publicly dedicated streets and specifically excludes alleys in the District.
5. "Additions to the roof of a principal structure" means any enclosed space that does not meet the definition set out in section 16-28.022(1).
6. "Arterial street" means main artery through neighborhood (Peters, Nelson, Walker, Whitehall, McDaniel, Spring, Mitchell and Fair streets; and Northside, M. L. King, Jr. and Centennial Olympic Park drives.)

Per Section 16-20N.005. Certificates of appropriateness.

4. Type III certificates of appropriateness shall be required for:
  - (a) Construction of all new principal structures;
  - (b) All major alterations and additions to an existing principal structure, including all major alterations and additions to the roofs of principal structures.

Per Section 16-20N.006. General Regulations.

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

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.
8. Off-street and off-site parking.
  - a) All new construction, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential uses, or any change in use shall include the required off-street parking.
  - b) The number of required off-street parking spaces is set out in each subarea.
  - c) Off-street or off-site parking located adjacent to public streets or sidewalks shall include landscape buffer strips along the public street or sidewalk. Landscape buffer strips shall be: a minimum of three feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a minimum of 12 feet in height at time of planting placed no further than 25 feet on center. All landscape buffer strips shall be maintained in a sightly manner.

Section 16-20N.007 - Specific Regulations for Historic Core, Subarea 1.

In the Castleberry Hill Historic Core, Subarea 1, the commission shall apply the standards referenced in section 16-20N.006(1) only if the standards set forth in section 16-20N.007 do not specifically address the application or any portion thereof:

1. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:
  - (i) Sidewalk regulations.
    - ix. Tree planting: When installed, all newly planted trees shall be a minimum of four inch caliper measured 36 inches above ground, and a minimum of ten feet in height. Trees shall be drought tolerant, limbed up to a minimum seven-foot height, and shall have a maximum mature height of 40 feet. Trees shall have a minimum planting area of 25 square feet. All plantings, planting replacement, and planting removal must be approved by the city arborist. The planting area shall be planted with evergreen ground cover such as mondo grass or liriopie spicata.
2. Permitted principal uses and structures: A building or premises shall be used only for the following principle purposes:
  - (a) Multi-family dwellings, two-family dwellings, and single-family dwellings.
  - (b) Residential and nonresidential uses, as otherwise allowed below, on the same site, in which both of such uses are at least 20 percent of the total floor area, excluding accessory uses.
    - a. Any of the following uses provided they do not exceed 2,000 square feet of floor area:
      - i. Retail establishments, including delicatessens, bakeries and catering establishments.
      - i. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.
      - ii. Barber shops, beauty shops, and similar personal service establishments.
      - iv. Tailoring, custom dressmaking, millinery, and similar establishments.
      - v. Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks, and similar devices.
    - b. Any of the following uses provided they do not exceed 5,000 square feet of public areas:
      - i. Eating and drinking establishments.
      - ii. Museums, galleries, auditoriums, libraries, and similar cultural facilities.
      - iii. Professional or service establishments, but not hiring halls.
    - (g) Offices, studios and similar uses provided that no such individual business establishment shall exceed 15,000 square feet of floor area.
3. Off-Street Parking Requirements
  - (a) Off-street parking shall not be permitted between the principal building and the public street.
  - (b) Off-street parking may be located in a rear or side yard.
  - (c) All dwellings: Off-street parking requirements shall be as follows: See section 16-08.007, Table I, for applicable ratios according to the appropriate floor area ratio.
  - (d) Eating and drinking establishments: One space for each 100 square feet of floor area. Where an eating and drinking establishment derives more than 60 percent of its gross income from the sale of malt beverages, wine and/or distilled spirits, it shall be required to have one space for each 75 square feet of floor area. Floor area shall include, in

addition to those areas defined in section 16-29.001(13)(b), areas within the existing building footprint where walls have been removed and a permanent roof remains.

(e) All other uses: No off-street parking is required.

Sec. 16-20N.009. - Additional use regulations.

In addition to the regulations governing permitted uses set forth in this Chapter, or elsewhere in this Code the following regulations shall apply to permitted uses in this district:

1. Eating and drinking establishments. The following supplemental regulations shall apply in Subarea 1 and Subarea 2:
  - (a) No eating and drinking establishment with an alcohol license may be located within 250 feet of another eating and drinking establishment with an alcohol license, including an establishment located outside of the Castleberry Hill Landmark District.
  - (b) Notwithstanding the location of any other premises with an alcohol license, an eating and drinking establishment where sales of alcoholic beverages by the drink constitute less than 50 percent of gross sales may be located within a mixed-use development greater than 10,000 square feet provided that all of the licensed establishments located in such mixed-use development constitute in the aggregate no more than 25 percent of the total square footage of nonresidential floor area in such mixed-use development.
  - (c) Accessory outdoor dining area to any eating and drinking establishment which is otherwise permitted by these regulations may not be located within 100 feet of any dwelling except those located in the same structure;
2. Specifically prohibited uses. Without regard to whether such uses are allowed as a permitted use in other zoning districts under the list of permitted uses allowed in this district, the following uses are prohibited either as primary or accessory uses:
  - (a) Cinema/movie theatre;
  - (b) Bowling alley;
  - (c) Skating rink;
    - a. Video game room, amusement gallery or amusement arcade;
    - b. Pool hall;
    - c. Massage parlor or facility;
  - (h) Tattooing and/or piercing;
  - (i) Adult businesses as defined in section 16-29.001(3);
  - (j) Package stores;
  - (k) Bottle houses;
  - (l) Any establishment which provides "pawn transactions" as defined in O.C.G.A. § 44-12-130 as it exists now or as it may be amended;
  - (m) Offering check cashing services pursuant to a license issued pursuant to Article 4A of Chapter 7 of the Official Code of Georgia;
  - (n) Any institution except for banks, trust companies, credit unions, business development corporations, building and loan associations, mortgage lenders and mortgage brokers, which offer to loan money to the public. This provision shall not act to prevent the credit sale of goods by any business establishment.
3. Hours of operation. No business establishment is permitted to operate except during the following hours:
  - (a) Sunday—Thursday: 6:00 a.m. to 12:00 a.m.
  - (b) Friday and Saturday: 6:00 a.m. to 1:00 a.m.

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 variance analysis for the request for outdoor dining within 100 ft. of a residence and a reduction in the size of the tree wells.

Regarding the tree wells, the Staff does not agree with the Applicant's conclusions, which are based on making the tree wells the same size as those proposed along the frontage of the adjacent property to the north. The desire for conformity of the tree wells does not meet the variance criteria. Further, given the ability to widen the sidewalk for this property, the tree wells can be the required size and the width of the sidewalk can still meet the District regulations. Lastly, the Staff would note that the tree spacing and type can still be consistent with the proposed trees on the other portion of the block.

The Staff would recommend denial of this portion of the variance request and that the tree wells shall be the size required by the District regulations.

Regarding the outdoor dining variance, the Staff only partially agrees with the Applicant's analysis. It does agree that putting the outdoor dining at the "rear of the property" (assuming it would meet the distance requirement) could not be an ideal place, depending in where at the rear of the property it is located. It is also not clear, how the size of this lot and the size of other lots, is extraordinary or exceptional, as noted by the Applicant. The Staff also doesn't agree that having the outdoor dining in a "front visible location along the pedestrian route" would not cause a detriment to the public good as the District regulation for the distance from a residence is specifically trying to avoid detrimental effects to the public good. The Applicant has not described any mitigating factors that make this situation unusual or un-anticipated by the District regulations.

Further, the Staff is not aware of a significant hardship suffered by the several successful eating and drinking establishments in the District that do not have outdoor dining space. The Staff finds that an outdoor dining space allows for additional patrons to be served without having a larger building with enclosed spaces. In this case, the Applicant could add to the building to more indoor dining locations.

Taking all of that into account, the Staff does find that it is possible to have some outdoor dining which would reduce or eliminate the concerns noted above and at the same time achieve some of the apparent goals of the project. The Staff would recommend that the outdoor dining be enclosed in an addition, eliminated from the proposal, or moved to another portion of the site that meets the distance requirement.

*The Applicant has provided revised arguments for the request for outdoor dining. However the outdoor dining is related to a use, an eating and drinking establishment, that otherwise requires on-site parking. The on-site parking requirements can't be meet at this time for the proposed eating and drinking establishment, so the Applicant has submitted a special exception amendment to their variance request to reduce the amount of on-site parking. This request was not received in time to properly advertise the request for the December 10<sup>th</sup> Commission meeting. As such, the Staff would retain its recommendation for deferral of the variance request so that the special exception for the parking reduction can be added to the variance application.*

There was no new information provided about the reduction in the tree well size as the Applicant has already adjusted their plans to accommodate the Staff's previous recommendation on that component of the variance request (i.e. only reduce the size of the tree wells for the property at 131 Walker Street).

The Applicant has provided additional information in support of their variance for the outdoor dining within 100 ft. of a residential unit and new information for the new variance component to reduce the amount off-street, on-site parking.

Regarding the outdoor dining, the Applicant noted the volume of traffic along Walker Street which would be a mitigating factor for the noise generated from outdoor dining, the distance is being reduced by 13 ft. (from 100 ft. to 87 ft.), the inherent need to have outdoor dining in a desirable location on the property (i.e. not in the back), the benefit to creating living urban spaces, and the letter of support from the neighborhood association.

While the Staff does not disagree with most of the Applicant's assertions, they don't necessarily relate to the physical characteristics or circumstances of the property. As to the issue of high traffic volumes mitigating the noise of outdoor dining, the highest volume is at 5 pm. The Staff is concerned that the main use of the outdoor dining will occur in the evening and later at night when there is substantially less traffic noise to act as mitigation. As such, the Staff thinks that the outdoor dining could have a substantial detriment to the public good as the distance requirement from which the Applicant is seeking relief is specifically designed to create buffers between the noise of outdoor dining and dwellings. Reducing this buffer without any substantive mitigation would be a substantial detriment. The Staff would add that it is not aware of a significant hardship suffered by the several successful eating and drinking establishments in the District that do not have outdoor dining space.

Taking all of that into account, the Staff does find that it is possible to have some outdoor dining which would reduce the concerns noted above and at the same time achieve some of the goals stated by the Applicant in their variance argument. The Staff would recommend that the outdoor dining be acoustically screened using physical or environmental features that meet the District regulations regarding materials and design.

Regarding the reduction in the off-street, on-site parking, the Staff would note that eating and drinking establishments in particular require the largest amount on-site parking vs. office or retail uses. While a reduction in on-site parking would be required for an all office or retail use on the consolidated property, the reduction would be much less and the time of day with the highest parking demand (daytime) would blend better with the higher evening demand of the existing eating and drinking establishments in the district. The Staff would note that creating or maintaining this balance is a secondary effect of having off-street parking requirements for some uses but not others. Further, the Staff is aware that the off-street, on-site parking requirements that the Applicant is seeking relief from were specifically enacted to counter inadequate parking for a surge in eating and drinking establishments that were regional draws.

However, given that any use of the property (except maybe warehouse or storage) would require a reduction in on-site parking, the Staff finds that reasonable redevelopment / revitalization of the property should be accommodated while at the same time mitigating the effect of the lack of off-street, on-site parking. As such, the Staff would recommend the mix of uses on the property be revised to reduce the on-site parking requirement and all the required on-site parking that cannot be provided on-site for the final mixed of uses be accommodated at off-site locations that meet all of the City of Atlanta regulations and requirements for that location.

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

- a) The proposed renovations and site work meet the District regulations, except as noted above, per Section 16-20N.007, Section 16-20N.009, and Section 16-26.003(1).

Staff recommends approval of the Applications for a Type III Certificate of Appropriateness (CA3-14-363) and (CA3-14-364) for a variance to allow outdoor accessory dining within 100 feet of a residence, to reduce the tree well size from 5' x 5' to 3' x 3' and to reduce the number of off-street, on-site parking spaces from 99 spaces (required) to 14 spaces (proposed) at **131 and 159 Walker St.** - Property is zoned Castleberry Hill Landmark District (Subarea 1) with the following conditions:

1. The tree wells shall be the size required by the District regulations for those wells along the frontage formerly associated with 159 Walker Street, per Section 16-20N.007(1)(i)(ix);
2. The outdoor dining shall be acoustically screened using physical or environmental features that meet the District regulations regarding materials and design, per Section 16-20N.009(1)(c);
3. All the required on-site parking that cannot be provided on-site for the final mixed of uses shall be accommodated at off-site locations that meet all of the City of Atlanta regulations and requirements for that location, per Section 16-20N.007(3); and
4. The Staff shall review, and if appropriate approve, the final plans, specifications, and supporting documentation.