



CITY OF ATLANTA

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CHARLETTA WILSON JACKS
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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 Section 16-20K.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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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 28, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-14-376) for a special exception for a swimming pool adjacent to a public street (Julia Street) at **507 Seminole Avenue** - Property is zoned R 5 / Inman Park Historic District (Subarea 1).

Applicant: Stefan Kallweit
507 Seminole Avenue

Facts: According to the District inventory sheet, the house was built in 1995 and is considered non-contributing to the District. The two-story, hipped roof house faces Seminole Avenue. The rear of the property abuts the unimproved Julia Street, which has functioned for many years as rear access to the houses that face Moreland Avenue to the east and those that face Seminole Avenue.

This arrangement technically makes the lot a double frontage lot and makes the house have two “front” facades and two “front” yards. The yard facing Seminole Avenue is generally flat, even with the sidewalk, and functions as the traditional front yard. The yard facing Julia Street is slightly sloped, sits above the unimproved Julia Street right-of-way by about 7 – 10 ft. and functions as the traditional rear yard. The non-historic garage is located on the southern side of the property in the Julia Street yard.

Given that active recreation uses and structures (such as pools) and accessory structures in general are not permitted in the front yard, a special exception is required to allow the proposed pool in the Julia Street front yard.

The project also consists of the alterations to the Julia Street façade of the house (replacement of a non-historic deck with a porch and a new window). The Applicant previously submitted a Type II Staff Review application for all of the components of the project. Given the double frontage status of the lot and the variance noted above, the Staff could not complete the requested review of the pool-related work through the Type II Staff Review process. If the Commission approves the special exception, the pool itself, as well as the alterations to the existing house, can be reviewed under the Type II Staff Review process given the District

regulations if the actual design of all of the project components otherwise meet the District regulations.

Analysis: The following code sections apply to this application:

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

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

1. General criteria.
 - a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Code.
 - b. In the Inman Park Historic District, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
 - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
 - viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. Certificates of appropriateness.
 - a. Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - d. Type III certificates of appropriateness shall be reviewed by the commission and shall be required for:
 - v. Variances and special exceptions.
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.

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:

6. Permitted accessory uses and structures: These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:
 - b. Swimming pools, tennis courts, and similar active recreation facilities subject to the following limitations:
 - i. Such active recreation facilities in any yard, required or other, adjacent to a street shall require a special exception from the urban design commission, which special exception shall be granted only upon finding that:
 - (1) The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic, and
 - (2) The area for such activity could not reasonably be located elsewhere on the lot.
 - ii. The urban design commission may condition any special exception for such facilities based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.
 - f. The following regulations shall apply to all permitted accessory uses and structures:
 - i. Except in the case of home occupation, no accessory use shall be of a commercial nature.
 - ii. No accessory structure shall be constructed until construction of the principal structure has actually begun, and no accessory structure shall be used or occupied until the principal structure is completed and in use.
 - iii. Accessory structures shall not cover more than 25 percent of the rear yard.
 - iv. Accessory structures shall be placed behind the principal structure; side and rear setbacks shall not be less than three feet.
 - v. Accessory structures shall not exceed 25 feet in height or the height of the principal structure, whichever is less, and shall not contain a total floor area greater than 30 percent of the floor area of the principal structure.

The Applicant submitted a special exception analysis that was previously sent to Commission members.

The Staff finds that the special exception criteria for the swimming pool location include both the physical characteristics of the property (could the swimming pool be reasonably situated somewhere else on the lot?) and the operations and impacts of the swimming pool on surrounding property.

As for the operational aspects of the swimming pool and its effects on adjacent surrounding properties and neighbors, the Staff would concur that its location in the functional rear yard of the property means that it is facing another rear yard to the east and is adjacent to rear yards to its north and south. The Staff would add that the existing garage to the south would substantially screen the property to the south from noise and light. In their submission, the Applicant references support from the Inman Park Neighborhood Association (IPNA) as evidence of no adverse effects on surrounding properties. To date, no letter has been submitted. The Staff would recommend the Applicant submit documentation of support for the proposed location of the swimming pool by the neighboring properties and the neighborhood overall.

Regarding the physical characteristics, the Staff finds the Applicant has met the criteria. First, while double frontage lots do exist in the district, they are not common. Second, the “second” frontage along Julia Street only consists of an unimproved right-of-way that functions as rear access to the properties along Moreland Avenue and Seminole Avenue, and does not function as a normal City of Atlanta street. Third, the location of the swimming pool is consistent with the architectural form and organization of the house as the façade of the house facing Julia Street is, architecturally, the rear façade of the house. The swimming pool will not be out of place in the yard associated with this façade.

Further, the District regulations are specifically geared to accommodate active accessory uses to the rear of the houses which is where the swimming pool is essentially located, given the functionality of the property. The Staff would note that the property’s relationship to Seminole Avenue reinforces the characteristic that the functional rear yard is the back of the property and reduces any potential negative effects of the rear frontage of the house facing Seminole Avenue.

As to the ability to put the swimming pool somewhere else on the lot, the Staff finds that there are no other reasonable options. The Seminole Avenue front yard of the property would be an even more problematic location both functionally and architecturally, and would be even less aligned with the intent of the regulation. The existing driveway and garage in the southern portion of the property preclude location of the swimming pool there. The northern portion of the property is too thin for a swimming pool.

The Staff would add that the swimming pool appears to meet all of the other general accessory structure criteria in the District regulations, presuming its location is confirmed by the Commission as being in the functional rear yard of the property.

The Staff would recommend approval of the variance for the swimming pool’s location between the house and Julia Street with the condition noted above.

Staff Recommendation: Based upon the following:

(a) Except as noted above, the Applicant has shown that the special exception criteria have been met, per Section 16-20L.006(6).

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-14-376) for a special exception for a swimming pool adjacent to a public street (Julia Street) at **507 Seminole Avenue** - Property is zoned R 5 / Inman Park Historic District (Subarea 1) with the following conditions:

1. The Applicant shall submit documentation of support for the proposed location of the swimming pool by the neighboring properties and the neighborhood overall, per Section 16-20L.006(6)(b)(i); and
2. The 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 28, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-14-422) for alterations at **616 Atlanta Avenue** - Property is zoned R-5 / Grant Park Historic District (Subarea 1).

Applicant: Stephen Rosner
616 Atlanta Avenue

Facts: The 1920s house is considered contributing to the District and is located on the northwest corner of Atlanta Avenue and Rosedale Avenue. The house is a one-story bungalow with a 2/3 width front porch. The Applicant proposes to replace all of the windows on the front and sides of the house. Given that this is a corner lot the window work on the front and Rosedale Avenue elevations is subject to review by the Commission.

The proposed project does not include any other alterations or additions to the house, nor any site work.

Analysis: The following code sections apply to this application:

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

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

(1) General Criteria.

- a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
- b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
- c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.

(2) Certificates of Appropriateness.

- c. Type III Certificates of Appropriateness shall be required for:
 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.

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

(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.).
 - 11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
- D. Design Criteria for Alterations and Additions to Contributing Structures. Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:
 - 1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
 - 2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

The District regulations allow for two approaches to reviewing proposed alterations to contributing buildings. The first of the two requires consistency with the architecture of the existing building and compliance with the new construction regulations. The second of the two requires that no historic material be removed, the work be differentiated from the old, and the work be compatible with the existing building.

In their submission, the Applicant noted concerns with the existing windows regarding drafts, energy efficiency, lack of functionality and damage, and aesthetics / consistency of design. The submission included overall views of the four elevations of the house however the interior side and rear are not subject to review by the Commission. The windows on the interior side and rear elevations can be replaced as desired by the Applicant.

As to the drafts and energy efficiency, the Staff has concluded in past similar reviews that energy efficiency alone is not a rationale for the replacement of original or historic windows as this can be addressed via weatherization techniques that do not require replacement of the sashes. It would appear that the lack of consistency in design of the windows is mostly related to the interior side elevation, though it appears that the kitchen window is likely a contemporary replacement window.

It is not clear from the submission if the double hung windows facing Rosedale and the front elevation windows have damage or deterioration that cannot be repaired and thus requires the replacement of the window. The photographs provided with the submission appear to show windows in good condition.

The Staff would recommend the Applicant provide additional photographic and narrative documentation of the existing conditions of the front and Rosedale elevation windows that supports their replacement. The Staff would further recommend that if replacement of the windows on the front and Rosedale elevations is documented, the replacement windows on those elevations have the same design and

construction technique as the existing windows and if the replacement is not justified, the existing windows are repaired in-kind.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of an Application for a Type II Certificate of Appropriateness (CA2-14-422) for alterations at **616 Atlanta Avenue** - Property is zoned R-5 / Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall provide additional photographic and narrative documentation of the existing conditions of the front and Rosedale elevation windows that supports their replacement, per Section 16-20K.007(2)(D)(2);
2. If replacement of the windows on the front and Rosedale elevations is documented, the replacement windows on those elevations shall have the same design and construction technique as the existing windows and if the replacement is not justified, the existing windows shall be repaired in-kind, per Section 16-20K.007(2)(D)(2); and
3. The Staff shall review, and if appropriate approve, the final design and supporting documentation.



CITY OF ATLANTA

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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

January 28, 2015

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4PH-14-423) for demolition due to a public threat to health and safety at **870 Venetta Place**- Property is zoned R-4/ Collier Heights Historic District.

Applicant: City of Atlanta Office of Code Compliance
818 Pollard Boulevard

Facts: According to the Collier Heights Inventory, this single family dwelling was built in 1960 and is considered a contributing building. In a survey picture taken in July of 2008, the structure appears to be occupied and in good condition. In a second survey picture taken in September of 2012, the site appears to have a new fence and the house itself appears occupied.

Analysis: The following code sections apply to this application:

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

The following general regulations shall apply to the Collier Heights Historic District.

(1) *Certificates of Appropriateness:* Certificates of appropriateness within this district shall be required as follows:

(a) *When required:*

iii. To demolish or move any contributing structure, in whole or in part, within the district.

(b) *Type required:*

ii. When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition 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.

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:

(1) 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:

a. The demolition is required to alleviate a threat to public health and safety;

(2) 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:

a. 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:

Type IV and In-Rem Process

Generally, if an Applicant is applying for a demolition based on a public threat to health and safety, the Applicant is required to provide information and documentation for all the questions in the application. In this particular case, the property has gone through the In Rem process and the Applicant is the City of Atlanta. Below is a description of the In Rem process as described by the Office of Code Compliance:

“The In Rem process, as defined is the process “against the property” versus against the individual owner. The cases that are handled by my office are cases where the Code Enforcement Officer (CEO) has been unsuccessful in either identifying the owner, the owner is out of state or out of this jurisdiction, the owner is indigent or the owner is deceased and heirs either cannot be identified or fail to bring the property into compliance. The cases are due to code violations of Section 19 of the Atlanta Housing Code. Most remain open and vacant. The properties are problematic as they tend to be a refuge for criminals and or a danger to the public at large. The properties effect the quality of life for the neighbors as well as a safety hazard.

The In Rem board meets once a month to assist in the decision making of the City as to the action that should be taken to bring the properties into compliance either by demolition or cleaning and boarding the house. The resultant is a lien on the property for the expense incurred by the City to correct the non-compliance. The Board consists of individuals who are not City employees, who have been appointed by the Mayor and approved by City Council.”

The Applicant is not the owner and the In Rem process does not allow for repair, renovations or sale of the property. Staff finds the questions regarding cost, taxes, alternative uses, and property values are useful for informational purposes but do not always apply in City of Atlanta In Rem cases. Staff finds the most relevant questions in this case are the following:

1. Demonstrate through independent analysis and supporting information that a major and imminent threat to public safety exists; and
2. Present all reasonable alternatives for rectifying the threat and analysis of all such alternatives

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

The following is the Applicant’s answer to this question:

“Inspections by officers of the Atlanta Police Department, Community Service Division have established the primary threat to public safety on August 25, 2010. The property was reported with maintenance issues and several inoperable vehicles. A significant accumulation of debris and building materials, trash and debris are on the property in the front and rear yards. The structure is located within an active neighborhood. The vehicles, piles of wood, pooling water and overgrowth have posed a haven for pests of all kinds. Structural damage of interior and exterior walls poses a significant hazard”

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

The following is the Applicant’s answer to this question:

“The property must be secured against unforced entry and cleared of all debris to rectify the immediate threat to the public. The cost of renovations to this structure exceeds all practical solutions to rectify the threat to public and restore the structure to habitable conditions. The City seeks demolition as the most effective measure to safeguard the public”

Pictures

In looking at survey pictures taken in 2008 and 2012, the existing house is one of the unique Pagoda Style Ranch Houses in the district. Unfortunately, in looking at the pictures submitted by the Applicant, it is impossible to see any of the unique architectural features that once existed on the house. It appears there have been extensive exterior alterations and additions that were not reviewed or approved by the UDC and were not properly permitted. It appears the alterations and additions have destroyed character defining features of the house and caused significant structural damage.

In looking at the inspection form, there are several items both interior and exterior that need to be renovated, repaired or replaced. The form indicates the total cost for repairs as \$53,041.43. While the form indicates the cost of making the house habitable, Staff finds it likely there would be additional costs associated with re-creating the historic features, especially the unique roof form. As this is a brick structure, Staff finds the cost of building an identical new house would likely exceed the costs of repairing the existing structure. Staff finds the cost to repair the building is not unreasonable. Staff finds that demolishing the building as opposed to repairing it and returning it to its historic state would be a loss for the district as a whole.

Documentation

In the package submitted by the Applicant, there are several documents regarding the demolition request. On October 23, 2014, the In Rem board voted to demolish the building. In looking at the sign- in sheets submitted, it appears the owner was present. As most In-Rem cases heard by the UDC are for properties where the owner is deceased or cannot be found, Staff recommends the Applicant clarify whether there is a known owner. If there is a known owner, Staff recommends the Applicant clarify why the owner is not responsible the demolition of the property. Staff would note that additional information and documentation may be required if there is in fact a known owner that is responsible for the property.

Conclusions

While the Staff has concerns regarding possible owners, Staff finds the unique architectural features and historic fabric of the house have already been destroyed by unpermitted and inappropriate alterations and additions. Staff further finds the alterations and additions have structurally compromised the house. While Staff finds that demolition of the original Pagoda Style Ranch House would be a significant loss to the district, Staff also finds the house in its current altered state is not a contributing structure to the neighborhood. Staff finds the house in its current condition is in fact a threat to public health and safety. Given the information we have at this time, Staff finds that demolition is necessary.

Staff Recommendation: Based upon the following:

- a) The Applicant has proven a public threat to health and safety, per Section 16-20.008;
- b) The Applicant has proven there are not alternatives to rectifying the public threat to health and safety; and
- c) There may be an owner responsible for the property;

Staff recommends approval of the application for a Type IV Certificate of Appropriateness (CA4PH-14-423) for demolition due to a public threat to health and safety at **870 Venetta Place**- Property is zoned R-4/ Collier Heights Historic District, with the following conditions:

1. The Applicant shall clarify whether there is a known owner;
2. If there is a known owner, the Applicant shall clarify why the owner is not responsible for the demolition of the property;
3. If there is a known owner, additional information and documentation shall be required;
4. The Applicant shall provide archival quality pictures of the existing property; and
5. Staff shall review and if appropriate, approve the final documentation.



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STAFF REPORT

January 28, 2015

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4PH-14-426) for demolition due to a public threat to health and safety at **1194 Merrill Avenue**- Property is zoned R-4A/ Oakland City Historic District.

Applicant: City of Atlanta Office of Code Compliance
818 Pollard Boulevard

Facts: According to the Oakland City Inventory, this single family dwelling was built in 1940 and is considered a contributing building.

Analysis: The following code sections apply to this application:

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

The following general regulations shall apply to the Oakland City Historic District.

(1) *Certificates of Appropriateness:* Certificates of appropriateness within this district shall be required as follows:

(a) *When required:*

iii. To demolish or move any contributing structure, in whole or in part, within the district.

(b) *Type required:*

ii. When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition 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.

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:

(1) 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:

a. The demolition is required to alleviate a threat to public health and safety;

(2) 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:

a. 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:

Type IV and In-Rem Process

Generally, if an Applicant is applying for a demolition based on a public threat to health and safety, the Applicant is required to provide information and documentation for all the questions in the application. In this particular case, the property has gone through the In Rem process and the Applicant is the City of Atlanta. Below is a description of the In Rem process as described by the Office of Code Compliance:

“The In Rem process, as defined is the process “against the property” versus against the individual owner. The cases that are handled by my office are cases where the Code Enforcement Officer (CEO) has been unsuccessful in either identifying the owner, the owner is out of state or out of this jurisdiction, the owner is indigent or the owner is deceased and heirs either cannot be identified or fail to bring the property into compliance. The cases are due to code violations of Section 19 of the Atlanta Housing Code. Most remain open and vacant. The properties are problematic as they tend to be a refuge for criminals and or a danger to the public at large. The properties effect the quality of life for the neighbors as well as a safety hazard.

The In Rem board meets once a month to assist in the decision making of the City as to the action that should be taken to bring the properties into compliance either by demolition or cleaning and boarding the house. The resultant is a lien on the property for the expense incurred by the City to correct the non-compliance. The Board consists of individuals who are not City employees, who have been appointed by the Mayor and approved by City Council.”

The Applicant is not the owner and the In Rem process does not allow for repair, renovations or sale of the property. Staff finds the questions regarding cost, taxes, alternative uses, and property values are useful for informational purposes but do not always apply in City of Atlanta In Rem cases. Staff finds the most relevant questions in this case are the following:

1. Demonstrate through independent analysis and supporting information that a major and imminent threat to public safety exists; and
2. Present all reasonable alternatives for rectifying the threat and analysis of all such alternatives

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

The following is the Applicant’s answer to this question:

“Inspections by officers of the Office of Code Enforcement (November 1, 2012) has established the primary threat to public safety. The property was found open and vacant and owned by an out of state property owner. The property was foreclosed in June 2012. Subsequently, July 1, 2013 a major fire incident took place and the local owner-investor could not be contacted. The structure remains open and vacant.”

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

The following is the Applicant’s answer to this question:

“The property has been substantially fire damaged and not secured against unforced entry. Renovation or rebuilding damaged structural members is considered impractical due to the extended time that the property conditions have remained since July 2013. One cannot forecast the amount of time the property will continue to stand without collapsing. At present, the property must remain a haven for

criminals as well a dangerous temptation for children. The City seeks demolition as the most effective measure to safeguard the public”

Pictures

In looking at survey pictures taken at the time of the districts designation, the side gabled house appears to be occupied and in good condition. In looking at pictures taken by the Applicant, the lot is overgrown and the house is clearly in disrepair. While the exterior pictures indicate the house is largely intact, the interior pictures clearly show severe fire damage in portions of the house. The residential assessment form submitted by the Applicant indicates the structure is burned “throughout”. As the pictures are not labeled in regards to location in the house, it is not clear how much of the house was burned beyond repair. Staff recommends the Applicant submit additional pictures that are appropriately labeled so that we can get a sense of how much of the house is burned and beyond repair.

In looking at the inspection form, there are several items both interior and exterior that need to be renovated, repaired or replaced. The form indicates the total cost for repairs as \$29,750.74. Staff finds the cost of building an identical new house would likely exceed the costs of repairing the existing structure. Staff finds the cost to repair the building is not unreasonable. Staff finds that demolishing the building as opposed to repairing it would be a loss for the district as a whole.

Notwithstanding Staff’s findings regarding the condition of the building, by definition an open and vacant property is a threat to public health and safety. Despite the fact the house is intact, its status as an open a vacant property makes it a public threat to health and safety.

Documentation

In the package submitted by the Applicant, there are several documents regarding the demolition request. On August 12, 2014, a registered letter regarding the August 28th In-rem hearing was sent to the owner. On August 28, 2014, the In Rem board voted to demolish the building. In looking at the sign in sheets submitted, it does not appear that anyone connected to the property or from the neighborhood attended the meeting. In looking at the information submitted by the Applicant, it appears several attempts have been made to contact the owner indicated in the records. At this time, the owner has not responded. Staff would note that it has been five months since the letter with the demolition order was sent. While five months is not a long time, the fire occurred more than a year ago and no one associated with the property has come forward to take responsibility.

Conclusions

As the existing building is severely burned on the interior and is open and vacant, Staff finds the Applicant has proven that a public threat to health and safety exists. The City cannot repair, renovate or sell the property. As such, Staff finds the Applicant has proven there are no reasonable alternatives to rectifying the threat. The property has been vacant for more than a year and five months have passed since the In Rem Board ordered the house be demolished. While Staff finds strongly the threat could be resolved without demolition, there appears to be no one that can be found that can in fact rectify the threat. Given the information we have at this time, Staff finds that demolition is necessary.

Staff Recommendation: Based upon the following:

- a) The Applicant has proven a public threat to health and safety, per Section 16-20.008;
- b) The Applicant has proven there are not alternatives to rectifying the public threat to health and safety; and
- c) No person or organization has taken responsibility for the property.

Staff recommends approval of the application for a Type IV Certificate of (CA4PH-14-426) for demolition due to a public threat to health and safety at **1194 Merrill Avenue**- Property is zoned R-4A/ Oakland City Historic District, with the following conditions:

1. The Applicant shall submit additional pictures that are appropriately labeled and identify the burned parts of the structure;
2. The Applicant shall provide archival quality pictures of the existing property; and
3. Staff shall review and if appropriate, approve the final documentation.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 28, 2015

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-14-429) for renovations and rear addition at **700 Gaskill Street** – Property is zoned Cabbagetown Landmark District (Subarea 3) / Beltline.

Applicant: Roderick Cloud
1110 Cascade Circle

Facts: According to the survey work in May 2002 in the District, the house is a contributing building and is classified as a “Georgian Cottage”. The house was built prior to 1911. The house appears to have had vinyl siding installed at some point in the past. It is not clear the status or condition of the windows. The front porch appears to have a replacement railing constructed on contemporary stock lumber pieces with front stairs constructed using concrete block.

The subject property is located on the northeast corner of Gaskill Street and Tye Street. It is one of eight single family houses on the block face, which is the north side of Gaskill Street between Tye Street to the west and Estoria Street to the east.

For the purposes of compatibility rule comparison, the Staff does not differentiate between individual architectural styles in the Subarea, but rather groups all cottage house types together as the “same architectural style” and all cottages as the “same architectural style”. The Staff would note that given the existing house is contributing its setbacks can also be included in the range of smallest and largest.

As noted on their submission and elevations, the Applicant proposes to:

- Remove the concrete walk and step in the front yard and replace them with a new concrete walk and step;
- Remove the front porch railing and replace it with a wood 36 in. high railing;
- Remove the front porch concrete stairs and replace them with wood stairs;
- Remove the siding and install 4.5 in. exposure wood siding;
- “Add compatible window trim”;
- Relocate an existing French door on the rear façade; and
- Build a rear addition on the right side of the house.

It would appear that the elevations are mislabeled in the submission with the right and left side elevations being labeled the opposite.

Analysis: The following code sections apply to this application:

Per Section 16-20A.005 (Certificates of Appropriateness) of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the Cabbagetown Landmark District.

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

(1) When required:

- a) To change the exterior appearance of any portion of a structure within the district;
- b) To erect a new structure or to make an addition to any structure within the district;
- c) To demolish or move any contributing structure, in whole or in part, within the district;
- d) To construct off-street or off-site parking;

(2) Type required:

- a. When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition of a contributing building 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.

Per Section 16-20A.006 (General Regulations) of the Atlanta Land Development Code, as amended, the following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (9) Minimum lot requirements. There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
 - a) General criteria:
 2. The general façade organization and proportions shall be subject to the compatibility rule.
 3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;

- b. siding;
- c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
- d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
- e. doors and door transoms;
- f. windows and window transoms;
- g. porches, including supports, columns, balustrades, steps, and roofs; and
- h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.

- 4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.

b) Facades:

- 1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
- 2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
- 3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
- 4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
- 5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.

c) Roofs:

- 1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
- 2. Skylight and solar panels are not permitted on the front façade of any structure. “Bubble type” skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.
- 3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
- 4. Boxed gable returns are not permitted.
- 5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.

e. Porches:

- 1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
- 2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
- 3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
- 4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.

f. 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. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
- 3. Curbing shall be granite; poured concrete shall not be used.
- 4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.

- (14) Design standards for alterations and additions to contributing buildings. Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the historic

architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:

- a) All repair work shall be match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.
- b) All replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
- c) Alterations shall not introduce materials or building elements that do not reinforce the architectural character of the building and shall not destroy historic materials that characterize the property.
- d) The height or width of any alteration or addition shall not exceed the height or width of the existing building.
- e) Any alterations or additions shall be compatible with the massing, scale and architectural features of the property.

Per Section 16-20A.009 (Shotgun and cottage housing - subarea 3), the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

2. Cottage Housing. Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and façade features, and consistent structure massing.
- (3) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
 - a) Single-family detached dwellings.
- (7) Maximum building height and width. The compatibility rule shall apply.
- (8) Floor area ratio. The floor area ratio shall not exceed 0.50.
- (9) Roofs
 - a) Roofing materials shall be asphalt shingles or batten seamed metal.
 - b) Metal shingles are permitted if they are appropriate to the house style.
- (12) Porches.
 - a) Decks shall be permitted on the side or rear of the house if not visible from the street.
 - b) Rear decks shall be no wider than the house.
 - c) Side and rear porches shall be permitted if appropriate to the house style.

Remove the concrete walk and step in the front yard and replace them with a new concrete walk and step.

The existing condition is such that the walkway and step from the front porch stairs connects to Tye Street rather than Gaskill Street given that there are no stairs in the concrete block retaining wall along Gaskill Street. The Staff has no concerns about the removal of the existing walk and step, and their replacement with a new concrete walk and stairs.

Remove the front porch railing and replace it with a wood 36 in. high railing.

As noted above, the existing railing appears to be built out of standard framing lumber and be slightly taller than what would be expected for an original or historic railing on the house. As such, the Staff has no concerns about its removal. However, the Staff finds that the new railing must meet the District regulations by matching the original materials and reinforcing the architectural character of the house. The proposed railing design is appropriate, but the Staff is concerned that its height does not meet the District regulations given it would be too tall for an original or historic railing. The Staff would recommend the front porch railing design be the same as an original or historic railing found on a

contributing house of the same style and form on the block face or if none exists on the block face, in the District.

Alternatively, the Applicant could repair the existing railing.

Remove the front porch concrete stairs and replace them with wood stairs.

As was the case with the front porch railing, the Staff finds that given the use of what appears to be standard concrete block and a parge coat of concrete, the front porch stairs are also not likely original or historic to the house. As such, the Staff has no concerns about its removal. However, the Staff finds that the new stairs must meet the District regulations by matching the original materials and reinforcing the architectural character of the house. Given that front porch stairs on other houses of similar form and style on the block face are masonry (though they have different types of railings, including wood), the Staff is concerned that the proposed open wood stairs to not meet the District regulations as they would not match the original materials and reinforce the architectural character of the house. The Staff would recommend the front porch stairs have a design and use materials the same as an original or historic front porch stair found on a contributing house of the same style and form on the block face or if none exists on the block face, in the District.

Remove the siding and install 4.5 in. exposure wood siding.

In the photographs provided with the submission it appears the vinyl siding on the sides of the house has been removed and house wrap installed. It is not clear, though, if any siding existed underneath the vinyl siding and was also removed. The Staff would recommend the Applicant provide more information about the previously completed siding-related work and any previously existing siding underneath the vinyl siding as evidenced on the front or rear facades. Notwithstanding the presence of original or historic siding on the house, the Staff finds that the proposed siding could meet the District regulations depending on what previously existing on the house. The Staff would recommend the proposed siding match the original or historic siding on the house in all respects or if no original or historic siding still exists on the house, the new siding shall be wood, with a 4.5 in. reveal.

“Add compatible window trim”.

The submission does not indicate what type, size or shape of window trim is proposed. The Staff would recommend the Applicant clarify what type of window trim is being installed and that it meets the District regulations.

Relocate an existing French door on the rear façade.

The Staff has no concerns about this component of the project.

Build a rear addition on the right side of the house.

As required by the District regulations, the addition will be no wider or taller than the existing structure.

The compatibility rule requires that setbacks be “no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face”. As the addition aligns with the existing walls of the rear portion of the house, the Staff finds that the side and rear setbacks of the addition meet the District regulations.

It would appear that the proposed addition (which is 3 ft. deep) would continue the existing shed roof found the previous rear addition and have the same materials as the proposed materials on the existing house. However, given the floor plan and elevations provided, it is not clear that this is in fact the case. For example, the exiting floor plan shows floor space in the same location as the addition and the materials on the exterior of the addition are not specifically labeled. Further, the photographs provided of the rear of the house are taken from outside the existing privacy fence / wall and as such do not actually show the area proposed for the addition.

The Staff would recommend the Applicant clarify the existing conditions at the rear of the house and the design, form and materials of the rear addition itself and that the rear addition meets all of the District regulations requirements.

While it would appear that the floor area ratio of the house with the addition is well below the maximum of .50 established by the District regulations, no calculations were included. The Staff would recommend the floor area ratio of the house without and with the addition be calculated and such ratio meets the District regulations.

Staff Recommendation: Based upon the following:

1. Except as noted above, renovations meet the District regulations, per Section 16-20A.006 and 16-20A.009; and
2. Except as noted above, the addition meets the District regulations, per Section 16 16-20A.006 and 16-20A.009.

Staff recommends approval of the application for a Type III Certificates of Appropriateness (CA3-14-429) for renovations and rear addition at **700 Gaskill Street** – Property is zoned Cabbagetown Landmark District (Subarea 3) / Beltline, with the following conditions:

1. The front porch railing design shall be the same as an original or historic railing found on a contributing house of the same style and form on the block face or if none exists on the block face, in the District, per Section 16-20A.006(13)(e) and (14);
2. The front porch stairs shall have a design and use materials the same as an original or historic front porch stair found on a contributing house of the same style and form on the block face or if none exists on the block face, in the District, per Section 16-20A.006(13)(e) and (14);
3. The Applicant shall provide more information about the previously completed siding-related work and any previously existing siding underneath the vinyl siding as evidenced on the front or rear facades, per Section 16-20A.006(13) and (14);
4. The proposed siding shall match the original or historic siding on the house in all respects or if no original or historic siding still exists on the house, the new siding shall be wood, with a 4.5 in. reveal, per Section 16-20A.006(13) and (14);
5. The Applicant shall clarify what type of window trim is being installed and that it meets the District regulations, per Section 16-20A.006(13)(a) and (b), and (14);
6. The Applicant shall clarify the existing conditions at the rear of the house and the design, form and materials of the rear addition itself and that the rear addition meets all of the District regulations requirements, per Section 16-20A.006(13) and (14);
7. The floor area ratio of the house without and with the addition shall be calculated and such ratio shall meet the District regulations, per Section 16-20A.009(8); and
8. The 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 28, 2015

Agenda Item: Application for Type II Certificate of Appropriateness (CA2-15-001) for alterations at **631 Holderness Street**-Property is zoned R-4A/West End Historic District.

Applicant: Ike Dendy
1025 Burns Drive

Facts: According to the District inventory sheet, this multi-family dwelling was constructed between 1922 and 1923 and is contributing to the District. Based on the photographs provided in the inventory, the two-story building appeared largely intact with many of its original features, including its two-story full width front porch and driveway canopy, and exterior architectural trim.

The Applicant received a building permit for interior alterations, but undertook work on the exterior of the building, including replacement of the second level front porch railing and repairs to the building soffit and front porch ceilings. The replacement features are shown in the photographs provided with the application.

Analysis: The following code sections apply to this application:

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

The following general regulations shall apply to the West End Historic District.

- (1) Certificates of Appropriateness: Certificates of appropriateness within this district shall be required as follows:
 - (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;
 - (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.
 - (v) The following Type II Certificates of Appropriateness shall be review by the commission and shall be required for any of the following to the extent they are visible from a public street:
 - a. Alterations to any façade of any principal structure; and
- (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."

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:*
 - (a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
 - (b) Original window and door openings shall not be blocked or enclosed, in whole or in part.
 - (c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.
 - (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.
 - (g) New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
 - (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.
- (9) Porches:
 - (a) Architecturally significant porches, including their component features, steps and stoops shall be retained.
 - (b) Replacement porches, steps and stoops shall match the original in size, style and materials. All front porch steps shall have closed risers and ends.
 - (c) Porches may be enclosed with screen wire or glass provided that the main characteristics of a front porch are maintained.

- (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.
- (16) Ornaments:
- (a) Architecturally significant ornaments, such as corner boards, cornices, brackets, downspouts, railings, columns, steps, doors and window moldings, shall be retained.
 - (b) Replacement ornaments shall be permitted only when originals cannot be rehabilitated.
 - (c) Installation of new ornaments, where none previously existed, shall be permitted only when it is in accordance with the architectural style of the original structure.

Section 16-20.009:

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, for purposes and objectives 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 regulations as are required in article D of chapter 4 or 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) 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.
- (4) 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 buildings, structure or site would be unimpaired.

In the District inventory sheet the most current photograph is from 2010, which shows intact front porch railings. The second level railing was lower with a two-part top rail, square pickets and a one-part bottom rail. The installed railing is significantly higher and consists of a two-part top rail of different design, thinner square pickets, and some type of bottom rail though it is not clear in the submitted photographs. The Staff is concerned that the completed work both unnecessarily removed historic fabric that appeared to be in repairable condition and introduced an incompatible railing design mostly related to its height. The Staff would note that the historic railing could have been retained and repaired and a separate, but compatible extension added to meet building code requirements as to the height and design of the railing. The Staff would recommend that the installed second level front porch railing be removed and a railing system that meets the District regulations and meets all applicable building code requirements be installed.

Though not as clear in the photograph, the front porch ceiling and building soffits appear intact as well. It would appear that plywood has been installed in their place. As with the front porch railing, the Staff is concerned that the completed work both unnecessarily removed historic fabric that appeared to be in repairable condition and introduced an incompatible material mostly related to its finish / design. The Staff would recommend the Applicant document the previously existing front porch ceilings and building soffits with better photographs. The Staff would further recommend that the replacement front porch ceiling and building soffit elements have the same design and material as the removed elements and that they meet the District regulations.

Lastly, it would appear that the windows on the building have been replaced as well at some point in the past. The Staff would recommend the Applicant provide additional information and documentation regarding the status of the windows on the building and their compliance with the District regulations.

Staff Recommendation: Based upon the following:

- a) The plans meet the District regulations, except as noted above, per Section 16-20G.006.

Staff recommends approval of the Application for Type II Certificate of Appropriateness (CA2-15-001) for alterations at **631 Holderness Street**-Property is zoned R-4A/West End Historic District, with the following conditions:

1. The installed second level front porch railing shall be removed and a railing system that meets the District regulations and meets all applicable building code requirements shall be installed, per Section 16-20G.006(9)(a) and (b) and 16-20G.006(16);
2. The Applicant shall document the previously existing front porch ceilings and building soffits with better photographs, per Section 16-20G.006(2)(c) and 16-20G.006(16);
3. The replacement front porch ceiling and building soffit elements have the same design and material as the removed elements and that they meet the District regulations, per Section 16-20G.006(2)(c) and 16-20G.006(16);
4. The Applicant shall provide additional information and documentation regarding the status of the windows on the building and their compliance with the District regulations, per Section 16-20G.006(2)(c) and 16-20G.006(16); and
5. The Staff shall review, and if appropriate, approve the final plans and supporting materials.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 28, 2015

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-15-003) for a variance to allow parking in the front yard where otherwise prohibited at **444 Sydney Street** - Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Andy Steele
255 East Lanier Avenue

Facts: The Applicant previously submitted a Type II Staff Review application for construction of a new driveway in the front yard. Given the proposed driveway would not project at least 20 ft. beyond the front façade of the structure, the Staff considers the proposed driveway to create parking in the front yard.

According to the District inventory sheet, the house was built in 1913 and is considered contributing to the District. The front yard of the property is relatively flat and even with the public sidewalk. On the side of the house with the proposed driveway, the house is about 11 ft. from the side property line. If the Commission approves the variance, the driveway itself can be reviewed under the Type II Staff Review process given the District regulations if the actual design of the driveway otherwise meet the District regulations.

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.

- (3) Variances. Variance requests shall be heard by the commission which will 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, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.

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

(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.

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.

The Applicant submitted a variance argument that has been previously distributed to the Commission members. In their argument, the Applicant notes that the lot is about ½ the size of other lots on Sydney Street, it is the only lot on Sydney Street without alley access, and the proposed parking arrangement will not cause any substantial detriment to the public good.

While the Staff acknowledges the first two points of the Applicant's argument, it does not find that they preclude the construction of a compliant driveway. Further, the Applicant did not answer the variance criteria pertaining to any peculiar conditions related to the property.

The current paver ribbon strips end at the front façade of the house. The proposed pavers would extend the ribbon strips 12 ft. past the front façade of the house. The only seeming impediment to extending the driveway the full 20 ft. past the front façade of the house is an 18 in. hardwood tree, which can be seen in the photographs submitted with the application. The Applicant provided no information regarding the tree. The Staff would note that extending the driveway to its required distance would very likely necessitate removing the tree or damaging the root zone depending on the specific construction technique of the paver extension. However, the removal of the tree or damage to its root zone would only be problematic if the tree is considered to be healthy and viable by the City's Arborist Office or by a certified private arborist.

The Staff would recommend the Applicant document the 18 in. hardwood tree is not a healthy and viable tree per the City of Atlanta's Tree Ordinance. The Staff would further recommend that if the tree is not considered to be viable and healthy, the driveway shall be extended to at least 20 ft. past the front façade of the house and if the tree is considered viable and healthy alternative design solutions are utilized to extend the driveway as much as possible while at the same time retaining the tree.

Staff Recommendation: Based upon the following:

- 1) Except as noted above, the plans meet the regulations with the exception of the concerns noted above per Section 16-20K.007 and 16-26.003(1).

Staff recommends approval of the application for a Type III Certificates of Appropriateness (CA3-15-003) for a variance to allow parking in the front yard where otherwise prohibited at **444 Sydney Street** - Property is zoned R-5/Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall document the 18 in. hardwood tree is not a healthy and viable tree per the City of Atlanta's Tree Ordinance, per Section 16-26.006(1);
2. If the tree is not considered to be viable and healthy, the driveway shall be extended to at least 20 ft. past the front façade of the house and if the tree is considered viable and healthy alternative design solutions shall be utilized to extend the driveway as much as possible while at the same time retaining the tree, per Section 16-26.006(1); and
3. The 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 28, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3 15 004) for a variance to allow a new accessory structure in the Augusta Pl. front yard between the principal structure and the street and to allow a reduction in the side yard setbacks from 7 feet (required) to 5 feet (proposed) at **704 Oakland Ave.** Property is zoned R 5 / Grant Park Historic District (Subarea 1).

Applicant: William Stephenson
1145 Alta Ave.

Facts: According to the District inventory sheet, the house was built in 1908 and is considered contributing to the District. The front yard of the property, which faces Oakland Avenue, is relatively flat and even with the public sidewalk. The rear of the property abuts Augusta Place, thus creating two frontages and two “front” yards. The Applicant proposes to place the two-car garage between the house and Augusta Place. Given that accessory structures are not permitted in the front yard or between the principal structure and public street (i.e. Augusta Place), a variance is required to allow the garage in the Augusta Place front yard.

The accessory structure itself could be reviewed under the Type II Staff Review process given the District regulations to confirm that all other aspects of the accessory structure otherwise meet the District regulations.

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.

- (3) Variances. Variance requests shall be heard by the commission which will 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, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.

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 feet.

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

(D) Off-street parking and driveway requirements:

1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (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.

8. Garages entrances are prohibited on the front façade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, 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.
15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.

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.

The Applicant submitted a variance analysis that was previously sent to Commission members.

Regarding the location of the accessory structure, the Staff finds the Applicant has met the variance criteria. First, while double frontage lots do exist in the district, they are not common. Second, the “second” frontage along Augusta Place generally operates as a rear entry way to houses facing other streets, though there are some lots the only have frontage along Augusta Place. Third, the location of the accessory structure is consistent with the architectural form and organization of the house as the façade of the house facing Augusta Place is, architecturally, the rear façade of the house. The accessory structure will not be out of place in the yard associated with this façade.

Further, the District regulations are specifically geared to accommodate accessory structures to the rear of the houses which is where the garage is essentially located, given the functionality of the property. The Staff would note that the property’s relationship to Oakland Avenue reinforces the characteristic that the functional rear yard is the back of the property and reduces any potential negative effects of the real frontage of the house facing Oakland Avenue.

As to the ability to put the garage somewhere else on the lot, the Staff finds that there are no other reasonable options. The Oakland Avenue front yard of the property would be an even more problematic location both functionally and architecturally, and would be even less aligned with the intent of the regulation. The side yards are too thin for a meaningful accessory structure or even a regular driveway / parking pad.

Regarding the reduction in the side yard setbacks, the Staff does not find that the criteria have been met. While the Applicant points out that lot is substandard as to its width (39 ft. vs. 50 ft. [the required width for an R-5 property] and size (6,214 sq. ft. vs. 7,500 sq. ft.), it is not clear how this compares with other lots in the District or even on the surrounding blocks. The Staff finds that there are numerous lots in the District that do not meet the R-5 frontage and area requirements. Further, the width of the proposed two-car garage includes an art studio / workshop, which could be accommodated within a different thinner design. Lastly, the Staff is concerned that the garage will span almost the entire width of the lot, creating a significant presence along Augusta Place.

In addition, the Staff is concerned about the width of the driveway (which is regulated in the front yard), the presence of two garages doors (which typically prohibit on front facades of structures), and the 10 ft. setback from August Place, which is considered to be front yard and thus regulated by the compatibility rule. These are additional considerations that would apply to an accessory structure in a front yard and/or facing a public street that would not apply to an accessory structure in a regular rear side yard.

While these design characteristics would normally be assessed during the submission of a Type II Staff Review application for a compliant accessory structure, the Staff finds it appropriate to assess these at this time for two reasons. First, the Staff finds that these characteristics are directly related to the visual and architectural effect of approving a variance to have an accessory structure in proximity to a public street. Their absence would add be seen as mitigation for the effects of approving the variance request.

Second, as designed the proposed garage would not meet the three District regulations noted above and as such could not be approved by Staff even if the variances requested are approved by the Commission. This would create a situation with conflicting applications.

To resolve this situation, the Applicant could apply for additional variances to allow these characteristics or re-design the garage (in its proposed location) to meet all of the pertinent District regulations.

The Staff would recommend approval of the locational portion of the variance request and denial of the side yard setback reduction.

The Staff would further recommend that the garage be redesigned to meet all of the other pertinent District regulations, including but not limited to those that apply to driveways, garage doors, and front yard setbacks.

The Staff would also note that the general R-5 zoning district regulations limit to the amount of the “rear” yard that can be occupied by an accessory structure as well as its overall height. The Staff would suggest the Applicant investigate those requirements with the Office of Buildings as well.

Staff Recommendation: Based upon the following:

1) Except as noted above, the plans meet the regulations, per Section 16-20K.007 and 16-26.003(1).

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3 15 004) for a variance to allow a new accessory structure in the Augusta Pl. front yard between the principal structure and the street and to allow a reduction in the side yard setbacks from 7 feet (required) to 5 feet (proposed) at **704 Oakland Ave.** Property is zoned R 5 / Grant Park Historic District (Subarea 1). Property is zoned R-5/Grant Park Historic District (Subarea 1), with the following conditions:

1. The garage shall meet the side yard setback regulations, per Section 16-20K.007(1)(B) and Section 16-26.006(1);
2. The garage shall be redesigned to meet all of the other pertinent District regulations, including but not limited to those that apply to driveways, garage doors, and front yard setbacks, per Section 16-20K.007(1)(D) and (2)(B), and Section 16-26.006(1); and
3. The Staff shall review and if appropriate, approve the final plans and supporting documentation.



KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
October 15, 2014
REVISED
December 10, 2014
(Revised text shown in italic.)
REVISED
January 28, 2015
(Revised text shown in Arial.)

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-14-287) for the construction of a new single family house at **879 Lullwater Parkway** - Property is zoned Druid Hills Landmark District.

Applicant: Elizabeth Hackney – John Wesley Hammer Construction Company
118 Barry Street, Decatur

Facts: In 2012, the Commission approved the demolition of the previously existing house at this location (CA4ER-12-269).

The Applicant proposes to build a new, 1.5 story house with an attached garage and partial basement. The existing driveway curb cut will provide access to a curved driveway up to the house and attached garage. The property has a considerable slope from the street grade, rising almost 50 ft. to the rear property line.

At the October 15, 2014 Commission meeting, the Commission deferred the application to allow time for the Applicant to address the concerns of the Staff and the comments in the Staff Report. On December 2, 2014, the Applicant submitted revised plans, which are the subject of this revised Staff Report.

At the December 10, 2014 Commission meeting, the Commission deferred the application to allow time for the Applicant to address the concerns of the Staff and the comments in the Staff Report. On January 19, 2015, the Applicant submitted revised plans, which are the subject of this revised Staff Report. Prior to the submission of the revised plans on January 16, 2015, the Staff met with the Applicant to discuss the Staff's concerns, particularly those related to the roof form and fenestration patterns. The Staff recommended the Applicant seek input from the Commission directly at the next (January 28th) Commission meeting. As such, these two characteristics of the architectural design remain unchanged from the December 10, 2014 submission.

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 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:
 - c. To erect any new structure or to make an addition to any structure within a Landmark District.

Per Section 16-20.009:

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

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

Per Section 16-20B.003:

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:

- (1) Minimum off-street parking requirements:
 - a. Off-street parking will not be permitted in any front yard nor in any side yard within 50 feet of a street line, except for Moreland Avenue, where a 60-foot limit shall apply. For the purpose of this parking regulation, the front yard shall be that area between the street line and the forward line of the principal structure.
 - b. No off-street parking shall be located within 20 feet of any lot line except as may be authorized by the Atlanta Urban Design Commission under section 16-20B.004(5).
 - c. Parking space requirements: Parking areas on the lot with adequate access to a public street and with adequate circulation space shall be constructed of a material which will assure a surface resistant to erosion and shall be maintained permanently as follows:
 - 2. For single-family dwellings: Two (2) spaces per dwelling unit.
- (3) Minimum landscaping requirements: The overall quality of the landscaped area visible from public ways should be preserved as an integral part of the historic character of Druid Hills, and the following regulations shall apply to all parcels located within the district:
 - a. A certificate of appropriateness shall be required for the clearance or removal of any tree with a caliper of four (4) inches or greater and shrub massings or hedges over three (3) feet high.
 - b. All trees with a caliper of four (4) inches or greater as measured four (4) feet above the ground, outside of the building site which are cleared for any reason, shall be replaced with trees having a minimum caliper of one and one-half (1 ½) inches.
 - c. A certificate of appropriateness shall be required for any major change in the landscape which is visible from the public right-of-way. Removal or changes in topography, walls (retaining or freestanding), and fences shall constitute a major change.
 - e. Which shall read as follows: “(3)(e.) Any construction in the Druid Hills Landmark District shall maintain the general landscaping scale and character reflected in the original development of Druid Hills in order to preserve the historic landscape character of the district. Landscape changes visible from the public right-of-way shall require a Certificate of Appropriateness and shall follow the standards set forth by the Secretary of the Interior. These standards, *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*, are designed to assist individual property owners in the formulation of plans for maintenance and continued use of historic properties and landscapes.”

- (4) *Minimum drainage controls:* Structures shall be located so as to preserve the natural terrain of the district. Proper drainageways shall be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department of public works.
 - a. No structure shall be permitted within any 100-year floodplain.
 - b. No single-family structure shall be constructed on natural slopes greater than 25 percent.
 - c. No structure other than single-family shall be permitted on slopes greater than 15 percent.
- (5) *Minimum architectural controls:* Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district.

Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

Sec. 16-20B.006. Springdale/Oakdale/Lullwater

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

- (1) Permitted principal uses and structures:
 - a. Single-family dwellings.
 - b. Parks, playgrounds and community buildings owned and operated by a governmental agency.
- (3) Minimum lot requirements:
 - a. Lot width: Each lot shall have a minimum lot width of 100 feet.
 - b. Lot area: Each lot shall contain a minimum lot area of 38,000 square feet.
- (4) Lot coverage: Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.
- (5) Minimum yard requirements:
 - a. Setbacks:
 7. East side of Lullwater Parkway, to city limit:
 - a. Front yard: 140 feet.
 - b. Side yards: 25 feet.
 - c. Rear yard: 100 feet.
- (6) Maximum height: No building shall exceed a height of 35 feet.

Secretary of the Interior Standards for Treatment of Historic Properties

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Lot Configuration

While the lot as shown on the survey and site plan exceeds the minimum lot frontage and minimum lot size required for this portion of the District, the overall configuration is slightly different from what is shown on the City's plat maps. The Staff would note that generally speaking such differences need to be resolved prior to any permits being issued by the City for work on the property. The Staff would suggest that the Applicant address these issues at the same time as the finalization of their permit / construction drawings.

No addition information was submitted on this issue. The Staff would retain its previous suggestion.

Since the last Staff Report, the Applicant has provided documentation that the current lot configuration has been acknowledged and accepted by the City of Atlanta.

Overall Development Controls

The site plan does indicate if any trees will be removed as part of the construction. The Staff would recommend the Applicant document any tree removal and subsequent compliance with the tree replacement requirements of the District, as well as the City's Tree Ordinance.

The revised plans note the location and size of the trees to be removed, but do not document compliance with the District's tree regulations or the City's Tree Ordinance as to replacement trees or recompense. The Staff would retain its previous recommendation.

The revised site plan lists the number, type, and size of trees to be removed and planted. This listing shows compliance with the District's tree replacement requirements. However, the normal tree recompense chart / calculation for comply with the City's Tree Ordinance has not yet been included. The Staff would retain the later portion of its previous recommendation.

While the survey does have a note about "special flood hazards", the Staff would recommend that the Applicant confirm that no structure will be located within the 100 year flood plain.

The revised submission includes a survey with a note specifying that no portion of the property is located within a 100 year flood plain.

It is not clear that the proposed house will not be built on any natural slope exceeding 25%, though the Staff would note that the vast majority of the house will occupy the former footprint and somewhat level building pad of the demolished house. Nonetheless, the Staff would recommend the Applicant provide a slope analysis of the site to confirm that the house will not be placed on any 25% natural slope.

The revised submission includes a slope analysis which documents that no portion of the proposed house will be located on a natural slope greater than 25%.

The proposed house includes three off-street parking spaces located within the attached garage. The District regulations restrict off-street parking within 20 ft. of any property line. The garage and associated parking court are more than 25 ft away from any property line. However, the District regulations also prohibit any parking in any front yard, which is defined as "that area between the street line [i.e. the front property line] and the forward line of the principal structure". The forward most point of the proposed house is the projecting (but connected) screen porch area. A portion of the parking court is located forward of the front edge of this screen porch area. As such, that portion of the

parking court does not meet the District regulations. The Staff would recommend that the portion of the parking court forward of the front edge of the screened porch be removed from the proposed design.

The revised site plan shows that no portion of the parking area of the parking court parking area will be located forward of the front face of the screened porch. There is landscaping associated with the parking court that will be forward of the front face of the screened porch, but not the parking area itself.

No lot coverage calculation was included in the submission. The Staff would recommend the Applicant document that the lot coverage for all structures, parking and driveways does not exceed 35 percent of the lot area.

The revised site plan notes the lot coverage for the revised design will meet the District regulations.

The proposed house and all accessory structures that would be subject to the District's setback requirements, meet those requirements. The Staff would note that retaining walls, site stairs, patios, and in-ground water features do not need to meet the setback requirements.

Site Plan Design Analysis

Apart from the more technical site plan requirements noted above, the Staff does have some concerns about the amount of paving and improved spaces in front of the house. While the Staff acknowledges that the site's topography and woodland landscape will make it difficult to see the front yard landscape and hardscape features from the street, it is concerned about the size and variation in levels (three levels are designed) to the entry terrace. There are examples of entry terraces in the District, but not generally of this size and complexity. Generally speaking, the front yards of houses in the District consist of natural or planned landscaping and a driveway. The Staff would recommend that the front entry terrace be simplified in design and reduced in size.

The front terraces have been reduced in size and complexity. In particular, the lowest level terrace included in the first submission has been eliminated from the proposal and the remaining terrace has been slightly reduced in size with additional landscaped added to one side within a raised planting bed. The front terrace area is now somewhat similar to others found in the District.

In addition, it is not clear to the Staff the height of the retaining walls around the front entry terrace and small lawn area. Recognizing the sloping site would likely require some retaining walls to create some usable outdoor space, these retaining wall needs to be the shortest height possible to emphasize the natural and planned landscaping of the front yard. The Staff would recommend the retaining walls in the front yard are reduced in height.

The retaining walls in the front yard have been reduced in height, and the forward most wall has been eliminated from the proposal. The Staff would note that to reduce the height of the walls an additional wall has been added, though it is at the reduced height.

The Staff would add that there have been several changes to the site features at the rear and right side of the house that reduce the formality and symmetry of the spaces and features. Generally speaking, the Staff has no concerns about the design or materials of the rear and right side yard site features. The formal foundation and stairs have been replaced with a more natural waterfall and planting area, while the bocce court has been replaced by gardens and gathering spaces. A small out building which

was previously proposed to be removed has been retained and incorporated into the gardens and gathering spaces. The Staff would note that if “reworking” the existing greenhouse means that it will be rebuilt or moved, the new structure will have to meet the District setback regulations.

At the back right hand corner, a stone terrace (which would not be subject to the District setback regulations) contains a fireplace, which if it is tall enough would be subject to the District setback regulations.

The Staff would recommend that all proposed site features subject to setback regulations meet the side and rear yard setbacks.

In the revised site plan, the “reworked” green house is now noted as a “new accessory structure – meets COA and District setbacks” and the fire place is noted as a “low stone fireplace and seat wall”. Given the new accessory structure sits within the 100 ft. rear yard setback distance, it is not clear to the Staff how it meets the District setbacks. If the accessory structure is built entirely into the grade such that no portion projects above the grade line, that might exclude it from the District setback requirements. Similarly, the “low” fireplace (depending on its specific height) would still need to meet the District regulations. The Staff would retain its previous recommendation.

Architectural Analysis

The District regulations call for any construction in the District to “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.” As such, the Staff finds that the proposed new construction should be an architectural style and form found in the historic houses in the District. Further, the Staff finds that if the architectural style and form of the proposed house is in the District, the architectural style should either be very similar to the examples found in the District or be very similar to those found in generally accepted references, such as A Field Guide to American Houses, by Virginia and Lee McAlester, which was used by the Staff in this situation.

In reviewing the proposed house, the Staff finds that is closest in architectural style to a Tudor or English Vernacular style of house. There is no question that there are numerous examples of such houses in the District, which tend to have a variety of massing / overall shapes, roof form, and fenestration patterns. These styles of houses can and often have varied and articulated massing, steeply pitched and/or swooping roofs, side-to-side ridges lines, accent gables, grouped or ganged windows, bay windows, dormers and other roof plane projections, prominent chimneys, and a mix of exterior materials (including brick, stone, stucco, half-timbering, and slate).

The overall height of the proposed house meets the District limitation of 35 ft.

While the Staff acknowledges that the house itself will have somewhat limited visibility from the street, the Staff finds that its style and form must meet the District regulations. In general, the Staff finds that the house exhibits many of the qualities of a Tudor or English Vernacular style house.

As for the garage with doors on the front façade, the Staff finds that given its extreme front overhang, architectural detailing, placement on the site, the site topography, and relationship to the main house, the garage compatible with the proposed design and meets the District regulations.

Regardless, it does have some concerns about other aspects of the proposed design.

First, even though the house meets the quantitative height requirement, the Staff is concerned about the expansive and roof plan on the main house, and coupled with the large roof plane over the attached garage, the perceived overall width of the house. Even taking into account that in the District these house styles tend to be wider than other styles and the proposed house meets the setback requirements, the proposed house will be 142 ft. wide from the projection on the right side of the house to the left side of the garage.

Without removing floor area, the Staff finds that the perceived length of the house and the dominance of the roof planes can be reduced by revisions to the roof shape. For example, the roof of the main house could incorporate clipped gables (a feature found on Tudor and English Vernacular style houses), the pitch of the roof section between the house and garage could be lowered, and the pitch of the roof slope over the garage could be lowered and clipped gables added to it. Also, the dormers could be varied / added and accent gables incorporated / expanded. These potential revisions could also help separate the garage massing from the house massing making it appear more “detached” from the house than it really is. The Staff would add that of any of the house styles found in the District, these house styles would accommodate varied roof pitches the best. The Staff would recommend that the roof forms and slopes be revised to reduce the roof’s perceived size and uniformity, and the perceived length of the house.

The Staff finds that the revised design includes a roof form that is only slightly revised from the original submission. The roof over the garage has been slightly lowered (by incorporating a “split” gable), but the roof over the section between the garage and the main house has been raised and there is only minimum change in the roof of the main house. The dormers appear essentially as there were in the original submission and there have been no clipped gables or other features added to the roof of the main house that would reduce its visual dominance of the design. The Staff would retain its previous recommendation.

As noted above, the architectural design has not been revised since the December 10, 2014 submission. The Staff would retain its previous recommendation.

Second, even though these house styles often incorporate grouped or ganged windows and/or French doors, the Staff is concerned about the window and door grouping in the middle of the house. At the main level there are four French doors (a doors total), while immediately above that there are four casement windows, and immediately above that four accent windows. While the French doors are in a different plane than the windows above, the combined effect of this pattern is the creation of a window wall, which is not compatible with these house styles or similar houses found in the District. The Staff would recommend the French door / casement window / accent window grouping on the front façade be revised to eliminate the perception of a window wall.

The French door / casement window / accent window grouping is essentially un-changed from the original submission. Further, it appears that the style of the different components of the grouping has been simplified and made more internally consistent which the Staff finds increases the window wall effect. The Staff would retain its previous recommendation.

As noted above, the architectural design has not been revised since the December 10, 2014 submission. The Staff would retain its previous recommendation.

Third, but related to the window wall concern is the stacked design of the bathroom windows on the second level in relation to the roof dormer above them. While the use of small “accent” windows is typical of these house styles, the Staff is concerned that the stacked design will make them look to regimented and symmetrical. The Staff would recommend the placement of the individual second level windows and roof dormers be revised to eliminate the stacked effect of the design.

The design of the bathroom windows on the second level has been simplified to create the appearance on one, single, tall window in each room. For this component of the house, this simplification eliminates the Staff’s concern vs. how this change didn’t eliminate the Staff’s concern in the window wall area.

Fourth, it would appear that the roof of the extreme right hand portion of the house will be essentially flat with a parapet wall. While there are examples of such roof configurations on portions of these styles of houses, they are more unusual and do not normally depart so drastically from the materials of the main house. In this case, all of the rest of the house is stone, while this portion is shiplap, cedar siding. Further, there is not a window on the front façade, creating a blank wall that combined with the drastic change in materials increases its visual presence within the design. The Staff would recommend that the shiplap sided projection on the right side of the house be re-designed to be more internally consistent with the house design.

A small window has been added to this portion of the house. The Staff would retain the portion of the recommendation as to the materials of the right side of the house.

In the revised submission, this portion of the house has been re-clad in stone similar to already stone portions of the house. The Staff finds that this material change this portion of the house is more internally consistent with the rest of the house and as such addresses the Staff’s concern.

Staff Recommendation: Based upon the following:

1. *Components of the proposed house style and form still do not meet the District regulations, per Section 16-20B.005; and*
2. *The potential changes to the house style and form recommended by the Staff, taken together, could result in a house with a different overall appearance, but increased compatibility with the District regulations.*

Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-14-287) for the construction of a new single family house at **879 Lullwater Parkway** - Property is zoned Druid Hills Landmark District, to allow time for the Applicant to address the following concerns and comments:

1. *The Applicant shall document compliance with the City’s Tree Ordinance, per Section 16-20B.003(3);*
2. *All proposed site features subject to setback regulations shall meet the side and rear yard setbacks per Section 16-20B.006(5)(a)(7);*
3. *The roof forms and slopes shall be revised to reduce the roof’s perceived size and uniformity, and the perceived length of the house, per Section 16-20B.003(5);*
4. *The French door / casement window / accent window grouping on the front façade shall be revised to eliminate the perception of a window wall, per Section 16-20B.003(5); and*
5. *The Applicant shall provide to the Staff all additional documents, information and materials (including the required number of copies) no less than eight (8) days prior to the Commission to which this application is deferred.*



CITY OF ATLANTA

M. KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

September 24, 2014

Updated

January 28, 2015

(updated information in arial black)

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-14-252) for alterations and additions at **184 Berean Avenue**– Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline.

Applicant: Carolyn Jordan-White
828 Virgil Street

Facts: According to the 2002 inventory, this single family dwelling was built before 1899 and is considered contributing.

This application was deferred to allow the Applicant time to address the concerns of the Commission and Staff.

Analysis: The following code sections apply to this application:

Per Section 16-20.007

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

Per Section 16-20.009. Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained

in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) 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.

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

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

(1) *When required:*

To change the exterior appearance of any portion of a structure within the district

(2) *Type required:*

- a) When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in [section 16-20.008](#) of the Zoning Code. Provided, however, that a partial demolition of a contributing building 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.
- b) If the proposed alteration for minor façade alterations, fences, walls, accessory structures, decks, paving and satellite dishes meets the requirements of section 16-20A.006, section 16-20A.007, section 16-20A.008, section 16-20A.009, section 16-20A.010, and section 16-20A.011, as applicable, then the director of the commission shall issue the Type II Certificate

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

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

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (3) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.

d) Those elements to which the rule applies are noted in the regulations by a reference to the “compatibility rule.”

(4) *Variances.* Variance requests shall be heard by the commission which will 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, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.

(9) *Minimum lot requirements.* There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.

(13) *Design standards and criteria for new principal buildings.* The following regulations shall apply to new construction of principal buildings.

a) *General criteria:*

1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
2. The general façade organization and proportions shall be subject to the compatibility rule.
3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.

4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.

b) *Facades:*

1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.

(c) *Roofs:*

1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
2. Skylight and solar panels are not permitted on the front façade of any structure. "Bubble type" skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public rights-of-way and is subject to approval by the commission.
3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
4. Boxed gable returns are not permitted.
5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right-of-way may use any roof covering that conforms to standard architectural specifications.

(14) *Design standards for alterations and additions to contributing buildings.* Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the

historic architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:

- a) All repair work shall be match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.
- b) All replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
- c) Alterations shall not introduce materials or building elements that do not reinforce the architectural character of the building and shall not destroy historic materials that characterize the property.
- d) The height or width of any alteration or addition shall not exceed the height or width of the existing building.
- e) Any alterations or additions shall be compatible with the massing, scale and architectural features of the property.

Sec. 16-20A.009. Shotgun and cottage housing (subarea 3).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

- (1) *Shotgun Housing.* Shotgun housing is a style typified by simple structures whose width is no more than that of one (1) room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms wide. This housing type is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.
- (2) *Cottage Housing.* Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and facade features, and consistent structure massing.
- (3) *Permitted principal uses and structures.* A building or premises shall be used only for the following principal purposes:
 - a) Single-family detached dwellings.
 - b) Two-family dwellings existing at the time of the adoption of these regulations. Two-family dwellings, originally built as duplexes, shall be permitted even if the use has lapsed for more than a year.
 - c) Parks, playgrounds, and community buildings owned and operated by a government agency or Cabbagetown-based non-profit community organization.
- (6) *Minimum lot requirements.* In addition to the setback requirements in Section 16-20A.006(9), in no case shall any portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.
- (7) *Maximum building height and width.* The compatibility rule shall apply.
- (8) *Floor area ratio.* The floor area ratio shall not exceed 0.50.
- (9) *Roofs.*
 - a) Roofing materials shall be asphalt shingles or batten seamed metal.
 - b) Metal shingles are permitted if they are appropriate to the house style.
- (12) *Porches.*
 - a) Decks shall be permitted on the side or rear of the house if not visible from the street.
 - b) Rear decks shall be no wider than the house.
 - c) Side and rear porches shall be permitted if appropriate to the house style.

Partial Demolition

In a revised site plan, the Applicant is proposing to demolish part of the house. In looking at the site plan, the existing house is 1042 sq. ft. The Applicant is proposing to demolish nearly half of the house (505 sq. ft.). Staff finds the portion of the house proposed for demolition likely consists of two or three additions that have been constructed over time. The house was constructed in the late 1800's and the additions, while not original, appear to be historic.

Historic additions are very typical in the Cabbagetown Landmark District. Staff has a concern that demolishing half of the existing house, negatively impacts the historic fabric and interpretability of the existing historic house. Per regulations, a Type IV Certificate of Appropriateness shall be required when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance. Based on the information we have at this time, Staff finds a Type IV Certificate of Appropriateness is required for the proposed partial demolition. Staff recommends the Applicant either provide documentation the proposed partial demolition will not destroy the structure's historic interpretability or importance, or the Applicant shall submit an application for a Type IV Certificate of Appropriateness.

In the original plans, the Applicant was proposing to demolish half of the existing house. In updated plans, the Applicant is proposing to demolish a 60 sq. ft. addition that was constructed after 1911. While Staff finds the addition is historic, Staff finds the proposed demolition will not result in the loss of significant architectural features which destroy the structure's historic interpretability or importance. As such, Staff finds a Type IV Certificate of Appropriateness is not required. Staff does not have a concern with the proposed partial demolition.

Site

The Applicant is proposing a side and rear addition. Per regulations, the side and rear yard setbacks are based on the compatibility rule. The Applicant did not provide information regarding the side and rear yard setbacks on the block face. Staff recommends the Applicant provide documentation the proposed setbacks meet the requirements. The Applicant did not submit properly scaled plans. Staff recommends the Applicant submit a properly scaled site plans that indicates all proposed conditions. Per regulations, the maximum floor area ratio (FAR) allowed is .50. The proposed FAR is .25 and therefore meets the requirements. Staff would note there are no lot coverage requirements in this subarea.

As requested by Staff, the Applicant provided properly scaled plans and documentation regarding the setbacks. Staff finds the side yard and rear yard setback requirements have been met.

While Staff finds the proposed project still meets the setback requirements, Staff has a concern with the side addition on the south elevation. Per regulations, additions cannot be wider than the existing house. Staff finds the proposed side addition on the south elevation is wider than the existing house and therefore does not meet the requirements. Staff recommends the side addition on the south elevation is eliminated. As there is an existing door on the south elevation, Staff does not have a concern with the addition of a small stoop to accommodate entry into the house.

The Applicant is proposing to remove an existing curb cut and driveway on the north side and create a new driveway on the south side. Staff finds the proposed driveway is located 20' past the front façade, is less than 10' wide and has ribbon strips as required by the regulations. Staff recommends the plans indicate the required planting strip. As the existing driveway is partially located on another

property and is not located 20' past the front façade of the house, Staff has no concerns regarding its relocation to the south side of the house.

Documentation

There are no notes on the plans regarding the proposed alterations. It is important to know what is proposed for the existing siding, windows, trim, etc. Staff would also note that while work is proposed on the rear of the house, a rear elevation was not submitted. Staff recommends the Applicant submit elevations for all facades with detailed notes on all the proposed alterations, additions and material. In comparing the elevations, floor plans and site plan, there appears to be a new stair and stoop on the side elevation. Staff finds the proposed stoop is not indicated on the site plan and is not accurately depicted on the elevations. Staff recommends the site plan, elevations and floor plan are internally consistent. In looking at the pictures of the existing conditions, it appears there are several different types of windows. Given the age and type of house, Staff finds it likely the original windows are two over two windows. All of the existing windows and doors are not clear in the pictures. Staff recommends the Applicant submit additional pictures of the existing windows and doors.

As requested by Staff, the plans are detailed in regards to existing conditions, proposed conditions and material details. Staff also finds the site plan, floor plan and elevations are all internally consistent. Staff retains its recommendation regarding the submittal of additional pictures.

As requested by Staff, the Applicant submitted additional pictures.

Alterations and Additions

The Applicant is proposing additions to both side elevations and the rear elevation. While Staff finds the overall size and design of the additions are appropriate, Staff has concerns regarding the details, retention of historic materials and differentiation between the historic house, existing additions and the proposed additions. Staff recommends the Applicant clarify the details of the proposed alterations and additions, how the significant historic materials will be retained and how the original historic house, the previous addition and the proposed addition will be differentiated from one another.

As previously mentioned, the proposal includes a partial demolition. Staff finds that demolishing the entire back half of the existing house is not appropriate. Notwithstanding Staff's concerns regarding the proposed partial demolition, Staff has concerns regarding the massing of the proposed addition. If the partial demolition was approved, there would only be 537 sq. ft. of the historic house left. The proposed addition and rear porch will be 968 sq. ft. Staff finds the proposed addition is nearly twice the size of the original portion of the house that would be left. If the demolition is approved, Staff recommends the size of the addition is reduced so that the addition does not diminish the presence of the original historic house.

As previously mentioned, the proposed partial demolition is now approximately 60 sq. ft. Staff finds the proposal retains most of the original and historic parts of the house. In updated plans, the Applicant is proposing a 250 sq. ft. addition on the north elevation that wraps around to the rear elevation. The Applicant is also proposing a rear porch addition and a small side addition on the south elevation. As previously indicated, Staff has concerns regarding the south elevation additions. Staff finds the additions on the north and rear elevations are appropriate. Staff recommends a false corner board is installed to help differentiate the existing addition from the new addition on the north elevation.

As mentioned previously, Staff has concerns that there is not enough differentiation between the historic house and the proposed addition. Staff recommends the ridgeline of the addition is lowered to help differentiate the historic house from the addition. Staff further recommends there be a change in the fenestration to help further delineate the addition.

In the revised elevations, the ridgeline of the addition is lower than the original portion of the house and is consistent with the ridgeline of the existing addition.

In the updated elevations, there are three skylights on the side of the addition. Per regulations, skylights are allowed as long as their ability to be seen from the public right-of-way is minimized and the skylights are flat. Staff recommends the Applicant clarify how visible the skylights are from the public right-of-way. Staff further recommends the Applicant provide details regarding the proposed skylights.

In updated plans, there are two skylights instead of three skylights. There was information provided that indicates the skylights will be flat as required by the regulations. In the previous submittal, all three skylights were located towards the rear of the house. The revised plans indicate a skylight towards the front of the house. Given the visibility of the skylight located in the kitchen, Staff recommends it is eliminated from the plans.

While not noted on the plans, it appears the Applicant is proposing to remove the front porch roof, the existing metal awning and the porch railing. Staff finds the existing porch roof, metal awning and railing are not original and are not historically significant features of the house. As such, Staff has no concerns regarding the removal of the existing porch roof, metal awning or porch railing. In looking at other similar historic houses on the block face, the proposed hipped roof is consistent and compatible with those houses. The Applicant is also proposing to add a gable vent. Staff has no concerns regarding the addition of a gable vent. Staff finds the proposed changes to the front porch are highly appropriate and meet the requirements.

Windows and Doors

The plans indicate the existing windows will be repaired or replaced. While Staff finds the new windows are appropriate, Staff recommends all original windows are repaired and retained. If the repair is not feasible, Staff recommends all replacements are 2 over 2, wood true divided lite windows. The Applicant is proposing wood doors with rectangular glass in the upper portion. Staff has no concerns regarding the proposed doors.

Staff retains its recommendations regarding the windows and doors.

Building Materials

The Applicant is proposing the following building materials: batten seam metal roof, stucco foundation, wood windows and doors, wood siding, brick chimney, wood railings and wood columns. In general, Staff finds all of the proposed materials are appropriate and meet the requirements. There is a notation the vinyl siding will be removed and the wood siding underneath will either be repaired or replaced. Staff recommends the historic wood siding is repaired and retained if feasible. If repair is not feasible, Staff has no concerns regarding the replacement.

The proposed façade material for the new addition is not indicated. Staff recommends the façade material for the new addition is indicated on the plans and meets the requirements. Staff retains its recommendation regarding the building materials.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations per Section 16-20A.006 (14) with the exception of the comments above;
- (b) A Type IV Certificate of Appropriateness for a partial demolition is not required, per Section 16-20A.005(2)(a);

Staff recommends approval of an Application for a Type III Certificate of Appropriateness (CA3-14-252) for alterations and additions at **184 Berean Avenue**– Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline, with the following conditions:

1. The side addition on the south elevation shall be eliminated, per Section 16-20A.006(14)(d);
2. The site plan shall indicate the required planting strip for the driveway, per Section 16-20A.009(14)(d);
3. The fenestration on the addition shall be different than the fenestration on the historic house, per Section 16-20.009(2) and (3), 16-20.006(14)(c)and (e);
4. A false corner board shall be on the north elevation to differentiate the new addition from the existing addition;
5. The skylight in the kitchen shall be eliminated, per Section 16-20A.006(13)(c)(2);
6. All original or historic windows shall be repaired and retained, per Section 16-20A.006(14)(a);
7. If the repair of the original or historic is not feasible, all replacements windows shall be are 2 over 2, wood true divided lite window, per Section 16-20A006(14)(a);
8. The historic wood siding shall be repaired and retained if feasible, per Section 16-20A.006(14)(a);
9. The façade material of the new addition shall be indicated on the plans and shall meet the requirements, per Section 16-20A.006(14)(c); and
10. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT November 24, 2014 *Updated*

January 28, 2015
(updated information in italics)

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-14-345) for a variance to allow a reduction in the rear yard setback from 3' (required) to 0' (proposed) and to allow a reduction in the side yard setback from 3' (required) to 1' (proposed) at **1120 St. Augustine Place** – Property is zoned R-4/Atkins Park Historic District.

Applicant: Michael Nualla
PO Box 727, Decatur

Facts: According to the Atkins Park Historic District Survey, this single family dwelling built in 1919 is considered contributing.

This application was deferred to allow the Applicant to address the concerns of the Commission and Staff.

Analysis: The following code sections apply to this application:

Per Section 16-200.006 of the Atlanta Land Development Code, as amended:

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

Sec. 16-200.006. General Regulations.

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

- (1) Certificates of Appropriateness.
 - (A) Type III certificates of appropriateness shall be required for:
 - (i) All new principal structures.
 - (ii) All major alterations and additions to existing structures.
 - (iii) Subdivisions or aggregations of lots, and planned developments.
- (7) 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, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, or the district as a whole. Synthetic materials may be used if visually indistinguishable from the original materials. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in

question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face.”

- (B) Those elements to which the rule applies are noted in the regulations by a reference to the “compatibility rule.”

Sec. 16-20O.007. Specific Regulations.

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

- (1) *Development Controls for Principal Structures.*
(A) *Front Yards:* The front yard setback of principal structures shall meet the compatibility rule.
(B) *Side yards:* The side yard setbacks of principal structures shall meet the compatibility rule. All new construction and additions shall maintain a minimum of three (3) feet for side yards setbacks where the compatibility rule would permit otherwise.
(C) *Rear yard:* The rear yard setback of principal structures shall be a minimum of fifteen (15) feet.
- (2)
- (3) *Maximum Floor Area Ratio:* The floor area ratio shall not exceed 50 percent of the total lot area.
- (4) *Maximum Lot Coverage:* Lot coverage shall not exceed 50 percent of total lot area.

Development controls for accessory structures.

(A) *Side yards:* The side yard setbacks of accessory structures shall be a minimum of three feet. Where an accessory structure directly abuts an accessory structure on an abutting property, the side yard setback may be zero feet.

(B) *Rear yard:* The rear yard setbacks of accessory structures shall be a minimum of three feet, measured from the rear property line.

(C) Accessory structures are permitted in the side or rear yards within the buildable area of the lot so as to not project beyond the front façade of the principal structure. Placement of accessory structures shall conform to the compatibility rule.

(D) Accessory structures shall not exceed 16 feet in height or the height of the principal structure, whichever is less, measured from slab to ridge pole, and shall not contain a floor area greater than 25 percent of the floor area of the principal structure. Plumbing shall be limited to hose bib, and electricity shall be limited to 60 amps.

Variance Justification Submitted by the Applicant

Applicant, having received a determination that proposed action at broad variance with the referenced zoning regulations when seeking a Certificate of Appropriateness, hereby requests that the Atlanta Urban Design Commission grant a variance for: reduction of sideyard setback for addition to an existing Accessory Structure to 1’-0” and the reduction of rearyard setback for additions to an existing Accessory Structure to zero feet.

(1)The original lot size of this property was 18’-0” wider than it is currently in the Plat Books. Sometime in the past, the Westside property line was shifted over and reduced the width of the lot to its current 62’-0” width. The existing garage would have sat approximately 23’-0” from the west property line, however, it is now 4’-4” from the property. All the other houses in the Atkins Park subdivision that abut the 10’ walkways are much wider then Lot #26.

Since the existing garage sits on the rear property line, we want to integrate the new alterations with the existing siding. In order to make the alterations appear seamless and original to the existing garage, it is vital to be able to build within the rear yard setback.

(2)The narrow width of this lot compared to others lots that about the 10'-0" walkways in the Atkins Park Historic District has pushed the Main House very close to the entry of the Garage. This has created a very tight driveway. If the new addition had to adhere to the 3'-0" Rear yard Setback, this would push the new additions to the Garage very close to the main house; thus, making entry & exit into the Garage virtually impossible.

(3) The narrower conditions of the Lot #26 have created a scenario where the original Garage is also much narrower and more tower-like than all the other garages in the Atkins Park Historic District. We'd like to rectify the proportions of the building and make the Garage seem more in keeping with the scale and proportions of the other Garages in the neighborhood.

(4) Of the 15 houses that on are on the North side of St. Augustine Place, 8 of them are on the property line or within 1'-0" of the property. By granting the variances for the Proposed Alterations, we will be adhering to and strengthening the spatial relationships of the other Garages on this street with their side yard property lines. There will be no increase of fire danger by granting the side yard variance since the Garage at 1114 St. Augustine is on the opposite side of the lot, on the West side of the property.

In its current state, the structure of the building is quite compromised. The wood framing is rotted in many areas, and the existing exterior staircase is about to collapse. The building poses a safety hazard to the homeowners' family and the neighbors. Its tower-like proportions contribute to its top heavy nature and increase the chances of it falling over. By allowing the repairs and additions to the existing structure, we will be able to ensure that the building is no longer a safety hazard to the public.

Variance Justification Response

The Applicant is seeking a variance in order to renovate and add to an existing accessory structure. Staff would note that in Atkins Park, the architectural design of accessory structures is not regulated. With that said, Staff has concerns with the proposed additions and alterations to the existing accessory structure. The Applicant has indicated the existing accessory structure has rotted framing, is compromised and is a hazard to the public. Given the Applicant's assessment of the existing structure, it is not clear how feasible it is to wrap the existing accessory structure with an addition on the bottom and the side without significant amounts of demolition.

While the demolition of the accessory structure is not a concern, Staff finds that enough demolition and replacement of the accessory structure could be considered a new accessory structure. If the accessory structure is considered new, Staff finds the limits on the use of plumbing and electricity would not allow the accessory structure to be used for living space. Staff recommends the Applicant provide documentation the proposal is feasible and will not be considered a new accessory structure.

The Applicant has submitted a detailed framing plan that indicates 75% of the existing framing will remain. While this is helpful information, it does not clarify whether the proposal will be considered a new structure. As the Office of Buildings will make the determination as to whether the building is considered new, Staff recommends the Applicant get verification from the Office of Buildings Staff that the proposed additions and alterations will not be considered a new structure.

In the previous submittal, the Applicant indicates the structure has rotted framing, is compromised and is a hazard to the public. Given the concerns regarding the existing framing, Staff recommends the Applicant clarify how 75% of the existing framing will be retained.

According to the Applicant one of the hardships is the size of the lot. Specifically, the Applicant indicates the property was 18' wider at some point in the past was 18'. The Applicant indicates that all the other lots that abut the 10' walkway are wider than the subject property. Staff would note that only one other house on the block face abuts the 10' walkway. Staff would also note the majority of the lots on the block face are either the same size or smaller than the subject lot. Lastly, the existing lot is consistent and compatible with the typical lots in the district. It is not clear to Staff why the width of the lot is a hardship. Staff recommends the Applicant clarify when the size of the property was changed. Staff recommends the Applicant clarify whether the existing accessory structure was constructed before or after the width of the property was reduced.

According to the Applicant, the research shows that the property line was likely changed before the garage was constructed. Given that information, Staff finds the argument that the width of the lot is a hardship is not valid.

According to the Applicant, the 3' rear yard setback requirement would push the garage closer to the house and make entry and exit into the garage virtually impossible. There appears to be no issues for the current garage in regards to entry and exit. Staff finds the Applicant has not submitted adequate documentation that indicates entry and exist would be impossible by meeting the rear yard setback requirements. Staff finds there are likely design solutions that would meet the setback requirements and allow for additional space. Staff recommends the Applicant submit documentation entry and exist would be impossible by meeting the setback requirements.

As previously indicated, there does not appear to be entry and exit issues with the current configuration. By wrapping the building to accommodate a second bay, the entry and exit problems are created. Staff finds the existing bay could be retained without the requirement for a variance and without entry and exit issues. Staff finds the Applicant has not proven a hardship.

According to the Applicant, the existing accessory structure is "narrower and more tower like than the other garages in the Atkins Park Historic District" Staff finds that granting the variance will not reduce the height of the structure and the actual design is not consistent or compatible with the architecture in the district. Staff recommends the Applicant provide documentation the proposed project will be consistent and compatible with the proportions and scale of the other garages in the district.

In looking at the pictures submitted by the Applicant, Staff finds the garage is consistent with the scale of existing accessory structures. Staff finds however that the proposed alterations and additions are not consistent with the proportions of other accessory structures.

The Applicant provided rear yard setbacks for 14 accessory structures. Out of the 14 accessory structures, 8 have rear yard setbacks of 1' or less. Staff would agree the proposed rear yard setback is consistent with the more than half of the accessory structures on the block face.

Per regulations, proposed accessory structures shall be no more than 16' in height. Staff finds a portion of the addition will be taller than 16' and therefore does not meet the requirements. Staff recommends the project meet the height requirement or the Applicant will need to apply for a height variance. Based on the information we have at this time, Staff finds the Applicant has not proven a

hardship. In addition, Staff has concerns regarding the feasibility of the project. Staff cannot support the requested variance at this time.

As recommended by Staff, the portion of the addition that is over 16' has been eliminated. Based on the information we have at this time, Staff is still not convinced that the project as proposed is feasible. Staff finds the proposed project is not consistent with the proportions of other accessory structures. Staff finds the Applicant has not proven that denial of the variances creates a hardship. Based on the information we have at this time, Staff cannot support the proposed variances.

Staff Recommendations: Based upon the following:

The variance request, with the exceptions noted above, does not meet the regulations per Section 16-200.006 (2);

Staff recommends denial of the application for a Type III Certificate of Appropriateness (CA3-14-345) for a variance to allow a reduction in the rear yard setback from 3' (required) to 0' (proposed) and to allow a reduction in the side yard setback from 3' (required) to 1' (proposed) at **1120 St. Augustine Place** – Property is zoned R-4/Atkins Park Historic District, with the following concerns:

1. The Applicant shall get verification from the Office of Buildings Staff that the proposed additions and alterations will not be considered a new structure; and
2. The Applicant shall clarify how 75% of the existing framing will be retained.



KASIM REED
MAYOR

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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.)
REVISED
January 28, 2015
(Revised text shown in Courier.)

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 19th and early 20th 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 2nd, 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).

At the January 14, 2015 meeting, the Commission deferred the application to allow time for the Applicant to address concerns of the Commission and Staff. On January 20, 2015, the Applicant submitted revised design materials, but not a revised variance request or argument. These revised design materials are addressed in this revised Staff Report.

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 liriopse 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;
 - (m) 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.

Sec. 16-26.006. - Special exceptions.

In addition to the special exceptions enumerated in chapter 25 which the board of zoning adjustment is empowered to consider, the board may also waive or reduce the parking and loading requirements in any of the districts when the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot.

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 met 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 10th 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 tree wells remain at their previously adjusted size in the revised submission. The Staff would retain its previous recommendation.

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.

The outdoor dining previously proposed between the two buildings, between the building at #159 and Walker Street (via a note on the plans), and at the northeastern tip of the #131 Walker Street

building has been eliminated from the proposal. The Staff would note that there is still an "entry" at the northeastern tip of the #131 Walker Street building. The roof top outdoor dining previously proposed on the top of the #131 Walker Street building has been moved to the west with an orientation facing Nelson Street. A new outdoor dining area has been added at the street level about the midpoint of the Nelson Street façade of the #131 Walker Street building.

The revised design of the outdoor dining on the roof top and at the street level orients the dining away from the Walker Street residential units. In the case of the roof top dining, the enclosed area of the roof top and a screen wall with windows is located on the southern side of the area, between the outdoor dining area and the residences. Further, the portion of the outdoor dining within the 100 ft. distance is also covered by a canopy.

Though the outdoor dining is still within the 100 ft. distance, the Staff finds that this design approach could have the potential to reduce the amount of noise generated in the direction of the residential units along Walker Street. The Staff would recommend, though, that the windows in the proposed wall to the east of the enclosed roof top structure be fixed and that a similar wall be added to the west of the enclosed roof top structure to screen the western side of the outdoor dining. The Staff would further recommend that all outdoor patios, entries, and gathering spaces that are not proposed for outdoor dining be labeled as such on the final plans.

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.

The revised submission has adjusted the types of uses proposed within the two buildings to only include one eating and drinking establishment (which is the only non-residential use to require parking in the District) and increased the amount of parking provided on site. The required off-street, on-site parking is now 48 spaces (vs. the 99 required before) and the amount actually provided on site is now 17 (vs. the 14 provided before).

While the mix of allowed uses has been revised to significantly decrease the amount of off-street, on-site parking required, the Staff still finds that the proposed eating and drinking establishment should still provide for its full requirement of off-street parking in some fashion. The Staff does not find that there is anything unusual about the proposed eating and drinking establishment that would reduce its actual parking demand vs. the District's parking requirement. Further, the Staff would note that there are other possible uses of the property allowed in the District that would not require any off-street, on-site parking meaning that other redevelopment options exist for the property.

As such, the Staff would still retain its former recommendation so as to completely mitigate the lack of off-street, on-site parking being provided.

In addition, the Staff finds that there are specific documents and/or information that are needed from the Applicant about the off-site parking arrangements to confirm compliance with the condition. The Staff would recommend the Applicant provide to the Staff at a minimum the following documents and/or information about the off-site parking location and arrangements: a to-scale site plan of the property showing compliance with all City-required improvements; a listing of all the uses utilizing the parking on the property, including their floor area, hours of operation, parking requirements, and parking allocation; a calculation of the existence of any excess parking available on the property for the Applicant's use; a signed parking lease for the Applicant's required number of spaces on the property for their hours of operation; and copies of all other parking leases related to the property or an affidavit from the property owner describing any existing parking leases. Based on the particular circumstances of the property chosen for the off-site parking, additional documentation maybe required by the Staff to confirm compliance with the condition.

Other Considerations

The Staff would add that the revised outdoor dining arrangements changed the design of the renovation to the building and the proposed site plan from what was previously approved by the Commission. The Staff would recommend that revisions to the design

resulting from changes in the uses and outdoor dining arrangements and that are specific to this particular application be reviewed by Staff to ensure compliance with all pertinent District regulations.

At the January 14, 2015 Commission meeting, there were concerns raised about the required 250 ft. distance between eating and drinking establishments with alcohol licenses, including establishments located outside of the Castleberry Hill Landmark District. The District regulations themselves do not specify how the distance is to be measured. It would appear that the closest existing alcohol license is located on the southeast corner of Walker Street and Haynes Street. In the revised submission the only eating and drinking establishment (and presumably the only potential alcohol license) is located in the northeastern portion of the #131 Walker Street building, with the pedestrian entrance at the north eastern tip of the building.

The Staff has concluded that the most appropriate way to measure the distance between alcohol establishments is from front entry to front entry via the pedestrian path (using the sidewalk and crossing at the street corner). In this case, the Staff would measure from the front entry to the establishment at #131 Walker Street at the northeast corner of the building to the front entry of any existing alcohol-licensed establishment. If the closest existing establishment with an alcohol license is at the southeast corner of Walker and Haynes Street and the common hallway door directly into the proposed restaurant space is egress only, then the distance requirement would appear to be met.

However, the Staff would recommend the Applicant confirm to the Staff the location of all surrounding alcohol licenses and the distance from their front entries to the front entry of the proposed eating and drinking establishment, as measured by the pedestrian path. The Staff would further recommend, the common hall door directly into the proposed restaurant space be egress from the proposed restaurant space only.

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 windows in the proposed wall to the east of the enclosed roof top structure shall be fixed and that a similar wall shall be added to the west of the enclosed roof top structure to screen the western side of the outdoor dining, per Section 16-20N.009(1)(c);
3. All outdoor patios, entries, and gathering spaces that are not proposed for outdoor dining shall be labeled as such on the final plans, per Section 16-20N.009(1)(c);
4. 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);
5. To confirm compliance with Condition #4 above, the Applicant provide to the Staff at a minimum the following documents and/or information about the off-site parking location and arrangements: a to-scale site plan of the property showing compliance with all City-required improvements; a listing of all the uses utilizing the parking on the property, including their floor area, hours of operation, parking requirements, and parking allocation; a calculation of the existence of any excess parking available on the property for the Applicant's use; a signed parking lease for the Applicant's required number of spaces on the property for their hours of operation; and copies of all other parking leases related to the property or an affidavit from the property owner describing any existing parking leases, per Section 16-20N.007(3);
6. Revisions to the design resulting from changes in the uses and outdoor dining arrangements and that are specific to this particular application shall be reviewed by Staff to ensure compliance with all pertinent District regulations;
7. The Applicant shall confirm to the Staff the location of all surrounding alcohol licenses and the distance from their front entries to the front entry of the proposed eating and drinking establishment, as measured by the pedestrian path, per Section 16-20N.009(1)(a);
8. The common hall door directly into the proposed restaurant space shall be egress from the proposed restaurant space only, per Section 16-20N.009(1)(a); and
9. The Staff shall review, and if appropriate approve, the final plans, specifications, and supporting documentation related to this specific application.