



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 25, 2015

Agenda Item: Review and Comment (RC-15-063) on variance application (V-15-037) to exceed the maximum lot coverage allowed from 55% (allowed) to 58.1% (proposed) for the construction of a detached garage at **197 Hale Street**- Property is zoned R-5/ Inman Park Historic District (Subarea 1)/ Beltline.

Applicant: Adam Stillman
350 Sinclair Avenue

Facts: According to the Inman Park Inventory, this single family dwelling built in 1917 is contributing.

On November 28, 2011, the Commission approved with conditions, an Application for a Type IV Certificate of Appropriateness (HD-11-209) to allow the demolition of a single family residence due to a threat of public health and safety at 197 Hale Street.

On November 28, 2011, the Commission approved with conditions, an Application for a Type III Certificates of Appropriateness (HD-11-208) to allow construction of a new single family residence.

Analysis: The following code sections apply to this application:
Per Section 6-4043 of the Atlanta City Code:

- (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.

The Applicant is requesting a variance to increase the allowable lot coverage in order to add an accessory structure at the rear of the property. When the application for a new house was originally approved, the proposed lot coverage was indicated as 54.6%. The lot coverage is now indicated as 55.9% and therefore the new house as currently built does not meet the lot coverage requirement. As the original project was approved without variances, Staff suggests the Applicant clarify why there is a discrepancy between the lot coverage that was approved by the Commission and the current lot coverage indicated on the plans.

As the existing lot already exceeds the allowed lot coverage, Staff finds that any addition to the house or site would not be allowed without a variance. According to the Applicant, the existing lot was created in 1893, prior to the City of Atlanta ordinance. The maximum lot coverage requirement is based on a standard R-5 lot that has a minimum lot size of 7500 sq. ft. The existing lot is 4700 sq. ft. and is therefore significantly smaller than an R-5 lot. While having a smaller lot is not necessarily an unusual condition, it does severely limit how much can be built on the lot.

In general, Staff finds that it is reasonable to request additions and site improvements for an existing property. In looking at the accessory structure, Staff finds that it is modest in size and will only increase the lot coverage by 3.1%. Staff finds that allowing the increase in lot coverage will not cause a substantial detriment to the public good or impair purpose or intent of the zoning ordinance. Given the information we have at this time, Staff supports the proposed variance.

Staff recommends that a letter with the comments of the Staff and Commission be sent to the Applicant and appropriate City agencies.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 25, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA3 15 067) for a variance to allow windows which do not meet the District regulations and (CA2 15 066) for alterations at 510 Hopkins St. Property is zoned R 4A / West End Historic District / Beltline.

Applicant: Susan Cobb
510 Hopkins Street

Facts: This existing craftsman style bungalow is considered contributing to the West End Historic District.

Prior to the submission of this application, the original eight over one wooden windows were replaced with new one over one vinyl windows.

Analysis: The following code sections apply to this application:

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

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

- (1) *Certificates of Appropriateness:* Certificates of appropriateness within this district shall be required as follows:
 - (a) *When required:*
 - (i) To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the public right-of-way;
 - (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; and
 - (iii) To demolish or move any contributing structure, in whole or in part, within the district.
 - (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, retaining walls;
 - (b) decks, skylights, solar panels, mechanical and communication equipment if visible from a public street;
 - (c) new accessory structures and alterations to existing accessory structures;
 - (d) shutters, awnings if visible from a public street;
 - (e) replacement of non-original, non-historic or missing elements that otherwise meet the regulations, including but not limited to siding, windows, porch railings, porch columns, porch flooring, exterior doors if visible from a public street, 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 review by the commission and shall be required for any of the following to the extent they are visible from a public street:
 - a. Alterations to any façade of any principal structure; and
 - b. All site work, except as noted in Section 16-20G.005(b)(4).
- (vi) 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 that are visible from a public street or park.
 - 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.
 - c. Subdivisions and aggregations.
 - d. Variances.
- (vii) Type IV certificates of appropriateness shall be reviewed by the commission and shall be required for the demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.

(2) *The Compatibility Rule:* The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing

elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), shall be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

- (3) *Variances:* The urban design commission shall have the power to hear, grant and deny variances from the provisions of this chapter (20G) when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 46, which provisions are hereby incorporated herein.
- (4) *Financial Hardship Exemptions:*
 - (a) These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the urban design commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.
 - (b) In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.
 - (c) If the urban design commission finds that the requirement of subsection (ii) herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with the following factors, standards and criteria:
 - (i) The burden of proof that the regulations and guidelines pose such a hardship shall be on the property owner.
 - (ii) The urban design commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - a. The present and future income of the property owner(s) and those occupying the property;
 - b. The availability, at present or in the future, or other sources of income of revenue, including loans, grants, and tax abatements;
 - c. The costs associated with adherence to the district regulations;
 - d. The degree of existing architectural importance and integrity of the structure; and
 - e. The purpose and intent of this chapter.
 - (iii) The urban design commission shall balance these factors as applied to the applicant for said exemption and shall grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.

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

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

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

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

(3) *Windows and Doors:*

- (a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
- (b) Original window and door openings shall not be blocked or enclosed, in whole or in part.
- (c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.
- (d) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- (e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
- (f) Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
- (g) New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
- (h) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule.
- (i) The scale, size, proportion, and location of all openings in new construction shall be established by the compatibility rule.
- (j) New windows or doors added to existing structures shall be located façades that don't face a public street.
- (k) New or replacement doors shall be made of wood and shall contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.

Sec. 16-26.003. - Conditions of granting a variance.

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

Variance

The Applicant is asking for a variance to allow the new one over one vinyl windows to remain on the house. The 2010 photographic update to the West End Historic District Inventory shows the intact original wooden windows in an eight over one configuration. At this time, Staff finds

that the Applicant has not submitted sufficient evidence that the installation of windows which meet the District regulations would create an unnecessary hardship.

Window Replacement

As the original windows are likely no longer on the site, the Staff finds that requiring their retention is infeasible at this time. However, the District regulations require that the replacement of any original or historic windows “shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size.” As such, the installed / proposed vinyl windows do not meet the District regulations. The Staff would recommend that the currently installed vinyl windows be removed, and windows and exterior trim that match the original windows and exterior trim on the house and otherwise meet the District regulations be installed.

Staff Recommendation: Based upon the following:

- a) The project does not meet the variance criteria, per Section 16-26.003(1) and 16-28.008(5); and
- b) The project meets the regulations, with the exceptions noted in the above analysis, per Section 16-20G.006.

CA3-15-067

Staff recommends denial of an application for Type III Certificate of Appropriateness (CA3-15-067) for a variance to allow windows which do not meet the district regulations at **510 Hopkins Street** - Property is zoned R-4A / West End Historic District / Beltline.

CA2-15-066

Staff recommends approval of an application for Type II Certificate of Appropriateness (CA2-15-066) for alterations at **510 Hopkins Street** - Property is zoned R-4A / West End Historic District / Beltline, with the following conditions:

1. The currently installed vinyl windows shall be removed, per Sec. 16-20G.006;
2. and windows and exterior trim that match the original windows and exterior trim on the house and otherwise meet the District regulations shall be installed, per Sec. 16-20G.006; and
3. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 25, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-081) for a variance to allow a reduction in the rear yard setback from a minimum of 20 ft. (required) to 14.4 ft. (proposed) and (CA3-15-068) for alterations and addition at **265 Iswald Street** - Property is zoned Cabbagetown Landmark District (Subarea 3) / Beltline.

Applicant: Suzanne Harriman
265 Iswald Street

Facts: The property is located on the west side of Iswald Street, was built in 1920, and is considered contributing to the District. This side of Iswald Street contains several examples of the Saddlebag cottage, including the subject property. Many of these properties back up to a surface parking lot along Boulevard. The subject property is a generally flat, rectangular shaped lot that is significantly wider (about 69 ft.) than the other lots on the block face (about 43 ft.). These houses are distinct and are consistent in their architectural elements and form, with a side gable that in many cases has been extended in the rear to create a lower pitched rear addition. The subject house is shifted to one side of the wider lot creating a large side yard on the southern portion of the property.

The Applicant proposes to:

1. Construction a ribbon strip driveway in the southern portion of the property, using the existing curb cut;
2. Create a walkway from the driveway to the front porch;
3. Install a privacy fence along the northern, side property line;
4. Demolish the existing front porch and build a new front porch in its place with wood columns, railing, stairs, and shingle covered roof structure;
5. Replace all of the existing windows with new, double hung windows (6 over 6 on the front façade and 1 over 1 on the side facades);
6. Demolish an enclosed rear porch and a low block retaining wall at the rear of the house; and
7. Build a rear addition that spans the full width of the house and includes a new shed roof which extends from near the peak of the main side gable to the rear eave of the addition and a side entry door and stoop.

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:
 - b) To erect a new structure or to make an addition to any structure within the district;
- (2) Type required:
 - a. When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition of a contributing building shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

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."
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) Minimum lot requirements. There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
 - a) General criteria:
 1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
 2. The general façade organization and proportions shall be subject to the compatibility rule.
 3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;

- g. porches, including supports, columns, balustrades, steps, and roofs; and
- h. foundation walls, foundation piers, and water tables.

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

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.
- (17) Grading and landscaping.
 - 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 integrity of a structure.
 - b) New grades shall meet existing topography in a smooth transition.
 - c) Approval of an application for a certificate of appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties. The commission may require that plant materials in a landscape plan reflect the character of the Cabbagetown Landmark District.
- (18) Fences and walls.
 - a) Fencing, walls, and retaining walls are subject to design review by the commission.
 - b) Fences shall not exceed four feet in the front or the half-depth yards.
 - c) Fences and walls shall not exceed six feet in the side or rear yards.
 - d) Fences shall be constructed of wood or chain link. Barbed wire and razor wire are prohibited.
- (19) Off-street and off-site parking.
 - a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
 - b) The number of required parking spaces is set out in each subarea.
 - d) Off-street parking shall not be located or authorized between the principal building and the street.
 - e) Off-street parking may be located in a rear or side yard.
 - f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
 - j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.
 - k) Use of shared driveways and/or alleys is encouraged.
 - l) 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.

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.
- (6) Minimum lot requirements. In addition to the setback requirements in section 16-20A.006(9), in no case shall any portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.
- (7) Maximum building height and width. The compatibility rule shall apply.
- (8) Floor area ratio. The floor area ratio shall not exceed 0.50.
- (9) Roofs
 - a) Roofing materials shall be asphalt shingles or batten seamed metal.
 - b) Metal shingles are permitted if they are appropriate to the house style.
- (12) Porches.
 - a) Decks shall be permitted on the side or rear of the house if not visible from the street.
 - b) Rear decks shall be no wider than the house.
 - c) Side and rear porches shall be permitted if appropriate to the house style.
- (13) Fencing and walls.
 - a) Walls are not permitted in a front yard, or a side yard adjacent to a public right-of-way.
 - c) Walls shall be constructed of wood.

- (14) Driveways and surface parking areas.
- a) One parking space per dwelling unit shall be required for all new construction or changes in use.
 - b) Driveways shall not exceed ten feet in width and shall have a curb cut no more than ten feet, exclusive of flair.
 - c) At least one-third of any driveway or surface parking area shall be pervious.
 - d) Poured concrete paving for driveways shall consist of two ribbons for tire tracks separated by a planting strip.
 - e) Alternate paving materials may be approved upon review by the commission if such materials are pervious and do not detract from the historic character of the landmark district.

Variance Analysis (CA3-15-081)

As noted above, there are several contributing houses on the block face that are the same house type and style as the subject property. Most of the houses have relatively similar rear yard setbacks (about 27 ft.), with the exception of the contributing house at 247 Iswald Street which has had a larger rear addition or more additions than the other contributing houses on the block face. Currently, the rear yard setback of 247 Iswald Street is about 3.5 ft., according to the Applicant's analysis.

Concerns have been previously raised as to the legality of the rear most portion of the house at 247 Iswald Street. Staff research indicates that there was a building permit issued by the City of Atlanta in March 2003 for an addition to the house (BB-200301779). This building permit referred to a Certificate of Appropriateness from 2002 (LD-02-264). On-line, publically-available aerial photography from 2006 shows the footprint of the house as it is today with a rear yard setback of about 3.5 ft. Until recently, the Staff was not aware of any concerns about previous rear additions at 247 Iswald Street. The Staff would note that it is investigating recent concerns about the construction of a fence and accessory building at 247 Iswald Street, but those would not affect the compatibility rule analysis.

Given the permitting activity in 2002 and 2003 and the existence of the current day footprint in 2006, the Staff finds that the entire contributing house at 247 Iswald Street should be considered for the purposes of the compatibility rule and in particular for the purposes of calculating the rear yard setback range.

As such, the proposed rear yard setback of 14.4 ft. is within the range established by several contributing houses on the block face. The maximum is established by several houses with 27 ft. rear yard setbacks and the minimum is established by #247 with a 3.5 ft. rear yard setback.

The Staff would recommend denial without prejudice of the variance for a reduction of the rear yard setback because it is not necessary.

Design Review Analysis (CA3-15-068)

Construct a ribbon strip driveway in the southern portion of the property, using the existing curb cut. While the design of the proposed driveway meets the District regulations, the length does not. Further, it is unclear what the material will be. The driveway must extend at least 20 ft. past the front façade of the building and must be one of the materials permitted by the District regulations. It extends less than 10 ft. beyond the front façade of the building. The Staff would recommend the driveway be a material that meets the District regulations and extend at least 20 ft. past the front façade of the existing house.

Create a walkway from the driveway to the front porch.

While the Staff has no concerns about the design of the walkway given its size, width, location and that there is already a walkway directly to the public sidewalk, the Staff would recommend the walkway from the front porch to the driveway be concrete.

Install a privacy fence along the northern, side property line.

It is not clear to the Staff if a privacy fence is proposed on the subject property and its design. There is an existing almost opaque picket fence on the neighbor's property, but it doesn't appear to match the location

as depicted on the existing or proposed site plans. The Staff would recommend the Applicant clarify if any fences are proposed as part of the project.

Demolish the existing front porch and build a new front porch in its place with wood columns, railing, stairs, and shingle covered roof structure.

The railing, columns and roof structure of the existing front porch are non-original and non-historic to the house and as such the Staff has no concerns about their removal. The Staff is concerned about what appears to be the wholesale removal of the front porch foundation and front porch steps. While likely not original to the house, the concrete block foundation and steps are likely historic to the house. The Applicant has provided no rationale for the removal of the front porch foundation or front porch stairs. The Staff would recommend the front porch foundation and front porch stairs be retained repaired in-kind as necessary and incorporated into the proposed front porch design.

Further, the Staff is concerned about the use of the wood, open stairs on the front and side of the front porch. While wood stairs are an option allowed under the general requirements, the Staff is concerned that the wood stairs do not meet the specific requirements for alterations to contributing structures, including introducing materials or building elements that do not reinforce the architectural character of the building. The Staff would recommend that any new front porch stairs be masonry similar in design as the existing front porch stairs on the house.

Replace all of the existing windows with new, double hung windows (6 over 6 on the front façade and 1 over 1 on the side facades).

The Applicant has provided no rationale for the replacement of the windows on the house, which appear original to the structure. The Applicant provided photographs of houses with similar window patterns, but no information was provided about the condition or originality of the existing windows on the house or to support their removal. The Staff would recommend the Applicant document to the Staff through photographs and narrative that the removal of all the existing windows on the house meets the District regulations or retain all of the windows on the house and repair them in-kind.

Demolish an enclosed rear porch and a low block retaining wall at the rear of the house.

The Staff has no concerns about the removal of the rear porch and deck and related stairs as their demolition will not result in the loss of significant architectural features which destroy the house's interpretability or importance. The Staff does have concerns (detailed below) about the replacement form and massing.

Build a rear addition that spans the full width of the house and includes a new shed roof which extends from near the peak of the main side gable to the rear eave of the addition and a side entry door and stoop.

Overall Design and Major Architectural Elements

Regarding the setbacks, all of the addition except for the side stoop will have the same side yard setbacks as the existing house. As the existing house is considered contributing to the District, its side yard setbacks are considered within the compatibility rule range. Further, the addition itself (without the stairs) will not be any wider than the existing house. However, the stoop on the left side of the addition projects beyond the side façade of the addition and it needs to be taken into account when calculating the setbacks and the width of the addition. Regardless of what the allowable range of left side yard setbacks might be on the block face, the stairs make the addition wider than the existing house, which does not meet the District regulations. The Staff would recommend the left side stoop be repositioned to the rear of the addition or the Applicant apply for a variance for an addition wider than the width of the existing house.

Given the Staff's analysis and recommendation regarding the rear yard setback, the Staff finds that the rear yard setback also meets the District regulations.

The height of the addition is less than the existing house and therefore meets the District regulations as to the maximum height.

The Applicant has not included a floor area ratio calculation showing that the floor area ratio meets the District regulations. The Staff would recommend the Applicant calculate the floor area ratio and that the ratio meet the District regulations.

However, even though the proposed addition is not wider (without the stairs) or taller than the existing house, the Staff is concerned that the proposed addition will completely subsume the rear of the house such that none of the existing massing, roof form, or architectural delineations will be visible. The proposed roof form completely removes the incremental nature of the previous portions of the house, will be incompatible with the existing house, and would create a long low slope roof over a "wedge" shape that would be highly visible from the street. The lack of articulation between the existing and proposed forms would create a false sense of history and development to the house, and a large expanse of blank and unbroken wall on the right side elevation. The Staff finds that the proposed massing and roof form does not meet the District regulations. Further, the proposed roof form is not similar to other existing roof forms on the block face. The pitch of proposed roof is not specified on the plans so that Staff cannot determine if it is within the range of roof pitches established by the compatibility rule.

The Staff would recommend the massing and roof form of the proposed addition be substantially revised to meet the District regulations and be compatible with the existing house.

No grading is proposed as part of the project.

Individual Design Element and Materials

Given the location of the addition and the proximity of the adjacent houses to the subject property, there will be limited visibility of the addition's features from Iswald Street, though the Staff finds that the sides of the addition that align with the sides of the existing house will be visible. Further, the Staff finds that given the parking lot is essentially a vacant lot, the addition will be visible from Boulevard across the parking lot. Therefore, the Staff finds that all portions of the addition are subject to those District requirements that are based on visibility from the public right of way.

There is no porch proposed as part of the addition and the Staff considers the side stoop (potentially relocated to the rear façade of the addition) to not be a deck given its minimal size.

Regarding the fenestration, the Staff is concerned about the lack of windows on the right hand elevation towards the rear of the addition which creates a substantial section of blank wall. The Staff considers the blank wall as not compatible with the architectural features of the existing house and to not meet the compatibility rule as to the organization and pattern of the fenestration. Given the functionality of the spaces associated with this wall, the Staff might suggest the use of proportionally smaller, double hung windows that are similar in design and details as the existing larger windows on the house. The Staff would recommend that additional windows be added to the rear portion of the right hand façade of the addition, and all of the addition's windows meet the District regulations, including their size, design, organization, and pattern.

Except contributing to the massing and form issues noted above, the Staff has no concerns about the materials of the proposed addition, as they will be similar to or the same as the corresponding materials on the existing house. The Staff would recommend the foundation material be specified on the plans and meet the District regulations.

Variance (CA3-15-081):

Staff Recommendation: Based upon the following:

1. The proposed rear yard setback is within the range established by the contributing buildings of the same house type on the block face, per Section 16-20A.006(9).

Staff recommends denial without prejudice of the Type III Certificate of Appropriateness (CA3-15-081) for a variance to allow a reduction in the rear yard setback from a minimum of 20 ft. (required) to 14.4 ft. (proposed) at **265 Iswald Street**.

Addition (CA3-15-068):

Staff Recommendation: Based upon the following:

1. Except as noted above, the proposed house meets the District regulations, per Section 16-20A.006 and 16-20A.009; and
2. The Staff's recommendation of variance CA3-15-081.

Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-15-068) for alterations and addition at **265 Iswald Street** - Property is zoned Cabbagetown Landmark District (Subarea 3) / Beltline, to allow the Applicant to address the following concerns and comments:

1. The driveway shall be a material that meets the District regulations and shall extend at least 20 ft. past the front façade of the existing house, per Section 16-20A.006(19)9(f);
2. The walkway from the front porch to the driveway shall be concrete, per Section 16-20A.006(13)(f)(4) and 16-20A.006(14);
3. The Applicant shall clarify if any fences are proposed as part of the project, per Section 16-20A.006(18);
4. The front porch foundation and front porch stairs shall be retained repaired in-kind as necessary and shall be incorporated into the proposed front porch design, per Section 16-20A.006(14);
5. Any new front porch stairs shall be masonry similar in design as the existing front porch stairs on the house, per Section 16-20A.006(14);
6. The Applicant shall document to the Staff through photographs and narrative that the removal of all the existing windows on the house meets the District regulations or shall retain all of the windows on the house and repair them in-kind, per Section 16-20A.006(14);
7. The left side stoop shall be repositioned to the rear of the addition or the Applicant shall apply for a variance for an addition wider than the width of the existing house, per Section 16-20A.006(14)(D);
8. The Applicant shall calculate the floor area ratio and that the ratio shall meet the District regulations, per Section 16-20A.009(8);
9. The massing and roof form of the proposed addition shall be substantially revised to meet the District regulations and shall be compatible with the existing house, per Section 16-20A.006(14);
10. Additional windows shall be added to the rear portion of the right hand façade of the addition and all of the addition's windows shall meet the District regulations, including their size, design, organization, and pattern, per Section 16-20A.006(13)(a)(3) and (b)(3), and 16-20A.006(14);
11. The foundation material shall be specified on the plans and shall meet the District regulations, per Section 16-20A.006(13)(a)(3) and 16-20A.006(14); and
12. The Applicant shall submit revised plans and any additional supporting materials (including all of the required copies) to the Staff at least eight (8) days prior to the Commission meeting to which this application is deferred.



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

CHARLETTA WILSON JACKS
Director, Office of Planning

www.atlantaga.gov

STAFF REPORT

March 25, 2015

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-15-079 for an addition and alterations at **872 Euclid Avenue**- Property is zoned R-5/Inman Park Historic District (Subarea 1).

Applicant: Clark Tate
308 Gordon Avenue

Facts: According to the Applicant submission, the house was built in 1910. The property is considered contributing to the District. The two-story house has a combination roof with a full width front porch. The property is generally slopes from the sidewalk. The property shares an existing driveway with the property to the right.

The Applicant proposes to build a multi-level rear addition generally within the footprint of the current house and screened porch. The rear of the house already contains a mid-century rear addition and a more contemporary screened porch on the back of the previous addition. There is a portion of the rear addition that will enlarge the footprint on the right side of the house.

The renovations to the existing house consist of replacing a contemporary front door with a new door, replacing the non-brick / non-concrete infill panels in the foundation with brick infill panels, and adding a skylight on a rear facing roof plane.

Other site work is being contemplated by the Applicant, but this work can be reviewed by the Staff under the District regulations. This includes the creation of a parking pad behind the house and site walls in the rear yard.

Analysis: The following code sections apply to this application:

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

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

1. General Criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
- b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:

- i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- d. Compatibility rule:
- i. The intent of the mayor and council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face; and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945.
 - ii. To further that intent and simultaneously permit flexibility in design, the regulations provide a compatibility rule which is as follows:
 - (a) Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure.
 - (b) Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure
2. Certificates of Appropriateness.
- a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - d. Type III Certificates of Appropriateness shall be required for:
 - ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a certificate of appropriateness in the subarea regulations.
 - e. Type IV certificates of appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.
3. Variances, special exceptions, and appeals. Variance applications, applications for special exceptions, and appeals from these regulations shall be heard by the commission. The commission shall have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16. The commission shall have the authority to grant or deny applications for special exceptions pursuant to the standards in chapter 25. The commission shall have the authority to grant or deny applications for appeal pursuant to the standards in section 16-30.010 and the appeal provisions for said decision, set forth in section 16-30.010(e), shall also apply to the commission's decision.
6. Tree Preservation and Replacement.
The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Section 158-26, shall apply to this District.

Section 16-20L.006. Specific Regulations for Inman Park Core District, Subarea 1.

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

- 1. Design Standards and other criteria for construction of and for additions to one- and two-family residential structures.
 - f. The compatibility rule shall apply to the form and pitch of the primary roof of the principal structure.
 - g. The compatibility rule shall apply to the height, scale, and massing of the principal structure, except as noted below. In no case shall the height of a structure exceed 35 feet. (See section 16-28.022 for excluded portions of structure.)

- i. The height of additions shall not be subject to the compatibility rule, but shall be no higher than the existing structure.
 - ii. Notwithstanding the compatibility rule, any new roof ridge line shall be no higher than the highest roof ridge line of the existing structure.
 - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
 - i. The style of the individual window.
 - (1) Windows in the front façade shall be predominantly vertical in proportion.
 - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
 - ii. The size and shape of individual window openings.
 - iii. The overall pattern of fenestration as it relates to the building façade.
 - o. Mechanical equipment shall be located to the side and rear of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street or park.
 - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
 - q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - ii. The type of brick and pattern of brickwork.
 - iii. The type of stone and pattern of stonework.
 - iv. The material and texture of stucco.
 - v. The size and type of doors.
 - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - vii. Paving materials for walks and drives.
 - (1) Asphalt is not permitted.
 - viii. Visible foundation materials.
 - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
2. Setback requirements:
- b. New additions to existing structures: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.
3. Off-street parking and driveways. In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses:
- a. Off-street parking shall not be permitted between the principal structure and any public street.
 - b. Parking shall not be permitted on walkways that are located between the street and the façade of the principal structure.
 - c. The use of alleys for access to such parking is both permitted and encouraged. No variance is required for driveways coming off of an alley provided however that such driveways shall not extend past any façade which faces a public street.
 - d. Driveways shall not exceed a width of ten feet not including the flare at the street. Two-way driveways, where required for an allowed commercial or multi-family use, shall not exceed 24 feet not including the flare at the street.
4. Principal uses and structures:
- a. Properties that have an underlying zoning designation of R-5 shall be used only for the following principal purposes subject to the following provisions:
 - i. Single-family detached dwelling.
 - v. Floor area ratio shall not exceed 0.50.

6. Permitted accessory uses and structures: These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:
 - a. Greenhouses, garden sheds, private garages, and similar structures. When a private garage is part of a principal structure, the garage door may not be located on the front façade of the principal structure, nor the side façade if visible from a public street or park.

Existing House Renovations

The Staff has no concerns about the replacement of the contemporary front door and finds the new front door is compatible with the existing house, assuming it is wood. The Staff would recommend the solid portions of the new front door be wood.

The Staff has no concerns about the replacement of the incompatible foundation infill with brick infill.

The proposed skylight shall be located on a rear facing roof plane and as such will not be visible from a public street.

New Addition Setbacks and Site Issues

The Staff finds that the addition's setbacks meet the District regulations. In the District, the side yard setbacks for additions are based on the setbacks of the existing house. An addition can't be any closer to the side property lines than the closest point of the existing house. In this case, the addition is stepped in from the existing house on the right and on top of the existing house on the left, thus meeting the side yard setback requirements. The rear yard setback is determined by the compatibility rule, which requires that the setback be within a range created by the closest and farthest such setback of the contributing houses on the block face. In this case, the allowable rear yard setbacks for the addition would be established by the current rear setbacks of the contributing houses on the block. The rear yard setback of the existing house can be considered (about 192 ft.) and a smaller rear yard setback is found at #866 Euclid Avenue (about 72 ft.), given its shorter lot depth. As such, the proposed 192 ft. rear yard setback (the enclosure of the screen porch occurs on the same footprint) meets the compatibility rule requirements.

Although not officially the responsibility of the Commission to assess, the Staff found that the maximum lot coverage for the R-5 underlying zoning district (50% of the lot) will not be exceeded by the proposed project. The Applicant's floor area ratio calculations meet the District regulations (50%).

The proposed HVAC units will be located behind the right hand side of the addition and be will screened with vegetation.

New Addition Massing, Materials, and Architectural Elements

The Staff has no concerns about the renovation of / addition to the mid-century addition or the enclosure of the contemporary screened porch. These changes on non-original and/or non-historic components of the will not result in the loss of significant architectural features that would destroy the structure's historic interpretability or importance.

The Staff concurs with the location of the addition to the rear of the house. This location allows the original house to continue to be the dominant feature of the property. The location of the addition is compatible with the existing house and meets the District regulations.

Generally speaking, the Staff has no concerns about the proposed addition. The rear of the addition will have no visibility from the street and the sides of the addition will have some visibility from the street. The addition is located to the rear of the house; its multi-level, multi-pitch roof line is lower than the existing main roof (meeting the District regulations) and it is stepped-in on the right side. All of these characteristics are compatible with the existing house and meet the District regulations. Generally speaking, the Staff also thinks the materials and ornamentation for the addition are compatible with the existing house, including smooth cementitious siding, asphalt and metal roof material, double hung windows, eaves details similar to the existing house and brick for the new portions of the foundation.

The Staff would note that the pitched, metal roof over the enclosed screen porch and the shed roof over the rear entrance will have limited visibility from a public street and help differentiate these portions of the addition from the original portion of the house.

It is not clear to the Staff all of the materials for the proposed addition. The Staff would recommend that all exterior architectural elements visible from a public street, including but not limited to trim material and eave / soffit components be labeled on the plans and met the District regulations.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the application for Type III Certificates of Appropriateness (CA3-15-079 for an addition and alterations at **872 Euclid Avenue**- Property is zoned R-5/Inman Park Historic District (Subarea 1), with the following conditions:

1. The solid portions of the new front door shall be wood, per Section 16-20L.006(1)(q)(5);
2. All exterior architectural elements visible from a public street, including but not limited to trim material and eave / soffit components shall be labeled on the plans and met the District regulations., per Section 16-20L.006(3)(p) and (q); and
3. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 25, 2014

Agenda Item: Application for Type III Certificate of Appropriateness (CA3-15-072) for a variance to allow a reduction in the side yard setback from 20 feet (required) to 2 feet (proposed) and (CA2-15-071) for alterations and a rear deck at **841 Oakdale Rd.**– Property is zoned Druid Hills Landmark District.

Applicant: Eric Rothman
807 Church St., Decatur

Facts: According to the architectural survey in 2002, this dwelling built in 1915 is considered contributing to the druid Hills Landmark District.

The current applications consists of the following:

1. Reduction in the side yard setback from 20 feet to 2 feet;
2. Alterations to an existing garage door and installation of a new entry door on the side facade;
3. Removal of a non-historic French door on the rear façade;
4. Installation of a new rear door and casement window on the rear façade;
5. Removal of an existing rear deck;
6. Addition of a new rear deck;
7. Removal of historic windows and installation of new grouped casement windows;
8. Alterations to an existing screened porch.

Analysis: The following code sections apply to this application:

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

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

20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark buildings and sites:

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

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

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

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

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

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

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

(5) *Minimum yard requirements:*

a. Setbacks:

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

Front yard: 110 feet.

Side yards: 20 feet.

Rear yard: 100 feet.

Site Plan

The proposed site plan submitted by the Applicant appears to be slightly off scale. As a result Staff is unable to accurately determine the current setback at the closest point and what the required setback variance would be. Staff recommends that the Applicant submit a properly scaled proposed site plan in order for the current setback and the setback variance to be determined.

Variance

The Applicant is requesting a variance to allow the west side yard setback to be reduced from 20 feet to 2 feet to allow the installation of a proposed chimney which will extend into the side yard 24 inches and a new rear deck which will partially be installed on the footprint of an existing rear deck. Chimneys are not usually counted against the setback if they extend into the yard 22 inches or less, but the proposed chimney will be larger than this minimum amount. In their justification, the Applicant states that the current building is 5.7 feet from the west side yard setback at the furthest point. At this time Staff is unable to confirm these measurements. However, Staff finds that the current configuration of the building on the lot would make it impossible for any addition to conform to the setback requirements. Additionally, the topography of the lot and the close proximity of screening vegetation would provide for minimal impact to the neighboring property. As a result, Staff has no general concerns with the proposed variance. However, Staff would recommend that the railing of the proposed deck line up with the side façade of the screened porch. Staff would also recommend that the new chimney extend into the yard no more than 24 inches.

Alterations

Alterations to an existing garage door and installation of a new entry door on the side façade.
Staff has no concerns regarding the proposed alterations to the existing garage door or the installation of the new entry door on the north side façade. Staff would recommend that the Applicant's plans accurately show the existing conditions.

Removal of a non-historic French door on the rear façade.
Staff has no general concerns with the removal of the non-historic French doors.

Installation of a new rear door and casement window on the rear façade.
Staff has no concerns regarding the design of the new rear entry or with the proposed double casement window.

Removal of an existing rear deck and addition of a new rear deck.
Staff has no general concerns with the removal of the existing rear deck or with the design of the new rear deck.

Installation of new grouped casement windows.
The Applicant is proposing to remove a total of 7 historic windows in order to install new quadruple grouped casement windows on the rear and north side façades. At this time the Applicant has submitted no information regarding the need for these historic windows to be removed. Staff finds the historic windows should be retained. Staff recommends the historic windows on the rear and north side façades be retained.

Alterations to an existing screened porch.
The Applicant is proposing to alterations to an existing screened porch on the south side façade. Specifically the Applicant is proposing to partially enclose the existing porch with brick and create new arched openings which will be screened with a metal mesh material. Staff has no concerns with the design of the proposed alterations. The Applicant is also proposing to install a new chimney which will extend into the side yard 24 inches. Staff has no general concerns with the design of this new chimney. However, as this chimney has the potential to be seen from the right of way, Staff recommends that the chimney be no higher than the minimum height required by the Building Code.

Staff Recommendation: Based upon the following:

- a) The variance request meets the variance criteria, per Section 16-26.003(1) and Section 16-28.008(5); and
- b) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20B.007.

CA3-15-072

Staff recommends approval the Application for Type III Certificate of Appropriateness of (CA3-15-072) for a variance to allow a reduction in the side yard setback from 20 feet (required) to 2 feet (proposed) at **841 Oakdale Rd.**— Property is zoned Druid Hills Landmark District with the following conditions:

1. Applicant submit a properly scaled proposed site plan, per Sec. 16-28.008(5);
2. The railing of the proposed deck shall line up with the side façade of the screened porch, per Sec. 16-28.008(5); and,
3. The proposed chimney shall extend into the yard no more than 24 inches per Sec. 16-28.008(5).

CA3-15-071

Staff recommends approval of the Application for Type III Certificate of Appropriateness CA3-15-071 for alterations and a rear deck at **841 Oakdale Rd.** – Property is zoned Druid Hills Landmark District with the following conditions:

1. The Applicant's plans shall accurately show the existing conditions, per Sec. 16-20B.007;
2. The historic windows on the rear and north side façades shall be retained, per Sec. 16-20B.007;
3. The proposed chimney shall be no higher than the minimum height required by the Building Code, per Sec. 16-20B.007;
4. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

March 25, 2015

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-15-074) for a special exception and a variance to allow a 6'4" privacy fence and wall in the front yard where otherwise a 4' fence is permitted at **317 Bass Street** - Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: George Helms
317 Bass Street

Facts: This is a non-contributing house.

Analysis: The following code sections apply to this application:

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

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

(2) Certificates of Appropriateness.

(B) Type III Certificates of Appropriateness shall be required for:

1. All new principal structures;

(3) *Variances*. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.

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

(1) *Development Controls*.

- a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
- b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
- c. *Rear Yard:* Rear yard setback shall be seven (7) feet.
- d. *Off-street parking and driveway requirements:*
 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of

the flare.

(2) *Architectural Standards.*

- A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

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

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

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
 10. Any facades that face a public street shall consist of fenestration that is either:
 - 1) substantially consistent with fenestration on contributing structures of like use in the district, or
 - 2) shall be no less than 15% and no greater than 40% of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed twenty-eight (28) square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed sixteen (16) square feet.
 14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
 - b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
 15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.

e. Special exceptions on greater height of walls or **fences** in required yards: The board of zoning adjustment may grant special exceptions in any district for greater heights only upon finding that:

1. Such wall or **fence** is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood;
2. Such greater height is justified by requirements for security of persons or property in the area;
3. Such greater height is justified for topographic reasons; or
4. Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

In looking at a picture submitted by the Applicant, it appears a fence that is 6'4" at its tallest point, has been installed in the front yard. It also appears there is a privacy wall partially located in the front yard. According to the Applicant, the fence and wall are needed because of large dogs and security threats. Further, the Applicant indicates the slope of the yard causes the fence to be slightly taller at the corner of the front yard.

Staff finds that having a 6'4" fence in the front yard is not appropriate. Staff finds the Applicant has not provided any documentation there is a security threat that requires a taller fence than allowed. Staff finds the Applicant has not provided any documentation that a privacy wall is required in a portion of the front yard. While Staff finds that having a slight change in the slope might require a taller fence, Staff finds that 6'4" is too tall. Given the information we have at this time, Staff cannot support the requested variance and special exception.

Staff Recommendation: Based upon the following:

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

Staff recommends denial of the application for a Type III Certificate of (CA3-14-247) (CA3-15-074) for a special exception and a variance to allow a 6'4" privacy fence and wall in the front yard where otherwise a 4' fence is permitted at **317 Bass Street** - Property is zoned R-5/Grant Park Historic District (Subarea 1).



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0301
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 25, 2015

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-15-076) for a variance to allow a driveway and curb cut which exceeds 10' in width and (CA3-15-075) for a new single family house at **309 Kendrick Avenue** – Property is zoned R-5/ Grant Park Historic District (Subarea 1)/ Beltline.

Applicant: Amel Korjenic
423 Georgia Avenue

Facts: This is currently a vacant lot.

Analysis: The following code sections apply to this application:

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

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

- (1) *General Criteria.*
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
 - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
 - b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
 - c. Type III Certificates of Appropriateness shall be required for:
 1. All new principal structures
 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
 - d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
- (3) *Subdivisions.* In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
- (4) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.
- (5) *Paved surfaces.* The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

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

(1) *Development Controls.*

- a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
- b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
- c. *Rear Yard:* Rear yard setback shall be seven (7) feet.
- d. *Off-street parking and driveway requirements:*
 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.

(2) *Architectural Standards.*

A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

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

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

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front facade and a minimum of seven (7) feet in depth. Side porches shall be a minimum of four (4) feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed thirty-five (35) feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two (2) entrance step risers each of which shall be no less than six (6) inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
8. Garages entrances are prohibited on the front facade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 - c. Balconies and upper level terraces shall be permitted.
10. Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
11. Any facades that face a public street shall consist of fenestration that is either: 1)substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15% and no

greater than 40% of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed twenty-eight (28) square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed sixteen (16) square feet.

12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
 - b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.

E. *Site development, sidewalks and curbs:*

 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 2. Repairs or replacement of existing brick sidewalks shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 3. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 4. Sidewalks crossing driveways shall be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons shall not interfere with the visual field of the pedestrian path.
 5. Curbing shall be granite; poured concrete shall not be used. Curbing shall be at least six inches in height from street level.
 6. Historic materials such as brick, granite, and cobblestones shall be reused where possible.

7. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district shall be a red brick color.

Variance Request

The Applicant is requesting a variance to allow a 12' driveway and curb cut. According to the Applicant, the variance is needed to allow access to a proposed garage. The lot meets the minimum requirements for a conforming lot, therefore parking is required. Further, an independent driveway connected to a public street is required. While Staff finds that a better solution would be to use the adjacent alley to access parking, Staff finds that a curb cut and driveway on Kendrick is allowed. What is not clear from the submittal is why the driveway and curb cut must be larger than the 10' allowed by the regulations. Staff finds the Applicant has not provided any documentation that indicates a 12' driveway and curb cut is required or that denial of the variance would be a hardship. Given the information we have at this time, Staff cannot support the proposed variance.

Site Plan

According to the Applicant, the existing interior lot fronts 59.52' on Kendrick Avenue and has a depth of 150' on its longest side. As acknowledged by the Applicant, there is a discrepancy between the proposed site plan and the City of Atlanta records. The Applicant is currently working with the Office of Planning subdivision Staff to resolve the discrepancy.

Per regulations, the front setback is based on the compatibility rule. The site plan indicates the proposed house is aligned with the adjacent house. The adjacent house is non-contributing and therefore cannot be used as a point of comparison. Staff recommends the Applicant provide documentation the proposed front yard setback meets the front yard setback requirement. Per regulations, the side yard setback shall be no less than 7' and the rear yard setback shall be no less than 10'. Staff finds the side and rear yard setbacks have been met.

Per underlying zoning, the maximum FAR (floor area ratio) allowed is .50. The proposed FAR is .23 and therefore meets the requirement. Per underlying zoning, the maximum lot coverage allowed is 55%. The proposed lot coverage is 26% and therefore meets the requirement.

Per regulations, a walkway from the front porch to the sidewalk is required. Staff recommends the site plan indicate an appropriate walkway. The Applicant did not submit pictures of the existing conditions, therefore it is not clear whether there is a sidewalk and what the condition is. Staff recommends the Applicant clarify whether there is currently a sidewalk.

In comparing the elevations to the site plan and floor plans, they are not internally consistent. Specifically, there are projections indicated on the left elevation that are not indicated on the site plan. Staff recommends the site plan, floor plan and elevations are all internally consistent. The site plan does not have a scale, therefore Staff cannot verify measurements. Staff recommends all plans are properly scaled.

Massing and Building Height

The proposed two story house is defined by a 12 in 10 hipped roof and a single story 3/4 width porch. Staff finds the overall height and massing of the proposed house is similar to other two-story houses in the district. Per regulations, the maximum height allowed is 35'. The Grant Park Historic district regulations do not specify how the height should be measured. As such, Staff finds the standard City measurement should be used. Staff finds the proposed house is no taller than the maximum 35' allowed. While the majority of the historic houses on the block face are single-story, Staff finds the overall height and massing meets the requirements.

Building Facades

The Commission reviews the facades that face a public street. This is an interior lot, therefore Staff will comment on the portions of the façade that face a public street, including the portion of the left side projection that faces the public street.

Windows and Doors

The Applicant is proposing multi-pane casement windows. The Grant Park regulations allow for windows to either be compatible with the windows on contributing houses or the windows shall be no less than 15% and no more than 40% of the wall surface. While Staff finds the proposed windows are not typical of historic windows in the district, Staff finds the proposed windows meet the requirements. Staff recommends the proposed windows are either true divided lite or true divided lite. Staff finds the proposed front door is compatible with the proposed house and is appropriately placed. While not required by the regulations, Staff suggests the front windows on the left side projection are centered on the façade.

Building Materials

The Applicant is proposing to use the following building materials: brick, 6” smooth cementitious siding, stucco, asphalt shingles, standing seam copper, wood columns, beams and brackets. Staff has a concerns regarding having too many different materials on one house. In particular, there are three different façade materials. Staff finds the mixture of three different façade materials is not consistent or compatible with the historic houses in the district. On any facades that face a public street, Staff recommends the façade use no more than two different façade materials. Not all of the material details are indicated on the elevations. Staff recommends all material details are indicated on the plans.

Porch

Per regulations, the minimum depth for new porches is 7’. The proposed front porch has a depth that ranges from 7’ to 9’ and therefore meets the requirements. While the design of the porch is not similar to historic porches in the district, Staff finds the porch requirements have been met.

Staff Recommendation: Based upon the following:

- 1) The plans do not meet the variance criteria, per Section 16-20K.006(3);

Staff recommends denial of an application for a Type III Certificate of (CA3-15-076) for a variance to allow a driveway and curb cut which exceeds 10’ in width at **309 Kendrick Avenue** – Property is zoned R-5/ Grant Park Historic District (Subarea 1)/ Beltline.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-15-075) for a new single family house at **309 Kendrick Avenue** – Property is zoned R-5/ Grant Park Historic District (Subarea 1)/ Beltline, with the following conditions:

1. The Applicant shall provide documentation the proposed front yard setback meets the requirement, per Section 16-20K.007(1)(a);
2. The site plan shall indicate an appropriate walkway, per Section 16-20K.007(2)(B)(2);
3. The Applicant shall clarify whether there is currently a sidewalk;
4. The site plan, floor plan and elevations shall be internally consistent;
5. All plans shall be properly scaled;

6. The proposed windows shall be either true divided lite or true divided lite;
7. On any facades that face a public street, the façade shall use no more than two different façade materials, per Section 16-20K.007(2)(B)(1);
8. All material details shall be indicated on the plans; and
9. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

March 25, 2015

Agenda Item: Review and Comment (RC-15-077) on V-15-025 at **332 Ormond Street** - Property is zoned NC-7C/ Grant Park Historic District (Subarea 1).

Applicant: Philippe Pellerin
 744 Hill Street

Facts: The existing commercial building is located on the corner of Ormond Street and Grant Street.

On May 13, 2009, the Commission approved an Application for a Type III Certificate of Appropriateness (HD-08-397) to allow renovations and an addition at 328-336 Ormond Street, with the following conditions:

1. The Staff shall review and be able to approve any changes required of the proposal by the NC-7-C requirements if those changes do not otherwise affect the building or any significant historic characteristics of the site;
2. All dumpster and garage collection design issues shall be the subject of the Special Administrative Permit review;
3. The Applicant shall document the need for the replacement of windows #203a and #210c, per Section 16-20K.007(D) and 16-20.009(1), (2), (4), and (5);
4. The Applicant shall provide physical evidence, if present on the building, of terra cotta in the locations where this material is proposed, and that such documentation shall be provided to the Staff after the start of the project, but prior to installation of the terra cotta roof tiles; per Section 16-20K.007(D) and 16-20.009(1), (2), (4) and (5);
5. The fenestration pattern of the Ormond Street façade of the second story addition shall be similar to original or historic second story of the subject property, per Section 16-20K.007(D) and 16-20.009(6); and
6. The Staff shall review, and if appropriate, approved the final plans, specifications, and documentation.

The current application is for a review and comment to reduce the off street parking requirement from 21 spaces (required) to 0 spaces (proposed).

Analysis: The following code sections apply to this application:
Per Section 6-4043 of the Atlanta City Code:

- (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.

While reviewing the original application in 2009, Staff had concerns that off-street, on-site parking would be required given its neighborhood commercial (NC) zoning. As the potential for such a requirement could substantially alter the design of the project, the Staff recommended the Applicant defer their application until the parking issues were resolved and it could be assured that the general design would be relatively unchanged.

According to the Applicant at the time, their understanding City Staff was that no additional off-street, on-site parking would be required for the project as proposed. As Staff thought the parking issue had been resolved, Staff moved forward with review of the project and it was ultimately approved with conditions. When the current Applicant came in to permit the project, he was told that off street, on-site parking is in fact required. As such, an application for a special exception is required.

Per NC-7C requirements, 21 off street, on-site spaces are required. According to the Applicant, the lot as currently configured does not allow for any off-street, on-site parking. The Applicant did not submit a site plan, therefore it was initially not clear how the building is situated and whether there was any potential for parking. Staff looked at survey pictures and there does not appear to be any ability to park anywhere on the site.

Staff finds that denial of the special exception is a hardship as the Applicant would have no ability to complete additions that were previously approved by the Commission. Further there would be no ability for new tenants to occupy the existing building for various uses (restaurant, retail, office or residential). Staff finds that denial of the variance would be a detriment to the neighborhood as it would not allow for renovations and additions to and occupation of the existing building. Given the information we have at this time, Staff supports the proposed special exception.

Staff recommends that a letter with the comments of the Staff and Commission be sent to the Applicant and appropriate City agencies.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 25, 2015

Agenda Item: Review and Comment (RC-15-079) on new signage over the right of way at **760 10th Street** - Property is zoned I-2.

Applicant: Norman Koplon
600 Peachtree Street

Facts: The proposed project consists of the installation of a new commercial sign along 10th Street which projects over the right of way. The property and building are located on the southeast corner of 10th Street and Brady Avenue, west of Northside Drive. The 10th Street façade of the building is located at the back of the sidewalk, essentially even with the property line. The proposed sign would be located over an existing set of double doors and would consist of a canopy portion and a blade portion. The trapezoid-shaped canopy would be 6 ft. deep and 18 ft. 6 in. wide on its longest side, which is against the building. The blade sign would be above the canopy portion and be 1 ft. deep and 10 ft. tall.

Analysis: The following code section applies to this application.

Per Section 6-4043:

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

(7) The commission shall review the alteration, demolition, movement or construction of any structures, 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.

The Staff finds that the material and design of the signs (which include red neon tubing, a changeable message portion, perforated screens, and stainless steel) are reminiscent of movie or stage theater marquee signs. While the existing use is not a movie or stage theater, it is a cultural arts center with very little street presence along 10th Street. This sign would greatly increase the

exposure and visibility if their building and business. The Staff would suggest that if additional renovations are proposed in the future on the building, they use the proposed sign as the basis for their design given it would likely be the most prominent existing feature of the building.

As for the relationship of the sign to the right of way, the Staff is somewhat concerned about the depth of the canopy sign which would cover 6 ft. of the 10 ft. wide sidewalk along that portion of the building. The Staff is concerned about the creation of a shadowed space below the canopy and would suggest that down lighting be included in the canopy design if it that is not the case already.

The canopy sign has substantial clearance above the sidewalk (10 ft.) which would eliminate any hazards to passing pedestrians and might facilitate the use of the double doors for loading purposes.

Staff Recommendation: Confirm that the Staff and Commission comments were delivered at the Commission meeting regarding the Review and Comment (RC-15-079) on new signage over the right of way at **760 10th Street**.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 25, 2015

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-15-082) for alterations, an addition, and site work at **528 Irwin Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Kate Wilson and Angela Win
2015 Robson Place

Facts: The property is located on the northwest corner of Irwin Street and Howell Street, and contains two shotgun houses with a small concrete pad between them. Both houses have previous rear additions, as evidenced by the different roof forms in the rear portions of the houses. The proposal does not include any work on the western of the two shotguns. The eastern shotgun is located at the corner portion of the lot closest to Howell Street.

The proposal includes the following actions:

1. Remove the concrete pad between the two houses and install a patio and walkway with concrete or stone pavers;
2. Create parking pad behind the eastern shotgun;
3. Install a 3 ft. 6 in. picket fence along the Howell Street and Irwin Street frontages, with a similarly sized gate for the driveway;
4. Install a 6 ft. tall privacy fence along the side and rear property lines;
5. Remove non-original aluminum siding on the eastern shotgun and repair siding underneath or replace in-kind;
6. Install a new half-sized, double hung window in an existing opening along the Howell Street elevation of the eastern shotgun;
7. Install a new half-sized, double hung window along the Howell Street elevation of the eastern shotgun;
8. Install a skylight about midway on the western roof plane of the eastern shotgun;
9. Repair the front façade door and window and the existing full size, double hung windows along the Irwin Street elevation of the eastern shotgun;
10. Replace the front porch columns and railing with wood column and railing components;
11. Repair or replace in-kind fascia, soffit, and corner board trim on the eastern shotgun;
12. Replace a full size, double hung window on the western elevation of the eastern shotgun with French doors;
13. Install “goose neck” style down lighting on the front and western elevations of the eastern shotgun;
14. Demolish the rear-most, shed roof addition on the eastern shotgun;

15. Incorporate the older, previous, one-story rear addition into a two-story, rear/side addition with a low-sloped gable roof, skylight, paired and single windows, and a rear entry / stoop.

The Staff did meet with the Applicant prior to their submission and expressed concerns about the proposed addition.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

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

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
 - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
 - a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
 - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
 - ii. Block face. One side of a block, located between two consecutive street intersections.
 - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
 - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
 - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
 - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
 - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.

- f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
- a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - i. All new principal structures;
 - ii. Additions;
 - v. Variances, special exceptions and administrative appeals.
 - 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.
7. Lot Consolidations, Subdivisions and Replatting. No subdivision, consolidation or replatting of parcels or lots shall be approved unless the applicant establishes:
- a. That the proposed subdivision, consolidation or replat is substantially consistent with the historic character of the district and meets all lot requirements set forth in Chapter 20C; and
 - b. That the proposed subdivision, consolidation or replat will facilitate development that furthers the historic qualities and regulations of the District. In addition, within Subareas 1 and 2, all subdivisions, consolidations or replats of parcels or lots shall conform to the historic platting pattern in these Subareas with regard to lot size, dimensions, and configurations.
8. Variances, special exceptions and administrative appeals.
- a. Variance applications and applications for special exceptions and administrative appeals from these regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in Section 16-26.001 through Section 16-26.006. The Commission shall have the authority to grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16.25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).
 - b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals shall be as provided for in Section 16-20.010.
9. Prohibited variances. Notwithstanding any provision in this chapter or part to the contrary, no variance from this chapter's maximum building height requirements shall be permitted or authorized by the Commission, Commission Staff or any other Board, official or entity.
10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).

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

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

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	SUBAREA 1 Auburn Ave Res	SUBAREA 2 Residential	SUBAREA 3 Institutional	SUBAREA 4 Auburn/Edgewood Commercial
RESIDENTIAL and DWELLING USES				
Single-family dwellings	P	P	P	P

2. The following additional Permitted Principal Use and Structures provisions shall apply to Subareas 1 and 2.
 - a. Previously-existing uses. Prohibited uses shall be permissible when granted a Certificate of Appropriateness by the Commission upon its finding that such use can be shown by archived evidence or sworn affidavit(s) to either previously or currently exist on the proposed site and that such use will be of an intensity and type that is no greater than that which previously or currently existed and otherwise meets the District regulations.

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

1. The following Lot Controls and Building Heights provisions shall apply to Subareas 1 and 2.
 - a. Lot controls.
 - i. The compatibility rule shall apply for the purposes of determining permitted lot coverage.
 - b. Building heights.
 - iii. For all other areas, the height of any alteration, addition, or new construction shall be established through the compatibility rule.-

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

1. The following Sidewalks, Yards and Open Spaces provisions shall apply to Subareas 1 through 4.
 - a. Sidewalks.
 - i. Public sidewalks shall be located along all public streets and shall consist of two (2) zones: an amenity zone and a walk zone.
 - ii. The amenity zone shall be located immediately adjacent to the curb with a consistent cross-slope not to exceed two (2) percent. Width shall be measured from back (building side) of curb to the walk zone. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.
 - iii. The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape, with a consistent cross-slope not exceeding two (2) percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight (8) feet.
 - iv. New sidewalks and their corresponding zones shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new amenity zone shall be a minimum of two (2) feet wide and the new walk zone shall be a minimum of five (5) feet wide.
 - v. Street trees shall be planted a maximum of 30 feet on-center within the amenity zone and shall be spaced equal distance between street lights.
 - vi. Any existing decorative hardscape treatment of sidewalks, including amenity zone or walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape and color.
 - vii. Decorative pedestrian lights, where installed, shall be placed a maximum of 60 feet on center and spaced equidistant between required trees. Where installed, said lights shall be located within the amenity zone. Said lights shall be as approved by the Director. New developments shall match the light and tree spacing on blocks where existing Atlanta Type lights are installed.
 - viii. Changes or additions of planters, trash containers, street lighting, and similar elements, shall require a Certificate of Appropriateness by the Commission.
 - ix. Upon redevelopment of a parcel reasonable efforts shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
 - b. Yards. Notwithstanding the setback requirements of these Subareas, previously existing contributing structures may be reconstructed to their original footprints and setbacks upon a submittal of finding that such structural dimensions have been shown by archived evidence or sworn affidavit(s) to have previously existed on the proposed site, and as subsequently approved by the Commission.
 - c. Required Open Space.
 - i. Open Space shall be required only for multi-family uses. All other uses shall have no Open Space requirements.

2. The following additional Yards provisions shall apply to Subareas 1 and 2.
 - b. Subarea 2.
 - i. Except as provided below, all front, side and rear yard setbacks shall be established through utilization of the compatibility rule. All new construction shall maintain a minimum of 10 feet for rear yard setbacks where the compatibility rule would permit a smaller rear yard setback, except as otherwise provided for accessory structures.

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

1. The following Design Standards provisions shall apply to Subareas 1 through 4.
 - a. Building Compatibility.
 - i. All elements of new construction shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 - ii. The compatibility rule shall apply to a principal structure's general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.
 - iii. Fiberglass roofs shall be prohibited.
 - b. Fenestration.
 - i. The compatibility rule shall apply to the following aspects of fenestration:
 - (1) The style and material of the individual window or door.
 - (2) The size and shape of individual window and door openings.
 - (3) The overall pattern of fenestration as it relates to the building façade.
 - (4) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
 - ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.
 - iii. Except as otherwise provided in 16-20C.008(2), if muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - c. Landscaping.
 - i. A landscape plan may be required by the Commission to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the district.
 - ii. Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158-26 et seq., shall apply to this district.
2. The following Design Standards provisions shall apply to Subareas 1 through 2.
 - a. Windows and Doors.
 - i. Simulated divided light windows or plain sash windows shall be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.
 - ii. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung.
 - iii. Front doors facing and parallel to the street shall be provided.
 - iv. Front doors shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 - b. Front Yard Porches.
 - i. Front yard porches shall be provided.
 - ii. Front yard porches shall contain balustrades, columns, floor dimensions, height, roof pitch and overhangs as regulated by the compatibility rule.
 - iii. Decorative metal, resin, fiberglass and plastic columns are prohibited.
 - iv. Front yard porches are permitted to be enclosed with recessed screen wire when the primary characteristics of the porch are maintained.
 - v. Front yard porch steps shall be wood, brick or concrete. Metal steps are prohibited.
 - vi. A paved walkway from the front yard porch to the adjacent public sidewalk shall be required.
 - c. Siding and Foundations.
 - i. Due to the close proximity of structures and other characteristics unique to this Landmark District smooth face cementitious siding shall be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.
 - ii. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four (4) inch reveal and no more than a six (6) inch reveal.
 - iii. Foundations shall be permitted to utilize brick, stone, smooth stucco, and smooth finish concrete as foundation-facing materials.

- iv. When provided, chimneys shall be faced in brick and shall originate at grade.
- d. Fences and Walls.
 - i. Fences shall be permitted within front yards at a maximum height of four (4) feet. Barbed wire, razor wire and uncoated chain link or similar elements are prohibited.
 - ii. Fences and walls shall be permitted in side yards and rear yards only to a total combined height of six (6) feet.
 - iii. Walls are prohibited within front yards except that retaining walls are permitted within front yards only when such retaining walls already exist on a block face based upon the compatibility rule. The allowable setback, height and materials of such fences and walls shall be based upon the compatibility rule. Lots with retaining walls shall utilize the top of the retaining wall for determining the finished grade level of the lot as established in Sec. 16-20C.004(2)(d).

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

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

TABLE 2: MARTIN LUTHER KING JR. LANDMARK DISTRICT PARKING TABLE	MINIMUM PARKING: BICYCLES	MINIMUM PARKING: AUTOMOBILES	MAXIMUM PARKING: BICYCLES	MAXIMUM PARKING: AUTOMOBILES
Single-family dwellings, Two-family dwellings	None	None	None	2 spaces for every 1 residential unit

- b. Surface Parking.
 - i. When utilized, off-street surface parking shall not be permitted to be located between a building and an adjacent street without an intervening building.
- 3. The following regulations shall apply to driveways and curb cuts within the district.
 - a. Use of shared driveways and/or alleys is permitted. Driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.
 - b. Circular drives and drop-off lanes shall not be located between any principal building and any public street. The Commission shall additionally have the authority to vary Section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - c. Curb cuts and driveways are not permitted on Edgewood Avenue, Auburn Avenue, Boulevard and Piedmont Road when reasonable access may be provided from a side or rear street or from an alley.
 - d. One curb cut is permitted for each development. Developments with more than one (1) public street frontage or more than 300 feet of public street frontage may have two (2) curb cuts.
 - e. Curb cuts shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the Commissioner of Public Works.
 - f. Sidewalk paving materials shall be continued across intervening driveways for all Non-Residential and Multi-family uses.

Compatibility Rule Comparisons

The block face of Irwin Street where the project is located does not have any other existing contributing buildings of like use on it (i.e. single family houses) other than the subject property. As such, the District regulations require that subject property be used as the point of comparison for any compatibility rule calculations / comparisons. The Staff would note that the opposite block face (south side of Irwin Street between Howell Street and Hogue Street) has 6 contributing buildings of like use on it.

General Development Requirements and Controls

A lot coverage calculation was not provided as part of the submission, which is based on the compatibility rule. Given that the proposal is by definition increasing the lot coverage beyond the existing condition, the variance would be required to increase the lot coverage from the existing calculation to what would be the final calculation. The Staff would recommend the Applicant calculate the lot coverage and apply for a variance to increase it from its current ratio.

The site plan provided with the submission notes the frontage along Irwin Street at 50 ft., while the rear property line as 60 ft. even though the lot is generally rectangular. Further, the City's plat map lists the property width along the rear property line as 50 ft., but does not have a specific numeric reference for the Irwin Street property line. While not unusual, such discrepancies need to be resolved as part of the design review process, often through a replat application. In the case of the District, replat applications are subject to review by the Commission. The Staff would recommend the Applicant resolve any differences between their site plan / survey and the City's plat map, including the completion of any Commission reviews required by the District regulations.

Individual Project Components

Remove the concrete pad between the two houses and install a patio and walkway with concrete or stone pavers.

Notwithstanding the lot coverage issue noted above, the Staff has no concerns about the removal of the concrete pad between the two houses or the installation of a concrete or stone patio and paver walk to Irwin Street.

Create parking pad behind the eastern shotgun.

The Staff does not have concerns about the installation of the parking pad, assuming that it is concrete. The Staff would recommend the driving / parking pad is concrete. The Staff would note that parking is not required in this Subarea for this use.

Install a 3 ft. 6 in. picket fence along the Howell Street and Irwin Street frontages, with a similarly sized gate for the driveway.

The Staff has no concerns about this action.

Install a 6 ft. tall privacy fence along the side and rear property lines.

It is not clear to the Staff where the 6 ft. tall privacy fence ends. The District regulations only allow privacy fences (considered walls by the City) in side and rear yards, which in this case are defined by the location of the house on the lot. The front yard is defined by the facades of the house that face the street such that any portion of the property even with or in front of a façade that faces a street is the front yard. The Staff would recommend the location of the privacy fence be clarified on the site plan and that its location meet the District regulations.

Remove non-original aluminum siding on the eastern shotgun and repair siding underneath or replace in-kind.

The Staff has no concerns about the removal of the aluminum siding or the repair of the siding underneath. The Staff would recommend, though, that any replacement of original or historic siding be limited to those pieces that are visibly damaged or deteriorated and any replacement shall be done in-kind.

Install a new half-sized, double hung window in an existing opening along the Howell Street elevation of the eastern shotgun.

It is not clear to the Staff the location of the existing window opening or what is currently there. The existing floor plan and elevations do not show a window opening in this location. The Staff would recommend the Applicant clarify the proposal for a new window in an existing opening on the Howell Street elevation.

Install a new half-sized, double hung window along the Howell Street elevation of the eastern shotgun.
It is not clear to the Staff the location of the proposed window opening as the existing floor plan and elevations show an existing window in that same location in the earlier rear addition. The Staff would recommend the Applicant clarify the proposal for a new window on the Howell Street elevation.

Install a skylight about midway on the western roof plane of the eastern shotgun.
The Staff is concerned about the visibility of the proposed skylight on the existing roof plane and its compatibility with the existing architectural features of the original house. While it would appear to be small, the skylight will be a clearly contemporary feature on a highly visible roof plane. The Staff would recommend the skylight on the western roof plane be removed.

Repair the front façade door and window and the existing full size, double hung windows along the Irwin Street elevation of the eastern shotgun.
The Staff has no concerns about this action.

Replace the front porch columns and railing with wood column and railing components.
The Staff has no concerns about the replacement of the contemporary metal posts on the front porch with 6 in. x 6 in. wood posts. The Staff would recommend, though, that the front porch railing have thinner balusters spaced more closely, and butt jointed to the top and bottom rails.

The Staff would also recommend that a walkway from the front porch to Irwin Street be provided.

Repair or replace in-kind fascia, soffit, and corner board trim on the eastern shotgun.
The Staff has no concerns about this action, but would recommend any replacement of original or historic exterior architectural trim be limited to those pieces that are visibly damaged or deteriorated and any replacement shall be done in-kind.

Replace a full size, double hung window on the western elevation of the eastern shotgun with French doors.

While the replacement of the double hung window would appear to effect historic fabric, the Staff finds that its replacement with another opening would maintain the visual pattern of the fenestration on that façade of the building and minimize the effects to the other historic features of that façade, such as the trim and siding. However, the Staff is concerned about the use of French doors, which are generally a contemporary feature, on such a highly visible façade. French doors have been accommodated on less visible or non-visible rear facades as an element of modern day living, but not on front or visible side facades. At the same time, having a side entrance is a compatible element of a historic home in the District. The Staff would recommend the French doors on the western elevation be replaced with a single door of a similar design and light pattern as the proposed French doors. The Staff would note that if additional light is desired into that interior space, an additional compatible window would be added to that façade proportionally spaced from the proposed door and the other existing window.

Install “goose neck” style down lighting on the front and western elevations of the eastern shotgun.
The Staff does not have concerns about the installation of outdoor, security or architectural accent lighting that is minimal in visual appearance and number, and identifiable as contemporary. The Staff does have concerns about multiple installations of lighting that would appear to be historic which would create a false sense of history / development to the house which likely never had such outdoor lighting fixtures. The concentration of four such lights along the western façade increased the Staff’s concerns about its effect on the architectural character of the existing house. The Staff would

recommend the outdoor lighting fixtures be reduced in number, be made smaller in scale and be less similar to historic or period examples of outdoor lighting.

Demolish the rear-most, shed roof addition on the eastern shotgun.

The Staff has no concerns about the demolition of the rear most, shed roof addition as its removal will not result in the loss of significant architectural features that destroys the structure's historic or cultural interpretability or importance.

Incorporate the older, previous, one-story rear addition into a two-story, rear/side addition with a low-sloped gable roof, skylight, paired and single windows, and a rear entry / stoop.

The most significant component of the proposed work is the construction of the two-story rear/side addition that incorporates the older, previous one-story addition. The Applicant noted that they considered several options for an addition to the house and they found that this addition's form and style was the best option for their programmatic needs and compatibility with the existing house.

Regarding the addition's setbacks, the Staff finds that given the unique circumstances of this property (two, historic, legal, principal structures on the same lot), the front and interior side yard setback regulations (which are generally based on the compatibility rule) are not applicable this project.

The interior side yard (towards the other shotgun house) does not change the relationship of the structure to the western property line as that is defined by the western shotgun. If the western shotgun were being added to, the west side yard setback would be applicable. Similarly, the "front" of the addition has no relationship to the actual front of the existing house and doesn't change the relationship of the existing house to the front of the property. As such, the Staff finds the interior side yard and the front yard setbacks do not apply to the proposed addition. As noted below, however, the massing and relationship to the addition to the existing house is a critical issue.

The Howell Street setback (the "half-depth" front yard) is the same as the existing house and thus would meet the compatibility rule.

The rear yard setback is fixed by the Subarea regulations as 10 ft., even if the compatibility rule would permit a smaller setback, which would be the case for this property. However, it would appear that the rear yard setback of the proposed addition is slightly less than 10 ft. The Staff would recommend the rear yard setback meet the District regulations.

As noted above, the Staff does have substantial concerns about the massing, scale, and roof form of the addition and its overall relationship to the existing house. The shotgun form is that of a linear house, often with rear additions that create a "nested" effect to the house form as the rear additions get smaller each time. The proposed addition substantially diminishes that linear and/or "nested" house form. The two-story addition would create an elongated "ell" form with the leg of the "ell" to the rear rather than more forward as might be found on a traditional gabled ell house. The two story height also diminishes the form of the existing house by creating a flat "backdrop" to the property that is accentuated by the almost full two-story height wall created by the low pitched roof. The roof pitch of the addition is significantly less than the existing house. This same effect is created in the reverse along the highly visible rear façade. Further, on the Howell Street and rear facades the proposed addition eliminates any indication of what previously existed either in the house's original form or in its altered but historic form.

At the same time, the Staff acknowledges that the most compatible location for an addition to this house (to the rear) has potentially more limited possibilities than might existing on similar properties in

the District. The rear setback requirement and the proposed (but not required) off-street parking affect the possibilities for a rear addition.

Nonetheless, the Staff finds that there could be other possibilities for the addition that could achieve a similar programmatic result while at the same time maintain more of the essential form, massing, and character of the existing shotgun house.

The Staff would recommend the proposed addition be re-designed to maintain and delineate the form, massing and character of the exiting shotgun house.

CA3-15-080

Staff Recommendations: Based upon the following:

- a) Substantial elements of the proposed project do not meet the regulations, except as noted above, per Section 16-20C.003, and .005;

Staff recommends deferral of an Application for Type III Certificates of Appropriateness (CA3-15-082) for alterations, an addition, and site work at **528 Irwin Street**, to allow time for the Applicant to address the following concerns:

1. The Applicant shall calculate the lot coverage and apply for a variance to increase it from its current ratio, per Section 26-20C.006(1)(a);
2. The Applicant shall resolve any differences between their site plan / survey and the City's plat map, including the completion of any Commission reviews required by the District regulations, per Section 26-20C.004(7);
3. The driving / parking pad shall be concrete, per Section 26-20C.004(1);
4. The location of the privacy fence shall be clarified on the site plan and that its location shall meet the District regulations, per Section 26-20C.008(2)(d);
5. Any replacement of original or historic siding or exterior architectural trim shall be limited to those pieces that are visibly damaged or deteriorated and any replacement shall be done in-kind, per Section 26-20C.004(1);
6. The Applicant shall clarify the proposal for a new window in an existing opening and the additional new window on the Howell Street elevation, per Section 26-20C.004(1);
7. The skylight on the western roof plane shall be removed, per Section 26-20C.004(1);
8. The front porch railing shall have thinner balusters spaced more closely, and butt jointed to the top and bottom rails, per Section 26-20C.008(2)(b);
9. A walkway from the front porch to Irwin Street shall be provided, per Section 16-20C.00008 (2)(b)(vi);
10. The French doors on the western elevation shall be replaced with a single door of a similar design and light pattern as the proposed French doors, per Section 26-20C.004(1);
11. The outdoor lighting fixtures shall be reduced in number, be made smaller in scale and be less similar to historic or period examples of outdoor lighting, per Section 26-20C.004(1);
12. The rear yard setback shall meet the District regulations, per Section 26-20C. ();
13. The proposed addition shall be re-designed to maintain and delineate the form, massing and character of the exiting shotgun house, per Section 26-20C.004(1);
14. The Applicant shall submit any variance requests according to the published deadline schedule for such requests; and
15. The Applicant shall submit have revised materials and supporting documentation (including any required copies) to the Staff at least eight (8) days prior to the Commission meeting to which this application is deferred.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 25, 2015

Agenda Item: Application for Type II Certificate of Appropriateness (CA2-15-082) for site work at **1509 South Ponce De Leon Avenue** – Property is zoned Druid Hills Historic District.

Applicant: Laura Hardy
1509 S. Ponce De Leon Avenue

Facts: According to the architectural survey in 2002, the location of the proposed sculpture will be at 1449 S. Ponce, also known as the Mother Goose House. The original house was demolished due to a fire and the new building, approved by the Commission a few years ago, is considered non-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.)

(6) *Minimum yard requirements:* The following yard requirements shall apply to all permitted uses, except that off-street parking may be located within 10 feet of side and rear yard lines upon approval of the urban design commission. Such approval shall be conditioned upon adequate buffering and screening. No parking in required yards will be allowed where such yards adjoin public rights-of-way.

- a. *Setbacks:*
3. South side of Ponce de Leon beginning west side of Oakdale intersection to the Fairview intersection:

Front yard: 79 feet.

Side yards:

Single-family: 20 feet.

Two-family: 25 feet.

Multifamily: 30 feet.

Other use: 30 feet.

At public street: 50 feet.

Rear yard: 35 feet.

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 or site within the district, whether or not said alterations can be seen from the public right-of-way

The Applicant is proposing to install a new sculpture next to the new Mother Goose building. The proposed sculpture will be constructed of aluminum plate, cut aluminum traffic signs, pop rivets and steel. The sculpture is designed to look like quilts hanging on a clothesline. According to the Applicant, Padeia has a long standing quilt making tradition and the sculpture is meant to represent the tradition and the spirit of the school. Staff finds the 10' by 10' sculpture is extremely durable and is a great representation of the quilt making tradition at the school. Staff finds the proposed sculpture will have no negative impacts to historic buildings or materials. Staff finds the sculptures location is appropriate and will allow students, teachers and visitors to interact with the art. Staff's only concern is the setback of the sculpture. As it is a structure, Staff wants to ensure that it is not located in any required setback. While Staff finds the sculpture likely meets the setback requirements, Staff recommends the Applicant provide documentation the proposed sculpture meets the setback requirements.

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 (CA2-15-082) for site work at **1509 South Ponce De Leon Avenue** – Property is zoned Druid Hills Historic District, with the following conditions:

1. The Applicant shall provide documentation the proposed sculpture meets the setback requirements, per Section 16-20B.003(6)(a)(3); and
2. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

January 14, 2015

Updated

March 25, 2015

(updated information in arial black)

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

Applicant: Mang Nguyen
1024 Shadowood Parkway

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

At the January 14th and February 11th meeting, this application was deferred to allow the Applicant time to address the concerns of the Commission and Staff.

At the March 11th meeting, this application was deferred the address the concerns of Staff and the Commission.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

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

3. Certificates of Appropriateness.
 - a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - i. All new principal structures;
 - v. Variances, special exceptions and administrative appeals.
8. Variances, special exceptions and administrative appeals.
 - a. Variance applications and applications for special exceptions and administrative appeals from these regulations shall be heard by the Commission. The Commission shall have the authority to grant or

deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in Section 16-26.001 through Section 16-26.006. The Commission shall have the authority to grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16.25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).

- b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals shall be as provided for in Section 16-20.010.
9. Prohibited variances. Notwithstanding any provision in this chapter or part to the contrary, no variance from this chapter's maximum building height requirements shall be permitted or authorized by the Commission, Commission Staff or any other Board, official or entity.
10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).

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

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

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

In an updated submittal, the Applicant indicates the fence is needed for security. The Applicant also indicates the 6' height of the fence is due to topographic issues. While Staff could support the installation of a fence due to security reasons, the Applicant has not documented what the security issues are. Staff recommends the Applicant provide details and documentation regarding security issues. Staff recommends the Applicant provide details and documentation regarding the topographic issues. In general, Staff finds there is not enough information to support the special exception request at this time.

Staff requested the Applicant submit documentation regarding security issues that required a new fence be installed. Staff suggested submitting recent police reports or recent crime statistics that indicate security issues in the area. The Applicant submitted an incident report from 2012. While the incident clearly indicates a break in at the property in question and other crime issues in the area, it is not recent.

Staff searched for crime statistics on the Atlanta Police Department website. The existing property is located in Zone 6. In particular, Staff searched for crime statistics on vehicle thefts and vehicle larcenies within the last four months.

Staff found numerous vehicle thefts and vehicle larcenies within the immediate area around the subject property. Further, the website indicates that vehicle thefts have increased 14.68% and vehicle larcenies have increased by 49.49% in Zone 6. Given the information found on the Atlanta Police Department website regarding Zone 6 in general and the specific crime statistics within the immediate vicinity of the property, Staff finds there are crime issues that impact the Applicant. As such, Staff finds that granting a special exception to allow a fence is reasonable.

While Staff does not have a concern regarding the material or design of the fence, Staff has concerns regarding the height and location. The Applicant is proposing a 6' fence. Staff finds that a 4' fence will help keep cars from being stolen and will be consistent with fences allowed on the front elevation in other subareas. Staff recommends the proposed fence is no taller than 4'.

The fence is currently proposed along the front property line. As the existing building is setback from the front property line, Staff has concerns the proposed fence will obscure the building. Staff recommends that no fence be allowed between the building and the street. Staff recommends the Applicant submit a properly scaled site plan that indicates the footprint of the existing building and the proposed location of the fence.

Staff Recommendations: Based upon the following:

- a) The requirements of the special exception have been met, per Section 16-20.008(5)(e);

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

1. The proposed fence shall be no taller than 4';
2. No fence shall be allowed between the building and the street;
3. The Applicant shall submit a properly scaled site plan that indicates the footprint of the existing building and the proposed location of the fence;
4. Staff shall review and if appropriate, approve the final site plans and fence location.