



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
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**CHARLETTA WILSON JACKS**  
Director, Office of Planning

## STAFF REPORT June 24, 2015

**Agenda Item:** Application for a Review and Comment (RC-15-212) for additions at **3099 Panther Trail (Therrell High School)** - Property is zoned R-3 and R-4.

**Applicant:** Atlanta Public Schools  
1631 LaFrance Street

**Facts:** Therrell High School is a contemporary school located in southwest Atlanta. The campus consists of the main school building, parking to the front and west of the main school building, an athletic field / track to the northeast of the main school building, and baseball / softball fields and tennis courts to the north of the main school building. In between these components the property is heavily wooded.

In 2014, the Commission reviewed and commented on the construction of ADA compliant walkways from the main school building to the northeast to the athletic field / track and to the north to the baseball and softball fields and tennis courts, as well as handicapped parking spaces behind the school. The new walkways are concrete and required some retaining walls in certain sections.

Before the Commission as this time is the construction of baseball and softball field dugout structures. The structures will be built using the existing slab and within the existing fencing surrounding the fields. The structures will be made of wood with rolled roofing.

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

Per Section 6-4043 of the Atlanta City Code:

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

Per Section 16-20.009. Same; further standards.

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.

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

While the Staff does not have concerns about the overall design of the structures and their functionality, it is concerned about the materials and a few details of the design.

First, the Staff finds that use of the wood (likely pressure-treated), rolled roofing, and T-1-11 siding will impart a temporary aesthetic to the structure and will make it look too residential or informal in appearance. Further, the use of wood as a principal material would be incompatible with the overall design and materials of the contemporary, recently renovated main school building. These attributes of the structure will be reinforced by the lack of finish material or trim.

Second, the Staff is concerned about the lack of gutters and system to handle the run-off from the roof. While the roof isn't very wide (slightly less than 15 f t.) is it very long (36.5 ft.). The angle of the roof will direct all of the run-off from the roof to ground just behind the existing concrete slab. This could create erosion problems and eventually affect the stability of the concrete slab.

**Staff Recommendation:** The Staff recommends that the Commission confirm that all the comments of the Commission and Staff have been delivered at the Commission meeting on the application for a Review and Comment (RC-15-212) for additions at **3099 Panther Trail (Therrell High School)** - Property is zoned R-3 and R-4.



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## STAFF REPORT

June 24, 2015

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-15-214) for alterations and additions at **1197 Cleburne Avenue** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline.

**Applicant:** Frank Neely  
1447 Peachtree Street

**Facts:** According to the Inman Park survey book, this dwelling built in 1912 is considered contributing.

**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.

### Section 16-20L.005 General Regulations.

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

1. General Criteria.
  - a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
  - b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
    - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
    - ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
    - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
    - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
    - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
    - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
    - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

- viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
  - c. **Compatibility Rule:** 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. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: 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. 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. All major alterations and additions to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from Certificates of Appropriateness in the Subarea regulations.
- 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.
- 7. Any time the provision 16-20.011(b) of this part is enforced in this District, the Director of the Commission shall notify the Inman Park Neighborhood Association within 10 days and a 30-day period for comment be allowed for the Association. Further, the Director shall regularly send to the Inman Park Neighborhood Association the agenda for each regular meeting and for any special meeting of the Commission in which there is any agenda item for property located within the Inman Park Historic 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. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)
  - h. Height of the first floor of the front façade above grade shall be subject to the Compatibility Rule. The first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than 7 inches in height. Slab-on-grade construction is not permitted.
  - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
    - i. The style of the individual window.
      - (1) Windows in the front façade shall be predominantly vertical in proportion.

- (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- (3) Window and door casings widths and depths are subject to the Compatibility Rule.
- ii. The size and shape of individual window openings.
- iii. The overall pattern of fenestration as it relates to the building façade.
- p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
- q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
  - i. The dimensions of the exposed face of lap siding and wood shingles.
  - 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.
  - 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.

**Site**

According to the site plan, the lot in question fronts approximately 68’ on Cleburne and has a depth of 194.37’ on its longest side. Per regulations, the side yard setback of the proposed addition can be no closer to the setbacks than the existing house. Staff finds the proposed addition is no closer to the setbacks than the existing house. Staff finds the proposed addition meets the side yard setback requirements. The rear yard setback requirement is based on the compatibility rule. According to the documentation submitted, the contributing house next door has a rear yard setback of 65.6’. As the proposed addition has a larger rear yard setback, Staff finds the setback requirement has been met.

Per regulations the floor area ratio (FAR) can be no more than .50. The proposed FAR is .37 and therefore meets the regulations. Per regulations, the maximum lot coverage allowed is 55%. The proposed lot coverage existing lot coverage is 35% and therefore meets the lot coverage requirement.

**Alterations**

The Applicant is proposing to remove the existing front facing dormer and replace it with a new dormer. As the existing dormer is not historic, Staff does not have concerns regarding its removal. Staff finds the massing and location of the proposed dormer is appropriate. Staff finds the proposed fenestration of the dormer has similar details to the fenestration on the house, yet the roof form helps distinguish it as a non-historic feature. Staff does not have concerns regarding the proposed front facing dormer.

The Applicant is proposing to replace non-original columns. As the columns are not original to the house, Staff does not have a concern with the proposed replacement. Staff finds the proposed columns are consistent and compatible with the existing house. On the right elevation, the Applicant is proposing to remove an existing window and replace it with a shorter window unit to accommodate a kitchen renovation. As the window is associated with a kitchen and is towards the rear of the house,

Staff does not have a concern with the window alteration. Staff finds the design and material of the new window is appropriate.

### **Rear Addition**

While the notations indicate the rear addition will not be seen from the street. Staff finds a portion of the side of the addition will be visible from the street. The Applicant is proposing to demolish an existing rear deck and rear facing dormer to accommodate the new rear addition. As the deck and rear dormer are not historically significant, Staff has no concerns regarding the proposed demolition. In general, Staff finds the location, massing, height, materials and design of the proposed rear addition are appropriate. Staff finds the proposed addition provides the desired living space while allowing the historic portion of the house to remain the dominant feature.

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

- (a) The plans meet the regulations per Section 16-20L.006, with the exceptions noted above;

Staff recommends approval of the Application for a Type III Certificate (CA3-15-214) for alterations and an addition at **1197 Cleburne Avenue** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline, with the following condition:

1. Staff shall review and if appropriate, approve the final plans.



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## STAFF REPORT June 24, 2015

**Agenda Item:** Application for a Type II Certificate of Appropriateness (CA2-15-215) for site work and addition at **1250 Fairview Rd.** Property is zoned Druid Hills Landmark District.

**Applicant:** Mark Fosner  
1662 McLendon Avenue

**Facts:** According to the architectural survey in 2002, this dwelling was built in 1920 and is contributing to the District. Extensive alterations have occurred in the past.

In November, 2014, the Commission approved with numerous conditions a comprehensive renovation and addition to the house as well as extensive site work, including:

1. removal of previous, contemporary additions at the rear of house;
2. construction of new additions at the rear of the house, including a screened porch between the two wings of the house and a screen wall / gate connecting the two wings;
3. replacement of contemporary windows at the front, right corner and rear, right corner of the original house;
4. demolition of one of the two accessory structures in the rear yard; and
5. re-designing the rear yard landscaping and hardscaping with new landscape terraces, landscape courtyard between the wings of the house, and a water feature.

As part of that original proposal a courtyard wall / gate was located at the back of the courtyard between the two extended wings to the house. Due to concerns from the Staff and Commission, the Commission's approval included a condition requiring the removal of the proposed courtyard wall / gate from that proposal.

As such, the current proposal before the Commission is the design of a revised courtyard wall / gate to complete the project.

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

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

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

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

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

- (3) Minimum landscaping requirements: The overall quality of the landscaped area visible from public ways should be preserved as an integral part of the historic character of Druid Hills, and the following regulations shall apply to all parcels located within the district:
  - a. A certificate of appropriateness shall be required for the clearance or removal of any tree with a caliper of four (4) inches or greater and shrub massings or hedges over three (3) feet high.
  - b. All trees with a caliper of four (4) inches or greater as measured four (4) feet above the ground, outside of the building site which are cleared for any reason, shall be replaced with trees having a minimum caliper of one and one-half (1 ½) inches.
  - c. A certificate of appropriateness shall be required for any major change in the landscape which is visible from the public right-of-way. Removal or changes in topography, walls (retaining or freestanding), and fences shall constitute a major change.
  - e. Any construction in the Druid Hills Landmark District shall maintain the general landscaping scale and character reflected in the original development of Druid Hills in order to preserve the historic landscape character of the district. Landscape changes visible from the public right-of-way shall require a Certificate of Appropriateness and shall follow the standards set forth by the Secretary of the Interior. These standards, *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*, are designed to assist individual property owners in the formulation of plans for maintenance and continued use of historic properties and landscapes."
- (5) Minimum architectural controls: Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district.  
Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

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

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.



6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

In the original proposal, the courtyard wall / gate was composed of angled, girder-like beam that spanned the width of the opening. The small wing walls off of the rear façade of each extended wing made the opening slightly smaller than the distance between the two extended wings. The movable panels were composed of metal frames around wood panels made of horizontal slats.

Since the conditional approval of the original application, the Staff has met with the Applicant several times to discuss a variety of aspects of the proposal, including the functionality of the courtyard wall / gate, why the applicant would like to have it, the relationship to the house and the extended wings, and the relationship to the rear yard and adjacent properties.

The current proposal includes the simplification of the design of the courtyard wall / gate in two key ways. First, the angled, girder-like beam has been replaced with a simple, square, solid beam and similarly sized posts. The posts break the span of the courtyard wall / gate and allow the beam to be reduced in size and complexity. Second, the wings walls from the extended wings of the house have been removed making the delineation between the courtyard wall / gate and the house more distinct and making the courtyard wall / gate more of a landscape element than an element of the house. The design of the movable panels (which create the gate effect) is relatively the same as the original proposal. Through these changes the Staff finds that the design of the courtyard wall / gate has been simplified, and though still relatively solid and substantial, been made more compatible with the extended wings of the house.

Given these design changes, the location of courtyard wall / gate in relationship to the house (to the rear near non-historic components), and its separation from the house as a distinct, potentially removable element, the Staff finds the current design meets the District regulations.

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

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

The Staff recommends approval of the application for a Type II Certificate of Appropriateness (CA2-15-215) for site work and addition at **1250 Fairview Rd.** Property is zoned Druid Hills Landmark District.



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### STAFF REPORT June 24, 2015

**Agenda Item:** Application for a Type II Certificate of Appropriateness (CA2-15-219) for alterations and site work at **678 Lexington Avenue** - Property is zoned R-4A / Adair Park Historic District (Subarea 1) / Beltline.

**Applicant:** Rick Bizot  
1077 Alta Avenue

**Facts:** According to the District inventory sheet this house is considered contributing to the District and was built in 1922. The house has a full width front porch and a front to back combination roof (gabled in front and hipped in back). The some point before the District's designation, the wood-sided house was covered with cementious siding and a shed roof addition was built in the rear. At some point after the District's designation, the windows and doors were placed.

The Applicant proposes the following actions at this time:

1. Replace the windows on the house with wood double hung or single hung windows in the existing openings with less than 1" difference in size, retaining the exterior trim;
2. Replace the front door with a wood (1/3 upper portion glass, 2/3 lower portion wood) in the existing opening, retaining the exterior trim;
3. Add a paired window on the left side of the front façade to match the replaced windows on the front façade;
4. Replace the concrete cap to the front porch stair cheeks walls to match the retained concrete cap on front porch railing;
5. Repoint / repair the front porch foundation and main house foundation walls, including re-installation of loose brick;
6. Remove the cementious siding from the front gable and either repair the wood siding underneath or replace it with wood siding and cementious trim if necessary;
7. Repair or replace the wood knee brackets on the front gable;
8. Trim out the existing wood louver in the front gable;
9. Remove the aluminum soffit panels and fascia board and restore open eave detail / design component;
10. Replace the existing asphalt shingles with new asphalt shingles;
11. On the contemporary rear addition, replace the shed roof with a hipped roof, remove the existing windows and window openings on the side facades, replace / reposition the rear door, add windows

- to the rear façade, reside the side facades based on the removal of window openings, and add steps out to the rear yard from the repositioned door;
12. Add a concrete walk from the rear steps to the driveway; and
  13. Add a paved patio in the rear yard.

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

Sec. 16-20.009. - Same; further standards.

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

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

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

Sec. 16-20I.002. - Scope of regulations.

- (a) The existing zoning map and regulations governing all properties within the Adair Park Historic District shall remain in full force and effect. The following zoning regulations shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (chapter 20I) shall apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall continue to apply; and any variance between said other regulations and these overlay district regulations (chapter 20I) shall be governed by the interpretation provision set forth in section 16-20.011(c) of the code of ordinances.
- (b) Except when otherwise explicitly provided, the provisions of chapter 20 of this part shall apply to this district.

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

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

1. The Compatibility Rule: The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the

compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor heights, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in regulations by reference to "compatibility rule."

Sec. 16-20I.006. Specific regulations--Residential Subarea I.

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

- 1 Certificates of Appropriateness: Certificates of appropriateness within this subarea shall be required as follows:
  - a. When required:
    1. To change the exterior appearance of any portion of a structure within the subarea, when said change can be seen from the public right-of-way;
4. Architectural Standards:
  - (a) Building facades:
    1. All new construction shall conform to the existing building orientation (setbacks) by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main facade shall face the principal street whenever possible.
    2. At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distances from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
    3. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
    4. Siding repair or replacement shall match the original materials in scale and direction. Wood clapboard, if original is preferred; however, aluminum, masonite vinyl or other horizontal siding is permitted if window trim, cornerboards, and fascia/bargeboards are left in place or replaced with new material to match the original.
  - (b) Windows and Doors:
    1. Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
    2. Original window and door openings shall not be blocked or enclosed, in whole or in part.
    3. 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.
    4. Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
    5. New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
    6. The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a permitted differential of ten (10) percent.
    7. The scale, size, and proportion of all openings in new construction shall be established by the compatibility rule with a permitted differential of ten (10) percent.
    8. New windows or doors added to existing structures shall be located on sides or to the rear of buildings, rather than on the front.
  - (c) Foundations:
    1. Foundation materials, including infill materials, shall replicate the original materials in size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.
    2. New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials, and style with adjacent and surrounding buildings.
  - (d) Storm doors, storm windows, shutters and awnings:
  - (e) Chimneys:
  - (f) Roofs:
    1. Roofing materials shall be of the same size, texture and materials as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
  - (g) Porches:
    1. Architecturally significant porches, steps and stoops shall be retained.
    2. Replacement porches, steps and stoops shall match the original in size, style and materials.
    4. Porches shall contain balustrades, columns and other features consistent with porches in that block.

(k) Ornaments:

1. Architecturally significant ornaments, such as corner boards, cornice, brackets, downspouts, railings, columns, steps, doors and windows moldings, shall be retained.
2. Replacement ornaments shall be permitted only when originals cannot be rehabilitated.
3. Installation of new ornaments, where none previously existed, shall be permitted only when it is in accordance with the architectural style of the original structure.

(5) Paved Surfaces:

- a. The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.
- b. Resurfacing or new installation of paved areas, other than those specified in subsection 16-20I.006(5)a. above, including driveways, walkways, and patios, or portions thereof, shall match the color and materials of the original surface whenever possible.

Replace the windows on the house with wood double hung or single hung windows in the existing openings with less than 1" difference in size, retaining the exterior trim.

The Staff has no concerns about the removal of the existing, non-historic windows. The District inventory sheets indicate that the windows were previously double hung windows with four vertical lights over one light. As such, the Staff does not have concerns about the overall design, material, or size of the new windows. The Staff would recommend, however, that any new windows on the front and a side facades of the original portion of the house have true divided light divisions.

Replace the front door with a wood (1/3 upper portion glass, 2/3 lower portion wood) in the existing opening, retaining the exterior trim.

The Staff has no concerns about the replacement of the non-historic front door or the design or material of the proposed front door.

Add a paired window on the left side of the front façade to match the replaced windows on the front façade.

The District inventory sheet does show paired windows on the left side of the front façade, therefore the Staff does not have concerns about the installation of a paired window in this location. The Staff would recommend that the new paired window on the front façade be in the same location as the previous window opening as evidenced by the District inventory sheet and physical indicators on the front façade.

Replace the concrete cap to the front porch stair cheeks walls to match the retained concrete cap on front porch railing.

The Staff has no concerns about the removal of the existing concrete caps on the front porch stair cheek walls. The Staff would recommend the replacement concrete caps on the front porch stair cheeks walls have the same design, size, and finish as the concrete cap on the front porch railing.

Repoint / repair the front porch foundation and main house foundation walls, including re-installation of loose brick.

The Staff has no concerns about the repointing of the foundation and reinstallation of loose brick with historic pointing mortar.

Remove the cementitious siding from the front gable and either repair the wood siding underneath or replace it with wood siding and cementitious trim if necessary.

The Staff has no concerns about the removal of the cementitious siding from the front gable. However, it is not clear the condition or existence of the original wood siding underneath. The Staff would recommend that in the front gable the cementitious siding be removed and if any salvageable original or historic siding remains, such siding is retained, repaired in-kind, or selectively replaced in-kind. The

Staff would further recommend that if no salvageable original or historic siding remains in the front gable as documented to the Staff, the new siding be wood similar in size and profile to the original wood siding.

Repair or replace the wood knee brackets on the front gable.

The Staff has no concerns about the repair of the knee brackets in the front gable. However, it is not clear the condition of the knee brackets. The Staff would recommend that in the front gable the knee brackets be retained and repaired in-kind. The Staff would further recommend that if the front gable knee brackets cannot be salvaged as documented to the Staff, the new knee brackets be wood similar in size and profile to the original knee brackets.

Trim out the existing wood louver in the front gable.

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

Remove the aluminum soffit panels and fascia board and restore open eave detail / design component.

The Staff has no concerns about the removal of the aluminum soffit panels and non-historic architectural trim related to the eaves. However, it is not clear the condition or existence of the open eave system and architectural trim underneath. The Staff would recommend that the non-historic elements of the eave enclosures be removed and if any salvageable original or historic eave components remain, such components are retained, repaired in-kind, or selectively replaced in-kind. The Staff would further recommend that if no salvageable original or historic eave components remain as documented to the Staff, the new eave components be wood similar in size and profile to the original eave components.

Replace the existing asphalt shingles with new asphalt shingles.

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

On the contemporary rear addition, replace the shed roof with a hipped roof, remove the existing windows and window openings on the side facades, replace / reposition the rear door, add windows to the rear façade, reside the side facades based on the removal of window openings, and add steps out to the rear yard from the repositioned door

The Staff would note that none of the changes to the rear façade are subject to review by the Commission. Further, given the added nature of this portion of the house, the Staff has no concerns about these components of the project, including the new hipped roof which will be set below the ridge line of the roof of the original house.

Add a concrete walk from the rear steps to the driveway.

The Staff has no concerns about this component of the project. The proposed lot coverage would be well below the maximum allowed.

Add a paved patio in the rear yard.

The Staff has no concerns about this component of the project. The proposed lot coverage would be well below the maximum allowed.

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

- (a) Except as noted above, the proposed work meets the regulations per Section 16-20I.005 and 16-20I.006;

Staff recommends approval of the application for a Type II Certificate of Appropriateness (CA2-15-219) for alterations and site work at **678 Lexington Avenue** - Property is zoned R-4A / Adair Park Historic District (Subarea 1) / Beltline, with the following conditions:

1. Any new windows on the front and a side facades of the original portion of the house shall have true divided light divisions, per Section 16-20I.006(4)(b);
2. The new paired window on the front façade shall be in the same location as the previous window opening as evidenced by the District inventory sheet and physical indicators on the front façade, per Section 16-20I.006(4)(b);
3. The replacement concrete caps on the front porch stair cheeks walls shall have the same design, size, and finish as the concrete cap on the front porch railing, per Section 16-20I.006 ( );
4. In the front gable, the cementitious siding shall be removed and if any salvageable original or historic siding remains, such siding shall be retained, repaired in-kind, or selectively replaced in-kind, per Section 16-20I.006(4)(a) and (k);
5. If no salvageable original or historic siding remains in the front gable as documented to the Staff, the new siding shall be wood similar in size and profile to the original wood siding, per Section 16-20I.006(4)(a) and (k);
6. In the front gable the knee brackets shall be retained and repaired in-kind, per Section 16-20I.006(4)(k);
7. If the front gable knee brackets cannot be salvaged as documented to the Staff, the new knee brackets shall be wood similar in size and profile to the original knee brackets, per Section 16-20I.006(4)(k);
8. The non-historic elements of the eave enclosures shall be removed and if any salvageable original or historic eave components remain, such components shall be retained, repaired in-kind, or selectively replaced in-kind, per Section 16-20I.006(4)(f) and (k);
9. If no salvageable original or historic eave components remain as documented to the Staff, the new eave components shall be wood similar in size and profile to the original eave components, per Section 16-20I.006(4)(f) and (k); and
10. The Staff shall review, and if appropriate approve, the final plans and supporting documentation.



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

## STAFF REPORT

June 24, 2015

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-15-223) for a variance to allow a rooftop addition higher than the existing house and with a higher ridge line and (CA3-15-222) for an addition at **1187 Cleburne Avenue** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline.

**Applicant:** Jon Cauthen  
124 S. Columbia Drive

**Facts:** According to the District inventory sheet, this house was built in 1912 and is considered contributing to the District. The house is one-story with a cross gable roof form, and full width front porch.

The proposal before the Commission at this time is a second-story addition located in the rear half of the house within the same footprint. The proposed addition would raise the side-to-side ridge line of the house by 4 ft. 3 in. and extend that increased height to a new front-to-back ridge line over the rear of the house. To accomplish this, a small hipped roof ell and shed roof sunroom addition (both at the back of the house) would be removed. A screened porch and deck on the rear of the house would remain as is.

No alterations are proposed for the front or sides of the existing house. Changes to the rear façade on the first floor are proposed, but they cannot be seen from the public street and as such they are not subject to review by the Commission.

No site work is proposed as this time.

**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.

Section 16-20L.005 General Regulations.

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

1. General Criteria.
  - a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.



- b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
    - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
    - ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
    - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
    - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
    - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
    - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
    - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
    - viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
    - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
    - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
  - c. Compatibility Rule: 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. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: 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. 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. All major alterations and additions to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from Certificates of Appropriateness in the Subarea regulations.
      - v. Variances and special exceptions.
    - 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.

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. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)
    - i. The height of additions shall not be subject to the compatibility rule, but shall be no higher than the existing structure.
    - ii. Notwithstanding the compatibility rule, any new roof ridge line shall be no higher than the highest roof ridge line of the existing structure.
  - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
    - i. The style of the individual window.
      - (1) Windows in the front façade shall be predominantly vertical in proportion.
      - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
      - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
    - ii. The size and shape of individual window openings.
    - iii. The overall pattern of fenestration as it relates to the building façade.
  - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system ("EIFS"), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
  - q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
    - i. The dimensions of the exposed face of lap siding and wood shingles.
    - ii. The type of brick and pattern of brickwork.
    - iii. The type of stone and pattern of stonework.
    - 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.
    - x. Skylights are permitted where not visible from a public street or park wherever possible. Protruding bubble skylights are prohibited.
2. Setback requirements:
  - b. New additions to existing structures: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.
4. Principal uses and structures:
  - a. Properties that have an underlying zoning designation of R-5 shall be used only for the following principal purposes subject to the following provisions:
    - v. Floor area ratio shall not exceed 0.50.

## **Variance Analysis**

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

The Applicant noted in their variance analysis that the lot tapers from front to back, that at the rear edge of the rear porch the width is about 45 ft. and that a “regular” R-5 lot would be 50 ft. wide at that same point. They also note that the lot slopes down from the front to the back such that the first floor of the rear façade of the house is 9 ft. above the grade. Any rear addition beyond that would be even higher above the grade with likely a 12 ft. basement wall / foundation.

The Applicant continues that a rear addition would increase the lot coverage to over the 55% maximum (which would require a different variance), require additional changes to the existing house at the basement level, require the demolition of the recently built screened porch and deck, cause their parking under the rear deck to need to be relocated, and endanger the health of two large trees in the backyard. The Applicant further adds that the existing ridge line would preclude creation of a second floor on the house due to a lack of head height (approximately 7 ft.).

The Applicant concludes by asserting that the addition meets the intent of the District regulations, and that it wouldn't be very noticeable from the street due to its location on the house and the multifamily structure to the west.

While the Staff generally agrees with many of the Applicant's conclusions and assertions, the Staff finds that additional documentation is needed from the Applicant to support their conclusions and assertions about the logistical and design issues related to a traditional rear addition, including the impact on the off-street parking, the critical roof zone of trees, and the height of the addition's foundation. Further, the Staff is concerned that the proposed addition's effect on the side to side gables (the left one of which gets substantively larger) and ridge line, even viewed in perspective from the street looking up, will be a substantial change in the house's character and visual presence. The Staff would suggest the Applicant provide some sketch plans that show how a traditional rear addition would affect the items noted above in contrast to a proposed second story addition and how the second story addition's effect on the house's character and visual presence would be minimal or in-substantial from various locations on the public street.

The Staff finds that the Applicant has not provided sufficient documentation to support some of their conclusions and assertions that there are extraordinary or exceptional conditions to the lot, an unnecessary hardship would be created by a traditional rear addition that meets the height requirements, there are peculiar conditions related to this property or that there would not be substantial detriment to the public good.

Therefore the Staff would recommend deferral of the variance to allow time for the Applicant to provide supporting documentation that the requested variance (and thus the necessity of the second story addition vs. a traditional rear addition) meets the variance criteria.

## **Design Analysis**

### **General Development Controls and Setbacks**

According to the site plan, the lot in question fronts approximately 60 ft. on Cleburne Avenue and has a depth of approximately 174 ft. on its longest side. Per the regulations, the side yard setback of the proposed addition can be no closer to the setbacks than the existing house. Given the proposed addition is within the footprint of the existing house, the Staff finds the proposed addition meets the side yard setback requirements. The rear yard setback requirement is based on the compatibility rule. Given the proposed addition is within the footprint of the existing house and the screened porch and

rear deck are closer to the rear property line than the addition, the Staff finds the rear setback requirement has been met.

Per the regulations the floor area ratio (FAR) can be no more than .50. The proposed FAR is .41 and therefore meets the regulations. Given the location and design of the second story addition, the lot coverage is not changed by this proposal.

### **Design of the Rear Addition**

Notwithstanding the Staff's recommendation on the variance above, the Staff finds that portions of the side facades of the addition will be visible from the street. The Applicant is proposing to demolish an existing rear ell and sun room to accommodate the new rear addition. As the rear ell and sun room are not historically significant, the Staff has no concerns regarding the proposed demolition.

In general, the Staff finds the massing, materials, architectural components, and overall design of the proposed rear addition are appropriate and meet the District regulations. However, the Staff would recommend the muntins and/or mullions in the new windows in the addition are either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.

### **Variance (CA3-15-223):**

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

- (a) The Applicant has not shown that the variance criteria have been met, per Section 16-26.003(1).

Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-15-223) for a variance to allow a rooftop addition higher than the existing house and with a higher ridge line at **1187 Cleburne Avenue** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline, to allow time for the Applicant to address the following concerns:

1. The Applicant shall provide supporting documentation that the requested variance (and thus the necessity of the second story addition vs. a traditional rear addition) meets the variance criteria. Staff shall review and if appropriate, approve the final plans, per Section 16-26.003(1); and
2. The additional supporting documentation (including the required number of copies) shall be submitted to the Staff at least eight (8) days prior to the Commission to which this application is deferred.

### **Design Review (CA3-15-222):**

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

- (a) The Staff's recommendation regarding the variance (CA3-15-223); and
- (b) The plans meet the regulations per Section 16-20L.006, with the exceptions noted above.

Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-15-223) (CA3-15-222) for an addition at **1187 Cleburne Avenue** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline, to allow time for the Applicant to address the following concerns:

1. The Staff's recommendation regarding CA3-15-223;
2. The muntins and/or mullions in the new windows in the addition shall be either true divided lights or shall be simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass, per Section 16-20L.006(1)(n); and
3. Any new or revised materials (including the required number of copies) shall be submitted to the Staff at least eight (8) days prior to the Commission to which this application is deferred.



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

## STAFF REPORT June 24, 2015

**Agenda Item:** Review and Comment (RC-15-224) for a revision to plans at **31 Woodcrest Avenue-** Property is zoned R-4/ Brookwood Hills Conservation District.

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

**Facts:** According to the Brookwood Hills Inventory, the single-family dwelling was built in 1923 and is considered contributing.

At the December 14<sup>th</sup> meeting, the Commission reviewed and commented on application (RC-14-372) on alterations and additions.

At the May 13, 2015 meeting, the Commission reviewed and commented on application (RC-15-155) for site work.

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

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

**Sec. 16-20.009. Same; further standards.**

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

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.

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

Brookwood Hills Conservation District does not have specific architectural regulations similar to Atlanta's historic or landmark districts, therefore the Commission should refer to Further Standards listed in Chapter 20 of the zoning ordinance, which apply to all locally designated districts and properties.

In a previous application, the Applicant proposed to remove a section of the existing concrete driveway towards the rear of the house and create a new parking area with concrete pavers. The revision proposes to remove the entire concrete driveway and replace it with concrete pavers. While the proposed site work will not impact the existing historic house, Staff has questions regarding the compatibility of the driveway design with other driveways on the block. As the driveway will be the most visible part of the project, Staff suggests the driveway paving material and design be consistent with other driveways on the block. Staff suggests the Applicant provide information regarding the design and materials of the different driveways on the block.

Staff recommends the Commission send a letter with comments to the Applicant.



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MAYOR

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**TIM KEANE**  
Commissioner

**CHARLETTA WILSON JACKS**  
DIRECTOR  
Office of Planning

### STAFF REPORT

**June 24, 2015**

**REVISED**

**July 8, 2015**

*(Revised text shown in italic.)*

**Agenda Item:** Application for a Type II Certificate of Appropriateness (CA2-15-225) for site work at **829 North Avenue**. Property is zoned SPI-6 (Subarea 3) / Beltline.

**Applicant:** 829 North Avenue LLC  
829 North Avenue.

**Facts:** The property is located on the south side of North Avenue, just west of Freedom Park and Freedom Parkway. The property has two zoning categories. About the northern most  $\frac{1}{4}$  of the property is within the SPI-6 zoning district and the southern  $\frac{3}{4}$  is within the R-5 zoning district. The dividing line runs diagonally from the western property line to the eastern property line. The overall property is about 50 ft. wide and about 150 ft. deep.

Until recently combined into one lot, the property was divided into two pieces along the diagonal zoning line. The northern section had been acquired by the Georgia Department of Transportation (GaDOT) years ago for the construction of what became Freedom Parkway. In conjunction with the finalization of the parkway and park plan, the City of Atlanta created the Poncey-Highland SPI District (along with the Inman Park SPI District and Candler Park SPI District) to manage the redevelopment of those parcels that had been acquired by the GaDOT but were not used for the parkway or the park. In some cases, the parcels were reconstituted (like the subject property) and in other cases they were not.

The Applicant is proposing to build a two-family building outside of the SPI-6 zoning district, with one unit facing North Avenue and another unit facing Angier Springs Road. Only the site features of the North Avenue-facing portion of the building are within the SPI-6 boundary and thus subject to review by the Commission.

*On June 30, 2015, the Applicant submitted a revised site plan, a partial ground floor plan, a roof plan and supporting documentation which is the subject of this revised Staff Report. The site plan is slightly revised to reflect a connection between the driveways that serve each unit.*

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

Sec. 16-08.006. Transitional uses, structures, requirements.

The following height limitations shall apply to all uses approved by special permits as well as permitted uses:

Transitional height planes: Where this district adjoins a district in R-1 through R-5 classification without an intervening street, height within the district shall be limited as follows: No portion of any structure shall protrude through a height-limiting plane beginning 35 feet above the buildable area boundary nearest to the common district boundary and extending inward over this district at an angle of 45 degrees.

Sec. 16-18F.003. Organization.

The regulations are composed of two (2) parts. The first part includes those regulations which apply to the entire SPI-6 district. The second part includes specific regulations which are unique to each of the subareas. The map entitled, "Poncey-Highland Housing Plan" (hereinafter referred to as PHHP), prepared by the City of Atlanta Bureau of Planning dated July 17, 1987, shall be made a part of these regulations for purposes of delineating the subareas.

The SPI-6 Poncey-Highland District is divided into subareas as follows:

- (3) Subarea 3: All new development in this subarea shall be accomplished in accordance with all of the regulations and restrictions of RG-2 zoning and a maximum floor area ratio of 0.348, except as specified in the general regulations for SPI-6 [section 16-18F.004] and the specified regulations for Subarea 3.

Sec. 16-18F.004. General regulations.

- (1) Regulations shall be established for all subareas. Regulations as stated herein shall be minimum standards which must be followed and shall be applied by the AUDC.
- (2) The compatibility rule: In order to assure that these regulations allow flexibility and accommodate innovative design solutions, many regulations shall be made subject to the compatibility rule, which states that the element in question (site design, architectural scale and exterior architectural elements) shall be similar in character to that which is prevalent for like uses in the immediate area. The compatibility rule is the discretionary device to allow architectural and site design compatibility, and other special design considerations to be assessed by AUDC. It shall be the responsibility of the applicant to provide substantiation of various design elements in adjacent, existing residential buildings.
- (3) The subdivision of land within the SPI-6 district shall be subject to administrative approval provided for in the Subdivision Regulations of the City of Atlanta. Applications for administrative approval shall not be filed until after required preliminary review by AUDC has occurred. Subdivision of land or combination of lots shall be to the maximum extent feasible, compatible with existing siting characteristics in areas adjoining the SPI-6 district.
- (4) Off-street parking:
  - a. Off-street parking shall not be permitted in the front yard of a lot used for residential purposes.
  - b. Off-street parking shall be permitted in the rear or side yard of a lot used for residential purposes.
  - c. Carports or garages shall be permitted if detached from and located to the rear of the main residential structure. If the structure is located on a corner lot, the front yard setback for that side street shall apply to the construction of a carport or garage. Carports and garages should also be permitted if they are part of the main structure and conform to similar existing structures of the older homes.
  - d. Off-street parking shall not be permitted on vacant lots, except that one adjacent lot owned by the resident occupant may be used to park up to two owners' vehicles in operable condition provided such parking does not fall within the established front, side or rear yard setback and such parking is screened from street view by landscaping or fencing as approved by AUDC.
  - e. Off-site parking is prohibited.
  - f. Off-street parking of personal travel trailers, motor homes and trucks in excess of three-quarter ton shall not be permitted overnight.
- (7) Site design:
  - a. It is not the intent of the SPI-6 district regulations to limit new development to single-family lots matching prior subdivision lines. However, where single-family lots are combined for higher residential development, i.e., condominium development, the siting of all multifamily and single-family structures shall retain the appearance of individual lots with front building facades parallel to street rights-of-way or perpendicular to side lot lines where possible, and with building spacings subject to the compatibility rule and design review by AUDC.
  - b. All buildings shall conform to traditional housing characteristics by having a sidewalk, front walk, front yard, front porch, and front doors facing the street.
  - c. Driveways extending to parking areas in the side or rear yard shall be a maximum of 10 feet wide where passing through the front yard.



- d. Landscaped areas in front of each residential building shall be designed to reinforce the appearance of individual ownership.
- e. An appropriate buffer of natural material fences or walls shall be provided between multifamily units and existing residential dwellings. Chain link fences are not allowable. Every effort shall be taken to preserve existing trees.
- f. All sidewalks shall be installed to provide a six-foot minimum planting strip between the sidewalk and curb. A minimum of two (2) trees shall be planted for each 50 feet of street frontage. The minimum size of trees shall be two-inch caliper. They shall be planted and maintained by the adjoining property owner(s) in the planting strip. Alternate tree planting plans may be submitted subject to design review.
- g. Retaining walls and fences of like design shall not be continuously built across more than one front yard and shall be subject to design review by AUDC.
- h. Every tree which is removed shall be measured for total caliper. It shall be replaced with trees which, in aggregate, total the same caliper as the tree removed.
- i. Every effort shall be made to preserve existing trees. Before any site preparation work shall begin, a plan shall be submitted to AUDC and to the city arborist to include:
  - 1. Location of all existing trees with type and caliper indicated;
  - 2. All existing trees to be saved indicated; and
  - 3. All proposed trees located with type and caliper indicated.
- j. All trees which are not in good health within three (3) years of installation shall be replaced by the owner.
- k. All services, including gas, water, electricity, telephone, furnaces, air conditioning units, etc., shall not be located on the front of or in the front yards of the main building, nor on the street side yard of the corner lot.

Sec. 16-18F.007. - Subarea 3.

In addition to the general regulations required in section 16-18F.004, the following regulations shall apply to all new development in Subarea 3:

- (1) Permitted uses:
  - a. Single-family detached dwellings.
  - b. Two-family dwellings.
- (2) Permitted accessory uses and structures: Uses and structures are permitted which are customarily incidental to and subordinate of permitted uses and structures. These include but shall not be limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part.
  - a. Greenhouses, garden sheds, private garages, pools and similar structures which shall be located to the rear of the principal structure and not within any required side or rear yards.
  - b. Home occupations.
  - c. Market gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.
- (3) Minimum lot requirements:
  - a. Single- and two-family dwellings shall require a minimum lot width of 50 feet and a minimum lot area of 7,500 square feet.
  - b. Multi-family dwellings shall comply with all applicable standard ratios on Table I "Land Use Intensity Ratios" in chapter 8 of this part for RG-3.
- (4) Minimum yard requirements:
  - a. Front yard: 40 feet.
  - b. Side or rear yard: 7 feet.
- (5) Height requirement: The compatibility rule shall apply with a variance of up to 10 percent permitted.
- (6) Off-street parking: One (1) space per unit shall be required.

**Use, Density, and Height Analysis**

The site features are associated with a proposed use that is allowed by both the SPI-6 and R-5 zoning regulations.

Regarding the density of the proposed project, the District regulations for Subarea 3 refer directly to the “regulations and restrictions” of the RG-3 zoning category and the specific maximum floor area ratio of .348 for all permitted uses in the Subarea, including a two-family building. However, no portion of the proposed building is within the SPI-6 zoning district.

No accessory structures are proposed with the project, including within the SPI-6 zoning district.

The only RG regulation that is not superseded by the District regulations is the transitional height plan requirement. Given the portion of the property that is within the SPI-6 zoning district does not contain any structures, this requirement does not apply to the SPI-6 portion of the property. Further, given the portion of the property that is within the SPI-6 zoning district does not contain any structures, the general height requirement of SPI-6 Subarea 3 does not apply.

As the property is an already existing and recognized lot, the minimum lot sizes do not apply to this proposal. However, the Staff would note that the site plan submitted with the application indicates a lot width slightly less than 50 ft. (about 49.5 ft.). The Staff would strongly suggest that the Applicant confirm the accuracy of their site plan in relation to the lot that has been recently recognized by the City of Atlanta.

### **Parking**

Two parking spaces are required, one for each dwelling unit. Two are provided on site and no parking is located within the front yard of the SPI-6 portion of the property given the location of the full parking pad on the south side of the building behind the North Avenue façade of the building.

The driveway from North Avenue is less than 10 ft. wide.

No carports or garages are proposed on the property, including within the SPI-6 portion of the property.

*The revision to the site plan that essentially connects to the two driveways does not change the Staff's conclusion that the parking and driveways meet the SPI-6 regulations.*

### **Site Features**

Within the SPI-6 portion of the property on the eastern side of the property, a retaining wall and “metal guard rail” are indicated along the east side of the walkway. There is no indication of their height, design, or material, all of which are subject to review under the SPI-6 regulations. The Staff would recommend that the height, design, and materials of any retaining walls, fences or guard rails within the SPI-6 portion of the property be described in the final plans and that these site components meet the SPI-6 regulations.

*In the revised site plan, the metal guard rail and retaining wall are still shown on the eastern side of the property and the retaining wall is still shown along the western property line next to the connected driveways. None of the retaining wall on the western property line is within the SPI-6 district.*

*In the supporting documentation included in the latest submission, the Applicant indicates that the retaining wall will be concrete (with an unspecified finish) and the railing will be metal with horizontal metal cables. Within the SPI-6 district, the design of retaining walls and fences is subject to approval by the Commission.*

*The Staff would recommend the retaining wall be finished with stucco.*

*Regarding the fencing, the Staff finds that while the fence isn't similar to “traditional” fences found in the District (various forms of picket fences with metal or wood pickets), it is compatible with the contemporary design of the building. Given its design relationship to the proposed building, that it will be painted black and that it has a very limited visual presence, the Staff finds that it meets the District regulations.,*

As no portion of the proposed building is within the SPI-6 portion of the property, only the sidewalk, front walk, and front yard need to face the street, which they do. The companion portions of this

requirement (the front porch and front door) are outside the SPI-6 boundary and thus not subject to the SPI-6 requirements.

The Staff finds the landscaped areas in front of building will be designed to reinforce the appearance of individual ownership of the North Avenue facing unit.

The Staff finds that no buffer is required between the two-family building and the residential dwelling to the west given that the two-family dwelling is outside the SPI-6 boundary (which is where the requirement originates) and that a two-family dwelling isn't normally considered a "multifamily" building.

The existing public sidewalk along North Avenue is shown as being retained, but the Staff is concerned that it will be substantially damaged during construction. If this occurs, the new sidewalk will have to meet the District regulations. The Staff would recommend that if the existing public sidewalk along North Avenue is substantially damaged during construction it is replaced in its entirety with a public sidewalk and planting strip that meets the SPI-6 District regulations.

Lastly, the location of the utility connections and mechanical equipment is not shown on the site plan. The Staff would recommend that all services, including gas, water, electricity, telephone, furnaces, air conditioning units, etc., not be located on the front of or in the front yards of the SPI-6 portion of the building.

*On the partial ground floor plan, the various utility meters are indicated just outside the garages in the side yard. The condenser units for the HVAC system will be located on the roof of the building, outside the front yard. The mechanical room (presumably with the furnace and interior components of the air conditioning) will be located next to the garage.*

### **Trees**

Ten (10) trees within the SPI-6 portion of the property with a total caliper of at least 106 inches (one tree is noted as "unidentified" on the site plan) will be removed. Seven (7) trees are proposed to be installed within the SPI-6 portion of the property with the total caliper equal to the trees that will be removed. The Staff would recommend the Applicant document compliance with the District's tree requirements and the City's Tree Ordinance on the final site plan.

*No addition notes were included in the revised site plan regarding the trees. The Staff would retain its previous recommendation.*

Staff recommends approval of the application for a Type II Certificate of Appropriateness (CA2-15-225) for site work at **829 North Avenue**. Property is zoned SPI-6 (Subarea 3) / Beltline, with the following conditions:

1. *The retaining wall within the SPI-6 boundary, shall be finished with stucco, per Section 16-18F.004(7)(g);*
2. *If the existing public sidewalk along North Avenue is substantially damaged during construction it shall be replaced in its entirety with a public sidewalk and planting strip that meets the SPI-6 regulations, per Section 16-18F.004(7)(f);*
3. *The Applicant shall document compliance with the District's tree requirements and the City's Tree Ordinance on the final site plan, per Section 16-18F.004(7)(h)-(j); and*
4. *The Staff shall review, and if appropriate approve, the final plans, site feature details, and supporting documentation.*



# CITY OF ATLANTA

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

## STAFF REPORT

May 13, 2015

Updated

July 8th, 2015

(updated information in arial)

**Agenda Item:** Applications for Type III Certificates of Appropriateness (CA3-15-173) for a variance to allow structures in the 100 year flood plain where otherwise prohibited and (CA3-15-121) for site work, alterations, and additions at **801 Lullwater Road**– Property is zoned Druid Hills Landmark District.

**Applicant:** Earl Jackson  
3094 Brook Drive

**Facts:** According to the architectural survey in 2002, this dwelling built in 1947 is contributing.

At the April 22<sup>nd</sup> meeting, this application was deferred to allow the Applicant time to apply for a variance and address the concerns of Staff.

*This application was deferred due to a lack of quorum. Staff met with the Applicant on May 13<sup>th</sup> to discuss the project. The Applicant has submitted revised plans since the deferred meeting.*

At the May 27<sup>th</sup> meeting, this application was deferred to allow the Applicant time to address the concerns of the Commission and Staff. At the June 26<sup>th</sup> meeting, this application was deferred due to a lack of quorum.

**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:

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

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

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

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

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

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

### **Variance**

Per regulations, no structure shall be permitted within a 100 year flood plain. As the existing house is located within a 100 year flood plain, Staff finds that any proposed additions would be prohibited by the regulations. Staff finds that it is a reasonable request to allow additions and alterations to existing houses. As denial of the variance would not allow any additions to the existing house, Staff finds that denial of the variance would cause a hardship on the Applicant. Given the information we have at this time, Staff supports the proposed variance.

## **Alterations and Additions**

Staff has several concerns regarding the proposed project. In looking at proposed elevations, the existing historic house is unrecognizable. While Staff finds that alterations and additions are allowed to existing homes, Staff finds those alterations and additions should not destroy historic fabric and should allow the architectural form and details of the historic house to be the predominate feature. As currently proposed, Staff cannot discern what the original architecture of the house looks like. Staff finds the changes currently proposed are not appropriate and should be redesigned. Staff recommends the alterations and additions are redesigned to retain the historic fabric, integrity and form of the existing historic house.

***Staff met with the Applicant regarding the design. The Applicant indicated that part of the design was based on requirements from the Department of Watershed Management (DWM). Staff asked the Applicant to provide documentation regarding restrictions DWM would impose on the project due to its location in the 100 flood plain. At this time, Staff has not received information regarding the restrictions that would be imposed by DWM. There was also discussion regarding changes to window and door openings, however the Applicant has not submitted documentation regarding alterations to the existing house that occurred before the current owner purchased the house. While the Applicant submitted updated plans, the design has not changed. Staff retains its recommendations regarding the design of the additions and alterations.***

As previously mentioned, the Applicant indicated that many components of the design are based on requirements of the Department of Watershed Management (DWM). In looking at updated documentation submitted by the Applicant, it is still not clear what the requirements of DWM are and how those requirements impact the design.

As requested by Staff, the Applicant submitted additional pictures that document alterations to windows and doors that occurred before the house was purchased by the current owner. While the pictures indicate some alterations to door and window openings, Staff finds the original massing, form and design of the existing house appears to be mostly intact. Staff would further note the existing house is very similar to the houses at 795 and 807 Lullwater Road.

In comparing the floor plans, elevations and site plans, the existing and proposed conditions do not appear to be accurate. Staff would also note that the floor plans indicating the second floor are the same floor plan as the first floor plan. As some of the work has already been done without permits, it is important to have accurate as-built drawings of the house before the un-permitted work was done. Staff recommends the Applicant submit accurate site plans, floor plans, roof plans and elevations that depict the as-built conditions (before the un-permitted work was started) and a separate set of site plans, floor plans, roof plans and elevations that indicate the proposed conditions.

***As recommended by Staff, the Applicant submitted updated plans. Staff finds the plans are internally consistent.***

Staff has concerns regarding possible demolition. The floor plans indicate demolition, however the site plan does not indicate any demolition. In looking at the plans, it is difficult to tell how much of the house will be demolished. Per regulations, 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. In looking at the pictures and elevations submitted, Staff has concerns that a Type IV for a partial demolition may be required. Staff recommends that all plans clearly indicate any demolition proposed. If a significant portion of the existing house is proposed for demolition, Staff recommends the Applicant submit an application for a Type IV Certificate of Appropriateness.

*In looking at the site plan, it appears a patio, a storage area with living space, a covered parking area with a deck above and retaining walls have already been demolished. While the completed demolition was not properly permitted, Staff finds the partial demolition does not significantly impact the main historic house. As such, Staff finds that a Type IV Certificate of Appropriateness is not required.*

While Staff is supportive of the proposed variance, Staff cannot support the proposed alterations and additions. Given the concerns Staff has regarding possible demolition, the proposed design and the accuracy of the plans, Staff finds that a deferral is appropriate at this time.

*While Staff finds the Applicant has resolved concerns regarding demolition and accuracy, Staff finds the proposed design has not changed. Staff still finds deferral is appropriate at this time.*

In looking at updated plans, Staff finds the main changes are the roof form, the design and size of the windows, there is a larger front porch area with columns and the railing on the left side of the front façade is taller. While the updates to the plans help create a more traditional appearance than the previous proposal, Staff finds the design, form and architectural details of the existing historic house are still lost. Staff finds the proposed alterations and additions do not allow the existing historic house to be the predominant feature. As the updated plans are not significantly different than the previous submittal, Staff cannot support the proposed alterations and additions.

**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 III Certificate of Appropriateness (CA3-15-173) for a variance to allow structures in the 100 year flood plain where otherwise prohibited at **801 Lullwater Road**– Property is zoned Druid Hills Landmark District, with the following conditions.

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

- a) The plans do not meet the regulations, with the exceptions noted in the above analysis, per Section 16-20G.006 and
- b) The proposed alterations and additions do not retain the historic fabric, integrity or form of the existing historic house, per Section 16-20B.003(5).

Staff recommends denial of the Application for Type III Certificate of Appropriateness and (CA3-15-121) for site work, alterations, and additions at **801 Lullwater Road**– Property is zoned Druid Hills Landmark District.



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**TIM KEANE**  
Commissioner

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

## STAFF REPORT July 8, 2015

**Agenda Item:** Application for a Type II Certificate of Appropriateness (CA2-15-162) for alterations at **306 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4).

**Applicant:** Zenith Omega Alpha Investment and Property Management, Inc.  
215 Piedmont Avenue

**Facts:** According to the 2002 District inventory sheet, this commercial structure was constructed in 1945. The two-story, three-bay, stucco building is considered contributing to the District and is located on the north side of Auburn Avenue between Fort Street and Hilliard Street.

The current application consists of:

- replacement/reconfiguration of the storefront windows and doors on the first floor;
- replacement/reconfiguration of the double-hung windows on the second level;
- installation of a canopy over the main front door;
- installation of additional trim and architectural elements;
- new signage and exterior lighting; and
- cleaning the stucco and painting of the building.

In addition, the submission includes a “proposed rear elevation” though it is not clear what is changing if anything on the rear elevation.

**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.
    - ii. On contributing buildings on the same block in Subareas 3 and 4.
  - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
  - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
  - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
  - 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.
    - iii. No certificate of appropriateness shall be required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials.
    - iv. No Certificates of Appropriateness shall be required for demolition or moving of non-contributing structures.
  - b. Type II Certificates of Appropriateness.
    - i. Type II Certificates reviewed by the Director. The following shall require a Type II Certificate of Appropriateness, and shall be reviewed by the Director of the Commission:

- (1.) Fences, walls and retaining walls;
- (2.) Decks, skylights, solar panels, mechanical equipment and where authorized, antennas and related equipment;
- (3.) New accessory structures and alterations to existing accessory structures; (4.) Shutters and awnings;
- (5.) Security doors and window grates;
- (6.) Replacement of elements that otherwise meet the regulations including but not limited to siding, windows, porch railings, porch columns, porch flooring, and exterior doors; and
- (7.) Paving intended for pedestrians including sidewalks, walkways, paths and porches.

If such Type II Certificates of Appropriateness meet the requirements of this Chapter and other criteria applicable to Type II Certificates the Director shall issue the Type II Certificate within 14 days of receipt of the completed application. If such Type II Certificates of Appropriateness do not meet the requirements of this Chapter and such other criteria, the Director shall deny the application, with notice to the Applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such 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.

- ii. Type II Certificates reviewed by the Commission. All required Type II Certificates of Appropriateness not listed above shall be reviewed by the Commission. In addition, the following shall be reviewed by the Commission as a Type II Certificate of Appropriateness:

- (1.) Alterations to any façade of any principal structure; and
- (2.) All site work, except as noted in Section 16-20C.004(3)(b)(i)(7).

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

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

- 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.

3. The following Design Standards provisions shall apply to Subareas 3 through 4.

- a. Facades.

- i. Building materials for the façades of principal structures shall be determined by the compatibility rule. Concrete block and other masonry materials may be used on façades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any façade.

- ii. Covering of the original façade shall not be permitted.

- iii. Painting of unpainted building materials and masonry is prohibited.

- iv. All cleaning of stone, terra cotta, and brick shall be done with low-pressure water and mild detergents.

- f. Awnings and Canopies.

- i. Original awnings and canopies shall be retained.

- ii. Replacement awnings or canopies are permitted only when original awnings or canopies cannot be rehabilitated.

- iii. Awnings and canopies must have a minimum clearance of eight (8) feet above the sidewalk level, and shall not encroach more than five (5) feet over the public sidewalk.

- iv. Installation of new canopies upon contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.

- v. Installation of new canopies upon non-contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the district.

- vi. New awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.

- vii. New awnings shall be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.

- viii. Multiple awnings on a single building shall be similar in shape and configuration.

- ix. Only that portion of the awning used for signage shall be illuminated.

Sec. 16-28A.010. - District regulations.

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

- a. General Regulations: Notwithstanding any other individual district standards, all signs within the M.L. King, Jr. landmark district shall be subject to the following general regulations:
  - (1) No general advertising signs shall be permitted in the M.L. King, Jr. landmark district.
  - (2) No freestanding signs shall be permitted in the M.L. King, Jr. landmark district.
  - (3) No monument signs shall be permitted in the M.L. King, Jr. landmark district.
  - (4) No LSVD signs shall be permitted in the M.L. King, Jr. landmark district.
  - (5) No sign shall be permitted within the M.L. King, Jr. landmark district except after approval by the Commission of a Certificate of Appropriateness as specified in Chapter 20 of this part.
  - (6) Signs provided for contributing structures shall be designed in a manner that is compatible with the design, materials and general character of signage from the time period of historical significance for the structure.
  - (7) Signs provided for non-contributing structures shall be designed in a manner that is compatible with the design, materials and general character of signage from the time period of historical significance for the district.
- e. Edgewood Avenue and Auburn Avenues Commercial District (Subarea 4): The sign regulations for Edgewood Avenue and Auburn Avenues Commercial District (Subarea 4) shall be the same as the regulations for the SPI-1 (Downtown) district provided that:
  - (1) No individual sign shall exceed 100 square feet in sign area.
  - (2) No projecting sign shall exceed eight (8) square feet in sign area.
  - (3) Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.
  - (4) Signs shall be located as follows:
    - i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.
    - ii. On or in display windows or upper façade windows.
    - iii. On or in the glazing of the doors.
    - iv. On the valance of awnings.
    - v. On the fascia or top edge of canopies.
    - vi. Projecting perpendicularly from the building.
  - (5) Changing signs shall be prohibited.

SPI-1 Downtown District:

- a. General Regulations: Signs within SPI-1 Downtown District are subject to the regulations set forth in this section (12). For purposes of this section (12), "street" means public streets and private streets, as well as associated public right-of-way including public right-of-way accessible only to pedestrians.
- b. Building Business Identification Signs:
  1. Type: Wall signs, projecting signs, canopy signs, parapet wall signs, suspended signs, and marquee signs shall be permitted. Only one of the signs may be either suspended or projecting along each street frontage per business establishment, provided that corner business establishments may have two projecting signs limited to one projecting sign per street frontage.
  2. Number:
    - (a) Sidewalk-Level Business Establishments: A maximum of three business identification signs shall be allowed for each business establishment on the sidewalk-level of a building. For the purposes of this section (12), "sidewalk-level" shall be as defined by Section 16-18A.005(3) except where additional signage identifying the business is authorized on a monument sign or multi-tenant sign.
    - (b) Second-Level Business Establishments: A maximum of three business identification signs shall be allowed for each second-level business establishment engaged in a permitted use listed under the commercial/retail and institutional headings of the Use Table in Section 16-18A.006 and having a facade that faces a street except where additional signage identifying the business is authorized on a monument sign or multi-tenant sign. For purposes of this section (12), "second-level" means the building floor level immediately above sidewalk-level.
    - (c) Corner Business Establishments: One additional business identification sign shall be allowed for each business establishment occupying a corner space that faces two streets and is located on the sidewalk-level or second-level, provided such sign is oriented toward the additional street.
  3. Area: Where a business establishment is permitted to have business identification signs, the following regulations shall apply:
    - (a) Sidewalk-Level and Second-Level Business Establishments: The combined area of the business identification signs except for that signage on monument signs or multi-tenant signs if allowed shall not exceed ten percent of the total area of the walls of the business establishment that face the street but at least 60 square feet of combined sign area is allowed for each business establishment.

(b) Corner Business Establishments: The area of the additional sign authorized by subsection (12)b.2.(c.) shall not exceed ten percent of the total area of the walls of such business establishment that face the additional street, or 60 square feet, whichever is less and this calculation shall exclude that signage on monument signs or multi-tenant signs if allowed.

(c) No individual sign shall exceed 200 square feet.

4. Height: The height limitation set forth in Section 16-28A.007(m) may be exceeded as follows:

(a) Subject to subsection (12)b.4.(a.) above, no portion of a business identification sign for a sidewalk-level business establishment shall be located more than 40 feet in height above the elevation of the nearest sidewalk clear zone.

### **Window and Door Alterations – First Floor**

The Applicant is proposing to remove the existing storefront window and door systems, and install new aluminum storefront systems and doors in generally the existing openings, though there are differences. Further, the main front entrance will be replaced with a pair of French doors.

In the District inventory photograph from 2002 there are metal storefronts in the openings which appear to be from the 1950s or 1960s. In the 2011 photograph the security grills are down and the storefronts aren't visible. In both the 2002 and 2011 photographs, the front door consists of a non-historic door system and glass block.

The Staff has three concerns about these proposed actions. First, the Applicant has not provided any information or documentation about the existing windows and doors as to their condition or origins. Second, if the existing elements are not historic, the proposed changes in the opening size and location would affect the historic, stucco facade of the building and would not meet the District regulations. Third, the actual design of the proposed elements does not meet the District regulations as the proposed doors are too tall and thin, and the proposed storefront window systems have too small transom lights.

The Staff would recommend the Applicant provide documentation about the existing window and door elements on the first floor, including their condition, origin, and need for replacement. The Staff would further recommend that if the additional documentation supports the replacement of the existing window and door elements on the first floor, the proposed window and door elements meet all the District regulations and be located within the existing masonry openings.

### **Window and Door Alterations – Second Floor**

Similar to the work on the first floor, the Applicant is proposing to remove the upper level windows and replacement with double hung windows on the sides and a glass block window wall in the center.

In the District inventory photograph from 2002 there are double hung windows in all five openings, which appear to be metal which would make them likely from the 1950s or 1960s. In the 2011 photograph the windows appear to be the same.

The Staff has two concerns about these proposed actions. First, the Applicant has not provided any information or documentation about the existing windows as to their condition or origins. Second, if the existing elements are not historic, the proposed changes in the design of the center opening from a pair of double hung windows to a glass block window wall would not meet the District regulations. The use of glass block on an upper level window is incompatible with the historic character of the building. Further, it is not clear the material of the proposed double hung windows.

The Staff would recommend the Applicant provide documentation about the existing window elements on the second floor, including their condition, origin, and need for replacement. The Staff would further recommend that if the additional documentation supports the replacement of the existing window elements on the second floor, the proposed window elements meet all the District regulations and be located within the existing masonry openings.

### **Canopy over Main Front Entrance**

The proposed canopy over the front door (which if proposed as a stand alone project would be reviewed via a Type II Staff Review Application) does not meet the District regulations for several reasons. First, the canopy is not compatible with the design, materials and general character of canopies from the time period of historical significance for the structure – an Art Deco building from the 1940s. Second, it does not replicate the shape of the covered area, in this case the rectangular opening of the front entrance.

Third, they are not attached to the transom window that would normally be above the regular height front doors. Fourth, it is not clear that the canopy meets the District limitations for projecting over the sidewalk. The Staff would recommend the canopy is removed from the proposal or re-designed to meet all of the District regulations.

### **Installation of additional trim and architectural elements**

The proposed elevations includes added elements to the façade, including projecting headers and larger sills for the second level windows, an addition projection / “layer” in the center shaft area, an additional projection up from the center shaft area at the cornice of the building, and some type of change in the cornice line that at least adds a joint line below the top of the cornice. While these would appear to be subtle changes, the Staff finds that these additions are not compatible with the building given its un-cluttered design and its Art Deco, “clean” look. The Staff would recommend the added architectural elements around the second floor windows, the central shaft, and at the cornice be eliminated from the proposal.

### **New signage and exterior lighting**

The submitted plans note “new signage”, though it is not clear what or where it will be. The elevations show two, plaque-like features on the far left and right portions of the façade, but it is not clear if those are the signs the notes are referring to or if there is other signage proposed. No other signage is indicated on the elevations. The Staff would recommend the Applicant clarify the signage proposal and that all signage meet all of the District regulations.

The submitted plans also note “exterior lighting” though it is not clear what or where it will be. No exterior lighting is indicated on the elevations. The Staff would recommend the Applicant clarify the exterior lighting proposal and that all exterior lighting meet all of the District regulations.

### **Cleaning of stucco and painting of building**

The Staff has no concerns about the painting of the front façade of the building as it has already been painted several times. It is not clear if the painting includes the side or rear facades of the building. Further, the submitted plans note “stucco cleaning” but there are no details provided about the approach or technique that will be used to complete the cleaning process. The Staff would recommend the Applicant clarify the extent of the painting work and such painting work meet the District regulations. The Staff would further recommend the Applicant clarify the stucco cleaning work and that such cleaning work will meet the District regulations.

### **Rear and Side Façades**

The Staff would recommend the Applicant clarify if there will be any work on the rear or side facades.

**Staff Recommendation:**

Staff recommends approval of an application for a Type II Certificate of Appropriateness (CA2-15-162) for alterations at **306 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4), with the following conditions:

1. The Applicant shall provide documentation about the existing window and door elements on the front facade, including their condition, origin, and need for replacement, per Section 16-20C.004(1) and 16-20C.008(1)(b);
2. If the additional documentation submitted in compliance with Condition #1 supports the replacement of the existing window and door elements on the front facade, the proposed window and door elements shall meet all the District regulations and shall be located within the existing masonry openings, per Section 16-20C.004(1) and 16-20C.008(1)(b);
3. The canopy shall be removed from the proposal or re-designed to meet all of the District regulations, per Section 16-20C.008(3)(f);
4. The added architectural elements around the second floor windows, the central shaft, and at the cornice shall be eliminated from the proposal, per Section 16-20C.004(1) and 16-20C.008(3)(a);
5. The Applicant shall clarify the signage proposal, exterior lighting proposal, painting work, and stucco cleaning work and that all of these project actions shall meet all of the District regulations, per Section 16-20C.004(1), 16-20C.008(3)(a), and 16-28A.010 (27);
6. The Applicant shall clarify if there will be any work on the rear or side facades; and
7. Staff shall review and if appropriate, approve the final plans and documentation



# CITY OF ATLANTA

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MAYOR

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**TIM KEANE**  
Commissioner

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

## STAFF REPORT July 8, 2015

**Agenda Item:** Review and comment (RC-15-227) for a new playground and site work at **329 Ormond Street (Ormond – Grant Park)** – Property is zoned R-5 / Grant Park Historic District.

**Applicant:** City of Atlanta Department of Parks and Recreation, Office of Parks Design  
233 Peachtree Street, Suite 1700

**Facts:** Located between Ormond Street and Atlanta Avenue along the west side of Grant Street in the southwestern corner of the Grant Park neighborhood, this park consists of contemporary features, including concrete walkways, signage, lighting, retaining walls, and playground equipment. The existing and proposed replacement playground is located at the northern portion of the park in a slightly depressed location, with the proposed playground equipment being shifted north of the existing equipment location. In addition, a concrete and stone walkway would connect from the existing concrete walkway to the south, encircle the park, and then form a set of steps up to a new plaza at the street corner.

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

Per Section 6-4043 of the Atlanta City Code:

- (4) The commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation or significant change, alteration or addition to any existing park.
- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

Per Section 16-20.009. Same; further standards.

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

- (7) Whenever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

While the Staff generally finds that the design of the playground is appropriate for the context in which it sits (on the edge of the Grant Park neighborhood within a park with contemporary / new features), the Staff does have several comments and concerns.

First, at the northern edge of the new playground, a retaining wall is proposed, but it is not clear the height or material of the wall. The Staff would recommend the wall only be 2-3 ft. tall and be faced with natural granite. Similarly, the stone used in the walkway and set of stairs should also be natural granite, though different finishes might be necessary for the vertical vs. horizontal installations.

Second, the materials of the new plaza in the northeast corner of the park aren't noted on the plans. The Staff would recommend the use of brick pavers or other material that is compatible with the surrounding sidewalk material. Further, there is an existing sign at that location which should be moved and re-used somewhere else in the park if possible.

Third, the Staff is concerned about drainage for the playground as it sits in the low point of the park. The Staff doesn't know if this is a concern now, but the slightly larger footprint of the playground itself as well as the concrete and stone walkway could increase the potential for drainage issues.

Fourth, it is not clear from the site plan what the playground mulched area will consist of (bark, wood chips, shredded plastic, loose vs. formed, etc.) and if loose material if there will be a curb to contain the material within the playground without sacrificing ADA accessibility.

Lastly, the Staff would recommend the installation of benches and trash cans immediately around the edge of the playground mulched area to allow parents and caregivers a place to comfortably observe the playground.

**Staff Recommendation:** The Staff recommends that the Commission confirm the delivery of its comments at the meeting for an application for Review and comment (RC-15-227) for a new playground and site work at **329 Ormond Street (Ormond – Grant Park)** – Property is zoned R-5 / Grant Park Historic District.





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Director, Office of Planning

## STAFF REPORT July 8, 2015

**Agenda Item:** Review and comment (RC-15-228) for a new playground and site work at **970 White Street (Rose Circle Park)** – Property is zoned R-4A / West End Historic District / Beltline.

**Applicant:** City of Atlanta Department of Parks and Recreation, Office of Parks Design  
233 Peachtree Street, Suite 1700

**Facts:** Located mostly between White Street and Rose Circle in the southern portion of the West End neighborhood, Rose Circle Park consists of contemporary features, including concrete walkways, signage, lighting, playground equipment, gazebo, and public art. The existing and proposed replacement playground is located at the northwest end of the park, at the southern end of Peoples Street on a portion of the park north of Rose Circle. More recently, a segment of the Beltline trail has been built along White Street along with some improvements to the very northwest corner of the park between Peoples Street and White Street.

The proposal before the Commission is to replace the existing swing set with a much larger and more complete, multi-function, ADA compliant, piece of playground equipment. To the north of the new installation, it would appear that another piece of playground equipment (likely from the 1980s or 1990s) will remain.

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

Per Section 6-4043 of the Atlanta City Code:

- (4) The commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation or significant change, alteration or addition to any existing park.
- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

Per Section 16-20.009. Same; further standards.

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.

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

While the Staff generally finds that the design of the playground is appropriate for the context in which it sits (on the edge of the West End neighborhood within a park with contemporary / new features), the Staff does have several comments and concerns.

First, the southern edge of the replacement playground is located at the back of the sidewalk along Rose Circle. It is not clear if fencing is proposed along that southern edge to keep children from running into the street and/or to reduce conflicts between pedestrians, strollers, and pets and the children in the playground.

Second, the site plan shows some type of segmented curbing around the un-specified mulched areas / fall zones. The Staff would recommend the Applicant provide more information about the mulching and curbing and that both of these materials be compatible with the existing character of the park.

Third, given the increase in the amount of playground equipment that will be in the park (and thus potentially the number of children in the park), the Staff would suggest the Applicant explore some additional screening along the eastern property line of the park between the park and the side of the houses that face north. Given this will reduce the visibility between the park and the houses the Staff acknowledges that there are both positive and negative effects to additional screening.

Lastly, it is not clear if there will be pathway or similar connection between the proposed playground and the remaining equipment to the north and the street beyond that. If large portions of children come to the park from that direction, a hard surface pathway might help reduce wear on the grass and erosion.

**Staff Recommendation:** The Staff recommends that the Commission confirm the delivery of its comments at the meeting for an application for Review and comment (RC-15-228) for a new playground and site work at **970 White Street (Rose Circle Park)** – Property is zoned R-4A / West End Historic District / Beltline.



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Director, Office of Planning

## STAFF REPORT July 8, 2015

**Agenda Item:** Application for a Review and Comment (RC-15-232) for an accessory structure and site work at **2741 Howell Mill Road (Morris Brandon Elementary School)** - Property is zoned R-3.

**Applicant:** Evan J. Hunter  
PO Box 53125

### Facts:

The proposal before the Commission at this time includes the installation of a new outdoor classroom gazebo, and the installation of an associated ADA compliant sidewalk.

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

Per Section 6-4043 of the Atlanta City Code:

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

Per Section 16-20.009. Same; further standards.

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

than on conjectural designs or the availability of different architectural elements from other buildings or structures.

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

Staff has no general concerns with the addition of the outdoor classroom gazebo or with the installation of the ADA compliant sidewalk. Staff suggests the Applicant clarify what effect the outdoor classroom gazebo and sidewalk will have on water drainage and what steps have been taken to address those changes.

**Staff Recommendation:** The Staff recommends that the Commission confirm that all the comments of the Commission and Staff have been delivered at the Commission meeting on the application for a Review and Comment (RC-15-232) for an accessory structure and site work at **2741 Howell Mill Road (Morris Brandon Elementary School)** - Property is zoned R-3.



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Director, Office of Planning

## STAFF REPORT July 8, 2015

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-15-234) for alterations and an addition at **2943 Wales Avenue**- Property is R-4A/Whittier Mill Historic District.

**Applicant:** Barbara Westbrook  
2943 Wales Avenue

**Facts:** According to the Whittier Mill inventory, this house was built in 1910 and is considered contributing.

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

### **Sec. 16-20J.005. General regulations.**

The following regulations shall apply to all properties within the Whittier Mill Historic District:

- (1) *The Compatibility Rule:* The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor heights, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in regulations by reference to "compatibility rule."

In addition to the general regulations set forth in section 16-20J.005, and any other applicable regulations, the following regulations shall apply to all properties located within Residential Subarea I:

- (1) *Certificates of Appropriateness:* Certificates of appropriateness within this subarea shall be required as follows:
  - a. *When required:*
    1. To change the exterior appearance of the following elements of a structure within the subarea, when said changes can be seen from the public right-of-way: foundations, siding, chimneys and roofs;
    2. To change the exterior appearance of the following elements of the front facade of a structure: windows, doors, architectural details and porches. For the purpose of this chapter, front facade means the elevation of the building which faces the front yard as defined in code of ordinances section 16-28.007(3) and (4).
    3. To erect a new structure;
  - b. *Type required:*

1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).
- (2) *Architectural Standards:*
- a. *Building facades:*
    1. All new construction shall conform to the existing building orientation by having porches and front doors facing the front yard.
    2. At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule.
    3. There shall be two (2) side yards, one (1) on each side of the principal building, each having a width of not less than the width of the side yards for the block as established by the compatibility rule.
    4. There shall be a rear yard of not less than 10 feet.
    5. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
    6. Siding repair or replacement shall match the original materials in scale and direction. Wood clapboard, if original, is preferred; however, aluminum, masonite, vinyl or other horizontal siding is permitted if window trim, cornerboards, and fascia/bargeboards are left in place or replaced with new material to match the original.
    7. No new construction of additions shall exceed the height of the existing structure on the site or, for new construction, that of the tallest structure of like use on the block
  - b. *Windows and doors*
    1. Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
    2. Replacement windows and doors shall be permitted only when originals cannot be rehabilitated.
    3. Replacement windows and doors shall match the original in design, materials, shape and size with no more than a one-inch width or height difference from the original size.
  - c. *Foundations:*
    1. Foundations shall be of brick, painted concrete block or stuccoed.
    2. Foundations shall be of masonry pier or continuous wall construction closed with solid or screen infill wall.
    3. Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.
    4. Slab on grade is not permitted.
  - d. *Roof:*
    1. Replacement roofs shall match the original roof in material, pitch and shape as well as ridge, overhang and soffit construction.
    2. Cold-rolled roofing is permitted only on flat roofs.
    3. Corrugated metal and corrugated fiberglass roofs are not permitted.
    4. The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
    5. Dormers shall not be permitted on the roof over the front facade of any structure.
    6. Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are not permitted on the roof over the front facade of any structure.
  - e. *Porches:*
    1. Architecturally significant front porches, steps and stoops shall be retained, whenever possible.
    2. Replacement front porches, steps and stoops shall match the original in size, design and materials.
    3. Front porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
    4. Front porches shall be required for the development of new homes and the compatibility rule shall apply or columns shall be six-inch by six-inch posts; the top and bottom rails of the balustrade shall be constructed of two-inch by four-inch lumber or the equivalent; the top rail shall not be higher than 36 inches above the porch floor;

the bottom rail of the balustrade shall be three (3) to four (4) inches above the porch floor; and the individual balusters shall be constructed of two-inch by two-inch lumber and shall not be more than four (4) inches apart.

5. Front porches shall contain balustrades, columns and other characteristics including floor dimension, height, roof pitch and overhang consistent with historic features for porches in that block, although standard lumber is permitted.

6. New decks shall be permitted to the rear of the house.

j. *Architectural details:*

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

## **Site Plan**

The lot in question fronts 70.01' on Wales Avenue and has a depth of 179.93' on its longest side. The Applicant is proposing to demolish two existing decks in order to construct a new addition and a new deck. This property in question appears to be located in the Chattahoochee River Corridor and is therefore impacted by Metropolitan River Protection Act (MRPA). To avoid a review requirement by the Atlanta Regional Commission, the total scope of work should result in equal or less land disturbance and impervious surface than the existing conditions on the site. Staff recommends the area where the decks are being removed be re-vegetated. Staff recommends any changes necessitated by the MRPA requirements are reviewed and if appropriate, approved by Staff.

Per regulations, the side yard setbacks are based on the compatibility rule. The Applicant did not provide information regarding the side yard setbacks on the block. Staff recommends the Applicant provide documentation the side yard setback requirements have been met. Per regulations, the rear yard setback shall be no less than 10'. The proposed rear yard setback is more than 10' and therefore meets the requirement.

Per underlying zoning, the maximum lot coverage allowed is 55%. The proposed lot coverage is 23.7% and therefore meets the requirements. Per underlying zoning, the maximum floor area ratio (FAR) allowed is .50 of the net lot area. The proposed FAR is .12 and therefore meets the requirements.

## **Alterations**

As the rear elevation is not visible from a public right-of-way, Staff will only comment on the front and side facades. Most of the alterations have been completed without the appropriate permits or review by the Commission. Specifically, the replacement of siding, windows, porch stairs, porch columns, porch railings, porch roof, trim, headers and various repairs including the porch foundation have already been completed. It is not clear from the narrative why all these original and historic features were replaced and whether any other work has been completed without permits. Staff recommends the Applicant provide clarification regarding why the above mentions features were removed and whether any other work has been done without permits.

Staff finds that removing original and historic features without permits is not appropriate and is destruction of historic materials. As the historic features have already been removed, Staff finds that some of the replacements such as the siding, porch stairs, porch railings, trim, headers and foundation

repairs meet the requirements. Staff has concerns regarding the replacement of the windows and the porch roof material.

In looking at survey pictures taken at the time of the districts designation, the original windows are indicated as 6 over 6. In updated pictures taken in 2011, it appears the original windows were replaced with 1 over 1 windows. More recently, the Applicant replaced the windows with 2 over 2 windows. As the 1 over 1 windows are not original, Staff does not have a concern with their replacement. Per regulations, any replacement windows must match the original windows. Staff finds the windows installed by the Applicant do not meet the requirements. Staff recommends all windows on the front and side facades be replaced with 6 over 6, wood, true divided lite windows.

The Applicant is proposing to replace the existing porch roof with a standing seam metal roof. Per regulations, new roof materials shall match the original roof material. Staff finds the proposed standing seam metal roof does not meet the requirements. Staff recommends the standing seam metal be removed and asphalt shingles be installed. The Applicant is proposing new asphalt shingles in a diamond pattern for the main roof. As the regulations only address the roofing material and not the design of the shingles, Staff has no concerns regarding the roof material replacement for the main roof.

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

- (a) The plans meet the regulations, with the exception of the notes above, per Section 16-20J.005 and 16-20J.006.

Staff recommends approval of Application for a Type III Certificate of Appropriateness (CA3-15-234) for alterations and an addition at **2943 Wales Avenue**- Property is R-4A/Whittier Mill Historic District, with the following conditions:

1. The area where the decks are being removed shall be re-vegetated;
2. Any changes necessitated by the MRPA requirements shall be reviewed and if appropriate, approved by Staff;
3. The Applicant shall provide clarification regarding why various original and historic features were removed and whether any other work has been done without permits;
4. All windows on the front and side facades shall be replaced with 6 over 6, wood, true divided lite windows, per Section 16-20J.006(2)(b)(3);
5. The standing seam metal on the porch roof shall be removed and asphalt shingles shall be installed, per Section 16-20J.006(2)(d)(1); and
6. Staff shall review and if appropriate, approve the final plans.





# CITY OF ATLANTA

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MAYOR

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**TIME KEANE**  
Commissioner

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

## STAFF REPORT July 8, 2015

**Agenda Item:** Application for a Review and Comment (RC-15-235) for alterations at **1043 Memorial Drive**) - Property is zoned MRC-3-C / Beltline.

**Applicant:** John Weiler  
100 Peachtree Street, Suite 2500

**Facts:** Constructed during the early 1900s, the building is a former elementary school, which later became a magnet school / academy for Atlanta Public Schools. More recently, the building has been closed and unused for several years. Atlanta Public Schools will be leasing the property to a non-profit arts group, Wonderroot. The exterior alterations consist of the following actions:

1. Replacement of the entire roof;
2. Re-installation of windows into five window openings;
3. Replacement of downspouts and scuppers;
4. Infill of windows on the rear façade with “matching brick” to accommodate interior modifications;
5. Installation of HVAC units on the roofs; and
6. Installation of a sign behind the school with the Wonderroot name and logo.

Additional interior alterations are part of the proposal, but those are not subject to review by the Commission.

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

Per Section 6-4043 of the Atlanta City Code:

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

Per Section 16-20.009. Same; further standards.

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.

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

While the Staff does not have concerns about the overall project, it does have concerns about the materials and a few details of the design.

First, the Staff would recommend that the roofing work be done cautiously given the existence of what appears to be original clay tile on a false mansard roof on the auditorium, sections of the main building, and along the sides of the auditorium vestibule.

Second, the Staff would recommend that for the window openings to be filled in, the infill brick be recessed slightly into the openings and the outline of the original opening be maintained. This will allow the opening to be clearly distinguished from the rest of the brick façade.

Third, it is not clear the type or material of the new windows and whether they will be similar to or match the existing windows on the building. The Staff would recommend the exterior of the window have the same appearance and material as the retained windows on the rest of the building.

Fourth, the existing condition photographs show numerous windows with broken or missing panes of glass as well as likely bent window frames and components. Though not clearly noted on the plans, the Staff assumes that all broken or missing window panes will be replaced and the existing windows will otherwise be repaired and made functional or at least be made weather tight.

Lastly, the Staff would recommend that if not already the case, the proposed signage at the back of the building be detached from the building and be made of a material (such as a stucco or composite material) that is compatible with the building.

**Staff Recommendation:** The Staff recommends that the Commission confirm that all the comments of the Commission and Staff have been delivered at the Commission meeting on the application for a Review and Comment (RC-15-235) for alterations at **1043 Memorial Drive** - Property is zoned MRC-3-C / Beltline.



KASIM REED  
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TIM KEANE  
COMMISSIONER  
CHARLETTA WILSON JACKS  
DIRECTOR  
Office of Planning

## SCRIPT FOR FIRST PUBLIC HEARING ON JULY 8, 2015

### ***CA4ER-15-238 – 817 LULLWATER ROAD (DRUID HILLS LANDMARK DISTRICT)***

*(Commission Secretary reads item into record.)*

**Chair:** The Commission this afternoon will be hearing the application of WILSON, BROCK & IRBY, LLC for a Type IV Certificates of Appropriateness for the demolition of the building at 817 LULLWATER ROAD, located in the DRUID HILLS LANDMARK DISTRICT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(Motion seconded by Commission Member.)*

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

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

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

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

**Chair:** We now need to set a time and date certain for any additional materials, documentation, or evidence that will be submitted to the offices of the Urban Design Commission for consideration of the Economic Review Panel, per Section 16-20.008, subsection (d). The Staff is recommending that the deadline for the submission of additional materials, documentation or evidence to the offices of the Urban Design Commission as 5:00 p.m., THURSDAY, JULY 16, 2015.

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

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

I would like, therefore, to entertain a motion from the Commission to make the deadline for the submission of additional materials, documentation or evidence to the offices of the Urban Design Commission as 5:00 p.m., THURSDAY, JULY 16, 2015.

**Commission Member:** I move to make the deadline for the submission of additional materials, documentation or evidence to the offices of the Urban Design Commission as 5:00 p.m., THURSDAY, JULY 16, 2015.

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

**Chair:** It has been moved and seconded to make the deadline for the submission of additional materials, documentation or evidence to the offices of the Urban Design Commission as 5:00 p.m., THURSDAY, JULY 16, 2015.

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

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

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

**Chair:** So at this point we would like to entertain a motion to establish the Economic Review Panel and to direct the case numbered CA4ER-15-238 to the Economic Review Panel.

**Commission Member:** I move to establish the Economic Review Panel and to direct the case numbered CA4ER-15-238 to the Economic Review Panel.

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

**Chair:** It has been moved and seconded to establish the Economic Review Panel and to direct the case numbered CA4ER-15-238 to the Economic Review Panel.

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

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

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

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

Any additional materials, documentation, or evidence should be submitted directly to the offices of the Urban Design Commission, 55 Trinity Avenue, SW, Suite 3350, Atlanta, Georgia 30335-0331, by 5:00 p.m. on THURSDAY, JULY 16, 2015. The Director will transmit all received materials, documentation and evidence to the Economic Review Panel for their review and consideration.

Now the only remaining business with respect to this application is I would like to entertain a motion that this item be continued until a future public hearing of the Commission. The Staff has recommended the public hearing of WEDNESDAY, AUGUST 12, 2015. Assuming that WEDNESDAY, AUGUST 12, 2015 is the public hearing date chosen by the Commission tonight, please note that if additional time is needed by the Economic Review Panel to deliberate and/or produce their final written report, the application can be deferred from the WEDNESDAY, AUGUST 12, 2015 public hearing.

**Commission Member:** I move that the public hearing on the application of a Type IV Certificate of Appropriateness CA4ER-15-238 for the demolition of building at 817 LULLATER ROAD be reconvened at the WEDNESDAY, AUGUST 12, 2015 public hearing of the Urban Design Commission at 4:00 pm, Old City Council Chambers, Second Floor, City Hall, 68 Mitchell Street, Atlanta, Georgia.

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

**Chair:** It has been duly moved and seconded that the public hearing on the application of a Type IV Certificate of Appropriateness CA4ER-15-238 for the demolition of the building at 817 LULLWATER ROAD be reconvened at the WEDNESDAY, AUGUST 12, 2015 public hearing of the Urban Design Commission at 4:00 pm, Old City Council Chambers, Second Floor, City Hall, 68 Mitchell Street, Atlanta, Georgia.

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

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

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

That concludes the discussion of the Type IV application CA4ER-15-238 regarding 817 LULLWATER ROAD at this public hearing.

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





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

## STAFF REPORT

July 8, 2015

**Agenda Item:** Application for a Type III Certificates of Appropriateness (CA3-15-239) for alterations and additions at **343 Sinclair Avenue**-Property is zoned R-5/Inman Park Historic District (Subarea 1).

**Applicant:** Adam Sinclair  
350 Sinclair Avenue

**Facts:** According to the Inman Park Inventory form of August 2000, this contributing dwelling was built in 1922 and is considered contributing.

In 2013, an application for a Type III Certificate of Appropriateness (CA3-13-034) for an addition was approved with the following conditions:

1. The Applicant shall provide documentation the rear yard setback has been met, per Section 16-20L.006(2);
2. The Applicant shall provide documentation the FAR requirements have been met, per Section 16-20L.006(4)(v);
3. The height of the carport shall meet the requirements, per Section 16-20L.006(6)(f)(v);
4. The Applicant shall provide documentation the proposed accessory structure meets the rear yard percentage requirement, per Section 16-20L.006(6)(f)(iii);
5. The Applicant shall provide documentation the accessory structure meets the floor area requirement, per Section 16-20L.006(6)(f)(v);
6. All materials shall be indicated on the elevations and meet the requirements, per Section 16-20L.006(1)(n), (p) and (q); and
7. Staff shall review and if appropriate, approve the final plans.

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

**Section 16-20L.005 General Regulations.**

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

1. General Criteria.
  - a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.

- b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
  - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
  - ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
  - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
  - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
  - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
  - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
  - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
  - viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
  - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
  - c. Compatibility Rule: 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. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: 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. 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. All major alterations and additions to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from Certificates of Appropriateness in the Subarea regulations.
- 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.
- 7. Any time the provision 16-20.011(b) of this part is enforced in this District, the Director of the Commission shall notify the Inman Park Neighborhood Association within 10 days and a 30-day period for comment be allowed for the Association. Further, the Director shall regularly send to the Inman Park Neighborhood Association the agenda for each regular meeting and for any special meeting of the Commission in which there is any agenda item for property located within the Inman Park Historic 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. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)
  - h. Height of the first floor of the front façade above grade shall be subject to the Compatibility Rule. The first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than 7 inches in height. Slab-on-grade construction is not permitted.
  - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
    - i. The style of the individual window.
      - (1) Windows in the front façade shall be predominantly vertical in proportion.
      - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
      - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
    - ii. The size and shape of individual window openings.
    - iii. The overall pattern of fenestration as it relates to the building façade.
  - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
  - q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
    - i. The dimensions of the exposed face of lap siding and wood shingles.
    - 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.
    - 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.

### **Setbacks and Development Controls**

According to the survey submitted, this interior lot fronts 44.03’ on Sinclair Avenue and has a depth of 247.38’ on its longest side. In looking at the City of Atlanta cadastral map, the lot measurements are slightly different. Staff suggests the Applicant contact the Office of Planning subdivision Staff to resolve any lot discrepancies.

The side yard setbacks of the proposed addition are no closer than the existing contributing house, therefore Staff finds the side yard setback requirement has been met. Per regulations, the rear yard setback is based on the compatibility rule. According to the Applicant, the rear yard setbacks on the block face range from 19.3’ to 151.1’. The proposed rear yard setback is 108.9’ and therefore meets the rear yard setback requirements.

Per regulations, the maximum lot coverage allowed is 55%. The proposed lot coverage is 34% and therefore meets the requirement. Per regulations, the maximum floor area ratio (FAR) allowed is .50. The proposed FAR is .19 and therefore meets the requirement.

### **Addition**

The Applicant is proposing to demolish an existing deck and patio in order to construct a new addition and deck. As the existing deck and patio are not original or historic, Staff has no concerns regarding the proposed demolition. Staff finds the rear of the proposed addition and the deck will not be visible from a public street or park, therefore Staff will only make comments on the sides of the addition.

In general, Staff finds the design, height, massing, fenestration and facade material meets the regulations and is compatible with the existing house. As the side of the addition is inset and the proposed ridgeline is lower than the main roof, Staff finds the addition is easily differentiated from the historic house. Staff has no concerns regarding the proposed rear additions.

### **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.; and

Staff recommends approval of an application for a Type III Certificates of (CA3-15-239) for alterations and additions at **343 Sinclair Avenue**-Property is zoned R-5/Inman Park Historic District (Subarea 1), with the following condition:

1. Staff shall review and if appropriate, approve the final plans.



# CITY OF ATLANTA

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

## STAFF REPORT July 8, 2015

**Agenda Item:** Application for Type III Certificate of Appropriateness (CA3-15-244) for alterations and an addition at **840 Springdale Road** – Property is zoned Druid Hills Historic District.

**Applicant:** Chris Hamilton  
1095 Zonolite Rd. STE 104

**Facts:** According to the 1991 Architectural survey, this dwelling built in 1917 is contributing to the District.

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

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

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

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

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

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

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

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

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

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

Sec. 16-20.009. - Same; further standards.

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

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

- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

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

### **Site plan**

The Applicant has not submitted a properly scaled site plan with their application. Staff recommends that the Applicant submit a properly scaled site plan.

### **Alterations**

#### Rear bump out

The Applicant is proposing to remove the existing non historic entry door, double hung windows, and a picture window on the rear façade, and to remove the picture window on the side façade of what appears to be a non-original bump out addition to the structure on the rear façade. The Applicant proposes to replace these elements with two new French doors and a new double hung window which will all feature transoms. The side façade of the bump-out will be filled with brick. Staff has no concerns with the removal of the non-historic elements or with the installation of the new doors and window. As the Applicant has not provided information on how the new brick will be applied, Staff has concerns with how the finished facades will look. Staff recommends that the Applicant provide information regarding the application of the in-fill brick.

#### Rear façade

The Applicant is proposing to remove the historic double hung windows on first story of the rear façade, and the historic grouped casement windows on the second story of the rear facade. The Applicant is proposing to replace the first story windows with a new entry door and double hung windows to match the original. The historic windows will be retained for use on the interior of the home. The Applicant is proposing to replace the second story casement windows with four new casement windows. The Applicant has not established a need for the historic windows to be replaced beyond the rearrangement of the interior uses. Staff is concerned with the potential loss in historic fenestration material. Staff recommends that the historic windows be retained in their current locations and configurations.

### South side façade

The Applicant is proposing to remove the second story grouped casement windows and replace them with two casement windows. The Applicant has not established a need for the historic windows to be replaced beyond the rearrangement of the interior uses. Staff is concerned with the potential loss in historic fenestration material. Staff recommends that the historic windows be retained in their current locations and configurations.

### North side facade

The Applicant is proposing to remove three double hung windows on the first floor and a double hung casement window group from the second floor. The Applicant has not established a need for the historic windows to be replaced beyond the rearrangement of the interior uses. Staff is concerned with the potential loss in historic fenestration material. Staff recommends that the historic windows be retained in their current locations and configurations.

### **Addition**

The Applicant is proposing to add a second story addition above the existing first floor bump out on the rear façade. The addition will be sided in wood and will contain double hung grouped casement windows on the rear façade, double hung grouped casement windows on the south side façade elevation, and a double hung window on the north side façade. The existing roof peak will be moved to allow the roof to be extended over the new addition. As the proposed addition does not increase the footprint of the structure it will not affect the setbacks. Staff finds that the proposed addition sufficiently distinguishes between the historic structure and the new addition, and has no general concerns with the approach proposed by the Applicant for the addition.

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

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20.009.

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA3-15-244) for alterations and an addition at **840 Oakdale Road** – Property is zoned Druid Hills Historic District, with the following conditions:

1. The Applicant shall provide a properly scaled site plan, per Sec. 16-20.007;
2. that the Applicant provide information regarding the application of the in-fill brick, per Sec. 16-20.009;
3. The historic windows on the rear, north, and south facades shall be retained in their current locations and configurations, per Sec. 16-20.009;
4. The Staff shall review and if appropriate, approve the final plans.







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

## STAFF REPORT

July 8, 2015

**Agenda Item:** Application for Type II Certificates of Appropriateness (CA2-15-245) for alterations at **938 Cherokee Avenue** - Property is zoned R-5/Grant Park Historic District (Subarea 1).

**Applicant:** Michael Dryden  
398 Grant Park Place

**Facts:** According to the Grant Park Inventory sheet this existing dwelling built in 1923 is considered contributing.

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

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

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

- (2) Certificates of Appropriateness.
- (B) Type III Certificates of Appropriateness shall be required for:
  - 1. All new principal structures;

Per Section 16-20K.007:

(2) *Architectural Standards.*

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

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

(D) *Design Criteria for Alterations and Additions to Contributing Structures.* Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:

1. Alterations and additions shall be consistent with and reinforce the historic architectural character

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

2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

In Grant Park, the Commission reviews alterations that face a public street. As this is an interior lot, Staff will only comment on changes to the front façade.

In comparing pictures submitted by the Applicant to survey pictures, it appears the railing, columns and porch flooring has been removed without appropriate permits. Staff recommends the Applicant provide information regarding why the railing, columns and porch flooring were removed and whether any other work has been done without permits.

In looking at the proposed elevations, the Applicant indicates the railing, columns and porch flooring will be installed to match the previously existing features. Staff finds that removing the railing, columns and porch columns without permits is not appropriate and is destruction of historic materials. As the historic features have already been removed, Staff finds the proposed replacements match the historic features and therefore meet the requirements. As the material details of the columns and railings are not indicated, Staff recommends the plans specify wood columns and railings.

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

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

Staff recommends approval of the application for a Type II Certificate of Appropriateness (CA2-15-245) for alterations at **938 Cherokee Avenue** - Property is zoned R-5/Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall provide information regarding why the railing, columns and porch flooring were removed and whether any other work has been done without permits, per Section 16-20K.007(2)(D);
2. The plans shall specify wood columns and railings, per Section 16-20K.007(2)(D); and
3. Staff shall review and if appropriate, approve the final plans.



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**TIM KEANE**  
Commissioner

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

### **STAFF REPORT** **July 8, 2015**

**Agenda Item:** Application for a Review and Comment (RC-15-246) for alterations and additions at **1891 Johnson Road (Boyd Elementary School)** - Property is zoned RG-3.

**Applicant:** Stanley Jennings  
1024 Ralph D. Abernathy Boulevard

**Facts:** Boyd Elementary School is located in the Rockdale neighborhood. The school appears to be from the 1960s or 1970s. In 2010 and 2014, the Commission reviewed and commented on alterations and additions to the school, some of which are contained within this updated and more comprehensive proposal. In comparing the submitted materials from 2010 and 2014 to the current submission, the Staff found the following differences, which are the subject of this Staff Report:

1. A change in the design of the bus drop off canopy by changing the roof design and adding an extension directly to the school over a new walkway section;
2. A change in the fenestration pattern for the new classroom windows from triple, horizontal ribbon windows to individual, vertical windows;
3. A change in the fenestration pattern near the front entrance and along the south elevation;
4. An addition in the northeast portion of the building filling in the two “wings” of the building;
5. An addition on the south elevation just to the west of the curved façade of the building;
6. New walks near the playground and basketball court and around the north and east sides of the school;
7. A new ADA ramp on west elevation next to the new addition and in the middle of the west elevation;
8. Rebuilding of the amphitheater in middle of school (vs. “repair / maintenance” noted in 2014 submission); and
9. Increased paving / elimination of grass island at circular drive in southwest corner of school.

The Staff would note that there is additional interior work proposed as part of the project which is not commented on by the Commission.

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

Per Section 6-4043 of the Atlanta City Code:

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

Per Section 16-20.009. Same; further standards.

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

Generally speaking, the Staff does not have concerns about the current set of alterations and additions. Many of the changes from the last reviews or the added components are related to ADA accessibility, including some of the additions. The additions are on secondary facades and/or are integral to existing wings or projections of the building. For example, the two additions on the north portion of the building “fill in” gaps between two wings of the building.

However, the Staff does have a several concerns about the current set of alterations and additions.

First, the Staff is concerned that the extension of the bus drop off canopy will obscure the name of the school. While not shown in the elevations, the rendering on the cover page would appear to show that the canopy will attach to the façade just below the name. This will make it hard to see the name approaching from the right side of the school. More importantly, it will diminish the identity of the school.

Second, the Staff is concerned about the change in the classroom window fenestration pattern. While the Staff is in complete support of adding windows to the building and in particular the classrooms, the Staff finds that the horizontally-oriented windows better re-enforce the horizontal massing of the school building and create a more fluid pattern on the façade. The vertically-oriented windows create a more rigid and structured appearance to the façade.

Third, it is not clear if the upper band of stucco / polymer concrete along the top of the façade is being replaced in the current proposal or if this is a repair action.

Fourth, given the somewhat monolithic appearance of the building, the Staff might suggest that the additions use the material palette found on the previously reviewed front entrance addition / alterations, including more metal and glass on the facade. If properly proportioned and detailed, additions with metal and glass facades could create compatible but contrasting components to the building that would create some variety and add visual interest to the building. While the Staff had previously expressed concerns about the front entrance addition about being too “post-modern” and contrived, the Staff finds that if properly done, all of the proposed additions (including the front entrance addition) could re-enforce the building's modern architecture rather than detract from it.

Fifth, while the Staff knows the benefits of a covered school bus drop off location and the current design is less “post-modern” than the previous design, the Staff is concerned that the design still uses a curbed roof and metal posts that are not found anywhere on the existing building. The Staff would recommend the incorporation of materials and design elements that are drawn from the existing building so as to complement the existing architecture.

Lastly, it is not clear in the current submission what will be happening within the amphitheater / courtyard at the center of the building. Given that is such a distinctive element of the building's architecture, any changes to its overall design should be done with care.

**Staff Recommendation:** The Staff recommends that the Commission confirm that all the comments of the Commission and Staff have been delivered at the Commission meeting on the Application for a Review and Comment (RC-15-246) for alterations and additions at **1891 Johnson Road (Boyd Elementary School)** - Property is zoned RG-3.



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

## STAFF REPORT

May 13, 2015

*Updated*

July 8, 2015

*(updated information in italics)*

**Agenda Item:** Applications for Type III Certificates of Appropriateness (CA3-15-061) for a variance to not base the design of the proposed house on a contributing building of like use on the block face, to reduce the front yard setback from 7' (required) to 7' (proposed), and to reduce the rear yard setback from 25' (required) to 4.5' (proposed) and CA3-15-062 for a new single family house at **611 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

**Applicant:** Jason Parker  
605 Auburn Avenue

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

*At the May 27<sup>th</sup> and June 10<sup>th</sup> meetings, this application was deferred to allow the Applicant time to address the concerns of the Commission and staff.*

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

Sec. 16-20C.004. General regulations

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

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
  - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
  - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
  - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
- a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
    - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
    - ii. Block face. One side of a block, located between two consecutive street intersections.
  - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
    - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
  - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
  - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
  - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
  - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
  - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
- a. General Provisions.
    - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
    - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
    - i. All new principal structures;
    - v. Variances, special exceptions and administrative appeals.
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.
  - e. Active uses. Ground floor, sidewalk-level uses are further regulated in this district for the purposes of creating vibrant and pedestrian-oriented sidewalks and streets. Active uses, where provided, shall be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses designated in Table 1: Martin Luther King Jr. Landmark District Table of Uses, except that the following non-residential uses shall not be considered as active uses:
    - i. Drive-in and drive-through facilities.
    - ii. Parking and driveways.
    - iii. Accessory non-residential storage areas.

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

- 1. The following Lot Controls and Building Heights provisions shall apply to Subareas 1 and 2.
  - a. Lot controls.
    - i. The compatibility rule shall apply for the purposes of determining permitted lot coverage.
  - b. Building heights.
    - i. Within the portion of this Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the maximum height of any alteration, addition, or new construction shall be 32 feet.
    - ii. Within the portion of this Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the maximum height of any alteration, addition, or new construction shall be 32 feet.
    - iii. For all other areas, the height of any alteration, addition, or new construction shall be established through the compatibility rule.-

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.
- ii. Within the portion of Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the following development controls shall apply:
  - (1) Side yard: Three (3) feet.
  - (2) Front yard: Seven (7) feet.
  - (3) Rear yard: 25 feet.
- iii. Within the portion of Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the following development controls shall apply:
  - (1) Side yard: Three (3) feet.
  - (2) Front yard: 12 feet.
  - (3) Rear yard: Six (6) feet.

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

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

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

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

- i. Bicycle parking spaces shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock and shall be a type specified by the Director of the Office of Planning as applicable.
- ii. Bicycle parking shall be located a maximum horizontal distance of 100 feet from a building entrance.

b. Surface Parking.

- i. When utilized, off-street surface parking shall not be permitted to be located between a building and an adjacent street without an intervening building.

3. The following regulations shall apply to driveways and curb cuts within the district.

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

Per Section 16-26.003:

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

## Variance Requests

Variance from the requirement that the design of the house be based on a contributing building of like use on the block face.

The lot in question is located on a block face with one contributing house. The Applicant is proposing a modern design with a flat roof. Staff finds the overall design, including the roof form, fenestration, lack of a front porch and various façade materials is not consistent or compatible with the existing historic house on the block face. The Applicant points out that the area in question only has one contributing house and is on the edge of the district. Staff finds that having one point of comparison

does not prohibit the Applicant from building a house that meets the requirements. Staff would note that while the historic comparison house is one story, the regulations allow for new houses to be up to 35' in height. Staff finds that not being able to build the specific design the Applicant proposed, does not in itself constitute a hardship.

The Applicant points out that four of the five houses closest to the lot in question have a flat roof. Staff would note the houses on either side of the lot in question are non-contributing. The other three examples submitted by the Applicant are not single family houses and are not on the same block face or block. Staff finds the existence of buildings with a flat roof near the lot in question, does not support the argument that denial of the variance would be a hardship.

Staff finds the Applicant can build a house based on the architecture of the contributing house on the block face. Staff does not find it to be an unnecessary hardship to design and build a house that meets the design requirements. As Staff does not support this variance, Staff recommends the proposed design be consistent and compatible with the architecture of the historic house on the block face.

*Per regulations, all new elements of new construction shall be utilized in a meaningful coherent manner, rather than a mere aggregation of random historic elements. Additionally, the compatibility rule shall apply to general façade organization, proportion, scale, roof form, pitch and materials, door and window placement and various architectural details. Staff would also note there are additional requirements for fenestration, façade materials and porches. The Applicant is requesting a variance from the requirement the proposed design be based on the contributing house on the block face. Staff would note that the proposed variance is meant to cover all of the various design elements that are regulated by the requirements. In this report, Staff will comment on the various components of the proposed house in regards to whether those elements meet the requirements and if not, whether the Applicant has proven a hardship based on the variance criteria.*

#### **Façade Materials**

*In general, Staff finds the proposed updated design does not meet the requirements for new construction. Per regulations, the façade materials in the subarea shall be horizontal, clapboard style with a 4" to 6" reveal. Staff would note that smooth cementitious siding is allowed. The proposed façade materials appear to be brick, smooth cementitious vertical panels, wood siding and horizontal cementitious siding. In looking at the one contributing house on the block face, the façade material is horizontal lap siding.*

*Staff finds the mixture of so many different materials on one single family house does not meet the requirements and is not consistent with the contributing single family house on the block face or in the district. In looking at the variance criteria, Staff does not find the Applicant has proven that meeting the façade material requirements is a hardship. Further, the Applicant has not proven that the size, shape or topography of the lot has any impact on the façade materials. Staff recommends the proposed house feature a façade material that meets the requirements.*

#### **Fenestration**

*Per regulations, the compatibility rule applies to the style and material of individual windows, the size and shape of individual window openings and the overall pattern of fenestration as it relates to the building façade. In looking at updated elevations, the proposed house features numerous windows of varying sizes, shapes and orientation. In general, the windows on single family houses in the district are double hung, vertical in proportion and feature trim, headers and actual sills that*

*are consistent with historic examples. In looking at the contributing house on the block face, the windows appear to be vertical in proportion and have typical trim, headers and actual sills.*

*The proposed house features windows that are not double hung, many of the windows are not vertical in proportion, some of the side windows are more consistent with a commercial store front and some of the walls feature very little fenestration. Staff finds the proposed fenestration does not meet the requirements and is not consistent with the contributing single family house on the block face or in the district. In looking at the variance criteria, Staff does not find the Applicant has proven that meeting the fenestration requirements is a hardship. Further, the Applicant has not proven that the size, shape or topography of the lot has any impact on the fenestration. Staff recommends the proposed house feature fenestration that meets the requirements.*

#### **Roof Form and Pitch**

*Per regulations, the roof form and pitch are based on the compatibility rule. The proposed house features a flat roof. Staff would note that the majority of the contributing single family houses in the district feature gabled and hipped roofs with varying pitches. In looking at the contributing house on the block face, the roof is hipped. The Applicant provided comparisons of other similar roof forms on Auburn Avenue. Staff would note that the examples of similar roof forms are not on the same block face or the same block. Staff would further note that the examples are not of buildings of like use. As the regulations require comparisons to buildings on the block face and of like use, Staff finds the comparisons provided are not appropriate.*

*Staff finds the proposed roof form and pitch do not meet the requirements and are not consistent with contributing single family houses in the district or on the block face. In looking at the variance criteria, Staff does not find the Applicant has proven that meeting the roof form and pitch requirements is a hardship. Further, the Applicant has not proven that the size, shape or topography of the lot has any impact on the roof form or pitch. Staff recommends the proposed house feature a roof pitch and form that meet the requirements.*

#### **Proportion and Scale**

*Per regulations, the proportion and scale are based on the compatibility rule. While the overall scale is not unusual, the first and second floor appears off-set and portions of the house are cantilevered. In comparing the proportions of the proposed house to other contributing single family houses in the district and the contributing house on the block face, Staff finds the requirements have not been met. As the scale is not problematic, Staff finds that altering the proportions would help make the proposed house more compatible with the contributing house on the block face. In looking at the variance criteria, Staff does not find the Applicant has proven that meeting the proportion requirement is a hardship. Further, the Applicant has not proven that the size, shape or topography of the lot has any impact on the proportions. Staff recommends the proposed house feature proportions that meet the requirements.*

#### **Porch**

*Per regulations, front porches are required and shall contain balustrades, columns, floor dimensions, height, roof pitch and overhangs as regulated by the compatibility rule. The updated design features a front porch. Staff finds the addition of a front porch is a significant improvement and is an element that generally meets the requirements. While the roof pitch does not meet the requirements, Staff finds the overall railing and columns design is compatible with the contributing house on the block face. The Applicant has not proven that meeting all of the porch requirements is a hardship. Further, the Applicant has not proven that the size, shape or topography of the lot has*

*any impact on the porch. Staff recommends the proposed house feature a porch roof that meets the requirements.*

### **General Comments**

*While the variance requested is to allow a design that is not based on the contributing house on the block face, Staff finds the overall design is made up of several components. Specifically, the design is based on façade materials, fenestration, roof form and pitch, proportion and scale and the front porch. As indicated in the code section above, the granting of a variance is based on the Applicant proving all of the following criteria:*

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

*In reviewing the individual elements that make up the design, Staff finds the Applicant has not shown that denial of the variance, based on the criteria, constitutes a hardship. The Applicant has not shown that a single family house that meets the design requirements cannot be constructed on the lot in question. While the Applicant has shown other buildings on another block that have a similar roof form and architectural elements, the Applicant has not shown other contributing single family houses on any block with the same roof form or architectural elements. Given the information we have at this time, Staff cannot support the proposed variance from the design requirements.*

Variance to reduce the front yard setback from 7' (required) to 4.5' proposed.

The Applicant did not provide an argument for the decrease in the front yard setback. Based on the information we have at this time, Staff finds it is not a hardship for the proposed house to meet the front yard setback requirement. Staff recommends the front yard setback be 7'.

*In an updated site plan, it appears the Applicant is requesting a reduction in the front yard setback from 7' (required) to 20" (proposed). This is a much larger reduction than previously proposed and this request would need to be properly advertised. Staff recommends the Applicant clarify the front yard setback request.*

Variance to reduce the rear yard setback from 25' (required) to 4.5' proposed.

According to the Applicant, a reduction in the rear yard setback is needed to accommodate a parking pad. In looking at the site plan, the parking pad is on the side of the house and therefore the rear yard setback does not appear to impact the ability to install a parking area. Although not argued by the Applicant, the more significant issue would appear to be the unusual shape of the rear of the lot and how a 25' rear yard setback impacts the living space at the rear of the house. Given the argument submitted by the Applicant, Staff cannot support the variance. Staff recommends the Applicant submit a better argument regarding the rear yard setback variance request.

*In an updated comparison submitted on June 10<sup>th</sup>, the Applicant clearly outlines how denial of the rear yard setback variance constitutes a hardship. Between the shape the lot and the loss of*

***buildable area, Staff finds approval of the rear yard setback variance is necessary. Based on the information we have at this time, Staff supports the rear yard setback variance.***

Given the Staff's comments regarding the variances and the proposed recommendations, Staff finds a substantial redesign of the project is required. As such, Staff finds the variance request and the new construction request should be deferred to allow the Applicant time to address the concerns of Staff.

***Given Staff's recommendation for denial of the design variance, Staff recommends the application for new construction be deferred to allow the Applicant time to redesign the project.***

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

- 1) There are no extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography);
- 2) The application of the Zoning Ordinance of the City of Atlanta to this piece of property does not create an unnecessary hardship; and
- 3) Relief if granted would cause a substantial detriment to the public good;

Staff recommends approval of the Application for a Type III Certificate of (CA3-15-061) for a variance to not base the design of the proposed house on a contributing building of like use on the block face, to reduce the front yard setback from 7' (required) to 7' (proposed), and to reduce the rear yard setback from 25' (required) to 4.5' (proposed) at **611 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, with the following conditions:

1. The proposed house shall feature a façade material that meets the requirements, per Section 16-20C.004(8);
2. The proposed house shall feature fenestration that meets the requirements, per Section 16-20C.004(8);
3. The proposed house shall feature a roof pitch and form that meet the requirements, per Section 16-20C.004(8);
4. The proposed house shall feature proportions that meet the requirements, per Section 16-20C.004(8);
5. The proposed house shall feature a porch roof that meets the requirements, per Section 16-20C.004(8); and
6. The Applicant shall clarify the front yard setback request, per Section 16-20C.004(8);

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

- a) The plans do not meet the regulations, with the exceptions noted in the above analysis, per Section 16-20C.005;

Staff recommends deferral of the Application for a Type III Certificate of Appropriateness CA3-15-062 for a new single family house at **611 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, to allow the Applicant time to address the concerns of Staff indicated in the variance section.