



CITY OF ATLANTA

M. KASIM REED
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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT February 11, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-007) for replacement of an existing pedestrian bridge and site work at **1421 Fairview Rd.** Property is zoned Druid Hills Landmark District.

Applicant: Kevin Anderson
2170 Fairburn Road

Facts: According to the architectural survey in 2002, the principal structure on this lot was built in 1923 and is contributing to the District. The Applicant proposes to remove the piers/abutments of a former pedestrian bridge (along with a temporary pipe used as a span) and install a new wood pedestrian bridge with two helical piers on each end. The proposed pedestrian bridge would cross portions of a channelized Lullwater Creek, which runs through the rear of many properties on the south side of Fairview Road. There is an existing sanitary sewer line in the same location which would remain under the proposed bridge.

Analysis: The following code sections apply to this application:

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

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

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

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

- (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. 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.)

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

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

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

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

- (1) Permitted principal uses and structures:
 - a. Single-family dwellings.
- (2) Permitted accessory uses and structures: Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
 - a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
 - b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
 - c. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
 - d. Home occupations.
- (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:
 - 6. South side, Oakdale road to east end of Fairview Road, NE:
 - a. Front yard: 50 feet.
 - b. Side yards: 25 feet.
 - c. Rear yards: 100 feet.
- (6) Maximum height: No building shall exceed a height of 35 feet.

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

The lot fronts about 110' on the south side of Fairview Road and has a depth of about 374' on its longest side. The Staff has no concerns about the removal of the existing, contemporary, concrete abutments. Further, the proposed decking of the pedestrian bridge is at grade at its touch down points, which the Staff finds is similar to a patio or hardscape area within the yard. As such, the proposed bridge decking is not subject to the setback requirements. Lastly, the Staff finds that the proposed handrails of the bridge (while above 30" in height), are similar to a fence, patio railing, or handrail on site stairs. As those types of site features are not subject to the setback requirements, the Staff finds that the hand rails of the bridge are not subject to the setback requirements. If the bridge were elevated to be a true above ground structure, it and the handrail would be subject to the setback requirements.

Per the District regulations, the lot coverage for all structures, parking and driveways cannot exceed 35 % of the lot area. Though the proposed bridge might only marginally revise the lot coverage calculations, the survey does include such a calculation, which shows that the proposed lot coverage will be less than the 35 % requirement.

The proposed site plan includes a current survey and cop of a FEMA flood insurance rate map, which denotes the 100 flood plain. The current survey shows the entire rear half of the property within the 500 year flood plain. While the pedestrian bridge spans a channelized Lullwater Creek and as such the Staff would think the structure would be within the 100 flood plain, the FEMA map does not appear to indicate as such. The Staff would recommend the Applicant document that none of the proposed work will occur within the 100 year flood plain.

Given the existing grades on the rear portion of the property (almost flat); the Staff does not have concerns about construction on slopes greater than 15% for the proposed pedestrian bridge. Further, given the helical columns will be on essentially the same location as the existing concrete abutments and should take of less of a footprint, no substantive grading should be required. The Staff would note, though, that it would appear that the northern approach to the bridge would require some grading given that the rear yard curves down to the lip of the concrete channel. The bridge elevation shows a flat approach. If that is in fact the case, the Staff would think that some type of retaining wall / system would be required on each side of the north approach to the bridge. The Staff would recommend the Applicant clarify any grading work on the approaches to the bridge and that such grading work (and any associated retaining walls) meet the District regulations.

It does not appear that trees will be affected by the construction work, though there are two trees nearby. The Staff would recommend that the District's tree-related requirements are met for all trees affected by the proposed construction.

Regarding the bridge itself, the Staff finds that the simple design as well as the metal, composite and wood materials are compatible with its location of the property and its secondary / utilitarian purpose.

Staff Recommendation: Based upon the following:

- a) The plans meet the District regulations, exceptions as noted in the above analysis, per Section 16-20B.003 and 16-20B.006.

The Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-15-007) for replacement of an existing pedestrian bridge and site work at **1421 Fairview Rd.** Property is zoned Druid Hills Landmark District, with the following conditions:

1. The Applicant shall document that none of the proposed work will occur within the 100 year flood plain, per Section 16-20B.003(4)(a);
2. The Applicant shall clarify any grading work on the approaches to the bridge and that such grading work (and any associated retaining walls) shall meet the District regulations, per Section 16-20B.003(3)(e);
3. The District's tree-related requirements shall be met for all trees affected by the proposed construction, per Section 16-20B.003(3); and
4. The Staff shall review, and if appropriate, approve the final plans and supporting materials.



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STAFF REPORT February 11, 2015

Agenda Item: Review and Comment (RC-15-009) on alterations and an addition at **66 Huntington Road** - Property is zoned R-4 / Brookwood Hills Conservation District.

Applicant: Tod Ban
3748 Forrest Hill Rd.

Facts: According to the Brookwood Hills Inventory, the single-family dwelling was built in 1926 and is considered contributing.

Analysis: The following code sections apply to this application:
Per Section 16-20.007(b) of the Atlanta Land Development Code, as amended:

Conservation Districts Exempted: Certificates of appropriateness are not required for Conservation Districts. However, no person shall construct, alter, demolish or move, in whole or in part, any building, structure or site located within a Conservation District until the Commission shall have reviewed the proposed action(s) and made written recommendations regarding any such action to the owner(s) of the property.

Sec. 16-20.009. Same; further standards.

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

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Brookwood Hills Conservation District does not have specific architectural regulations similar to Atlanta's Historic or Landmark Districts, therefore the Commission should refer to "Further Standards" listed in Chapter 20 of the Zoning Ordinance, which apply to all locally designated districts and properties.

Front Façade Changes

The Applicant is proposing to alter the existing front entryway. In general, Staff finds the overall design and materials of the proposed alterations are appropriate and compatible with the existing house. Staff has concerns over the replacement of the existing French doors with a single door which has not been chosen at this time. Staff suggests the plans include information on the design and materials of the replacement door.

Window Replacement

The Applicant is proposing to remove two existing window units on both the right and left elevations and replace them with a new double hung paired window units (right) and a triple casement window unit (left). The Applicant is also proposing to remove a rear window unit and replace it with a bay window which will have a standing seam metal roof above it. It is not clear why the existing window units at the left and right elevations require replacement. Staff suggests the Applicant clarify the current condition of the existing window units. As Staff has a concern regarding the destruction of historic materials, Staff suggests the existing window units be repaired and retained. If replacement is warranted, Staff suggests all replacements be done in-kind. Staff would also suggest that the new window groupings use a brick molding product along the edges and a flat trim piece to separate the units from each other.

Side Addition

The Applicant is proposing to remove an existing window and entry door, and replace them with a new side entry door, oval window, entry stoop, and roof on the left elevation. It is not clear why the existing window and entry door require replacement beyond the reprogramming of the corresponding living space. Staff suggests the Applicant clarify the current condition of the existing window and entry door. As Staff has a concern regarding the destruction of historic materials, Staff suggests the existing window and entry door are repaired and retained. If

replacement is warranted, Staff suggests all replacements be done in-kind and detailed information be provided about the brick infill required around the oval window.

Rear Addition

The Applicant is proposing a rear porch addition which will include the installation of two new chimneys. Staff has no general concerns with the design of the porch and chimney additions given that these additions will be to the rear of the property and not viable from the street. However Staff does have some concerns regarding the materials used in this addition. The staff is concerned about the use of a standing seam metal roofing product on an addition of this size. Typically this material is appropriate for smaller accent areas such as the side entry roof. Staff suggests that the Applicant consider using a different roofing material which would be more in keeping with the existing home. The Staff is also concerned about the use of stucco on the new chimneys. Staff suggests that the Applicant consider using another material for these chimneys, such as brick, which will be more in keeping with the existing materials found on the house. The Staff finds that the use of a cupola would not be appropriate for this addition given the design of the existing home. Staff suggests that the applicant remove the cupola from their plans in favor of a standard pitched roof.

Staff Recommendation: The Staff recommends that the Commission confirm that all the comments of the Commission and Staff have been delivered at the Commission meeting on the application for a Review and Comment (RC-15-009) on alterations and an addition at **66 Huntington Road** - Property is zoned R-4/ Brookwood Hills Conservation District.



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STAFF REPORT February 11, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA3-15-010) for alterations **637 Cherokee Avenue** - Property is zoned R-5 / Grant Park Historic District (Subarea 1).

Applicant: Adam Stillman
350 Sinclair Avenue

Facts: The 1980s non-contributing building appears to be relatively unaltered from its original configuration and materials. The house sits on an interior lot on the west side of Cherokee Avenue.

Given the District regulations, the alterations to the side (north and south) and rear (west) facades of the house are not subject to review by the Commission or the Staff. As such, the components of the project on the front façade of the house subject to review by the Commission are as follows:

1. Replace OSB siding with 6 in. exposure cementitious siding;
2. Replace windows and doors on the first and second levels with wood windows and doors in the same openings;
3. Repair/replace wood corner and shirt trim;
4. Replace an art glass window on the second level with a wood double hung window;
5. Replace the existing turned porch columns with 8 in. wood box columns; and
6. Replace the front porch railing with a new wood, 30 in. railing.

No site work is proposed as this time.

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.*

- b. Type II Certificates of Appropriateness shall be required for: Minor alterations to those façades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
- c. Type III Certificates of Appropriateness shall be required for:
 - 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).
 - 3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
 - 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.
 - 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.
 - 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.
- C. Design Standards and Criteria for Alterations and Additions to Non-contributing Structures. Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent

with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.

Given the non-contributing status of the house, there are two methods for the proposed alterations to comply with the District regulations. They can be consistent with and reinforce the architectural character of the existing structure or they can comply with the applicable regulations for new construction. The Staff finds that the proposed alterations meet one if not both of the requirements. The proposed siding is horizontal siding and its reveal is compatible with the existing structure. The replacement of the art glass window on the second floor meets the District regulations. The Staff has no concerns about the replacement of the trim, front porch columns, and front porch railing.

While the proposed replacement windows will generally increase the compatibility of the fenestration with the existing structure, the Staff does have one concern. The replacement windows do not have any trim between the window units, continuing the incompatible relationship that exists in the current configuration of the paired units. The Staff would recommend that the paired windows on the front façade have a wider trim piece between the window units to make the replacement window pattern reinforce the architectural character of the existing house.

Regarding the replacement of the front door, the Staff finds the design of the front door is compatible with the existing house, but finds that the non-aligned light pattern of the side lights is not. The Staff would recommend that the light pattern of the front door sidelights align with the light pattern of the proposed front door.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of an application for a Type II Certificate of Appropriateness (CA3-15-010) for alterations **637 Cherokee Avenue** - Property is zoned R-5 / Grant Park Historic District (Subarea 1), with the following conditions:

1. The paired windows on the front façade shall have a wider trim piece between the window units, per Section 16-20K.007(2)(D);
2. The light pattern of the front door sidelights shall align with the light pattern of the proposed front door per Section 16-20K.007(2)(D); and
3. The Staff shall review, and if appropriate approve, the final design and supporting documentation.



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CHARLETTA WILSON JACKS
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Office of Planning

STAFF REPORT
February 11, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-011) for a consolidation of multiple lots into one (1) lot at **342, 354, and 360 Nelson Street**. Property is zoned Castleberry Hill Landmark District (Subarea 1).

Applicant: Bruce Gallman
236 Forsyth Street

Facts: The existing two story building (as it faces Nelson Street) has a footprint that takes up the entire lot. According to the Castleberry Hill inventory sheets, this commercial building (known as the Fulton Supply Building) was built around 1923 and is considered contributing. Immediately to the south of the Fulton Supply Company Building, at 360 Nelson Street, is the shell of another building in which only the four walls and basement floor still exist.

Through the Commission's conditional approval last year of CA3-14-144 and CA3-14-167, the applicant has been approved to convert the Fulton Supply Building into 73 lofts (including one live/work loft), while the building shell to the south will have parking on the basement floor and will provide access to the parking in the basement level of the Fulton Supply Company Building.

Analysis: The following Atlanta Land Development code sections apply to this application:

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.

Section 16-20N.006. General Regulations.

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

6. Aggregation of lots. No lots shall be aggregated except upon approval of the commission. Applications shall be made to the commission. The commission shall find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the subarea, and the district as a whole, may be reasonably situated and constructed upon such lots.

The approved project consists of the majority of the southern block face of Nelson Street, though the far eastern lot and the lot at the corner of Nelson Street and Magnum Street are not a part of the approved project. These lots are part of or effected by the proposed consolidation.

The Fulton Supply Building technically consists of two parts, though they have been used as and considered to be one building for decades. The City's plat maps show a lot boundary along the "party wall" of these two parts of the Fulton supply Building. Further, behind the Fulton Supply Building (as well as behind the other two lots on the Nelson Street frontage), there are two long, thin lots which constitute the abandoned railroad right of way. These lots stretch from Magnum Street on the west to the active CSX railroad right of way on the east. The eastern property does not currently have public street frontage and is used for gated surface parking for adjacent residential buildings.

In this portion of the District, there are both rectilinearly shaped lots that have traditional street frontages and irregularly shaped lots that reflect the angled street patterns / intersections, variety of building sizes and associated loading access areas, and the curvilinear shapes of former / existing railroad rights of way. These factors create small and large lots, as well as lots with triangular and wedge shapes. The proposed lot configuration would essentially marry these to configurations given that the proposed project interacts with both sets of characteristics; the regular frontage along Nelson Street and the former railroad right of way adjacency along its rear.

Further, given the Commission's previous approval of the project that would occupy the consolidated lot, the Staff finds that the resulting single lot would be so laid out that a building and/or project would be compatible in design, proportion, scale, and general character of the subarea, and the district as a whole.

For the purposes of compliance with the District regulations, the Staff recommends approval of the consolidation / aggregation of the multiple lots into one (1) lot.

The Staff would note however, that the proposed configuration would potentially create a new land-locked parcel (a parcel without public street frontage) by re-configuring the remaining portion of the western lot of the former railroad right of way into a triangular shape with its tip on Mangum Street. From a District regulation perspective the Staff is not concerned about this configuration given the circumstances, but it is the Staff's understanding that the City's general land division regulations (which also need to be met for the consolidation) don't recommend creating a landlocked property as part of a land division action. For example, some frontage along Magnum Street might need to be provided so that the parcel in the western end of the former railroad right of way is not considered land-locked. The Applicant has submitted a regular, non-historic lot consolidation application to the Office of Planning under CON-15-005.

The Staff would recommend that if a revision to the proposed lot consolidation is required to meet the general City of Atlanta land division regulations, the Commission Staff shall be permitted to approve such a revision if the revised configuration still meets the District regulations.

Staff Recommendation: Based upon the following:

- (a) The proposed that will be implemented on the proposed configuration has been approved by the Commission, per the District regulations; and
- (b) The proposed configuration meets the District regulations, per Section 16-20N.006 (6).

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-15-011) for a consolidation of multiple lots into one (1) lot at **342, 354, and 360 Nelson Street**, with the following conditions:

1. If a revision to the proposed lot consolidation is required to meet the general City of Atlanta land division regulations, the Commission Staff shall be permitted to approve such a revision if the revised configuration still meets the District regulations, per Section 16-20N.006 (6).



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Agenda Item: Application for a Review and Comment (RC-15-012) for the installation of fiber network equipment on **City of Atlanta** property. Properties are zoned variously.

Applicant: Rick Mcphail, Bechtel Communications, Inc.
2400 Herodian Way, Suite 235, Smyrna

Facts: In partnership with the City of Atlanta, Google is proposing to install a fiber network throughout the City of Atlanta with equipment on City of Atlanta property. The network works as a hub and branch system where fiber bundles are distributed and broken down based on smaller and smaller geographies to deliver fiber service to any given household, business or other customer. Physically, the system will consist of the fiber itself, data hubs, fiber “huts”, and equipment cabinets, known as “LCPs”. The fiber lines will be installed above or below ground depending on which portion or level of the network they are servicing and how current utility services are delivered in that area of the City. The data hubs will be located within existing, private data centers. The fiber “huts” and related equipment are installed above ground in small, fenced compounds similar to compounds for telecommunications equipment, but with no tower elements. The LCPs will be similar to telephone equipment boxes that already exist in any given neighborhood and will be located along the right-of-way.

The typical fiber hut compound will be 32 ft. wide by 45 ft. and will consist of the prefabricated hut itself, a detached back-up generator, utility connections, utility meters, and underground fiber connections going to the public right of way. Both the fiber hut and back-up generator will be on concrete slabs. Depending on the specific location of the fiber hut compound on any given site, a small access road might be needed between the closest vehicle way and the compound. Adequate construction access (including the ability to use an overhead crane) might necessitate additional, temporary improvements that would be removed once installation was complete.

Given the design and layout of the system, the fiber hut compounds are the most visible component of the system and the only significant component that will be located on City of Atlanta property. They need to be distributed throughout the City to maintain the physical connectivity (and thus data speed) between the individual customers and the data hubs. It is estimated that 15-20 will have to be installed in the City of Atlanta. As such, the focus of the Staff’s comments will be on the fiber hut compounds.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

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

As a system, the Staff finds that this will provide significant benefits to City of Atlanta residents, businesses and visitors. To achieve the benefits, though, an essentially new utility system needs to be built in the City of Atlanta with various new pieces of equipment associated with it. This equipment is uniform across the system and like other utility systems its focus is on functionality not necessarily aesthetics. At the same time, the Staff finds that by the City of Atlanta and Google working together, the system can provide the anticipated benefits while reducing any potential negative characteristics.

At the programmatic level, this is already occurring. Various City of Atlanta operating departments and Google have developed site selection considerations that Google is using to analyze locations of potential fiber hut compounds. The considerations relate to the physical characteristics of a potential site (floodplain, trees, access, current use, etc.) and a potential site's relationship to surrounding properties, including historic districts. The summary of the site selection considerations note that no fiber hut compounds will be located in City of Atlanta designated Historic or Landmark Districts.

The Staff finds that the site selection considerations are appropriate and take into account many of the topics of concern to the Commission and Staff. The Staff would add that with careful site selection, the site itself could minimize any potential negative visual effects. For example, at a site with an existing building, the compound could be located behind or near the existing building to limit its visual presence.

As mentioned in the submitted materials, the Staff does agree that landscape screening could further diminish any potential negative visual effects. It would add that small aesthetic variations on the prefabricated components could assist in this goal as well. For example, matt finishes could be used or added to the above ground components to reduce their reflectivity which in turn reduces their visibility and the attention they draw to themselves. Coloration that is similar to its surroundings could be added to make the above ground components somewhat recede into the landscape.

In conclusion, the Staff finds that with careful planning, the fiber network will add an important and exciting new component to the City's development patterns with minimal negative effects.

Staff Recommendation: The Staff recommends that the Commission confirm that it has delivered its comments to the Applicant at the Commission meeting regarding an Application for a Review and Comment (RC-15-012) for the installation of fiber network equipment on **City of Atlanta** property. Properties are zoned variously.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT February 11, 2015

Agenda Item: Application for Type II Certificate of Appropriateness (CA2-15-013) for alterations and site work at **1251 Fairview Road**– Property is zoned Druid Hills Historic District.

Applicant: James Grubiak
1251 Fairview Road

Facts: According to the architectural survey in 2002, this dwelling built in 1929 is contributing.

Analysis: The following code sections apply to this application:

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

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

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

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

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

Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual

property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

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

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

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

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

The Plans submitted by the Applicant do not appear to be properly scaled. Staff would recommend that the Applicant provide properly scaled plans or clarify the scale of the submitted plans.

The Applicant is proposing to remove the existing concrete walkway (which appears contemporary in nature), install a new walkway to be made of bluestone pavers with brick edges, and to remove the existing stone yard edging and will be replacing it with brick. The Staff has no concerns with the proposed alterations to the walkway or yard edging.

The Applicant is also proposing to alter the existing front entry stoop by expanding the step to encircle the stoop, raising the landing, installing a brick edger encircling the bluestone, and installing brick in both sets of risers. The pictures submitted by the Applicant show that the stoop is currently finished with bluestone which has been awkwardly installed along the sides of both the step and landing, and a concrete mass on top of the brick foundation along the side of the landing. This concrete mass might have been installed to either hold the bluestone in place or to prevent water from seeping under the stoop. The plans do not show the final design of the brick and bluestone stoop, or whether the brick edger will be used along all three sides of the risers. The plans are also unclear as to how much bluestone will be retained in the finished stoop, and the description of the stoop as needing to be "redone." The Staff recommends that the Applicant provide clarification on the design of the proposed stoop. The Staff also recommends

that the Applicant clarify whether any existing bluestone will be retained for use in the proposed stoop.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for Type II Certificate of Appropriateness (CA2-15-013) for alterations and site work at **1251 Fairview Road**– Property is zoned Druid Hills Historic District, with the following conditions:

1. The Applicant shall provide properly scaled plans or clarify the scale of the submitted plans;
2. The Applicant shall provide the design for the proposed stoop, per Section 16-20B.005(b);
3. The Applicant shall clarify whether any bluestone shall be retained for use in the proposed stoop, per Section 16-20B.005(b); and
4. Staff shall review and if appropriate, approve the final plans and documentation.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT February 11, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-15-014) for alterations at **74-84 Peachtree Street (Flat Iron Building)** - Property is zoned SPI-1 (Subarea 7) / LBS (Landmark Building or Site).

Applicant: Atlanta Flatiron, LLC
74 Peachtree Street

Facts: The Flat Iron Building was designated a Landmark Building / Site (LBS) in 1991. The triangular, multi-story building (with a full basement) fronts on Peachtree Street, Broad Street and its tip is located at Auburn Avenue / Luckie Street. The south façade of the building faces a former street that is now a small plaza with outdoor dining.

The building consists of a typical “base-shaft-capital” architectural and ornamental organization to its façade. The ground floor consists of several common building entrances, and storefront windows and entrances to accommodate potential tenants. The shaft consists of stacked bay windows and paired windows. The capital portion of the building consists of bay and paired windows, as well as a sub-cornice and elaborate true cornice and parapet wall. The entire building is painted with awnings and a variety of non-historic signage located on the ground level.

Generally speaking, the Applicant’s proposed to restore and repair the exterior of the building to make the building weather-tight and retain its structural integrity. In particular, the proposed actions include:

1. Spot repointing of the masonry (per *Preservation Brief* standards);
2. Masonry repair and crack filling using “historic masonry techniques”;
3. Repair, selective replacement, or re-installation of the metal work on the building, including the bays, parapet features, cornice features, and ground level window latticework;
4. Cleaning and repainting of all exterior surfaces and architectural elements;
5. Installation of various flashing and waterproofing elements;
6. Re-roofing using membrane materials;
7. Installation of new entrances doors throughout the building;

8. Retention and repair of the existing windows;
9. Re-roofing using membrane materials;
10. Removal of non-historic awnings; and
11. Demarcation of future tenant signage and “new plaque signs”.

The interior spaces will also be renovated for a variety of potential tenants. The Commission does not have purview of the interior renovations to this building. No site work is proposed as part of the project.

The property could also need a SPI Special Administrative Permit (SAP) review through the Office of Planning.

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:
 - (1) *Landmark buildings and sites:*
 - (a) To change the exterior appearance of any Landmark Building or Site;

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) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Generally speaking, the Staff has no concerns about the proposed project which appears to be taking a sensitive and thoughtful approach to the exterior renovation of the building. Historic features will be cleaned, repaired to match the historic condition, or in the case of the missing portions of the parapet wall sheet metal cornice, rebuilt to making the existing / historic condition. The Staff is not concerned about the removal of the non-historic awnings.

However, the Staff would recommend that several additional details be confirmed or described for the project. For example, the project calls for the replacement of the entry doors, but there is no information provided about the existing entry doors (historic status, condition, etc.) and the proposed entry doors (material, specific design, etc.) Though specifications were included in the submission, it is still not clear to the Staff how all of the cleaning of the different surfaces will be done. In general, the Staff would recommend all cleaning and repair of the exterior features be done with the gentlest means possible and all repair be done in-kind.

The Staff would recommend that additional detail be provided to the Staff for approval regarding the entry door replacement, cleaning techniques, masonry repair techniques, and that all actions meet the regulations. The Staff would further recommend that mock-ups / test areas of all exterior treatments be provided for and approved by the Staff prior to their use on the remainder of the building.

Signage

Regarding the proposed signage, the SPI-1 zoning district governs the amount and type of signage. The proposed elevation notes “future tenant signage” and “new plaque signs”, but only denotes its general location on the building. Given that no specific details have been provided, this signage will have to be reviewed in the future when such details are available. The Staff would recommend that all future signage proposals be reviewed by the Commission under a separate application when an actual sign proposal is submitted.

SPI-1 Review

In addition to being a Landmark Building / Site, as noted above, the property is also in the SPI-1 zoning district. The Staff would recommend that if any changes in the scope of work are necessitated by any SPI-related design review, those changes be reviewed, and if appropriate, approved by Staff.

Staff Recommendation: Based upon the following:

- (1) Except as noted above, the proposed alterations meet the requirements, per Section 16-20.009.

Staff recommends approval of an application for an application for a Type II Certificate of Appropriateness (CA2-15-014) for alterations at **74-84 Peachtree Street (Flat Iron Building)** - Property is zoned SPI-1 (Subarea 7) / LBS (Landmark Building or Site), with the following conditions:

1. All cleaning and repair of the existing masonry shall be done with the gentlest means possible and all repair shall be done in-kind, per Section 16-20.009;
2. Additional detail shall be provided to the Staff for approval regarding the entry door replacement, cleaning techniques, masonry repair techniques, and that all actions meet the regulations, per Section 16-20.009;
3. Mock-ups / test areas of all exterior treatments shall be provided for and approved by the Staff prior to their use on the remainder of the building, per Section 16-20.009;
4. All future signage proposals shall be reviewed by the Commission under a separate application when an actual sign proposal is submitted, per Section 16-20.009;
5. If any changes in the scope of work are necessitated by any SPI-related design review, those changes shall be reviewed, and if appropriate, approved by the Staff; and
6. The Staff shall review, and if appropriate, approve the final plans.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT February 11, 2015

Agenda Item: Application for a Review and Comment (RC-15-015) for site work at **220 Northside Drive (Bethune Elementary School)** - Property is zoned SPI-11 (Subarea 12).

Applicant: Reed Parker, Development Planning and Engineering Inc.
5074 Bristol Industrial Way

Facts:

The proposal before the Commission at this time includes the removal of existing walkways which connect the main building with Spencer Street and run along the southern and western facades of the building. Grading, new drain pipes, and two modular block walls will be installed to divert water away from the playground area and into an existing detention pond. An existing concrete pad will be removed and will be replaced with a new concrete play court.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

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

Per Section 16-20.009. Same; further standards.

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

color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Whenever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

The Staff has no concerns about the general design of the walkway replacement, grading, drain pipe installation, retaining walls, or the new concrete play court. However, it does have some questions / concerns about the details of the project.

First, it is not clear from the submission the finish material of the retaining walls. The Staff would recommend that the finish material be one of the materials found on the main school building or existing site features on the property.

Second, the Staff is concerned that the topography along the walkway connection off Spencer Street and between the parking lot and play court would create a falling hazard to someone using them. The Staff would recommend that handrails compatible with the architecture of the main school building be installed along the walkway and the play court to prevent falls.

Third, the Staff is concerned that a 5 foot sidewalk might cause a congestion issue with increased foot traffic, including traffic from after-hours events. Additionally the current walkway layout includes an awkward 90 degree jog at one point along the west façade of the main building which could cause an issue in the flow of pedestrians. The Staff would recommend that consideration be given to widening the path and to making it as straight as possible to encourage the smooth flow of foot traffic.

Staff Recommendation: The Staff recommends that the Commission confirm that all the comments of the Commission and Staff have been delivered at the Commission meeting on the application for a Review and Comment (RC-15-015) for site work at **220 Northside Drive (Bethune Elementary School)** - Property is zoned SPI-11 (Subarea 12).



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STAFF REPORT February 11, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-016) for alterations, additions, and site work at **1409 Fairview Rd.** Property is zoned Druid Hills Landmark District.

Applicant: Christopher Ryan Guthrie
1409 Fairview Road

Facts: According to the architectural survey in 2002, this dwelling built in 1925 and is contributing to the District. The Applicant proposes to:

1. remove a previous, contemporary deck and additions (full floors and dormer) at the rear of house;
2. remove a parking pad in the front yard;
3. repave the driveway, and reconfigure / expand the parking court in front of the garage;
4. install a gate in an existing fence in front of parking court;
5. create a raised, flat lawn behind the proposed addition with stairs to the rear and side yards;
6. renovate the east (driveway side) façade of the existing house including replacing / enlarging windows on the first floor, new windows on the basement level, and the replacement of the side porch railing with raised panels;
7. renovate the west façade of the existing house by removing a window on the basement level;
8. renovate and make an addition to the existing garage; and
9. construct a new addition at the rear and right side of the house, including a screened porch, veranda, cross gable / clipped gable / tile roof and stucco gables.

Analysis: The following code sections apply to this application:

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

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

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

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

- (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(6).
- (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. 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.)

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

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

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

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

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

- (1) Permitted principal uses and structures:
 - a. Single-family dwellings.
- (2) Permitted accessory uses and structures: Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
 - a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
 - b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
 - c. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
 - d. Home occupations.
- (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:
 6. South side, Oakdale road to east end of Fairview Road, NE:
 - a. Front yard: 50 feet.
 - b. Side yards: 25 feet.
 - c. Rear yards: 100 feet.
- (6) Maximum height: No building shall exceed a height of 35 feet.

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

General Site Requirements

The lot fronts about 110' on the south side of Fairview Road and has a depth of about 379' on its longest side. The Staff finds that the setback of the proposed house appears to meet the District regulations, though the right rear corner of the screened porch does encroach into the side yard setback a small amount. While there are allocations for architectural ornamentation, roof eaves, etc. to encroach into the setback for a certain distance, it is not clear if this is the case with the corner of the screened porch. The Staff would recommend the Applicant clarify what elements of the screened porch are within the side yard setback.

Regardless, the majority of the stairs from the screened porch to the rear lawn panel do not meet the side yard setback requirement. The Staff would recommend the stairs from the screened porch to the lawn panel be redesigned to meet the side yard setback requirements or the Applicant apply for a reduction in the west (right) side yard setback.

The addition to the garage appears to meet the setback requirements even though the existing garage is within the setback as the addition itself is outside the side yard setback area.

The Staff would note that retaining walls and other in-ground features do not need to meet the setback requirements.

Per the District regulations, the lot coverage for all structures, parking and driveways cannot exceed 35 % of the lot area. The proposed lot coverage is noted as 15.6%, which meets the District regulations.

There are no notes on the proposed site plan regarding the relationship to the 100 year flood plain. The Staff would recommend the Applicant document that none of the proposed work will occur within the 100 year flood plain.

No slope analysis has been included in the submission. Given the existing grades on the site and the location of the proposed addition and site work, the Staff does have concerns about construction on slopes greater than 15% for any structure or above 25% for the addition to the principal structure. The forward most part of the proposed addition is located at an elevation of about 946-948 ft., while the back of stairs from the lawn panel to the rear yard would be built at a starting elevation of about 932 ft., a 14-16 ft. vertical difference. The horizontal distance for that change in elevation is about 50 ft. The Staff would recommend the Applicant provide a slope study to determine if any of the proposed structures are being built on a slope of greater than 15% or if any of the addition is being built on a slope of greater than 25%. If either of these is the case, a variance would be required from the District regulations.

It does appear that some trees will be affected by the additions to the house and the redesign of the rear yard, including a large hardwood by the right rear corner of the existing deck. The Staff would recommend that the District's tree-related requirements are met for all trees affected by the proposed construction.

Project Components

Remove a previous, contemporary deck and additions (full floors and dormer) at the rear of house.

Remove a parking pad in the front yard.

Based on the photographs provided by the Applicant, the Staff has no concerns about the removal of these contemporary additions or the parking pad in the front yard.

Repave the driveway, and reconfigure / expand the parking court in front of the garage.

The Staff has no concerns about the repaving of the driveway, as it appears already to be a contemporary concrete driveway. The Staff would recommend, however, that the repaved driveway be concrete or another material that meets the District regulations.

The Staff is more concerned about the expansion of the paved area / parking court in front of the garage given that parking is not permitted within 20 ft. of any property line. The Staff does not consider a minimum paved area to turn cars around or to access the garage to be parking within 20 ft. of the lot line. In this case, though, it would appear that more than the minimum paved area to turn a car around or access the garage has been proposed, particularly closest to the side property line. The Staff would recommend the Applicant document that the paved area in front of the garage is the minimal area needed to turn around a vehicle or safely access the garage.

Install a gate in an existing fence in front of parking court.

In the submission, it is not clear the design of the fence to which the proposed fence and gate will be attached. The existing fence is located to the side of the existing garage and into the rear yard. The proposed fence would go forward of the garage and return to the house. Absent information about the existing fence, the Staff is also concerned that the proposed fence design (heavy stiles with small pickets and curbed gate) is not compatible with the existing house and similar houses in the District. The Staff recommends that the Applicant submit documentation that the design of the new fence is compatible with similar houses in the District and with the existing house.

Create a raised, flat lawn panel behind the proposed addition with stairs to the rear and side yards.

While the lawn panel itself is not a concern to the Staff, it is concerned about the size of the retaining wall that will be used to create it. The retaining wall will be about 11.5 ft. tall and coated with stucco. The Staff is concerned as it knows of no examples of retaining walls of this size that are not related to stabilization of a structure or watershed management. While the vast majority of the wall will not be visible from the street and the Staff understands the rationale for creating the usable area closer to the

house, it is still concerned about the height and material of the wall. The Staff would recommend that the retaining wall for the lawn panel be redesigned to retain more of a relationship to the existing rear yard and to reduce its visual presence on the property.

Renovate the east (driveway side) façade of the existing house including replacing / enlarging windows on the first floor, new windows on the basement level, and the replacement of the side porch railing with raised panels.

While the Staff does not have a concern about the added windows on the basement level (vs. the removal of an existing window on the west façade), it does have a concern about the replacement of the rear-most paired window which appear original to the house and match the same windows found on the rear façade. It also has a concern about the removal of what appears to be an original porch railing and creation of a fully enclosed sun room (the porch appears to currently have windows above the railing). In both cases, the Staff is concerned about the loss of historic fabric and the creation of a false sense of evolution to the house's design. The Staff would recommend that all east side windows on the main level be retained and the porch railing be retained in the enclosure of the porch.

Renovate the west façade of the existing house by removing a window on the basement level.

The Staff would note that the elevations show the basement level windows being removed while it would appear the proposed basement level floor plan show them remaining. The Staff would recommend the Applicant clarify the presence of the basement level window on the west façade and if it is to be removed, document the rationale for its removal and that such removal meets the District regulations.

Renovate and make an addition to the existing garage.

Generally speaking the Staff does not have significant concerns about the renovations and addition to the garage. While the renovations and addition will modify the design of the relatively simple aesthetic of the existing garage, in most cases the renovations maintain that aesthetic. However, the Staff is concerned about the relatively ornate oval window proposed for the front façade of the addition, which appears out of place on the garage. It would also appear that the siding on the existing gable is being changed from horizontal to slanted. The Staff would recommend that the oval window on the addition to the garage is redesigned and the siding on the garage dormer remain as is.

Construct a new addition at the rear and right side of the house, including a screened porch, veranda, cross gable / clipped gable / tile roof and stucco gables.

Generally speaking, the Staff does not have concerns about the rear addition. The addition will have lower, connecting ridge line to the existing house main ridge line and will be slightly inset from the existing left (driveway) side of the house. The addition will utilize materials that are the same as or compatible with the existing house, such as a tile roof, stucco gables, brick main levels, and similar windows. Further, the addition will utilize architectural elements from the main house, such as the clipped gable and large chimneys.

However, the Staff is concerned about the wrapping of the addition around the right side of the house. While there is a wing of the house that is forward of the side portion of the addition and projects out farther to the right (west), the Staff is concerned that by wrapping the addition around the side of the house, the original form and massing of the house will be unnecessarily be obscured. Further, a paired window will be removed by the wrapping and to maintain windows on the basement level, an awkward column supported-section of the addition will create a deep overhang. Lastly, this portion of the addition will be covered by a section of flat roof. Even though there are flat roofs on the existing house, they are over the two original wings, not covering the main massing of the house.

The Staff would recommend the right side of the addition be redesigned to remove the portion that wraps around the side façade of the house so as to make the addition compatible with the house and not obscure the original massing and architectural elements of the house.

Staff Recommendation: Based upon the following:

- a) The plans generally meet the regulations, though the exceptions noted in the above analysis could substantially change the design and arrangement of the project, per Section 16-20B.003 and 16-20B.006.

The Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-15-016) for alterations, additions, and site work at 1409 Fairview Rd. Property is zoned Druid Hills Landmark District, to allow time for the Applicant to address the following comments and concerns:

1. The Applicant shall clarify what elements of the screened porch are within the side yard setback, per Section 16-20B.005(5)(a)(6);
2. The stairs from the screened porch to the lawn panel shall be redesigned to meet the side yard setback requirements or the Applicant shall apply for a reduction in the west (right) side yard setback, per Section 16-20B.005(5)(a)(6);
3. The Applicant shall document that none of the proposed work will occur within the 100 year flood plain, per Section 16-20B.003(4)(a);
4. The Applicant shall provide a slope study to determine if any of the proposed structures are being built on a slope of greater than 15% or if any of the addition is being built on a slope of greater than 25%, per Section 16-20B.004(b) and (c);
5. The District's tree-related requirements shall be met for all trees affected by the proposed construction per Section 16-20B.003(3);
6. The repaved driveway shall be concrete or another material that meets the District regulations, per Section 16-20B.003(3)(e);
7. The Applicant shall document that the paved area in front of the garage is the minimal area needed to turn around a vehicle or safely access the garage, per Section 16-20B.003(1)(b);
8. The Applicant shall submit documentation that the design of the new fence is compatible with similar houses in the District and with the existing house, per Section 16-20B.003(3)(e);
9. The retaining wall for the lawn panel shall be redesigned to retain more of a relationship to the existing rear yard and to reduce its visual presence on the property, per Section 16-20B.003(3)(e);
10. All east side windows on the main level shall be retained and the porch railing be retained in the enclosure of the porch, per Section 16-20B.003(5);
11. The Applicant shall clarify the presence of the basement level window on the west façade and if it is to be removed, shall document the rationale for its removal and that such removal meets the District regulations, per Section 16-20B.003(5);
12. The oval window on the addition to the garage shall be redesigned and the siding on the garage dormer shall remain as is, per Section 16-20B.003(5);
13. The right side of the addition shall be redesigned to remove the portion that wraps around the side façade of the house so as to make the addition compatible with the house and not obscure the original massing and architectural elements of the house, per Section 16-20B.003(5); and
14. The Applicant shall submit revised plans and any required supporting materials, including the required number of copies, at least eight (8) days before the Commission meeting 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

January 14, 2015

REVISED

February 11, 2015

(Revised text shown in italic.)

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

Applicant: Michael Hagger
55 Sunset Avenue

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

On January 11, 2015, the Commission deferred this application to allow time for the Applicant to address the comments and concerns noted in the Staff Report. On February 3, 2015, the Applicant submitted revised plans and supporting materials. It is these revised plans and materials that are addressed in this revised Staff Report.

Analysis: The following code sections apply to this application:

Per Section 16-20P.005 of the Atlanta Land Development Code, as amended:
The following general regulations shall apply to the Sunset Avenue Historic District.

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

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

1. General Criteria:

- a. The Commission shall apply the standards referenced below if the standards set forth elsewhere in this Chapter 20P do not specifically address the application, including but not limited to commercial properties in the district:
 - (1) A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features and exterior spatial relationships.
 - (2) The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, and exterior spatial relationships that characterize a property shall be avoided.
 - (3) Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties or eras.
 - (4) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

- (5) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
- (6) New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old, but shall be compatible with the historic materials, features, size, massing, scale and proportion, to protect the integrity of the property and its environment.
- (7) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2. The Compatibility Rule:

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

3. Certificates of Appropriateness.

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

If a Type II certificate of appropriateness is required and the proposed alteration meets the requirements of this Chapter, as applicable, and other criteria applicable to Type II certificates, the Director of the Commission shall issue the Type II certificate within 14 days of receipt of the completed application. If a Type II certificate of appropriateness is required and the proposed alteration does not meet the requirements of this Chapter, as applicable, the Director of the Commission shall deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the Director regarding the approval and/or denial of Type II certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for Type I certificates.

- (v) The following Type II Certificates of Appropriateness shall be reviewed by the Commission and shall be required for any of the following to the extent they are visible from the public right-of-way:

- (a) Alterations to any façade of any principal structure; and
- (b) All site work, except as noted in Section 16-20P.005(3)(b)(4).
- (6) The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - (a) All new principal structures;
 - (b) Additions visible from the public right of way;
 - (c) Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint;
 - (d) Subdivisions and Aggregations; and
 - (e) Variances.

Sec. 16-20P.006. Specific regulations

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

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

- d. Storm doors and storm windows: Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.
 - e. Chimneys:
 - (1) Chimneys shall be retained whenever possible.
 - (2) If extending or repairing a chimney, the original materials, mortar, color and pattern shall be matched whenever possible.
 - (3) The construction of new chimneys shall not be permitted on the front facade.
 - (4) New chimneys shall be faced with brick, stucco or stone and shall originate at grade.
 - (5) Siding on chimneys is prohibited.
 - f. Roofs:
 - (1) Replacement roofs and roofing shall match the original roof in material, pitch and shape as well as ridge, overhang and soffit design.
 - (2) Cold-rolled roofing is permitted only on flat roofs and roofs with a 15° or less pitch.
 - (3) Architectural metal roofing, slate, tile, and shingle roofing are permitted; corrugated metal and corrugated fiberglass roofs are not permitted.
 - (4) The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
 - (5) Dormers shall not be permitted on the roof over the front facade of any structure.
 - (6) Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are not permitted on the roof over the front facade of any structure.
 - g. Porches:
 - (1) Architecturally significant front porches, steps and stoops shall be retained, whenever possible.
 - (2) Replacement front porches, steps and stoops shall match the original in size, design and materials.
 - (3) Front porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
 - (4) Front porches shall be required for new homes and the compatibility rule shall apply for all porch elements.
 - (5) Front porches shall contain balustrades, columns and other characteristics including floor dimension, height, roof pitch and overhang that meet the compatibility rule, although standard lumber is permitted.
 - (6) New decks shall be permitted to the rear of the house.
 - h. Accessory structures: Accessory structures, such as carriage houses, smoke houses, garages, car ports, tool sheds, greenhouses, tenant and alley houses, air conditioners and heating units, shall be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structure. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials may be required if said structure is visible from the public right-of-way.
 - i. Walls and fences:
 - (1) Walls are not permitted in the front yard. Where permitted, walls shall be no more than 6 feet in height.
 - (2) Fences in the front yard shall be made of wood picket, brick, stone or iron type construction and shall be no more than 4 feet in height.
 - (3) Retaining walls which are located in the front yard shall have a finished masonry surface constructed of materials compatible with the exterior finish of the principal dwelling. Retaining walls shall be integrated into the landscape.
 - j. Architectural details:
 - (1) Exterior architectural details, such as brackets, decorative trim, corner boards, windows moldings, railings, columns, steps and doors, which contribute to the character of the buildings and appear on the front facade, shall be retained, restored or replaced to match the original in dimension and design.
4. Paved Surfaces:
- a. The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained. Replacement, when necessary, shall be done in kind as to layout, pattern, and paving material.
 - b. New sidewalks shall be the same material and width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match the material and widths on the block. If no sidewalk exists on the block, the new sidewalk shall be concrete and shall six feet wide.
5. Off-Street Parking Requirements:
- a. Off-street parking shall not be permitted in the front yard.
 - b. Carports and garages shall be behind the rear of the main structure. If the principal structure is located on a corner lot, the front yard setback of that side street shall apply to the construction of a carport or garage.

Site

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

The revised materials include comparison information for more contributing buildings on the block face and eliminate the house not on the block face. The non-contributing house remains in the comparison information. Taking into account the contributing buildings of like use (single-family houses) on the block face, the allowable front yard setback range would be from 15 ft. (#284) to 60 ft. (#266). The proposed house's setback to the front façade is about 49 ft. which would meet the District regulations, assuming that the comparison houses were measured to the front façade and not the front face of the front porch. The Staff would recommend the Applicant clarify the measuring technique for the front yard setback.

Per regulations, the side yard setback is based on the compatibility rule. The Applicant submitted an average of the side yard setbacks instead of the side yard setback range for both the right and left elevations. Staff recommends the Applicant submit both the right and left yard setbacks of all the contributing single-family houses on the block face.

Taking into account the contributing buildings of like use (single-family houses) on the block face, the allowable left side yard setback range would be from 4 ft. (#284) to 40 ft. (#240) and the allowable right side yard setback range would be from 7 ft. (#234) to 16 ft. (#266). The proposed house's setback on the left side is 7.33 ft. which would meet the District regulations, but the proposed right side is 29.49 ft. which is outside the allowable range. The Staff would recommend the side yard setbacks are adjusted to be within the respective side yard setback ranges.

Per regulations, the rear yard setback shall be no less than 10'. The rear yard setback is more than 10' and therefore meets the requirement.

The revised site plan shows the rear yard setback of the proposed house as still substantially more than 10 ft.

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

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

The revised site plan does not appear to show any fences or walls, ut the Staff would still retain its previous recommendation.

The revised site plan includes a walkway from the front porch stairs to the public sidewalk and a driveway along the right side of the property to the detached garage in the rear. Both appear to be concrete (though the materials isn't labeled) and about 10 ft. wide. While 10 ft. is a compatible width for a driveway, it is too wide for a front walkway. Typically such walkways are 6 ft. wide or less. The Staff would recommend the driveway and walkway are concrete, the driveway is 10 ft. wide and the walkway is 6 ft. wide or less.

Accessory Structure

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

The revised site plan still shows a detached accessory structure, though now is it located directly behind the proposed house. The Staff finds that this is a less visible location then the previous location. The rear setback is now 24 ft., which still meets the District regulations.

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

The revised materials include information about the setbacks and heights of the accessory structures. The allowable left side yard setback range would be from 17 ft. (#234) to 32 ft. (#276) and the allowable right side yard setback range would be from 0 ft. (#234) to 40 ft. (#250). The proposed accessory structure's setback on the left side is 24 ft. and on the right side is 29 ft., both of which would meet the District regulations.

The height of the accessory structures ranges from 8 ft. (#234) to 13 ft. (#250 and #276). The height of the proposed accessory structure is almost 15 ft. which does not meet the District regulations. The Staff would recommend the height of the accessory structure be revised to meet the District regulations.

Design, Massing, Roof Form and Building Height

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

architectural styles. Staff recommends the house be redesigned to reflect one of the architectural styles of one of the historic single-family houses on the block face.

The revised plans include a substantially revised house design that has a two-story massing, multi-part roof, two front-facing dormers, a one-story full-width front porch, and symmetrical front façade. The only house with a somewhat similar massing is the adjacent house at #250. However, that house appears to have been a one-story, side gable house with the second floor created within the attic area by extending the roof ridge up, creating a new roof peak, and adding a second level behind this extended roof form. While similar in massing to the proposed design, #250 maintains the one-story form of the house through the eave lines and detailing of the roof and second level. The Staff would recommend the proposed design incorporate more elements and proportions from 250 Sunset Avenue.

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

As noted above, the roof form is similar to 250 Sunset Avenue which is a side-gable form with a large rear extension. There are four contributing, single-family houses on the block face with side gable forms, one of which (#240) appears to have been added to. There are four hipped roof houses and two front gable houses. Given the number and range of roof forms on the block the Staff finds that the roof form of the proposed house could be classified as a side gabled form (thus meeting the District regulations), if more roof elements and proportions from 250 Sunset Avenue are incorporated into the design. The Staff would recommend the proposed design incorporate more roof elements and proportions from 250 Sunset Avenue.

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

The revised materials include building heights which range from 18 ft. (#276) to 30 ft. (#250). The proposed house when measured to the average grade is about 29.5 ft. The Staff would recommend the Applicant confirm their measuring technique for the heights of the comparison houses and provide a specific height measurement for the proposed house.

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

The revised design of the house includes a width of 40 ft., which is still within the range and meets the District regulations.

Building Facades

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

Windows and Doors

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

The revised design still includes a front door that is parallel and facing the street. The windows on the front façade are paired on the main level and dormers on the upper level. No additional documentation about the window /door area to wall area ratio was provided in the revised materials. The Staff recommends the Applicant provide documentation that the proposed ratio of window and door area to wall area meets the District requirements.

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

In the revised design, the side elevations do contain all double hung windows, but the pattern and grouping of the windows is a concern to the Staff. On the right side there are large sections of blank wall on both the main and second levels. The windows don't appear to have a relationship to each other or between the different levels to create a compatible pattern. There are similar concerns on the left side elevation. Further, there are four half size windows which are "paired" with different spacing. The Staff recommends the design of all windows is consistent and compatible with the windows on contributing houses on the block face. The Staff retains its recommendation regarding the lite divisions.

Building Materials

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

On the block face there are both brick and sided houses. The foundation material is graphically depicted on the plans as brick. The materials of some of the architectural elements are labeled on the plans (wood porch columns, vinyl windows, cementitious siding, wrought iron porch hand rail, and

wood front steps) and some are not. Further, the front porch contains at least three materials for its architectural elements; wood, engineered wood, and wrought iron. The Staff has concerns about the vinyl windows, pre-engineered wood, and the mixing of wrought iron with other materials. The Staff recommends all material details are indicated on the plans and meet the District requirements.

Porch

The project includes a second story balcony, a first floor full width porch and an extended front gable with two story columns. Staff finds the height of the columns and the second story balcony is not consistent or compatible with the contributing houses submitted by the Applicant. Per regulations, the front porch shall have balustrades, columns and other characteristics including floor dimension, height, roof pitch and overhang that meet the compatibility rule. Staff finds the Applicant has not submitted enough documentation regarding the existing elements and dimensions of the existing contributing porches on the block face. Staff recommends the Applicant provide documentation regarding the architectural elements and dimensions of the existing porches of contributing houses on the block face. Staff recommends the proposed porch be redesigned to meet the requirements.

In the revised design, the front porch is full-width and one-story with a small accent gable in the center over the centered front door. While the full width front porch meets the District regulations, as noted above the Staff is concerned about the metal railing and wood column combination. Further, the use of open tread, stringer-construction, wood front steps does not meet the District regulations. The accent gable, though common on houses on the block face, appears ill-proportioned in relation to the front porch and main roof behind it. Lastly, the front porch columns do not appear to relate to the proportions of the porch or the spacing of the windows and doors behind them. The Staff recommends the Applicant provide documentation regarding the architectural elements and dimensions of the existing porches of contributing houses on the block face and that the proposed porch be redesigned to meet the District requirements.

Staff Recommendation: Based upon the following:

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

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

1. *The Applicant shall clarify the measuring technique for the front yard setback, per Section 16-20P.006(3)(a)(2);*
2. *The side yard setbacks shall be adjusted to be within the respective side yard setback ranges, per Section 16-20P.006(3)(a)(3);*
3. Any changes necessitated by the SAP review shall be reviewed and if appropriate, approved by Staff.
4. The Applicant shall clarify whether any fences or walls are proposed;
5. If fences or walls are proposed, the materials, height, location and design shall be indicated on the plans and shall meet the District regulations, per Section 16-20P.006(3)(i);.
6. *The driveway and walkway shall be concrete, the driveway shall be 10 ft. wide and the walkway shall be 6 ft. wide or less, per Section 16-20P.005(1)(A);*
7. *The height of the accessory structure shall be revised to meet the District regulations, per Section 16-20P.006(3)(a)(7);.*

8. *The proposed design shall incorporate more elements and proportions, including roof elements and proportions, from 250 Sunset Avenue, per Section 16-20P.005(1)(a)(6) and per Section 16-20P.006(3)(f)(4);*
9. *The Applicant shall confirm their measuring technique for the heights of the comparison houses and shall provide a specific height measurement for the proposed house, per Section 16-20P.006(3)(a)(7);*
10. The Applicant shall provide documentation that the proposed ratio of window and door area to wall area meets the District requirements, per Section 16-20P.006(3)(b)(4);.
11. The design of all windows shall be consistent and compatible with the windows on contributing houses on the block face, per Section 16-20P.006(3)(b)(3);
12. Any windows with lite divisions shall be either simulated divided lite or true divided lite, per Section 16-20P.006(3)(b)(3);
13. All material details shall be indicated on the plans and meet the District requirements, per Section 16-20P.006(3)(a)(3) and (5);
14. The Applicant shall provide documentation regarding the architectural elements and dimensions of the existing porches of contributing houses on the block face and that the proposed porch shall be redesigned to meet the District requirements; and
15. Appropriate copies of all updated plans, information and documentation must be submitted to Staff no later than eight days before the deferred meeting.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 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 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.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

January 14, 2015

REVISED

February 11, 2015

(Revised text shown in italic.)

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

Applicant: Douglas Vason
787 Field Street

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

At the January 14, 2015 Commission meeting, the Commission deferred this application to allow time for the Applicant to address the concerns and comments in the Staff Report. On February 3, 2015, the Applicant submitted additional materials that are addressed in this revised Staff Report.

Analysis: The following code sections apply to this application:

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

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

(3) Landmark Districts:

- 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 16-20.008

(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:
[See items #1-12 as outlined below and excerpted from Section 16-20.008(d)(2).]

Sec. 16-20C.004. General regulations

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

3. Certificates of Appropriateness

d. Type IV Certificates of Appropriateness.

- i. Type IV Certificates of Appropriateness shall be reviewed by the Commission and shall be required for the demolition or moving of any contributing structure.
- ii. A partial demolition of a contributing structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic or cultural interpretability or importance.

Staff Response to the Application Submitted

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

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

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

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

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

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

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

The additional materials, the Applicant provided more analysis and photographs from the engineer who did the original assessment. In the new materials, the engineer noted the extent of the damage, including the inadequacy of the footing (“100% of its length) and deterioration of the sills (“905 have deficiencies, 50% are not cared their designed loads, and 20% have failed”). They provided additional photographs and description of the brick columns and piers, as well as examples of the sill and framing damage. The engineer explained how the compromised building is unstable and would be subject to collapse with any type of externally-generated forces, such as high winds or earthquake. Lastly, the engineer described what would be involved in trying to fix the problems with the foundation, sills, and framing given the more typical problems of a failing roof and water damage inside the building. They also noted that after fixing all of the issues with the house, there would likely be little of the original house remaining.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There is no debt owed on the property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The additional materials, the Applicant provided more analysis and photographs from the engineer who did the original assessment. In the new materials, the engineer noted the extent of the damage, including the inadequacy of the footing ("100% of its length) and deterioration of the sills ("905 have deficiencies, 50% are not cared their designed loads, and 20% have failed"). They provided additional photographs and description of the brick columns and piers, as well as examples of the sill and framing damage. The engineer explained how the compromised building is unstable and would be subject to collapse with any type of externally-generated forces, such as high winds or earthquake. Lastly, the engineer described what would be involved in trying to fix the problems with the foundation, sills, and framing given the more typical problems of a failing roof and water damage inside the building. They also noted that

after fixing all of the issues with the house, there would likely be little of the original house remaining.

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

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

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

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

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

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

In the additional materials, the Applicant did provide a cost estimate for this alternative, which was \$421,653. Inclusive of this additional estimate, the complete set of cost estimates is as follows:

<i>Demolition and Rebuilding of similar duplex structure:</i>	<i>\$325,363</i>
<i>Renovation of existing building as a duplex structure:</i>	<i>\$401,211</i>
<i>Renovation of existing building as a single-family structure: "similar to duplex renovation"</i>	
<i>Renovation of existing building with allowed rear addition:</i>	<i>\$460,746</i>
<i>Partial Demolition, Partial Addition, and Renovation of existing building:</i>	<i>\$421,653</i>
<i>Demolition, Combination with 105 Bradley and Construction of Apartment:</i>	<i>\$320,000</i>

The Staff finds that this final cost estimate is in alignment with the previously provided five (5) other cost estimates. Taken together, these estimates show that the cost to either recreate a similar duplex structure or build an apartment of similar size is about \$85,000 to \$180,000 less than the three renovation-related options.

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

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

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

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

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

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

In the additional materials, the Applicant provided more valuations as follows:

<i>Existing Structure renovated with no addition:</i>	<i>\$225,000 to \$250,000</i>
<i>Existing Structure renovated with 378 sq. ft. addition:</i>	<i>\$225,000 to \$250,000</i>
<i>Existing Structure renovated into single family house:</i>	<i>\$225,000 to \$430,000</i>

Taken together, in order of lowest to highest valuation, the alternatives ranks as follows:

<i>As-Is value:</i>	<i>\$77,000</i>
<i>As-is value (real estate professional):</i>	<i>\$150,000</i>
<i>Existing Structure renovated with no addition:</i>	<i>\$225,000 to \$250,000</i>
<i>Existing Structure renovated with 378 sq. ft. addition:</i>	<i>\$225,000 to \$250,000</i>
<i>Existing Structure renovated into single family house:</i>	<i>\$225,000 to \$430,000</i>
<i>Replacement Duplex value:</i>	<i>\$295,000</i>
<i>New Construction market value (real estate professional):</i>	<i>\$322,000</i>
<i>Replacement Single-family value:</i>	<i>\$330,000</i>

In comparing the cost estimates above to the property valuations, it would appear that all of the renovation-related options and the demolition / reconstruction option as a duplex have costs higher than the valuations. The demolition and replacement as a single family house option would have costs and valuations of about the same amount.

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

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

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

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

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

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

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

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

The Applicant provided pictures.

Overall Comments

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

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

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

Taking into account the additional materials provided by the Applicant, the Staff would agree with the Applicant that there is significant structural damage to the building due to insects, water damage, relationship of the structural members to the surrounding grade, previously either incomplete or incompatible alterations, and general deterioration of the exterior features of the house (rotten siding, warped wood members, etc.).

The Staff would also agree that if additional structural loads were placed on the house due to high winds or vibrations, the compromised structure could collapse either quickly or more slowly over time. The Staff would add that the two-story house is within about 7 ft. of 105 Bradley Street (to the north) and about 10 ft. of 99 Bradley Street (to the south), meaning a collapse or shifting of the house from side to side would endanger the adjacent properties. (The Applicant is also the owner of 105 Bradley Street.)

Lastly, the Staff finds that the renovation alternatives outlined by the Applicant would not create little or no positive value for the property above the costs associated with implementing them and in the end an essentially new house would exist on the property under the renovation options.

At the same time, the Staff finds that there substantial portions of the house that would appear to retain their architectural integrity and configuration (such as front porch, upper levels exterior walls, portions of siding, and some windows and doors), though it is unclear their structural integrity at this point in time. The Staff also finds that while there are deflections in some structural elements, the house as a whole does not appear to be leaning, bowed, or bending.

As such, the Staff would recommend the Applicant provide additional structural analysis documenting that the deteriorated conditions and structural damage at the house creates a major and imminent threat to public safety.

Comment on Application Materials by the Office of Buildings

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

At this time, a report has not been received by the Office of Buildings.

Staff Recommendation: Based upon the following:

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

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

1. *The Staff shall receive and file for future reference the building evaluation from the Office of Buildings, per 16-20.008;*
2. *The Applicant shall provide additional structural analysis documenting that the deteriorated conditions and structural damage at the house creates a major and imminent threat to public safety, per 16-20.008; and*
3. *The Staff shall review, and if appropriate, approval the final supporting documentation.*