



CITY OF ATLANTA

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STAFF REPORT September 9, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-356) for a variance to allow a second story addition higher than the existing structure and with a higher ridge line and (CA3-15-357) for alterations and addition at **193 Battery Place** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline.

Applicant: Dan Hanlan
322 Clifton Road

Facts: According to the District inventory sheet, this house was built in 1923 and is considered contributing to the District. The house is one-story with a shallow, hipped roof form with a small front stoop and side porch which has been previously enclosed with glass.

The proposal before the Commission at this time is a second-story addition located over most of the existing footprint of the house with a projecting, full, two-story portion at the rear of the house. The proposed addition would create an entirely new roof form and pitch such that the shallow hipped roof (5.5:12) would be replaced with essentially a steeper pitched (8:12), cross-gable roof with another shallow roof over the projecting, full two-story portion at the rear of the house. The new roof form would put the peak of the roof about 12 ft. above the existing eave line, which is about 6 ft. taller than the existing hipped roof peak.

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 existing lot coverage is close to the maximum allowable, the lot is “awkward shape”, the block has houses with second level living spaced, the proposed ridge line would be even if not below the ridge line of the other houses on the block, and would not have a detrimental effect on light or air.

The Applicant asserts that a rear addition would increase the lot coverage to over the 55% maximum, which would require a different variance. The existing lot coverage (taking into account a certain percentage for the existing gravel) is about 51%. There is no comparison information regarding the lot coverage characteristics of a more traditional rear addition and/or options to remove some of the existing lot coverage features to off-set what would be added by a traditional rear addition. Further, it is the Staff’s understanding that gravel (as a man-made feature) is wholly included into the lot coverage calculation, not just a percentage of its area.

Further, the Applicant asserts that the proposed addition will not be as tall as the existing houses on the street, but no information (numeric or graphic) was provided to support that conclusion.

While it is possible that a more traditional rear addition would present different challenges than the proposed addition, 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 lot coverage. Further, it could be that will different variances might be needed for a more traditional rear addition, those variances would represent less significant deviations from the intent of the District regulations.

Lastly, the Staff finds that the proposed addition, even viewed in perspective from various locations along the street, will constitute a substantial change in the house’s historic character, visual presence on the street, and relationship to the streetscape patterns and rhythms; all of which are qualities that are key components of the basis for the District. While not a true, full second story (i.e. all four sides with vertical exterior walls), the proposed addition will take up almost the entire footprint of the existing house, will introduce several roof forms that are different from the existing house, and increase the height of the house be it through steeper roof pitches or actual vertical, exterior walls. The Staff would recommend the Applicant provide a design analysis that shows how a traditional rear addition would affect the items noted above in contrast to a proposed second story addition, 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, and the relationship between the added-to subject house and the other houses on the street.

The Staff finds that the Applicant has not provided sufficient documentation to support their conclusions 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 and massing requirements, there are peculiar conditions related to this property or that there would not be substantial detriment to the public good with the proposed addition as designed.

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 fronts about 120 ft. on east side of Battery Place, including the curve of the cul-de-sac. At its deepest point, the lot has depth of about 88 ft. though it narrows to a small angle along the curve of the cul-de-sac. At the point where the house sits on the lot, it is 67 to 82 ft. deep. 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. While the proposed addition is farther away from the rear property line than the existing screened porch, because that screen porch is being removed from the property, it can't be used as point of comparison for calculating the allowable range of the rear yard setback. The Staff would recommend the Applicant confirm compliance of the rear addition with the rear yard setback requirements.

Per the regulations the floor area ratio (FAR) can be no more than .50. The proposed FAR is .19 and therefore meets the regulations. Given the location and design of the second story addition and its relationship to the lot coverage, the Staff discussed lot coverage in the Variance section above.

Design of the Rear Addition

As noted above, the Staff has significant concerns about the variance request, as well as significant concerns regarding the massing and roof form of the proposed addition. Notwithstanding the Staff's recommendation on the variance and its concerns about the massing and roof form of the addition, it finds that generally speaking the specific / individual materials and architectural elements within the proposed addition meet the District regulations by themselves.

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.

The Applicant is proposing to demolish an existing rear screen porch to accommodate the new rear addition. As the rear screen porch is not historically significant, the Staff has no concerns regarding the proposed demolition.

Variance (CA3-15-356):

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 (CA3-15-356) for a variance to allow a second story addition higher than the existing structure and with a higher ridge line at **193 Battery Place** - 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);

2. The Applicant shall provide a design analysis that shows how a traditional rear addition would affect the items noted above in contrast to a proposed second story addition, 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, and the relationship between the added-to subject house and the other houses on the street, per Section 16-26.003(1); and
3. 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 (CA3-15-357):

Staff Recommendation: Based upon the following:

- (a) The Staff's recommendation regarding the variance (CA3-15-356); 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 (CA3-15-357) for alterations and an addition at **193 Battery Place** - 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 CA3-15-356;
2. The Applicant shall confirm compliance of the rear addition with the rear yard setback requirements, per Section 16-20L.006(2);
3. 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
4. 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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STAFF REPORT
September 9, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-330) for a special exception to reduce the on-site parking from 6 spaces (required) to 2 spaces (proposed) and for a shared parking arrangement (CA3-15-185) for a variance to allow a reduction in the transitional yard from 10' (required) to 3' (proposed) and, (CA3-15-090) for a new structure at **228 Powell St.** Property is zoned Cabbagetown Landmark District (Subarea 4) / Beltline.

Applicant: Brandy Morrison
485 Oakland Ave.

Facts: The property is located in the middle of the neighborhood at the northeast corner of Powell Street and Gaskill Street. The property is generally rectangular in shape, with the short side facing Powell Street (52.83 ft.) and the long side facing Gaskill Street (129.31 ft.). The eastern most property line appears to be at an angle with a north-south alley running along that same side of the property. To the east and north are single-family houses. The Subarea boundary is the subject property.

On the property now is a residential building with apartments and an addition on the front that is designed as a commercial storefront. The storefront is a few feet back from the back edge of the sidewalk, while the front façade of the residential portion of the building is setback with a small front yard. The storefront appears to be at least an historic addition to the building, if not original to it. Behind the existing building is concrete parking area with three spaces. There is a wood deck on the back of the building which provides access to the apartments.

The Applicant is proposing to build a 750 sq. ft., one story office building along Gaskill Street at the eastern end of the property next to the alley. The parking lot would be reconfigured to provide for two (2) parking spaces on site via an in-out, angled arrangement. A variance would be needed for the reduction in the transitional yard to the north and a special exception for a reduction in on-site parking from the required six (6) spaces [the three (3) existing plus three (3) new spaces for the office building at one (1) space per 200 sq. ft. of floor area].

Analysis: The following code sections apply to this application:

Per Section 16-20A.005 (Certificates of Appropriateness) of the Atlanta Land Development Code, as amended:
The following general regulations shall apply to the Cabbagetown Landmark District.
Certificates of Appropriateness within this district shall be required as follows:

- (1) When required:
 - b) To erect a new structure or to make an addition to any structure within the district;
 - d) To construct off-street or off-site parking;

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

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) Minimum lot requirements. There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
 - a) General criteria:
 1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
 2. The general façade organization and proportions shall be subject to the compatibility rule.
 3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.

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

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

b) Facades:

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

c) Roofs:

1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
4. Boxed gable returns are not permitted.
5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.

e) Porches:

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

f) Site development, sidewalks and curbs:

1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
3. Curbing shall be granite; poured concrete shall not be used.
4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.

(17) Grading and landscaping.

- a) Grading shall not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure.
- b) New grades shall meet existing topography in a smooth transition.
- c) Approval of an application for a certificate of appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties. The commission may require that plant materials in a landscape plan reflect the character of the Cabbagetown Landmark District.

(19) Off-street and off-site parking.

- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
- b) The number of required parking spaces is set out in each subarea.
- c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
- d) Off-street parking shall not be located or authorized between the principal building and the street.
- e) Off-street parking may be located in a rear or side yard.
- f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.

- i) Off-street or off-site parking shall include landscape buffer strips placed along sidewalks and public rights of way. Landscape buffer strips shall be: a minimum of three feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a minimum of 12 feet in height at time of planting placed no further than 25 feet on center. All landscape buffer strips shall be maintained in a sightly manner.
- j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.
- k) Use of shared driveways and/or alleys is encouraged.
- l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

Sec. 16-20A.010. - Neighborhood commercial/services (Subarea 4).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the neighborhood commercial/services subarea. These regulations are intended to preserve the neighborhood commercial/services subarea and to encourage the continued use of the existing structures for commercial and service use in combination with residential uses and in support of the residential community within the Cabbagetown Landmark District. These regulations further intend to ensure that any conversion in use, which may be permitted for preservation purposes in existing structures, is compatible with the overall character of the district as a whole.

- (1) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
 - b) Any of the following uses provided that they do not exceed 2,000 square feet of floor area:
 - 1. Bakeries and catering establishments.
 - 2. Laundry and dry cleaning establishments where customers operate equipment.
 - 3. Tailoring, custom dressmaking, millinery, and similar establishments.
 - 4. Restaurants, bars, coffee shops, delicatessens, and taverns.
 - 5. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.
 - 6. Barber shops, beauty shops, manicure shops, and similar personal service establishments.
 - c) Any of the following uses provided that they do not exceed 5,000 square feet of floor area:
 - 3. Offices, studios, clinics (including veterinary if animals are kept within soundproof structures), laboratories, and similar use.
- (3) Special permits. The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein and in section 16-25.002(3).
 - c) Special exceptions:
 - 3. Reduction in minimum off-street parking requirements.
- (4) Minimum lot requirements. In addition to the setback requirements in section 16-20A.006(9), in the case of new construction between two contributing buildings, the side yard setbacks shall be at least three feet from the lot line.
- (5) Maximum building height and width and transitional yards.
 - a) The compatibility rule shall apply, but in no case shall the height of a building or structure exceed 28 feet.
 - b) Additionally, no portion of any building shall protrude through a height limiting plane beginning 24 feet above the buildable area boundary, as determined by the application of the compatibility rule, which is nearest to the common residential subarea boundary and extending inward over Subarea 4 at an angle of 45 degrees.
- (6) Transitional yards:
 - a) Side yards: Adjacent to residential use without an intervening street, ten feet is required, that shall not be used for parking, paving or loading or servicing. For a side yard adjacent to a side street, half the required front shall be provided.
 - b) Rear yard: There shall be a rear yard of ten feet when adjacent to a residential use district that shall not be used for parking, paving or loading or servicing.
 - c) Screening: Where a lot in this subarea abuts a residential use on the rear lot line without an intervening street, landscaping, opaque fencing or screening not less than six feet in height shall be provided and maintained in sightly condition (see section 16-28.008).
- (7) Lot coverage. The lot coverage shall not exceed 80%.
- (8) Storefront fenestration.
 - a) All street-fronting sidewalk level development, with the exception of religious institutions and fire stations, shall provide fenestration for a minimum of 75 percent of the length of the frontage, beginning at a point not more than three feet above the public sidewalk, for a height no less than ten feet above the sidewalk.

- b) Fenestration for commercial uses shall allow views into the interior or display windows and shall not have painted glass, reflective glass, or other similarly treated fenestration.
 - c) Variances in fenestration requirements may be approved by the commission.
 - d) Sidewalk level development without fenestration shall not exceed a maximum length of ten feet of façade.
- (9) Relationship of building to street.
- a) The primary pedestrian entrance to all uses and business establishments with sidewalk level street frontage shall:
 - 1. Face and be visible from the street;
 - 2. Be directly accessible, visible, and adjacent to the sidewalk, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street;
 - 3. Remain unlocked during normal business hours for nonresidential uses; and
 - 4. Face and be visible to an arterial street when located adjacent to such arterial streets.
 - b) Buildings shall provide continuous street-fronting sidewalk level commercial, office, or residential uses.
 - c) A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, and shall be a minimum of six inches in height.
- (10) Storefront illumination and lighting.
- a) Security, decorative, and other lighting adjacent to residential uses shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination. The commission may also require other elements to reduce light spillage.
 - b) Any security, decorative, or other lighting luminaries shall be located a minimum height of eight feet above the sidewalk, drive or pedestrian area.
- (11) Loading areas, loading dock entrances and structure mechanical and accessory features.
- a) Commercial dumpsters and loading areas may not be located within 30 feet of an adjoining residential subarea boundary, and shall be screened with opaque fences or walls six feet in height.
 - b) Residential dumpsters and loading areas shall be encircled with walls six feet in height. Walls shall be smooth finish stucco or same material as the principal building.
 - c) Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from any public right-of-way.
 - d) Building mechanical and accessory features shall be located to the side and rear of the principal building and shall be in the least visible location from the public right-of-way. Screening with appropriate plant and/or fence materials shall be required if the equipment is visible from the public right-of-way.
 - e) When located on rooftops, building mechanical and accessory features shall be incorporated in the design of the building and screened with materials similar to the building.
 - f) Building mechanical and accessory features shall not be permitted between the principal building and any public street.
- (12) Roofs. Roofing materials shall be asphalt shingles or batten seamed metal.
- (14) Porches. Front porches are permitted.
- (15) Fences and walls.
- a) Chain link or similar elements shall not be visible from any public plaza, outdoor dining area, or public right-of-way. Chain link fencing, where permitted, shall be clad in either black or dark green coating. Canopies and associated service areas shall not be located between a building and the street.
 - b) No fences are permitted between the principal building and the sidewalk.
 - c) Walls shall be wood, smooth finish stucco or brick.
 - d) No walls, except retaining walls, shall be located between a building and the sidewalk, with the exception of walls that screen commercial dumpsters and loading areas, which shall have a maximum height of six feet.
 - e) The commission may by variance permit retaining walls that are greater than two feet in height between the building façade line and the street.
- (16) Curb cuts, driveways and surface parking areas.
- a) At least one-third of any driveway or surface parking area shall be pervious.
 - b) Alternate paving materials may be approved upon review by the commission if such materials are pervious and do not detract from the historic character of the landmark district.
 - c) All sidewalk-paving and curbing materials shall be continued across any intervening driveway.
 - d) Driveway and curb cut widths shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances.
 - e) Required driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the commission.
 - f) No circular drives shall be located between any buildings and any public street.

- g) Except as authorized above in this subsection, parking areas or driveways are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street, except for a driveway to reach the side or rear yard or an on-site parking facility. Driveways for childcare centers, kindergartens, and special schools may be located between the sidewalk and the building if approved by the commission.
 - h) No more than one curb cut is permitted for each development. Developments with more than one street frontage may have two curb cuts. Two curb cuts on properties with street frontage greater than 300 feet may be approved by the commission.
 - i) No drop-off lanes are permitted along public streets.
- (17) Lighting, security, and maintenance requirements for surface parking lots. All surface parking lots shall have the following minimum requirements:
- a) Lighting shall be provided throughout all parking facilities to equal a minimum of one-fifth foot-candle of light. A foot-candle of light is a uniformly distributed flux of one lumen on a surface of one square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination.
 - b) Parking lots adjacent to residential areas shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination and shall in all other ways be in compliance with Illuminating Engineering Society of North America Recommended Practice #33 - Lighting for Exterior Environments.
 - c) Parking facilities shall be maintained in a clean, safe, sanitary, and attractive condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot.
- (18) Minimum landscaping for parking lot and barrier requirements. Each of the provisions of the Code of Ordinances, chapter 158 Vegetation, article II Tree Protection, and section 30 Parking lot requirements shall apply to all lots of ten spaces or more in this subarea. In addition to these regulations, the following requirements shall apply:
- a) All landscaped areas shall be planted with evergreen ground cover or shrubs with a maximum mature height of 30 inches.
 - b) Landscape buffer strips as described in section 16-20A.006(19)(i) shall be required.
 - c) Variances in surface parking lot landscaping and barrier requirements may be approved by the commission per the criteria set out in section 158-30(14).
- (19) Minimum off-street parking requirements. The following parking requirements shall apply to all permitted uses, including those approved by special permits. (See also sections 16-28.013 and 16-28.014.) Design of parking facilities shall be subject to review by the commission.
- j) For all other nonresidential uses: One space for each 300 square feet of floor area.
- (20) Off-street parking variances.
- a) Reductions in parking requirements may be approved by the commission if a written shared parking arrangement that meets, the following criteria is secured:
 - 1. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access.
 - 2. All shared parking spaces shall be clearly marked and signed as reserved during specified hours.
 - b) An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - 1. A to-scale map indicating location of proposed parking spaces.
 - 2. Indicate hours of business operation.
 - 3. Written consent of property owners agreeing to the shared parking arrangements;
 - 4. Copies of any parking leases. Renewed leases shall be provided to the commission as they are signed. Lapse of a required lease agreement shall terminate the permit.

Analysis of Relationships between District and Beltline Zoning Regulations

The Staff has completed a general zoning analysis and reached the following conclusions about the relationship between the District regulations and the Beltline Overlay Zoning District:

1. In addition to its design requirements, the District regulations also address more basic, “standard” zoning requirements, including: allowed uses (principal, accessory, special), transitional characteristics (uses, height planes, yards, and screening), density, setbacks, lot size, yard requirements, height, and the number of off-street parking spaces.
2. The Beltline Zoning Overlay District have requirements related to design, building articulation and fenestration, facades, design of parking, streetscapes, and site arrangement.

3. In some cases, the Beltline Zoning Overlay District has requirements that are stricter than the District regulations, and thus are the governing requirement for that topic.
4. The Beltline Zoning Overlay requirements will be addressed through a concurrent Beltline Special Administrative Permit (SAP) review process also administered by the Office of Planning.

The Staff would recommend that the Staff review, and if appropriate approve, design changes to the proposed project due to any Beltline Zoning Overlay Zoning requirements that would supersede the District regulations or would be considered an alternative, but still compatible, method for compliance with the District regulations.

Compatibility Rule Analysis

In this case, there is an unusual relationship between the proposed building, the subject property and the block face. There are no commercial buildings on the block face (or on the opposing block face) to which the proposed building will actually face (Gaskill Street). The proposed building is on a corner lot that is assigned to / associated with Powell Street for the purposes of determining the block face (i.e. the subject property has a Powell Street address). There are no commercial buildings (or commercial portions of larger residential buildings) on the Powell Street block face. This portion of Subarea 4 within the District only contains the subject property. The other building on the lot contains a distinct commercial portion (either original or a historic addition) of a larger building that faces the Powell Street block face – the primary street of the corner property. Given these very unique circumstances, the Staff finds that the point of comparison for the proposed building should be the commercial portion of the larger building facing Powell Street that is already on the property.

Special Exception Analysis (CA3-15-330)

The District regulations allowed for a reduction in parking through a shared parking arrangement, if the arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access, and all shared parking spaces shall be clearly marked and signed as reserved during specified hours.

Further the District regulations require that the following documentation be submitted as part of the request:

1. A to-scale map indicating location of proposed parking spaces.
2. Indicate hours of business operation.
3. Written consent of property owners agreeing to the shared parking arrangements;
4. Copies of any parking leases. Renewed leases shall be provided to the commission as they are signed.

The regulation notes that a lapse of a required lease agreement would terminate the permit.

In this case, the Applicant proposes to use the off-street parking of a church which is directly across Powell Street from the subject property. While the Staff agrees that a church and office space will not have conflicting parking demands and there will be no pedestrian access issues, it is not clear how the parking will be allocated on the church property and how it will be signed as required by the District regulations. This is particularly a concern because the current parking lot of the church is not uniformly paved, spaces are not marked, and it is not clear how many current spaces they would have available. The Staff would recommend the Applicant clarify the parking conditions at 650 Gaskill Street, which spaces will be reserved and when for the subject property, and provide a plan for the signing and marking of the spaces at 650 Gaskill Street that will be reserved for the subject property.

Further, the Staff would recommend the Applicant provide a to-scale map indicating location of proposed parking spaces as to which lot and where within the lot and the written consent of property owners agreeing to the shared parking arrangements beyond the submitted, signed lease.

Variance Analysis (CA3-15-185)

The Applicant's response to the variance criteria have been previously sent to the Commission members.

The variance request relates to the reduction of the transitional yard along the northern property line to accommodate a revised design to an existing turnaround for the parking area. Transitional yards are not allowed to have parking, paving or servicing. The Staff concurs with the Applicant's variance analysis. First, a paved area is already located in the transitional yard. Second, about the forward one-half of the lot is occupied by the existing, contributing building and its "front yard" and rear deck area leaving little of the lot for on-site parking. Third, the property can accommodate a non-residential use given the permitted use and density allowances. Fourth, the encroachment is limited to an area about 12 ft. wide and 8 ft. deep.

However, the Staff would recommend that transitional screening that meets the District regulations is installed along the northern property line from the rear portion of the existing building to the northeast corner of the property.

General Development Controls and Site Plan Elements (CA3-15-090)

The Applicant notes in their narrative and indicates on their site plan a lack of clarity about the eastern most property line of the property adjacent to the house that faces Gaskill Street. Given that this eastern property line is directly related to the setback and location of the proposed office building and is somewhat related to the variance and shared parking arrangements, the Staff would recommend the Applicant resolve the location of the eastern property line.

Non-residential buildings are allowed in the subarea even on lots that already have residential (including multifamily) uses. Office buildings are permitted to be up to 5,000 sq. ft. – well above the proposed 750 sq. ft. space.

The proposed lot coverage is indicated as 63% (about 4,100 sq. ft. of the 6,786 sq. ft. lot size), which meets the District regulation of 80% maximum.

Regarding the setbacks (and the Staff's conclusion regarding the compatibility rule comparison to the commercial portion of the larger building on the property), the Staff would recommend the Applicant document compliance with the front yard setback. The Staff further finds that the comparison structure does not have a rear yard setback so the proposed building should comply with the transitional yard requirement for the adjacency to the residential use. The Staff also finds that the right side yard setback of the comparison structure (the half depth front yard) is not applicable to the proposed building so the proposed building should comply with the transitional yard requirement for the adjacency to the residential use. Lastly, the Staff finds that while the comparison structure does have a left side yard setback, the proposed building does not change the left side yard setback as the existing building on the property already establishes that setback through its relationship to Powell Street.

No fences, walls, retaining walls, loading areas, grading, landscaping or dumpsters are proposed as part of the project, except for the “rebuilding” of an existing retaining wall along the front property line. The Staff would recommend the Applicant provide more information about the condition of the existing front retaining wall and the “rebuilding” action.

The Staff would recommend that if the public sidewalk is substantially damaged during construction, a new sidewalk is installed that meets all District regulations.

Mechanical equipment is not shown on the site plan or the elevations. The Staff would recommend the mechanical equipment for the new building meet the District regulations.

Though the parking area is not located in the front yard (given how close the building is to the street), there are several concerns regarding the proposed parking lot. One-third of the surface area is not indicated as pervious surface. The material of the parking lot is not indicated. There is no lighting indicated on the site plan. There are no calculations of the landscaping requirements. No sidewalks are shown in and from the parking area to the public sidewalk along Gaskill Street. The Staff would recommend the parking area meet all of the District regulations, including but not limited to treatment of surface area, lighting, landscaping, and access sidewalks.

General Massing and Architectural Components (CA3-15-090)

Many of the massing (building height and width), façade organization, architectural components, and materials are based on the compatibility rule which in this case requires comparison to commercial portion of the building already on the property.

The Staff finds that the overall massing (rectangular) and roof form (front to rear gable) are similar to the comparison building. There is no real front porch included in the design, similar to the comparison building. The general façade organization and proportions are similar to the comparison building as the proposed building essentially tries to re-create the appearance of the comparison building. The primary pedestrian entrance is facing and directly visible from the street. The building will provide sidewalk level office use. No lighting is shown on the building.

The building will have more than 75% of its façade as fenestration, however due to the existing topography of the lot the fenestration starts more than three (3) above the public sidewalk. The starting point for the measurement is the public sidewalk, not the base of the storefront facade. While this requirement (and the way to measure it) would appear to conflict with the requirements related to the general façade organization and proportion being subject to the compatibility rule, both requirements need to be met. The Staff would recommend a variance be applied for regarding the fenestration beginning point in relationship to the public sidewalk.

Similarly, while it might appear that the first floor height above the public sidewalk is the same as the comparison building it is not documented on the plans. Further, the proposed building does not meet the foundation height requirement though the Staff would acknowledge that most commercial buildings don't have foundations similar to residential structures. Nonetheless, the District regulations require this condition to be met in Subarea 4. The Staff would recommend the Applicant document compliance with the first floor height and foundation height regulations or apply for a variance.

It is not clear if the building's height and width are the same as the comparison building. The Staff recommend the Applicant should document that the proposed buildings overall height from surrounding grade and width are the same as the comparison building.

It is also not clear if the roof pitch is the same as the comparison building. The Staff would recommend the Applicant document that the roof pitch of the proposed building is the same as the comparison building.

The Staff would recommend a street address number at meets the District regulations be located on the front façade of the building.

Materials (CA3-15-090)

While the materials for the roof, siding, exterior doors, window frames and door frames meet the District regulations, there are a few remaining elements for which their material is not noted on the plans. The Staff would recommend that all exterior trim and architectural elements be wood.

Special Exception (CA3-15-330)

Staff Recommendation: Based on the following:

- b) The proposed parking reduction and shared parking arrangement generally meets the criteria for approving such requests, per Section 16-20A.010(20); and
- c) The Staff has concerns about the documentation provided describing the shared parking arrangements, per Section 16-20A.010(20).

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3 15 330) for a special exception to reduce the on-site parking from 6 spaces (required) to 2 spaces (proposed) and for a shared parking arrangement at **228 Powell St.** Property is zoned Cabbagetown Landmark District (Subarea 4) / Beltline, with the following conditions:

1. The Applicant shall clarify the parking conditions at 650 Gaskill Street, which spaces will be reserved and when for the subject property, and shall provide a plan for the signing and marking of the spaces at 650 Gaskill Street that will be reserved for the subject property, per Section 16-20A.010(20(a)); and
2. The Applicant shall provide a to-scale map indicating location of proposed parking spaces as to which lot and where within the lot and the written consent of property owners agreeing to the shared parking arrangements beyond the submitted, signed lease, and Section 16-20A.010(20(b)).

Variance (CA3-15-185)

Staff Recommendation: Based on the following:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question, per Section 16-26.003;
- b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship, per Section 16-26.003
- c) There are peculiar conditions pertaining to the particular piece of property in question, per Section 16-26.003;
- 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, per Section 16-26.003.

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-15-185) for a variance to allow a reduction in the transitional yard from 10' (required) to 3' (proposed) at **228 Powell St.** Property is zoned Cabbagetown Landmark District (Subarea 4) / Beltline, with the following conditions:

1. Transitional screening that meets the District regulations shall be installed along the northern property line from the rear portion of the existing building to the northeast corner of the property, per Section 16-20A.010(6)(c).

Design Review (CA3-15-090):

Staff Recommendation: Based on the following:

1. There are significant characteristics or components of the project that are either undocumented or do not meet the District regulations, per Section 16-20A.006 and 16-20A.010.

Staff recommends deferral of the Application for a Type III Certificate of Appropriateness (CA3-15-090) for a new structure at **228 Powell St.** - Property is zoned Cabbagetown Landmark District (Subarea 4) / Beltline, to allow time for the Applicant to address the following comments and concerns:

1. The Staff shall review, and if appropriate approve, design changes to the proposed project due to any Beltline Zoning Overlay Zoning requirements that would supersede the District regulations or would be considered an alternative, but still compatible, method for compliance with the District regulations.
2. The Applicant shall resolve the location of the eastern property line;
3. The Applicant shall document compliance with the front yard setback, per Section 16-20A.006(0);
4. The Applicant shall provide more information about the condition of the existing front retaining wall and the “rebuilding” action, per Section 16-20A.009(15);
5. If the public sidewalk is substantially damaged during construction, a new sidewalk shall be installed that meets all District regulations, per Section 16-20A.006(13)(f);
6. The mechanical equipment for the new building shall meet the District regulations, per Section 16-20A.010(11);
7. The parking area shall meet all of the District regulations, including but not limited to treatment of surface area, lighting, landscaping, and access sidewalks, per Section 16-20A.006(19) and 16-20A.010(16);
8. A variance shall be applied for regarding the fenestration beginning point in relationship to the public sidewalk, per Section 16-20A.010(8);
9. The Applicant document compliance with the first floor height and foundation height regulations or shall apply for a variance, per Section 16-20A.060(1)(b)(2);
10. The Applicant shall document that the proposed building’s overall height from surrounding grade and width are the same as the comparison building, per Section 16-20A.010(5);
11. The Applicant shall document that the roof pitch of the proposed building is the same as the comparison building, per Section 16-20A.006(13)(c);
12. A street address number at meets the District regulations shall be located on the front façade of the building., per Section 16-20A.010(9)(c);
13. All exterior trim and architectural elements shall be wood, per Section 16-20A.006(13)(a)(3); and
14. The Applicant shall submit any revised materials or plans (including the required number of copies) as least eight (8) days prior to the Commission meeting to which this application is deferred.



KASIM REED
MAYOR

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TIM KEANE
Commissioner
CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
September 9, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-335) for a variance to allow an increase in roof height from a maximum of 16' 8" (required) based on the compatibility rule to 22' 2" (proposed), to increase the roof pitch from 4:12 (required) based on the compatibility rule to 10:12 (proposed), to increase the east side yard setback from a maximum of 2' (required) based on the compatibility rule to 10' (proposed), to decrease the west side yard setback from a minimum of 24' (required) based on the compatibility rule to 6.2' (proposed), to allow a front façade organization which does not meet the compatibility rule, and to allow for no sidewalk to be installed, and (CA3-15-336) for a new-single family house at 719 Mollie St. - Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline.

Applicant: Adam Stillman
350 Sinclair Avenue

Facts: The vacant property sits just west of the dead end of Mollie Street, adjacent to Cabbagetown Park. The lot is generally flat from front to back, but slopes down from east to west towards the park. The pavement of Molly Street ends at about the mid-point of the front of the lot, which connects to a pedestrian pathway into the park. There are several existing trees on the lot of various sizes, plus several boundary trees with #723.

On the block face there is one contributing house (#723 – an altered shotgun) and one non-contributing house built several years ago. Across the street are several contributing houses of the cottage form, with various styles of ornamentation. There is not sidewalk on Mollie Street.

The Applicant is proposing to build a shot gun house with a basement, full first floor, and partial second floor in the attic of the house.

Analysis: The following code sections apply to this application:

Per Section 16-20A.005 (Certificates of Appropriateness) of the Atlanta Land Development Code, as amended: The following general regulations shall apply to the Cabbagetown Landmark District. Certificates of Appropriateness within this district shall be required as follows:

- (1) When required:
 - b) To erect a new structure or to make an addition to any structure within the district;
 - d) To construct off-street or off-site parking;

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

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: “The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face.”
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the “compatibility rule.”
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) Minimum lot requirements. There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
 - a) General criteria:
 1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
 2. The general façade organization and proportions shall be subject to the compatibility rule.
 3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.
 - b) Facades:
 1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
 2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.

3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.

c) Roofs:

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

d) Dormers: [Not applicable]

e) Porches:

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

f) Site development, sidewalks and curbs:

1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
3. Curbing shall be granite; poured concrete shall not be used. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.
4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.

(17) Grading and Landscaping.

- a) Grading shall not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure.
- b) New grades shall meet existing topography in a smooth transition.
- c) Approval of an application for a certificate of appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties. The commission may require that plant materials in a landscape plan reflect the character of the Cabbagetown Landmark District.

(19) Off-street and off-site parking.

- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
- b) The number of required parking spaces is set out in each subarea.
- c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
- d) Off-street parking shall not be located or authorized between the principal building and the street.
- e) Off-street parking may be located in a rear or side yard.
- f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
- g) [Not applicable]
- h) [Not applicable]

- i) Off-street or off-site parking shall include landscape buffer strips placed along sidewalks and public rights of way. Landscape buffer strips shall be: a minimum of three feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a minimum of 12 feet in height at time of planting placed no further than 25 feet on center. All landscape buffer strips shall be maintained in a sightly manner.
- j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.
- k) Use of shared driveways and/or alleys is encouraged.
- l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

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

- (1) Shotgun Housing. Shotgun housing is a style typified by simple structures whose width is no more than that of one (1) room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms wide. This housing type is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.
- (2) Cottage Housing. Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and facade features, and consistent structure massing.
- (3) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
 - a) Single-family detached dwellings.
- (4) [Not Applicable]
- (6) Minimum lot requirements. In addition to the setback requirements in Section 16-20A.006(9), in no case shall any portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.
- (7) Maximum building height and width. The compatibility rule shall apply.
- (8) Floor area ratio. The floor area ratio shall not exceed 0.50.
- (9) Roofs.
 - a) Roofing materials shall be asphalt shingles or batten seamed metal.
 - b) Metal shingles are permitted if they are appropriate to the house style.
- (10) [Not Applicable]
- (12) Porches.
 - a) Decks shall be permitted on the side or rear of the house if not visible from the street.
 - b) Rear decks shall be no wider than the house.
 - c) Side and rear porches shall be permitted if appropriate to the house style.
- (14) Driveways and surface parking areas.
 - a) One parking space per dwelling unit shall be required for all new construction or changes in use.
 - b) Driveways shall not exceed ten (10) feet in width and shall have a curb cut no more than ten (10) feet, exclusive of flair.
 - c) At least one-third of any driveway or surface parking area shall be pervious.
 - a) Poured concrete paving for driveways shall consist of two ribbons for tire tracks separated by a planting strip.
 - b) Alternate paving materials may be approved upon review by the commission if such materials are pervious and do not detract from the historic character of the landmark district.

Per Section 16-26.003:

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

Variance Analysis (CA3-15-335)

The Applicant's response to the variance questions was distributed to the Commission members earlier.

As noted above, the Applicant is requesting six variances from the District regulations dealing with the height of the house, the roof pitch, the side yard setbacks, front façade organization, and sidewalks. The Applicant's detailed and lengthy response to the variance criteria can be summarized as follows:

- There is one point of comparison on the block face, a shot gun house that has been altered over time such that some of its characteristics are not typical of a shot gun house
- The lot width is different than the lot width of the point of comparison meaning that either side yard setbacks are varied or the house width is varied.
- The lot sits at the very end of a dead end street (past the paved area) with no sidewalks.

In short, the Staff concurs with all of the Applicant's analysis and conclusions. The Staff finds that the circumstances of this lot and its relationship to the comparison lot make it not possible to match the house width and side yard setbacks at the same time. The Staff finds that the alterations to the only contributing house on the block face would mean that if its roof form and front façade organization attribute were followed, the new house would not be compatible with the majority of shot gun houses in the District. The Staff finds that the physical characteristics of the street make the installation of a sidewalk both in compatible with existing conditions and impractical.

The Staff recommends approval of the six variance requests.

Design Analysis (CA3-15-336)

Site Plan and General Development Controls

All four setbacks are subject to the compatibility rule. Given the Staff's recommendation regarding the variance for the two side yard setbacks, the Staff finds the side yard setbacks meet the District regulations. However, the Staff would recommend the Applicant confirm that the mechanical equipment is such that it is not subject to the setback requirements. The Staff further finds that the front yard and rear yard setbacks match that of the comparison property and as such also meet the compatibility rule, presuming they were measured in the same way. Similarly, no portion of the proposed house can be any closer to the public street than any portion of a contributing house on the block face. The Staff would recommend the Applicant confirm the measurement technique for the front yard setback and proximity to the street.

The floor area ratio is limited to 50% of the lot area. The proposed FAR is .49, which would meet the District regulations. This calculation does not include the basement, which if less than 50% of the basement is exposed above grade, is the correct calculation. However, the submitted elevations do not include a floor level for the basement so the Staff cannot confirm how much of the basement wall is

above grade. The Staff would recommend the Applicant document that the basement should not be included in the FAR calculation using the City's standard calculation method.

One parking space is required for the new construction, which is provided to the side of the proposed house on a ribbon strip, concrete driveway. As the driveway goes 20 ft. beyond the front façade of the proposed house, no parking is proposed in the front yard. The driveway is less the 10 ft. wide. It is not clear, though, if at least one-third of the driveway and parking area is pervious. The Staff would recommend the Applicant document compliance with the pervious surface requirement of the driveway and parking area.

No grading, fences, retaining walls, or privacy fences / walls are indicated on the site plan.

A concrete walkway is provided from the front porch to the edge of the property. As there is no public sidewalk to which to connect, and given the Staff supports the variance to not install a public sidewalk, the Staff finds that this walkway meets the District regulations. From a practical perspective, the Staff would strongly suggest that the Applicant provide a way to walk to the paved end of Mollie Street.

The Staff would recommend that any new curbing or replaced curbing along that section of Mollie Street adjacent to the property be granite.

General Massing and Size

The house width, the foundation height, and the height of the first floor above the street are the same as the comparison house and such meet the District regulations. Given the Staff's recommendation regarding the overall house height and roof pitch, the Staff finds that these two attributes meet the District regulations as well.

The overall size and massing is similar to the comparison house with a long, thin massing (i.e. 3-4 rooms deep and one room wide); a side, shed roof "addition"; a front to back gable roof, and full width front porch. The house has a front façade, front porch, and front door facing and parallel to the street.

Architectural Elements and Components

The front porch elements are very similar to the comparison house with simple, box columns; square pickets; and a hipped roof with siding on the side. There are no decks proposed as part of the design. While there are sections blank wall on the house, the fenestration pattern appears to be similar to the comparison house. The eaves will be the same depth as the comparison house.

While taking into account the Staff recommendation regarding the front façade organization, the Staff does have some concerns about the architectural elements and components of the design. First, the Staff is concerned about the inset entry way / door on the east side of the house. Such an entry way does not exist on the comparison house and the Staff is not aware of such an entry way as an original feature of a contributing shotgun house in the District. The Staff would recommend the recessed entry on the east side of the house be reconfigured to meet the District regulations.

Second, the Staff is concerned about the recessed side porch on the west façade of the house. This porch appears recessed because it is located between two enclosed portions of the shed roof "addition". In this case, side porches are permitted if they are appropriate to the house style. Side porches do exist on shotgun houses in a different form such that they are usually an extension of a front porch or the front portion of a side addition or what remains of a larger side porch that was enclosed. The proposed side porch does not have that design or detailing. Further, a recessed side porch does not exist on the

comparison house. The Staff would recommend the side porch on the west side of the house be redesigned to meet the District regulations or be eliminated from the proposed design.

Third, the Staff is concerned about the presence of three sky lights on the east side roof plane. Though they are permitted by the District regulations on non-front roof planes, their location must “minimize their ability to be seen from the public rights-of-way.” The Staff finds that the visibility of at least the two most forward skylights has not been minimized. The Staff would recommend the locations of the skylights meet the District regulations.

Fourth, the Staff is concerned about the size of the windows in the front and rear gables, which appear to be full size, double-hung windows. The Staff assumes that these are sized as such to meet egress requirements for the associated bedrooms. The Staff’s concern is that on contributing buildings the gables are normally occupied by vents of various sizes and shapes, though all smaller than the windows shown in the proposed design. The Staff finds that a smaller window with a different functionality could create an opening / element closer in size to a gable vent and still meet the egress requirements. This approach has been used in other projects in the past. The Staff would recommend the gable windows be reduced in size to be closer to an original gable vent in the District.

Lastly, the Staff would also recommend that the boxed gables are removed from the design. They do exist on the comparison house, but their presence is not based on the compatibility rule.

Materials

The siding will be smooth, cementitious siding with a 6 in. reveal. The roofing will be asphalt shingles. All exterior trim and windows shall be wood. Most of the front porch elements shall be wood. The foundation will be stucco (main body of the house) and brick (front porch only). The front porch and side entry steps are wood. All of these materials meet the District regulations.

However, there are several concerns about the materials. First, the material of the front porch columns is not specified and as such the Staff would recommend the front porch columns be a material that meets the District regulations. Second, the material of the exterior doors visible from the public right of way is not specified and as such the Staff would recommend that all exterior front doors visible from a public right of way meet the District regulations as to design and materials.

Staff Recommendations:

Variance Analysis (CA3-15-335)

Based upon the following:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography in relationship to the only point on comparison on the block face, per Section 16-26.003(1);
2. The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship, per Section 16-26.003(1);
3. There are conditions that are peculiar to the particular piece of property involved, per Section 16-26.003(1); 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, per Section 16-26.003(1).

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-15-335) for a variance to allow an increase in roof height from a maximum of 16' 8" (required) based on the compatibility rule to 22' 2" (proposed), to increase the roof pitch from 4:12 (required) based on the compatibility rule to 10:12 (proposed), to increase the east side yard setback from a maximum of 2' (required) based on the compatibility rule to 10' (proposed), to decrease the west side yard setback from a minimum of 24' (required) based on the compatibility rule to 6.2' (proposed), to allow a front façade organization which does not meet the compatibility rule, and to allow for no sidewalk to be installed, at 719 Mollie St. - Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline.

Design Analysis (CA3-15-336)

Based upon the following:

- 1) There are elements of the proposed design that does not meet regulations, per Section 16-20A.006 and 16-20A.009;

Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-15-336) to allow the construction of a house at 719 Mollie Street – Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline, to allow time for the Applicant to address the following concerns and comments:

1. The Applicant shall confirm the measurement technique for the front yard setback and proximity to the street, per Section 16-120A.006(9);
2. The Applicant shall confirm that the mechanical equipment is such that it is not subject to the setback requirements, per Section 16-120A.006(9);
3. The Applicant shall document that the basement should not be included in the FAR calculation using the City's standard calculation method, per Section 16-120A.009(8);
4. The Applicant shall document compliance with the pervious surface requirement of the driveway and parking area, per Section 16-120A.009(14);
5. Any new curbing or replaced curbing along that section of Mollie Street adjacent to the property shall be granite, per Section 16-120A.006(13)(f);
6. The recessed entry on the east side of the house shall be reconfigured to meet the District regulations, per Section 16-120A.006(13)(a)(1) and (2);
7. The side porch on the west side of the house shall be redesigned to meet the District regulations or be eliminated from the proposed design, per Section 16-120A.006(13)(a)(1) and (2);
8. The locations of the skylights shall meet the District regulations, per Section 16-120A.006(13)(c);
9. The gable windows shall be reduced in size to be closer to an original gable vent in the District, per Section 16-120A.006(13)(a) and (b);
10. The boxed gables shall be removed from the design, per Section 16-120A.006(13)(c);
11. The front porch columns shall be a material that meets the District regulations, per Section 16-120A.006(13)(e);
12. All exterior front doors visible from a public right of way shall meet the District regulations as to design and materials, per Section 16-120A.006(13)(b); and
13. 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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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT September 9, 2015

Agenda Item: Application for Type II Certificate of Appropriateness (CA2-15-160) for revisions of plans at **841 Oakdale Rd.** – Property is zoned Druid Hills Landmark District.

Applicant: Eric Rothman
807 Church St., Decatur

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

At the March 25, 2015 meeting the Commission approved applications for Type III Certificates of Appropriateness (CA3-15-072) for a variance to allow a reduction in the side yard setback from 20 feet (required) to 2 feet (proposed) and (CA2-15-071) for alterations and a rear deck.

At the May 13, 2015 Commission meeting the Commission approved a Type II Certificate of appropriateness for revision to plans previously approved by the Commission.

The current application is for revisions to these previously revised plans.

Analysis: The following code sections apply to this application:

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

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

(3) Landmark buildings and sites:

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

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

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

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

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

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

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

- (5) *Minimum yard requirements:*

a. Setbacks:

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

Front yard: 110 feet.

Side yards: 20 feet.

Rear yard: 100 feet.

Discrepancies between existing and proposed elevations

In looking at the plans, Staff noted several inconsistencies between details on the existing and proposed elevations such as brick soldier courses and window sills as well as a garage and side entry door shown on proposed elevations but left off of the existing elevations. Additionally Staff notes that the door and window details listed on pg. A/7 of the plans shows a triple casement window grouping which does not appear on the existing or proposed elevations. Staff recommends that the Applicant clarify the discrepancies between the existing and proposed elevations, and the window schedule.

Alterations

The Applicant is proposing to alter the existing screen porch by replacing the columns, adding railing, installing new wire mesh screening, and installing a new header and decorative frieze molding. The Applicant is also proposing to remove a non-historic French door opening and rear entry door, and replace them with a new casement window group and entry door which will be capped with transoms and brick soldier courses. The existing rear deck will be replaced with a new deck to be made of wood with wood railing and a wooden band wrapping the base of the deck. As the proposed alterations have minimal effect on the existing historic materials, and as Staff finds the proposed alterations reinforce the existing architectural character of the structure, Staff has no concerns with the proposed alterations.

Staff Recommendation: Based upon the following:

- a) The plans meet the regulations, per Section 16-20B.007.

Staff recommends approval of the Application for Type II Certificate of Appropriateness (CA2-15-341) for revisions of plans at **841 Oakdale Rd.** – Property is zoned Druid Hills Landmark District with the following conditions:

1. The Applicant shall clarify the discrepancies between the existing and proposed elevations, and the window schedule, per Sec. 16-20B.007; and,
2. Staff shall review and if appropriate, approve the final plans.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT September 9, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-15-346) for revision a revision to plans previously approved by the Commission at **421 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4)/Beltline.

Applicant: Joyce King
611 North Avenue, #3217

Facts: According to the neighborhood inventory, this commercial building was built in 1946 and is considered contributing.

On December 14, 2011 the Commission approved an application for a Type II Certificate of Appropriateness (LD-11-224) to allow new storefront windows, doors and awnings at 421 Edgewood Avenue.

On February 8, 2012, the Commission approved an application for a Type II Certificate of Appropriateness (LD-12-245) to allow roof top additions.

On June 13, 2012, the Commission approved an application for a Type II Certificate of Appropriateness (CA2-12-096) for a revision to plans for rooftop additions with the following conditions:

1. The roof top additions shall have a flat roof, a shed roof or a pitched roof that is hidden by a parapet, per Section 16-20.009(6); and
2. Staff shall review and if appropriate, approve the final plans.

On June 12, 2013, the Commission approved an application for a Type II Certificate of Appropriateness (CA2-13-124) for signage.

This current application is for a second revision to plans to allow a roof top addition.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

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

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

3. Certificates of Appropriateness.
 - a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - i. All new principal structures;
 - v. Variances, special exceptions and administrative appeals.
 8. Variances, special exceptions and administrative appeals.
 - a. Variance applications and applications for special exceptions and administrative appeals from these regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in Section 16-26.001 through Section 16-26.006. The Commission shall have the authority to grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16.25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).
 - b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals shall be as provided for in Section 16-20.010.
 9. Prohibited variances. Notwithstanding any provision in this chapter or part to the contrary, no variance from this chapter's maximum building height requirements shall be permitted or authorized by the Commission, Commission Staff or any other Board, official or entity.
 10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).
- Sec. 16-20C.008. Design Standards.
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.

As indicated in the facts section, the Applicant was previously approved for a roof top addition. After receiving a permit, the Applicant started work on the addition and it is substantially completed. The original permit is expired and therefore a new permit is required. In looking at the drawings submitted for permitting, Staff noticed differences from the previously approved plans. This staff report will only cover those items that are different from the previous approval.

In the original approval, the roof top addition was 30' tall. The existing addition is 31'1 3/4" tall. In the revised regulations, the proposed height is based on the compatibility rule. The Applicant submitted documentation that the tallest historic building on the block face is 35.6' tall. As such, Staff finds the height of the new addition meets the height requirement.

In the original approval, the addition included a mechanical area and storage area. In the revised plans, this portion of the addition is approximately 2' larger and now includes a lounge area instead of storage. While the addition is slightly larger, Staff finds the overall square footage of the roof top and the enclosed area has been decreased by approximately 254 sq. ft. While the use of the area has changed from a storage area to a lounge, Staff finds the regulations have still been met.

In the previously approved plans, the roof was depicted as a 1 in 12 shed roof with a parapet. In the previous review there were specific concerns regarding roof as it was originally proposed as a hipped

roof. Per regulations, the roof form and pitch is based on the compatibility rule. Staff finds it likely that that the roof as currently constructed does not meet the requirements. As the roof was already constructed with a permit that was approved using the original regulations, Staff finds the original regulations and conditions apply to this part of the project. Per the conditions of the original approval, a pitched roof is allowed if hidden by a parapet. Staff finds the parapet hides the existing hipped and gable roof forms and therefore the requirements have been met.

The overall fenestration pattern and configuration is different than previously approved. There are more doors and windows in slightly different locations. While the number, pattern and location of the fenestration has changed, Staff finds the regulations have still been met. Staff does not have a concern regarding the change in the fenestration.

In the previous approval, the rear stairs were located on the other side of the building. Staff does not have a concern regarding the location of the new stair. Based on the information we have at this time, Staff finds the proposed revisions meet the requirements.

Staff Recommendations: Based upon the following:

1) The plans meet the regulations, per Section 16-20C.003 and 16-20.009, with the exceptions of the comments noted above;

Staff recommends approval of the Application for a Type II (CA2-15-346) for revision a revision to plans previously approved by the Commission at **421 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4)/Beltline, with the following condition:

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



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

May 13, 2015

Updated

June 10, 2015

Updated

September 9, 2015

(Updated text shown in Arial Bold)

Agenda Item: Application for a Type III Certificate of Appropriateness (**CA3 15 337**) for a variance to allow a reduction in the west side yard setback from 7' 6" (required based on a previously existing building of like use) to 4.8' (proposed) and to allow a reduction in the west side yard setback from 4' 6" (required based on a previously existing building of like use) to 4.3' (proposed), and (CA3-15-158) for a new single family house at 654 Woodward Ave. Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Jacque Edmonds
Po Box 675935

Facts: According to the Grant Park Inventory sheet this property is currently a vacant lot.

Analysis: The following code sections apply to this application:

Sec. 16-07.008. - Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) Front yard: There shall be a front yard having a depth of not less than 30 feet.
- (2) Side yard: There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet, except for zero-lot-line development where no side yard is required along the internal lot line.
- (3) Rear yard: There shall be a rear yard of not less than seven feet except for zero-lot-line units where the internal side or rear lot line may be reduced to zero feet.
- (4) Accessory structures: Accessory structures, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- (5) Maximum floor area within this district:

- a. For a single-family detached dwelling on a lot which meets the minimum lot area requirement described in section 16-07.007(2): The maximum floor area ratio shall not exceed 0.50 of the net lot area.
 - b. For a single-family detached dwelling on a lot which does not meet the minimum lot area requirement described in section 16-07.007(2):
 - 1. The maximum floor area allowed shall not exceed the lesser of either: (i) 3,750 square feet of floor area; or (ii) a maximum floor area ratio of 0.65 of the net lot area unless otherwise permitted as stated in subpart 2 below;
 - 2. If the floor area ratio does not allow it least 1,800 square feet of floor area, a dwelling of such size may be built provided that all other provisions of this part shall apply unless relief from such provisions has been granted by the board of zoning adjustment.
 - c. For a duplex: The maximum floor area ratio shall be 0.60 of the net lot area.
 - d. For a two-family dwelling that is not a duplex: The maximum floor area ratio within this district shall not exceed 0.50 of the net lot area for the main unit of a two-family dwelling, provided however that the secondary dwelling unit shall not exceed 750 square feet.
- (6) Maximum lot coverage: Maximum lot coverage within this district shall not exceed 55 percent of the net lot area.

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

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

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

- (1) General Criteria.
 - (A) Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - (B) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - (C) In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) Certificates of Appropriateness.
 - (A) Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
 - (B) Type II Certificates of Appropriateness shall be required for: Minor alterations to those façades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
 - (C) Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures;
 - 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.

- (D) Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
- (3) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (4) Financial Hardship Exemptions.
 - A. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the ground of economic hardship to the property owner.
 - B. The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.
 - C. The commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - 1. The present income of the property owner(s) and those occupying the property;
 - 2. The age of the property owner;
 - 3. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
 - 4. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
 - 5. The costs associated with adherence to these regulations;
 - 6. The degree of existing architectural significance and integrity of the structure; and
 - 7. The purpose and intent of this chapter.
 - D. The commission shall consider these factors and shall grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.
- (5) Subdivisions. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
- (6) Tree Preservation and Replacement. The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.
- (7) Paved surfaces: The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

(Ord. No. 2000-20, § 3, 4-11-00; Ord. No. 2002-3, § 1, 1-29-02)

Sec. 16-20K.007. - Specific regulations: Residential Subarea I.

(1) Development Controls.

- (A) Front Yards: Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.

- (B) Side Yards: Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.
- (C) Rear Yard: Rear yard setback shall be seven feet.
- (D) Off-street parking and driveway requirements:
 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.

(2) Architectural Standards.

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

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

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

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

9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 - c. Balconies and upper level terraces shall be permitted.
10. Any portion of a chimney that is located on any façade that faces a public street shall originate at grade.
11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four feet in height may be erected in a front yard. Other than retaining walls, walls shall not be erected in a front yard or a half-depth front yard.
 - b. Fences and walls not exceeding six feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.

- f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.
- (C) Design Standards and Criteria for Alterations and Additions to Non-contributing Structures. Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.
- (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.
- (E) Site development, sidewalks and curbs:
- 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 - 2. Repairs or replacement of existing brick sidewalks shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 - 3. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 - 4. Sidewalks crossing driveways shall be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons shall not interfere with the visual field of the pedestrian path.
 - 5. Curbing shall be granite; poured concrete shall not be used. Curbing shall be at least six inches in height from street level.
 - 6. Historic materials such as brick, granite, and cobblestones shall be reused where possible.
 - 7. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district shall be a red brick color.

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

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

Siteplan

As this is a non-conforming lot given its size and frontage, the maximum FAR (floor area ratio) allowed is the lesser of .65 of the net lot area or 3,750 sq. ft. If the above provisions do not allow for 1,800 sq. ft., the underlying zoning allows for an 1,800 sq. ft. house to be built providing that no other variances are granted for the property. Staff has concerns that the proposed structure exceeds 1,800 sq. ft. Staff recommends that the Applicant provide a detailed FAR breakdown to verify that the structure is no larger than 1,800 sq. ft.

The applicant has submitted plans which show the total square footage for the new house would be 2,121 sq. ft. which exceeds the 1,800 sq. ft. allowance for this lot in its non-conforming condition. Staff recommends that the Applicant revise their design to show a house which is no larger than 1,800 sq. ft.

The Applicant has submitted updated plans which do not address the concerns raised by Staff in regards to the square footage of the proposed structure. After consulting with Staff from the Office of Buildings, Staff has confirmed that the correct measurement of the structure as proposed is 2,121 sq. ft. which exceeds the 1,800 sq. ft. maximum for this lot. As such, Staff finds that the structure cannot be built as proposed.

The front yard setback can either be based on the compatibility rule or the previously existing contributing building of like use. The proposed front yard setback is 12.2'. The Applicant has not submitted information regarding the previously existing building of like use or the range allowed by the compatibility rule. Staff recommends that the Applicant provide justification for the 12.2' front yard setback based on either the setback of the previously existing building of like use or the compatibility rule.

The Applicant has submitted information which shows the front yard setbacks for the contributing buildings of like use on this block face. According to these measurements, the front yard setback range for this block face is a minimum of 11.4 feet and a maximum of 23.1 feet. The proposed setback of 12.2 feet falls within this range and therefore meets the front yard setback requirement.

Of the side yard setback options, the regulations allow the side yard setbacks to be based on a previously existing historic house on this site. The other options do not apply to this situation. The proposed structure has a west side yard setback of 4.4' and an east side yard setback of 4.6'. The Applicant has not submitted materials regarding the side yard setbacks of the previously existing building of like use. Staff recommends that the Applicant provide justification for the side yard setbacks based on the previously existing building of like use.

The Applicant has not submitted information detailing the setbacks of the previously existing building of like use on this lot. Staff recommends that the Applicant submit documentation which shows the setbacks of the previously existing building of like use.

The Applicant has submitted documentation which shows the previously existing building of like use on this lot. The historic structure had a west side yard

setback of 7'6" and a west side yard setback of 4'6". Staff finds that the Applicant's proposed setbacks do not meet this comparison and therefore require a Variance.

Per regulations the rear yard setback shall be no less than 7'. Staff finds the rear yard setback is 7' and therefore meets the rear yard setback requirement.

As required by the regulations, the site plan indicates a walkway from the porch to the front property line and a brick herringbone sidewalk which would be installed to match the pattern and materials of the existing sidewalks.

Massing and Building Height

The proposed two story house is defined by a 9 in 12 gable roof and a full width porch with a shed roof. Per regulations, the maximum height allowed is 35'. The Grant Park Historic district regulations do not specify how the height should be measured. As such, Staff finds the standard City measurement should be used. In looking at the front façade, Staff finds the height requirement has been met. In looking at the contributing houses on the block, the houses are all one story and most have a gable roof. While Staff finds the overall height, massing and design of the proposed dwelling is not similar to the historic houses on the block, Staff finds the regulations have been met.

Building Facades

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

Windows and Doors

A single front door is parallel and facing Woodward Avenue as required. Staff finds the design of the proposed door is appropriate to the style of the house.

The Applicant is proposing to install 1 over 1, double hung windows on the front facade. The Grant Park regulations allow for windows to either be compatible with the windows on contributing houses or are no less than 15% and no more than 40% of the wall surface. Staff finds the design of the windows is appropriate. Further, Staff finds the proposed windows meet the fenestration percentage requirement.

The plans indicate a gable vent without trim will be installed on the front façade. Staff recommends that the front gable vent have trim matching the window trim on the front façade.

The Applicant has revised their drawings to show a front gable vent with trim which matches the window trim on the front façade.

Building Materials

The proposed materials include horizontal cementitious siding, wood and brick columns, architectural shingles for the roof, wood corner boards and wood spindles. The material for the windows is not indicated. Staff recommends the plans indicate an appropriate material for the windows on the front façade. The material for the front door is not indicated. Staff recommends

that an appropriate material for the front door be indicated on the plans. The material for the stairs is not indicated. Staff recommends an appropriate material for the porch stairs be indicated on the plans. The foundation material on the front façade appears to be a wood band. Staff finds that a wood band for the foundation material is not appropriate. Staff recommends the plans indicate an appropriate foundation material on the front façade.

The Applicant has submitted drawings which indicate wood windows, a wood door, and a CMU porch foundation with a stucco treatment. Staff finds these materials to be appropriate for these features. The material for the front porch stairs is not indicated on the new drawings. Staff would retain its recommendation that the Applicant indicate an appropriate material for the front porch stairs on the plans.

The Applicant has submitted updated plans which do not indicate the proposed materials for the front stairs. Staff would retain its recommendation that the Applicant indicate an appropriate material for the front porch stairs on the plans.

Porch

Per regulations, the minimum allowed depth for the front porch is 7'. Staff finds that the proposed porch is 8' and therefore meets this requirement. The porch features columns and railings that are compatible with other similar porches in the district. Staff finds the overall decorative details of the proposed front porch are consistent and compatible with the house style. Given the height of the foundation, Staff finds a railing is not required to meet safety code. As such, Staff suggests the porch railing is no more than 30" in height to be compatible with other similar historic porches. The plans indicate the front steps will be open ended. Per the regulations, front steps are required to be closed ended. Staff recommends that front steps have closed ends.

The Applicant has submitted drawings which indicate that the front porch steps will have closed ends.

Variance

The Applicant is requesting a variance in to allow a reduction in both the east and west side yard setbacks. In their justification, the Applicant has based their justification using the R-5 required side yard setbacks of 7' as the required distance instead of the setbacks of the previously existing building of like use which is allowed under the district regulations. As such, Staff finds that the Applicant has not presented sufficient justification to support their Variance request, and that they have not established that using the setbacks of the previously existing building of like use is not possible due to extraordinary characteristics of the property because of its size, shape, or topography, that using the setbacks of the previously existing building of like use would present a hardship, that using the setbacks of the previously existing building of like use because of peculiar conditions of the property, or that 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.

(CA3-15-337):

Staff Recommendation: Based upon the following:

- 1. The variance justification for the side yard setbacks is based on an incorrect point of comparison;**
- 2. The Applicant has not established that using the setbacks of the previously existing building of like use is not possible due to extraordinary characteristics of the property because of its size, shape, or topography;**
- 3. The Applicant has not established that the setbacks of the previously existing building of like use on this lot present a hardship;**
- 4. The Applicant has not established that using the setbacks of the previously existing building of like use because of peculiar conditions of the property; and,**
- 5. The Applicant has not established that 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.**

Staff recommends denial of the Application for a Type III Certificate of Appropriateness (CA3-15-337) for a variance to allow a reduction in the west side yard setback from 7' 6" (required based on a previously existing building of like use) to 4.8' (proposed) and to allow a reduction in the west side yard setback from 4' 6" (required based on a previously existing building of like use) to 4.3' (proposed) at **654 Woodward Ave.** Property is zoned R-5/Grant Park Historic District (Subarea 1).

(CA3-15-160):

Staff Recommendation: Based upon the following:

- 1. The Staff's recommendation regarding the Variance application;**
- 2. The proposed structure exceeds the 1,800 sq. ft. allowed, per 16-07.008(5)(b)(2);**
- 3. An appropriate material for the front stairs has not been indicated on the plans, per Sec. 16-20K.007(2)(B)(15).**

Staff recommends denial of the Application for a Type III Certificate of Appropriateness (CA3-15-160) for a new single family house at **654 Woodward Ave.** Property is zoned R-5/Grant Park Historic District (Subarea 1).



CITY OF ATLANTA

M. KASIM REED
MAYOR

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

August 12, 2015

Updated

September 9, 2015

(Updated text shown in italic bold)

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-302) for a new single family house at **899 Boulevard**. Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Shon Balsar
4514 Chamblee Dunwoody Rd.

Facts: According to the Grant Park Inventory sheet this property is currently a vacant lot.

Analysis: The following code sections apply to this application:

Sec. 16-07.008. - Minimum yard requirements.

(5) Maximum floor area within this district:

- a. For a single-family detached dwelling on a lot which meets the minimum lot area requirement described in section 16-07.007(2): The maximum floor area ratio shall not exceed 0.50 of the net lot area.
- b. For a single-family detached dwelling on a lot which does not meet the minimum lot area requirement described in section 16-07.007(2):
 1. The maximum floor area allowed shall not exceed the lesser of either: (i) 3,750 square feet of floor area; or (ii) a maximum floor area ratio of 0.65 of the net lot area unless otherwise permitted as stated in subpart 2 below;
 2. If the floor area ratio does not allow it least 1,800 square feet of floor area, a dwelling of such size may be built provided that all other provisions of this part shall apply unless relief from such provisions has been granted by the board of zoning adjustment.

(6) Maximum lot coverage: Maximum lot coverage within this district shall not exceed 55 percent of the net lot area.

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

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

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

- (1) General Criteria.
 - (A) Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - (B) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - (C) In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) Certificates of Appropriateness.
 - (C) Type III Certificates of Appropriateness shall be required for:
 1. All new principal structures;
 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
- (3) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.

Sec. 16-20K.007. - Specific regulations: Residential Subarea I.

- (1) Development Controls.
 - (A) Front Yards: Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - (B) Side Yards: Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.
 - (C) Rear Yard: Rear yard setback shall be seven feet.
 - (D) Off-street parking and driveway requirements:
 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.
- (2) Architectural Standards.
 - (A) Statement of Intent. The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

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

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

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
4. All front façades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed 35 feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two entrance step risers each of which shall be no less than six inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
8. Garages entrances are prohibited on the front façade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
9. Decks, Balconies and Upper Level Terraces:
 - a. Decks shall be permitted only when located to the rear of the principal structure.
 - b. Decks shall be permitted at any level.
 - c. Balconies and upper level terraces shall be permitted.
10. Any portion of a chimney that is located on any façade that faces a public street shall originate at grade.
11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.

14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four feet in height may be erected in a front yard. Other than retaining walls, walls shall not be erected in a front yard or a half-depth front yard.
 - b. Fences and walls not exceeding six feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
 15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.
- (C) Design Standards and Criteria for Alterations and Additions to Non-contributing Structures. Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.
- (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.
- (E) Site development, sidewalks and curbs:
1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.

2. Repairs or replacement of existing brick sidewalks shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
3. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
4. Sidewalks crossing driveways shall be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons shall not interfere with the visual field of the pedestrian path.
5. Curbing shall be granite; poured concrete shall not be used. Curbing shall be at least six inches in height from street level.
6. Historic materials such as brick, granite, and cobblestones shall be reused where possible.
7. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district shall be a red brick color.

Siteplan

As this is a non-conforming lot given its size and frontage, the maximum FAR (floor area ratio) allowed is 50% of the net lot area. The net lot area for this property is 14,831.3 sq. ft. and has an allowable floor area of 7415.65 sq. ft. The proposed structure would have a total heated space of 2981 sq. ft. which meets the FAR requirement.

The front yard setback can either be based on the compatibility rule or the previously existing contributing building of like use. As this is a corner lot, the compatibility rule applies to both the frontage on Boulevard and the half depth front yard fronting Atlanta Avenue. The proposed front yard setback along the Boulevard frontage is 31', and the proposed front yard setback on the Atlanta Ave. frontage is 22.32'. The Applicant has not submitted information regarding the previously existing building of like use or the range allowed by the compatibility rule. Staff recommends that the Applicant provide justification for the 31' front yard setback along the Boulevard frontage and the 22.32' front yard setback along the Atlanta Ave. frontage based on either the setback of the previously existing building of like use or the compatibility rule.

Regarding the front yard setbacks along Boulevard, Staff finds that the contributing structures on this block face have setbacks between 44.4' and 21.2'. The proposed setback of 31' for the Boulevard frontage of the structure falls within this range and therefore meets the compatibility rule. Regarding the Atlanta Avenue half-depth front yard, Staff finds it is appropriate to base the compatibility measurement off of the half-depth front yard setback of a contributing structure on the block face. If there is not a half-depth front yard belonging to a contributing structure on the block face, Staff finds that it is appropriate to base the compatibility measurements on a half-depth front yard setback of a contributing structure in close proximity to the subject property. 918 Boulevard is a contributing structure on the opposing block face within close proximity to the subject property. Staff finds that the half-depth front yard setback for this property is 21.3'. by this measurement, the proposed Atlanta Avenue half-depth front yard setback of 22.32' does not meet the compatibility rule. As such, Staff recommends that the Atlanta Avenue half-depth front yard be no more than 21.3'.

Regarding the side yard setback options, the regulations allow for a side yard setback of not less than 7'. Staff finds that the south side yard setback is 7' and therefore meets this requirement. Per regulations the rear yard setback shall be no less than 7'. Staff finds the rear yard setback is 7' and therefore meets the rear yard setback requirement.

The plans show a proposed walkway leading from the front entry to the driveway. The regulations require that all new construction have a walkway leading from the front entry to the sidewalk. Staff recommends that the front walkway lead from the front entry to the public sidewalk.

The updated plans show a walkway leading from the front entry to the sidewalk per the regulations. Staff finds the regulations have been met for this element.

The Applicant is proposing a 16' wide driveway which extends 31' past the front façade of the home and which will require a 16' wide curb cut exclusive of the flair. The regulations allow for independent driveways to be no wider than 10' with a curb cut of no more than 10' exclusive of the flair. Staff recommends that the driveway be no wider than 10 feet and the curb cut be no wider than 10 feet exclusive of the flair.

The updated plans show a driveway with a width of 10'. Staff finds the regulations have been met for this element.

Massing and Building Height

The proposed two story house is defined by a 9 in 12 roof and several 12 in 12 gables on the front façade as well as a 2/3 width porch with a 4 in 12 shed roof. Per regulations, the maximum height allowed is 35'. The Grant Park Historic district regulations do not specify how the height should be measured. Therefore, Staff finds the standard City measurement should be used. In looking at the front façade, Staff finds the height requirement has been met. In looking at the contributing houses on the block, the houses are mostly one story and most have a gable roof. While Staff finds the overall height, massing and design of the proposed dwelling is not compatible with the historic houses on the block, Staff finds the regulations have been met for the characteristics.

Building Facades

The Commission reviews the facades that face a public street. This is corner lot, therefore Staff will only comment on the façades facing Boulevard and Atlanta Ave.

Windows and Doors

A single front door is parallel and facing Boulevard as required. Staff finds the design of the proposed door is appropriate to the style of the house.

The Applicant is proposing to install 1 over 1, double hung windows on the Boulevard façade, and a mixture of 1 over 1 double hung windows and casement windows on the Atlanta Avenue façade. The Grant Park regulations allow for windows to either be compatible with the windows on contributing houses or be no less than 15% and no more than 40% of the total wall surface.

Staff finds the design of the windows is appropriate. On the Atlanta Ave. façade, Staff finds that the proposed fenestration meets the minimum of 15% of the wall surface; however, Staff finds that the proposed fenestration on the Boulevard façade does not meet the minimum of 15% of the total wall surface. Additionally the Applicant has not submitted compatibility information regarding the contributing buildings of like use on the block face which would allow the Applicant to have a lower percentage of fenestration on the façade facing Boulevard. Staff recommends that the Applicant submit information regarding the compatibility of the fenestration on the Boulevard façade or alter the Boulevard façade fenestration to be at least 15% of the wall surface.

The updated plans show the boulevard façade of the structure will have fenestration which is at least 15% of the wall structure. Staff finds that the fenestration requirement for this façade has been met.

The plans indicate a gable vent without trim will be installed on the front façade. Staff recommends that the front gable vent have trim matching the window trim on the front façade.

The plans show a gable vent with trim that matches the window trim on the front façade. Staff finds that the requirements for this element have been met.

Building Materials

The proposed materials include horizontal cementitious siding and cementitious shingle siding, wood, and architectural shingles for the roof. The material for the windows is not indicated. Staff recommends the plans indicate an appropriate material for the windows on the Boulevard and Atlanta Ave. façade. The material for the front door is not indicated. Staff recommends that an appropriate material for the front door be indicated on the plans.

The updated plans show windows comprised of vinyl and a front door comprised of wood. Staff finds that the requirements for these elements have been met.

Foundation and Porch

Per regulations, the first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two entrance step risers each of which shall be no less than six inches in height and shall be comprised of brick, stone, concrete, stucco, or architectural concrete masonry units. The plans submitted by the Applicant show what appears to be a slab on grade foundation. Staff recommends that a visible foundation which is elevated above the grade a minimum of 1' and which is comprised of brick, stone, concrete, stucco, or architectural concrete masonry units be added to the plans.

The updated plans show a 1' visible foundation comprised of brick. Staff finds that the requirements for this element have been met.

Per regulations, the minimum allowed depth for the front porch is 7'. Staff finds that the proposed porch is 7' deep and therefore meets this requirement. In looking at the submitted plans there appears to be a discrepancy in the design of the front porch columns as they appear

on the front and side elevations. Additionally, no materials are listed for the columns. Staff recommends that the Applicant clarify the design and materials of the front porch columns. Given Staff's recommendation regarding the foundation, Staff recommends that front entry steps with closed risers and ends be added to the plans.

The updated plans show inset front steps with closed risers. Staff finds that the requirements for this element have been met. The Applicant has not addressed Staff's concerns with the front porch column material or with the discrepancy in the design of the porch columns as seen on the front and side elevation. As such Staff retains its recommendation for these elements.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above Section 16-20K.006, 16-20K.007, and 16-07.008;

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-15-302) for a new single family house at **899 Boulevard Ave.** Property is zoned R-5/Grant Park Historic District (Subarea 1), with the following conditions:

1. The Atlanta Avenue half-depth front yard setback shall be no more than 21.3', per Sec. 16-20K.007(1)(A);
2. The Applicant shall clarify the design and materials of the front porch columns, per Sec. 16-20K.007(2)(B); and,
3. Staff shall review and if appropriate, approve the final plans and documentation.



CITY OF ATLANTA

KASIM REED
MAYOR

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT September 9, 2015

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-15-332) for a variance to allow a shared driveway and (CA3-15-331) for a new single family house at **218 Berean Avenue**– Property is zoned Cabbagetown Landmark District (Subarea 3).

Applicant: Suzanne Harriman
1315 Hardee Street

Facts: According to the 2002 inventory, this is a vacant lot.

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;

Sec. 16-20A.005. Certificates of appropriateness.

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

(1) *When required:*

(b) To erect a new structure or to make an addition to any structure within the district;

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

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

- (1) *Minimum standards.* These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) *The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.*
- (3) *Applications.* Materials necessary for complete review of an application shall be submitted with the application as set forth by the director. In addition, a scaled site plan showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements shall be submitted for all Type III Certificate of Appropriateness applications. For new construction of a principal building, the application shall also include a scaled drawing showing all front yard setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.

- (4) *Additional notification.* The applicant shall be given contact information for interested Cabbagetown community organizations and shall be directed to provide the organization with a copy of the submitted application and attachments within three (3) days of submission to the commission.
- (5) *Cabbagetown design guidelines.* The commission shall adopt and maintain guidelines, referred to herein as the Cabbagetown Design Guidelines. These guidelines shall: further the intent of these regulations; further define elements of architectural style and applicability; provide important additional detailed information regarding the construction and renovation of historic buildings; and be used as a guide to ensure the compatibility of future development in the Cabbagetown Landmark District.
- (6) *The compatibility rule.*
- a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: “The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face.”
- b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
- c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
- d) Those elements to which the rule applies are noted in the regulations by a reference to the “compatibility rule.”
- (7) *Variances.* Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) *Minimum lot requirements.* There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) *Design standards and criteria for new principal buildings.* The following regulations shall apply to new construction of principal buildings.
- a) *General criteria:*
1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
 2. The general façade organization and proportions shall be subject to the compatibility rule.
 3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.
- b) *Facades:*
1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
 2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.

3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
 4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.
- c) *Roofs:*
1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
 2. Skylight and solar panels are not permitted on the front façade of any structure. “Bubble type” skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.
 3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
 4. Boxed gable returns are not permitted.
 5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.
- e) *Porches:*
1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
 2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
 3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
 4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.
- f) *Site development, sidewalks and curbs:*
1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
 3. Curbing shall be granite; poured concrete shall not be used.
 4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.
- (19) *Off-street and off-site parking.*
- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
 - b) The number of required parking spaces is set out in each subarea.
 - c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
 - d) Off-street parking may be located in a rear or side yard.
 - k) Use of shared driveways and/or alleys is encouraged.
 - l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

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

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

- (1) *Shotgun Housing.* Shotgun housing is a style typified by simple structures whose width is no more than that of one (1) room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms wide. This housing type is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.
- (2) *Cottage Housing.* Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and facade features, and consistent structure massing.
- (3) *Permitted principal uses and structures.* A building or premises shall be used only for the following principal purposes:
 - a) Single-family detached dwellings.
 - b) Two-family dwellings existing at the time of the adoption of these regulations. Two-family dwellings, originally built as duplexes, shall be permitted even if the use has lapsed for more than a year.
 - c) Parks, playgrounds, and community buildings owned and operated by a government agency or Cabbagetown-based non-profit community organization.
- (6) *Minimum lot requirements.* In addition to the setback requirements in Section 16-20A.006(9), in no case shall any portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.
- (7) *Maximum building height and width.* The compatibility rule shall apply.
- (8) *Floor area ratio.* The floor area ratio shall not exceed 0.50.
- (9) *Roofs.*
 - a) Roofing materials shall be asphalt shingles or batten seamed metal.
 - b) Metal shingles are permitted if they are appropriate to the house style.
- (12) *Porches.*
 - a) Decks shall be permitted on the side or rear of the house if not visible from the street.
 - b) Rear decks shall be no wider than the house.
 - c) Side and rear porches shall be permitted if appropriate to the house style.
- (13) *Fencing and walls.*
 - a) Walls are not permitted in a front yard, or a side yard adjacent to a public right of way.
 - b) Variances for the height of walls or fences may be granted by the commission.
 - c) Walls shall be constructed of wood.
- (14) *Driveways and surface parking areas.*
 - a) One parking space per dwelling unit shall be required for all new construction or changes in use.
 - b) Driveways shall not exceed ten (10) feet in width and shall have a curb cut no more than ten (10) feet, exclusive of flair.
 - a) At least one-third of any driveway or surface parking area shall be pervious.
 - b) Poured concrete paving for driveways shall consist of two ribbons for tire tracks separated by a planting strip.
 - c) Alternate paving materials may be approved upon review by the commission if such materials are pervious and do not detract from the historic character of the landmark district.

Variance Request

The Applicant is requesting a variance to allow a shared driveway. As indicated in the variance addendum submitted by the Applicant, the regulations require off-street parking however the lot is only 25' wide. In order to install an appropriate driveway, meet the side yard setback requirements and install unrated windows, the proposed house could be no wider than 12' wide. Staff would note that a 12' wide house does not meet the compatibility rule and would therefore require an additional variance. As the regulations encourage the use of shared parking and an additional variance would be required to meet the off-street parking requirement, Staff finds approval of a variance to allow a shared driveway is appropriate.

One concern is that the compatibility rule chart may not be accurate. There are 20 historic houses on the block face, however only 13 historic houses are indicated on the chart. If there is a historic house with a smaller width on the block face, there is the potential that all requirements could be met without

the need for a variance. While Staff is generally supportive of the variance, Staff recommends the Applicant submit accurate compatibility rule information.

Setbacks and Site Plan

For purposes of the compatibility rule, contributing buildings of the same type and style on the same block face are used in determining the architectural style, architectural elements, building proportions, and building setbacks. This particular block face contains numerous contributing shotgun and cottage houses. Staff would note that 220 and 224 Berean are non-contributing houses and cannot be used as part of the compatibility rule analysis.

The front, side and rear yard setbacks are based on the compatibility rule. As indicated in the variance section, Staff finds the compatibility rule information may not be accurate. Staff would note however that the information submitted does provide a wide range of measurements. Staff will base its analysis on the information submitted with the condition that the project meet all the compatibility rule requirements.

The front yard setbacks on the block face range from .36' to 11.58'. According to the chart the proposed front yard setback is 9'10". In measuring the plans, the proposed front yard setback as measured to the porch is 14' and therefore does not meet the requirements. Staff recommends the front yard setback meet the requirements. Staff recommends the Applicant clarify how the front yard setbacks were measured.

The right side yard setbacks on the block face range from .47' to 24.7'. The proposed right side yard setback is 3' and therefore meets the requirement. The left side yard setbacks on the block face range from 2.08' to 20.14'. The proposed left side yard setback is 5' and therefore meets the requirements. The rear yard setbacks on the block face range from 8.57' to 71.23'. The proposed rear yard setback is 60'3" and therefore meets the requirement.

The maximum floor area ratio (FAR) allowed is .50. The FAR calculations are not indicated. Staff recommends the Applicant provide documentation the project meets the FAR requirement. Staff would note that lot coverage is not restricted in this subarea.

Per regulations, off-street parking is required. As indicated in the variance section, Staff supports the proposed variance for a shared driveway. The shared driveway design, location and materials are not clearly delineated on the site plan. Staff recommends the driveway design, location and materials are clearly delineated on the site plan.

The sidewalk may be destroyed in the process of building the home. Staff recommends the sidewalk be replaced per regulations such that the sidewalk shall be the same width as the sidewalk on the abutting properties. In addition, the sidewalk should be brick on a concrete base and laid in a pattern to match existing on abutting properties. As required by the regulations, an appropriate walkway from the front the porch to sidewalk is indicated.

Massing and Building Height

Per regulations, the architectural style of the new dwelling must be represented historically on the block face. The historic architectural forms/styles seen on the block face are shotguns, cottages and saddlebags. The overall design and details of the proposed single-family dwelling are nearly identical to the two-story shotgun house at 216 Berean.

Per regulations, the roof form, roof pitch, height, width and first floor height are based on the compatibility rule. The Applicant did not submit information regarding the roof forms on the block face. Staff recommends the Applicant provide documentation the proposed roof form meets the compatibility requirements. In looking at the chart submitted by the Applicant, the predominate roof pitch is 7 in 12. The proposed roof pitch is 6 in 12 and therefore does not meet the requirements. Staff recommends the Applicant either submit documentation that a 6 in 12 roof pitch meets the requirements or the roof pitch shall be 7 in 12.

The heights on the block face range from 18' to 28'. According to the chart the proposed house will be 25'7", however the plans indicate the house will be 26' 7 3/8" in height. While both heights meet the requirements, Staff recommends the Applicant clarify how tall the proposed house will be. The widths of houses on the block face range from 14' to 18'. The proposed width is 17' and therefore meets the requirement. The first floor heights on the block face range from 4" to 37". The proposed first floor height is 2' and therefore meets the requirements. It is not clear how the first floor heights were measured. As the regulations require the first floor height is measured from the street, Staff recommends the Applicant clarify how the first floor heights were measured.

Building Facades

In Landmark Districts, the Commission reviews all facades.

Windows and Doors

In general, most of the shotgun houses have 1 over 1 or 2 over 2 windows. The Applicant is proposing 4 over 4 windows on the front façade and 1 over 1 windows on the side and rear facade. While Staff has no concerns regarding the design of the side and rear windows, Staff does have concerns regarding the proposed 4 over 4 windows. Staff recommends the Applicant provide documentation the proposed 4 over 4 windows meet the compatibility rule requirements or the front façade windows shall be 1 over 1 or 2 over 2. Staff recommends all windows are wood and any windows with lite divisions shall be true divided lite. Staff recommends the Applicant provide dimension details for the window trim.

In looking at the overall fenestration pattern, Staff has concerns regarding the lack of windows on the right elevation. Staff recommends additional windows are added to the right elevation in order to eliminate the appearance of a blank wall. While the first floor front elevation door meets the requirements, Staff finds the upper level front elevation door does not meet the requirements. Staff recommends the upper level front façade door is either a full panel wood door or a wood door with a fixed pane a glass in its upper portion that comprises no more than 50% of the door. There are three full glass doors on the rear facade. Staff would note that the regulations on restrict the doors that are visible from the public right-of-way. As the glass doors are in the rear, Staff has no concerns.

Building Materials

The following materials are proposed: smooth cementitious siding with a 4.5" reveal, wood stairs, three tab shingles and a concrete foundation with parge coating. As the foundation material is based on the compatibility rule, Staff recommends the Applicant provide documentation the proposed foundation material meets the requirements. All of the material details are not indicated on the plans, Staff recommends all material details meet the requirements and are indicated on the plans.

Porch

Staff finds the overall size, location, design and architectural details of the proposed porch are consistent and compatible with the porches on the block face. The depths of the porches on the block face range are not indicated on the chart. As such, Staff cannot determine whether the proposed 5'

depth of the proposed porch meets the requirements. Staff recommends the Applicant provide documentation the proposed porch depth meets the requirements.

Overall Comments

The proposed house is nearly identical to the adjacent house at 216 Berean. While the general design is compatible with the adjacent house, Staff has concerns that several details are either not clear, are missing, are incorrect or do not meet the requirements. While Staff supports the general design, Staff finds there is more documentation needed to support the details of the design and the site plan. At this time Staff suggests a deferral to allow the Applicant time to address the various concerns listed in the Staff report.

Staff Recommendation: Based upon the following:

- 1) There are 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 create an unnecessary hardship;
- 3) There are conditions peculiar to this property;
- 4) Relief if granted would not cause a substantial detriment to the public good;

Staff recommends approval of the Application for a Type III Certificate (CA3-15-332) for a variance to allow a shared driveway at **218 Berean Avenue**– Property is zoned Cabbagetown Landmark District (Subarea 3), with the following condition:

1. The Applicant shall submit accurate compatibility rule information.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations per Section 16-20A.006 (14) with the exception of the comments above;

Staff recommends deferral of the Application for a Type III Certificate of Appropriateness (CA3-15-331) for a new single family house at **218 Berean Avenue**– Property is zoned Cabbagetown Landmark District (Subarea 3), to allow the Applicant time to address the following concerns of Staff:

1. The project shall meet all the compatibility rule requirements;
2. The front yard setback shall meet the requirements, per Section 16-20A.006(9);
3. The Applicant shall clarify how the front yard setbacks were measured;
4. The Applicant shall provide documentation the project meets the FAR requirement, per Section 16-20A.009(8);
5. The driveway design, location and materials shall be clearly delineated on the site plan;
6. If the sidewalk is damaged, the replacement shall meet the requirements, per Section 16-20A.006(13)(f);
7. The Applicant shall provide documentation the proposed roof form meets the compatibility rule, per Section 16-20A.006(13)(c);
8. The Applicant shall either submit documentation that a 6 in 12 roof pitch meets the requirements or the roof pitch shall be 7 in 12, per Section 16-20A.006(13)(c);
9. The Applicant shall clarify how tall the proposed house will be;
10. The Applicant shall clarify how the first floor heights were measured, per Section 16-20A.006(13)(b)(2)

11. The Applicant shall provide documentation the proposed 4 over 4 windows meet the compatibility rule requirements or the front façade windows shall be 1 over 1 or 2 over 2, per Section 16-20A.006(13)(a)(3) and (13)(b)(3);
12. All windows shall be wood and any windows with lite divisions shall be true divided lite, per Section 16-20A.006(13)(b)(3);
13. The Applicant shall provide dimension details for the window trim, per Section 16-20A.006(13)(a)(3);
14. The upper level front façade door shall be either a full panel wood door or a wood door with a fixed pane a glass in its upper portion that comprises no more than 50% of the door, per Section 16-20A.006(13)(b)(4);
15. The Applicant shall provide documentation the proposed foundation material meets the requirements, per Section 16-20A.006(13)(a)(3);
16. All material details shall meet the requirements and shall be indicated on the plans, per Section (13)(a)(3);
17. The Applicant shall provide documentation the proposed porch depth meets the requirements, per Section 16-20A.006(13)(e); and
18. Appropriate copies of all updated plans and documentation shall be submitted to Staff no less than 8 days before the deferred meeting.



CITY OF ATLANTA

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MAYOR

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT September 9, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-334) for a new single family house at **666 (AKA 668) Bryan Street** – Property is zoned R-5/ Grant Park Historic District (Subarea 1)/ Beltline.

Applicant: Adam Stillman
350 Sinclair Avenue

Facts: This is currently a vacant lot.

Analysis: The following code sections apply to this application:

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

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

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

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

(1) *Development Controls.*

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

(2) *Architectural Standards.*

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

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

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

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

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

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

E. *Site development, sidewalks and curbs:*

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

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

Site Plan

In comparing the lot boundary map to the site plan and survey submitted, Staff finds there is a significant discrepancy. Staff suggests the Applicant work with the Office of Planning subdivision staff to resolve the lot dimension discrepancy.

According to the site plan, the existing interior lot fronts 34.30' on Bryan Street and has a depth of 84.48' on its longest side. Per regulations, the front setback is based on the compatibility rule. The front yard setbacks of the contributing houses on the block face range from 4.1' to 17.3'. The proposed front yard setback is 11' and therefore meets the requirements. Per regulations, one of the options for side yard setbacks is conforming to a pattern of unequal side yard setbacks. In looking at a map of all the existing houses on the block face, it appears that more than half of the houses have a smaller right side yard setback. The Applicant is proposing to follow that pattern by having a 4' right side yard setback and a 5'5" left side yard setback. Staff finds the proposed side yard setbacks meet the requirements. Per regulations, the rear yard setback shall be no less than 7'. Staff finds the rear yard setback requirement has been met.

Per underlying zoning, the maximum FAR (floor area ratio) allowed is the lesser of .65 or 3,750 sq. ft. The proposed FAR is .645 and therefore meets the requirements. Per underlying zoning, the maximum lot coverage allowed is 55%. The proposed lot coverage is 47% and therefore meets the requirement.

As required by the regulations, an appropriate concrete stair and walkway from the front entryway to the sidewalk is indicated on the plans. As required by the regulations, the plans indicate the repair or replacement in-kind of the existing hex paver sidewalk.

Massing and Building Height

The proposed two story house is defined by a side gable roof and a single story two-thirds width porch and a projecting bay. Staff finds the overall design, height and massing of the proposed house is similar to other two-story houses in the district. Per regulations, the maximum height allowed is 35'. The Grant Park regulations do not specify how the height should be measured. As such, Staff finds the standard City measurement should be used. Staff finds the proposed house is no taller than the maximum 35' allowed and therefore meets the requirements.

Building Facades

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

Windows and Doors

The Applicant is proposing wood 2 over 2, simulated divided lite windows with appropriate headers, trim and sills. The Grant Park regulations allow for windows to either be compatible with the windows on contributing houses or the windows shall be no less than 15% and no more than 40% of the wall surface. Staff finds the proposed windows meet both the compatibility requirement and the percentage requirements. Staff finds the proposed front door is compatible with the proposed house and is appropriately placed.

Building Materials

The Applicant is proposing to use the following building materials: wood windows, asphalt shingles, smooth cementitious siding with a 6” reveal, concrete parge coat foundation, brick veneer porch foundation, wood railings, wood columns, wood porch decking, concrete stairs and a concrete walkway. Staff has no concerns regarding the proposed building materials.

Porch

Per regulations, the minimum depth for new porches is 7’. The proposed front porch depth is more than 7’ and therefore meets the requirements. Staff finds the overall design and materials of the proposed porch are appropriate.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-15-334) for a new single family house at **666 (AKA 668) Bryan Street** – Property is zoned R-5/ Grant 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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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT September 9, 2015

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-15-339) for a financial hardship exemption at **700 Gaskill Street** – Property is zoned CabbageTown Landmark District (Subarea 3) / Beltline.

Applicant: H. Eugene Holcombe
3127 Lenox Rd. #38

Facts: According to the 2002 photographic inventory this single-family Georgian Cottage was built prior to 1911 and is considered contributing to the district.

On January 28, 2015 the Commission heard the Application for a Type III Certificate of Appropriateness (CA3-14-429) for renovations and a rear addition at this address. The application was approved with conditions. One of the conditions that the Commission approved read *“The proposed siding shall match the original or historic siding on the house in all respects or if no original or historic siding still exists on the house, the new siding shall be wood, with a 4.5 in. reveal, per Section 16-20A.006(13) and (14.)”* The UDC Staff was informed by the neighborhood that all of the siding on the structure was removed and replaced with wood grain cementitious siding had been installed in violation of this condition.

On August 12, 2015 the Commission heard the Application for a Type III Certificate of Appropriateness (CA3-15-259) for a variance to allow a siding material which does not meet the District regulations. The application for a variance was denied.

The current application is for a financial hardship to allow the retention of the non-compliant wood grain cementitious siding.

Analysis: The following code sections apply to this application:

Per Section Sec. 16-20A.001. - Statement of intent.

- (1) To preserve the environmental and physical appearance of the area, including industrial, commercial and residential structures, created from the late 19th century to the mid 20th century, and existing spatial

relationships between buildings and streets; and to ensure that any new development is compatible with existing historic architectural and spatial characteristics that prevail.

- (2) To preserve the unique historical relationship between commercial and residential uses, that evolved in the late 19th century and early 20th century, and to ensure that ensuing development reflects and maintains this unique relationship.
- (3) To ensure that additions, alterations, renovations, and new construction observe the characteristics of each subarea of the district and maintain a continuing harmony with the historic character of the entire district.
- (4) To continue and encourage residential uses in the district.
- (5) To preserve the existing landscape and topographical features which exhibit or will assist in maintaining significant historic elements of the village.
- (6) To enhance changes to principal façades and protect the historic appearance of the Cabbagetown mill village development.
- (7) To encourage compatible economic development and neighborhood revitalization.
- (8) To prevent the displacement of residents and to encourage affordable housing.
- (9) To preserve and enhance the important aesthetic appearance of the district.
- (10) To substantially promote the public health, safety, and welfare.
- (11) To promote, encourage, and enhance the interaction of residents in the district with applicants seeking review and approval as directed by these regulations.

Sec. 16-20A.005. - Certificates of appropriateness.

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

- (1) When required:
 - a) To change the exterior appearance of any portion of a structure within the district;
 - b) To erect a new structure or to make an addition to any structure within the district;
 - c) To demolish or move any contributing structure, in whole or in part, within the district;
 - d) To construct off-street or off-site parking; and
 - e) To erect a new building that replaces a non-contributing building, provided that the applicant, prior to the demolition of said non-contributing building, shall have complied with the requirements of section 16-20.007(c).
- (2) Type required:
 - a) When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition of a contributing building shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
 - b) If the proposed alteration for minor façade alterations, fences, walls, accessory structures, decks, paving and satellite dishes meets the requirements of section 16-20A.006, section 16-20A.007, section 16-20A.008, section 16-20A.009, section 16-20A.010, and section 16-20A.011, as applicable, then the director of the commission shall issue the Type II certificate. If the proposed alteration does not meet said requirements, the director of the Atlanta urban design commission (the commission) shall deny the application. Appeals from any such decision of the director regarding the approval and/or denial of Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for Type I Certificates.
- (8) Financial hardship exemptions.
 - a) These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the ground of economic hardship to the property owner.
 - b) The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.
 - c) The commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 1. The present income of the property owner(s) and those occupying the property;
 2. The age of the property owner;

3. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
 4. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants and tax abatements;
 5. The costs associated with adherence to these regulations;
 6. The degree of existing architectural significance and integrity of the structure; and
 7. The purpose and intent of this chapter.
- d) The commission shall consider these factors and shall grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.
- (14) Design standards for alterations and additions to contributing buildings. Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the historic architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:
- b) All replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.

The Applicant is requesting a financial hardship exemption to allow the retention of a non-compliant siding material which was installed in violation of the Cabbagetown Landmark District Regulations as well as the conditions approved by the Commission at the January 28, 2015 Commission meeting. The conditions on this project stated that any existing historic siding should be retained or repaired in kind, and if no historic siding existed that only wood siding should be used on the structure.

According to the information submitted, the property is owned jointly between Mr. Gene Holcombe and Ms. Elizabeth Zappa. The submitted information explains that Mr. Holcombe is currently on a disability income due to persistent chronic illnesses. The monthly disability income Mr. Holcombe is receiving totals \$2,724.00 a month, however no other financial information has been submitted for Mr. Holcombe. At this time, no financial information has been submitted for Ms. Zappa which details her financial state. Staff finds that the Applicants have not submitted sufficient information for Staff to determine the total income of the Applicants. Staff recommends the Applicants submit thorough and detailed financial information which shows the current financial state of both Mr. Holcombe and Ms. Zappa.

Based on the Applicant's responses Mr. Gene Holcombe is 54 and Ms. Elizabeth Zappa is 61. The Applicants responses state they purchased the property in November of 2014, which means by the time of the September 9, 2015 hearing of the Atlanta Urban Design Commission they will have owned the property for approximately 11 months.

The Applicants have not submitted information which details the availability of loans, grants or tax abatements. Staff recommends that the Applicants submit information regarding the availability of loans, grants and tax abatements. Given the circumstances which have led the Applicants to seek a financial hardship exemption for the installation of non-compliant siding material, Staff also finds that it is appropriate in this situation for the Applicants to submit documentation which details the liability insurance information for their contractor. Staff recommends that the Applicants submit documentation which details the liability insurance information for their contractor.

The Applicants have stated in their responses that the cost for removing the non-compliant siding and replacing it with wood siding would be \$15,000.00. Information detailing these proposed costs were not submitted by the Applicants. Staff recommends the Applicants submit a third party bid which details the cost of removing the non-compliant siding and replacing it with wood on the historic portion of the structure.

The District inventory lists this property as a pre-1911 built Georgian Cottage which is considered contributing to the District. Staff finds that this property is indicative of Shotgun and Cottage Housing subarea of the Cabbagetown Landmark District and has maintained much of its original architectural character, with the exception of vinyl windows which were installed at an undetermined past date, possibly before the District's designation. Further Staff finds that as a property on a corner lot this structure contributes to both Gaskill St. as well as Tye St.

Staff Recommendation: Based upon the following:

- a) The Applicant has not proven an economic hardship based on a preponderance of the evidence per sec. 16-20A.005(8)(b)

CA3-15-259

Staff recommends deferral of the Application for Type III Certificates of Appropriateness (CA3-15-339) for a financial hardship exemption at **700 Gaskill Street** – Property is zoned Cabbagetown Landmark District (Subarea 3) / Beltline to allow the Applicant time to address the following concerns:

1. The Applicants Shall submit thorough and detailed financial information which shows the current financial state of both Mr. Holcombe and Ms. Zappa, per Sec. 16-20A.005(8)(c)(1);
2. The Applicants shall submit information regarding the availability of loans, grants and tax abatements, per Sec. 16-20A.005(8)(c)(4); and,
3. The Applicants shall submit a third party bid which details the cost of removing the non-compliant siding and replacing it with wood on the historic portion of the structure, per Sec. 16-20A.005(8)(c)(5).



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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT September 9, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-341) for a rear addition at **691 Catherine Street**- Property is zoned R4-A/Adair Park Historic District.

Applicant: Jerry Davis
255 E. Lanier Avenue, Fayetteville

Facts: According to the Adair Park Inventory this single family dwelling built in 1915 is considered a contributing structure.

In 2013, the Commission approved an application for a Type II Certificate of Appropriateness (CA2-13-310) for window replacement and other renovations with the following conditions:

1. The replacement windows shall match the original windows in size, location, material and design, per Section 16-20I.006(4)(b)(3);
2. The Applicant shall clarify the full scope of work for the siding repair, per Section 16-20I.006(4)(a)(4);
3. Any siding repair or replacements shall meet the requirements, per Section 16-20I.006(4)(a)(4); and
4. Staff shall review and if appropriate, approve the final plans.

Analysis: The following code sections apply to this application:

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

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;
 2. To erect a new structure or to make an addition to any structure within the subarea, when said new structure or addition can be seen from the public right-of-way; and
 3. To demolish or move any contributing structure, in whole or in part, within the subarea.
- (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. Except with regard to Type I certificates, the procedures for determining the appropriate type of certificate required under subsection 16-20I.006(1)a. above shall be those specified in section 16-20.008 of the zoning code, provided, however, that a partial demolition shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
2. *Lot Size:* In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this chapter 20I shall apply to all subdivisions and aggregations of lots with regard to lot size, dimensions and configurations.
3. *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.
 5. Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
 6. No structure shall exceed that height established by the compatibility rule, with a permitted differential of ten (10) percent.
 - (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.

3. Slab on grade is not permitted.
 4. Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.
- (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.
 2. Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
 3. The shape and pitch of roofs for new construction shall be subject to the compatibility rules.
 4. Decks, skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations are permitted on roofs of buildings provided they cannot be seen from the public right of way.
- (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.
 3. Porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
 4. Porches shall contain balustrades, columns and other features consistent with porches in that block.

Site

According to the City's records, this lot fronts 50' on Catherine Street and has a depth of 200'. The site plan submitted by the Applicant has slightly different measurements. Staff suggests the Applicant reconcile the discrepancy between the survey and the City records with the Office of Planning subdivision staff. Per underlying zoning, the side yard shall be no less than 7'. The east side yard setback is less than 7' and therefore does not meet the requirement. Staff recommends the east side yard setback be no less than 7'. Per underlying zoning, the rear yard setback shall be no less than 15'. The proposed project meets the rear yard setback requirement.

Per underlying zoning, the maximum lot coverage allowed is 55%. The lot coverage requirement is not indicated. Staff recommends the Applicant provide documentation the proposed lot coverage meets the requirement. Per underlying zoning, the maximum floor area ratio (FAR) allowed is .50. The FAR is not indicated on the plans. Staff recommends the Applicant provide documentation the proposed FAR meets the requirement.

Addition and Alterations

The project includes a new rear addition. Staff finds the overall design and massing of the rear addition is consistent and compatible with the existing house. As the addition is inset, Staff finds it will be delineated from the existing historic house. There is a notation on the plans that the façade material will be smooth cementitious siding. Staff has no concerns regarding the use of smooth cementitious siding for the addition. It is not clear whether the notation regarding cementitious siding is only for the addition or whether it also refers to existing house. Staff recommends the Applicant clarify whether there will be any changes to siding on the existing historic house.

The as-built drawings indicate the existing front porch is enclosed with screenwire. In looking at pictures submitted by the Applicant, the porch is not enclosed. Staff recommends the Applicant clarify whether the porch will be enclosed. In looking at pictures submitted by the Applicant, it appears that repairs to the existing house may be required. In looking at the proposed elevations it appears the only work proposed is the addition. Staff recommends the Applicant clarify whether there is any exterior work proposed beyond the rear addition. There is a notation on the roof plan that a skylight is proposed. The proposed skylight is not indicated on the elevations or the roof plan. Staff recommends the Applicant clarify where the proposed skylight will be located.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for a Type III Certificate of (CA3-15-341) for a rear addition at **691 Catherine Street**- Property is zoned R4-A/Adair Park Historic District, with the following conditions:

1. The east side yard setback shall be no less than 7', per Section 16-06A.008(2);
2. The Applicant shall provide documentation the proposed lot coverage meets the requirement, per Section 16-06A.008(6);
3. The Applicant shall provide documentation the proposed FAR meets the requirement, per Section 16-06A.008(5)(a);
4. The Applicant shall clarify whether there will be any changes to siding on the existing historic house, per Section 16-20I.006(4)(a)(4);
5. The Applicant shall clarify whether the porch will be enclosed, per Section 16-20I.006(3)(g);
6. The Applicant shall clarify whether there is any exterior work proposed beyond the rear addition;
7. The Applicant shall clarify where the proposed skylight will be located, per Section 16-20I.006(3)(f)(4); and
8. Staff shall review and if appropriate, approve the final plans and documentation.



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TIM KEANE
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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT **September 9, 2015**

Agenda Item: Application for a Review and Comment (RC-15-352) for demolition of single family houses at **148, 154, 158, 164, 168, 172, 194, 198 and 206 Atlanta Avenue**- Properties are zoned R-4A.

Applicant: Kissberg Construction
1100 2nd Street, Stone Mountain

Facts: The Watershed Management Department is proposing the demolition of 18 properties in the Peoplestown Neighborhood. This application is for 9 properties on Atlanta Avenue.

In 2014, the Commission confirmed delivery of comments on a Review and Comment (RC-14-387) for demolition of single family houses at **178, 188, 198, 202, 206 and 219 Atlanta Avenue**- Properties are zoned R-5-C/Beltline.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

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

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

All of the houses proposed for demolition are located on Atlanta Avenue and Ormond Street. In looking at the dates of construction for all 18 houses proposed for demolition, the majority of the existing houses were built in the 1920's and the 1930's. Only two of the properties on Ormond would be considered non-historic. Staff would note Atlanta Avenue and Ormond Street are parallel and the properties proposed for demolition back up to each other. Given the number of historic buildings that have already been lost, Staff was initially very concerned regarding the potential for the demolition of more historic buildings. Staff spoke with the Department of Watershed Management to get

clarification regarding why the buildings required demolition and whether there were any alternatives to demolition considered.

The area in question is located where two streams historically have come together and now where the sewer lines come together. The properties also sit significantly lower than the rest of the neighborhood. The neighborhood has been greatly impacted by the construction for the 1996 Olympic Stadium, continues to be impacted by run-off from Turner Field, the nearby surface parking lots and development near downtown. Whenever there is a significant amount of rainfall, over a short or long period of time, the area is flooded with both storm water and sewage. According to Watershed Management, this area has already been flooded several times in the last couple of years. The properties in question are flood damaged houses and the proposed demolition is part of settlement terms between the property owners and the City of Atlanta for several lawsuits.

Staff inquired whether there is a solution that would prevent the area from being flooded with storm water and sewage, without demolishing the houses. The problem could be resolved, however the cost would be 200-300 million dollars versus a significantly lower amount for the proposed solution. Given the cost involved, Staff finds the solution to avoid demolition of the existing houses is not feasible.

If the properties cannot be retained, Staff's next concern is what would ultimately happen with the vacant lots created. Watershed Management is proposing to resolve the flooding issue by using the vacant lots to create detention ponds and bioretention. Staff had concerns regarding whether this area could be used by residents as an amenity and ultimately what the area would look like. While the design of the detention ponds and bioretention area will ultimately be reviewed by the Commission as another City project. Watershed Management indicated they are looking at a solution similar to Fourth Ward Park with a possible design that would be inspired by Japanese sunken gardens. Watershed Management has indicated they have already been meeting with the neighborhood regarding potential designs of the detention pond and bioretention area.

In general, Staff finds the retention of historic buildings in the Peoplestown neighborhood is important. Staff finds the demolition of the properties on Atlanta Avenue will be a significant loss of historic fabric and a detriment to the neighborhood. However, given the information we have at this time, Staff finds retention of the existing properties is not feasible, nor would it allow for a comprehensive solution to the flooding problem. Staff finds the proposed demolitions are warranted.

Staff Recommendation: Staff recommends that the Commission deliver its comments to the Applicant at the Commission meeting regarding Application for a Review and Comment (RC-15-352) for demolition of single family houses at **148, 154, 158, 164, 168, 172, 194, 198 and 206 Atlanta Avenue-** Properties are zoned R-4A.



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Director, Office of Planning

STAFF REPORT **September 9, 2015**

Agenda Item: Application for a Review and Comment (RC-15-353) for demolition of single family houses at **147, 153, 157, 163, 167, 171, 183, 187 and 189 Ormond Street**- Properties are zoned R-4A.

Applicant: Kissberg Construction
1100 2nd Street, Stone Mountain

Facts: The Watershed Management Department is proposing the demolition of 18 properties in the Peoplestown Neighborhood. This application is for 9 properties on Ormond Street.

In 2014, the Commission confirmed delivery of comments on a Review and Comment (RC-14-385) for demolition of single family houses at **175, 179, 195, 203 and 207 Ormond Street**- Properties are zoned R-5-C/Beltline.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

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

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

All of the houses proposed for demolition are located on Atlanta Avenue and Ormond Street. In looking at the dates of construction for all 18 houses proposed for demolition, the majority of the existing houses were built in the 1920's and the 1930's. Only two of the properties on Ormond would be considered non-historic. Staff would note Atlanta Avenue and Ormond Street are parallel and the properties proposed for demolition back up to each other. Given the number of historic buildings that have already been lost, Staff was initially very concerned regarding the potential for the demolition of more historic buildings. Staff spoke with the Department of Watershed Management to get

clarification regarding why the buildings required demolition and whether there were any alternatives to demolition considered.

The area in question is located where two streams historically have come together and now where the sewer lines come together. The properties also sit significantly lower than the rest of the neighborhood. The neighborhood has been greatly impacted by the construction for the 1996 Olympic Stadium, continues to be impacted by run-off from Turner Field, the nearby surface parking lots and development near downtown. Whenever there is a significant amount of rainfall, over a short or long period of time, the area is flooded with both storm water and sewage. According to Watershed Management, this area has already been flooded several times in the last couple of years. The properties in question are flood damaged houses and the proposed demolition is part of settlement terms between the property owners and the City of Atlanta for several lawsuits.

Staff inquired whether there is a solution that would prevent the area from being flooded with storm water and sewage, without demolishing the houses. The problem could be resolved, however the cost would be 200-300 million dollars versus a significantly lower amount for the proposed solution. Given the cost involved, Staff finds the solution to avoid demolition of the existing houses is not feasible.

If the properties cannot be retained, Staff's next concern is what would ultimately happen with the vacant lots created. Watershed Management is proposing to resolve the flooding issue by using the vacant lots to create detention ponds and bioretention. Staff had concerns regarding whether this area could be used by residents as an amenity and ultimately what the area would look like. While the design of the detention ponds and bioretention area will ultimately be reviewed by the Commission as another City project. Watershed Management indicated they are looking at a solution similar to Fourth Ward Park with a possible design that would be inspired by Japanese sunken gardens. Watershed Management has indicated they have already been meeting with the neighborhood regarding potential designs of the detention pond and bioretention area.

In general, Staff finds the retention of historic buildings in the Peoplestown neighborhood is important. Staff finds the demolition of the properties on Atlanta Avenue will be a significant loss of historic fabric and a detriment to the neighborhood. However, given the information we have at this time, Staff finds retention of the existing properties is not feasible, nor would it allow for a comprehensive solution to the flooding problem. Staff finds the proposed demolitions are warranted.

Staff Recommendation: Staff recommends that the Commission deliver its comments to the Applicant at the Commission meeting regarding Application for a Review and Comment (RC-15-353) for demolition of single family houses at **117, 153, 157, 163, 167, 171, 183, 187 and 189 Ormond Street-** Properties are zoned R-4A.



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STAFF REPORT September 9, 2015

Agenda Item: Review and Comment (RC-15-365) for an addition at **235 West Wieuca Rd. (Chastain Park)**. Property is zoned R-3

Applicant: Jim King, Chastain Park Athletic Club
76 Laurel Dr.

Facts: Chastain Park is located in the East Chastain Park neighborhood in NPU B. The Commission has reviewed a variety of applications related to Chastain Park, including in 2008 on a new master plan. The Commission has also commented on such projects as streetscapes, horse barns, horse facilities, picnic shelters, building renovations, parking lots, etc.

Before the Commission as this time is the addition of a removable cover for the outdoor pool at the park.

Analysis: The following code sections apply to this application:

Per section 6-4043 of the Atlanta City Code, as amended:

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

Per Section 16-20.009. Same; further standards.

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

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

- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

The proposed metal and fabric structure would cover the middle portion of the pool and associated bleacher space. The structure would be attached to the pool deck and to two bulkheads within the pool that would divide the inside water from outside (un-covered) section of the pool. The fabric on the structure can be opened and closed depending in the circumstances and interest of the operator. In the winter, the fabric would be completely closed creating in effect an indoor pool. This will allow the pool to extend its season both in the fall and spring. While the structure is “temporary” by design, the Chastain Park Pool management group anticipates leaving the structure up year around and reducing the fabric coverage during the summer to create some shade in the pool area.

The Staff supports the use and design of the cover. It will increase the utility of the pool thereby increasing the effectiveness of a City recreational resource with less cost than a more traditionally built pool cover. Further, the Staff finds that the structure has a simple, contemporary aesthetic that is appropriate for a non-historic feature of the park – the outdoor pool.

However, the Staff does have some minor concerns about the proposal. First, it is clear how the structure will be attached the pool deck and if this attachment will cause any permanent holes or other damage to the pool deck. If the structure were ever removed, the presumed mounting holes / locations would have to be repaired. Second, the Staff is concerned about the configuration in the summer when it would appear that there will be poles / structural members in the middle of the pool deck opposite the bleacher side of the pool. This configuration could present a safety / logistical problem with children or others bumping into the poles / structure members. Third, the Staff is concerned about the maintenance of the fabric cover, given it will be left outside continuously. In particular, the Staff is concerned about staining and damage from leaves and other debris.

Staff Recommendation: Staff recommends that the Commission confirm delivery its comments verbally at the meeting regarding Review and Comment (RC-15-365) for an addition at **235 West Wieuca Rd. (Chastain Park).**