



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
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**TIM KEANE**  
Commissioner

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

## STAFF REPORT September 23, 2015

**Agenda Item:** Application for a Type II Certificate of Appropriateness (CA2-15-351) for alterations at **455 Atlanta Avenue** - Property is zoned R-5/Grant Park Historic District (Subarea 1)/Beltline.

**Applicant:** Mareece Abney  
3375 Centerville Highway #464, Snellville

**Facts:** According to the Grant Park Inventory this dwelling built in 1985 is considered non-contributing.

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

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

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

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

Per Section 16-20K.007

(2) *Architectural Standards.*

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

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

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

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).

11. Any 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.

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.

c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.

(C) *Design Standards and Criteria for Alterations and Additions to Non-contributing Structures.* Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.

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

The Applicant is proposing to replace the windows in-kind. As the windows are not historic, Staff has no concerns regarding the proposal. Per regulations, the new windows should be substantially consistent with historic windows or meet a percentage requirement. If the new windows are placed in the existing openings, Staff finds the percentage requirement has been met. Staff recommends the Applicant submit an elevation or cut sheet that indicates the details of the new windows.

The Applicant is proposing to replace the existing siding with new cementitious siding. As the existing siding is not historic, Staff has no concerns regarding the proposal. Staff recommends the new façade material is indicated as smooth cementitious siding with a 4' to 6" reveal.

The Applicant is proposing to replace the existing shingles. While Staff has no concerns regarding the shingle replacement, Staff recommends the Applicant submit information regarding the new roofing material. The Applicant is proposing to paint the exterior of the house. Staff has no concerns regarding the proposed exterior painting.

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

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

Staff recommends approval of the application for a Type II Certificate of Appropriateness (CA2-15-351) for alterations at **455 Atlanta Avenue** - Property is zoned R-5/Grant Park Historic District (Subarea 1)/Beltline.

1. The Applicant shall submit an elevation or cut sheet that indicates the details of the new windows, per Section 16-20K.007(2)(C);
2. The new façade material shall be smooth cementitious siding with a 4' to 6" reveal, per Section 16-20K.007(2)(c);
3. The Applicant shall submit information regarding the new roofing material, per Section 16-20K.007(2)(C); and
4. Staff shall review and if appropriate, approve the final documentation.



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Director, Office of Planning

## STAFF REPORT September 23, 2015

**Agenda Item:** Application for a Type II Certificate of Appropriateness (CA2-15-359) for alterations at **1040 Allene Avenue**- Property is zoned R4-A/Adair Park Historic District (Subarea 1)/ Beltline.

**Applicant:** Jeffrey E. Franklin  
1101 Meriwether Drive, Bogart

**Facts:** According to the Adair Park Inventory this single family dwelling built in 1922 is considered a contributing structure.

**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.
  - (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.

## Site

The existing lot fronts 50' on Allene and has a depth of 171.9' on its longest side. While the Applicant submitted a site plan that matches the City records, it is not properly scaled. Staff recommends the Applicant submit a properly scaled site plan. Per underlying zoning, the side yard shall be no less than 7' and the rear yard shall be no less than 15'. As the plans are not properly scaled and the dimensions

of the proposed setbacks are not indicated on the site plan, Staff cannot determine whether the setback requirements have been met. Staff recommends the project meet the setback requirements.

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. As there is no additional heated space proposed, Staff finds the FAR requirement does not apply in this case.

### **Alterations**

There are currently two doors on the front façade. The Applicant is proposing to convert one of the doors into a window. In looking at the Sanborn Fire Insurance maps, this house was originally a duplex and the two front doors represent its original use. While Staff has no concerns regarding an internal conversion of this house into a single-family dwelling, Staff finds the two exterior doors should remain. Staff recommends the two front façade doors are retained.

The Applicant is proposing to remove one of the windows and openings on the left facade. It is not clear why the window is proposed for removal. Staff recommends the Applicant provide information regarding why the window and opening on the left elevation is proposed for removal.

The Applicant is proposing to paint existing siding in the front gable area. In looking at pictures, there is no existing siding. Staff recommends the Applicant clarify whether new siding is proposed in the gable area. The Applicant is proposing to repair or replace the roof shingles in-kind. Staff has no concerns regarding the proposed roof work.

The Applicant is proposing to demolish the existing deck and construct a new deck. The deck is not historic, therefore Staff has no concerns regarding the proposed demolition. Staff finds the proposed deck and other rear façade work is not visible from the public right-of-way. As such, Staff has no comments on the design. Staff would note the location of the proposed deck on the elevations and site plan do not match. Staff recommends all site plans, elevations and floor plans are internally consistent.

**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 II Certificate of Appropriateness (CA2-15-359) for alterations at **1040 Allene Avenue**- Property is zoned R4-A/Adair Park Historic District (Subarea 1)/ Beltline, with the following conditions:

1. The Applicant shall submit a properly scaled site plan;
1. The project shall meet the setback requirements, per Section 16-06A.008(2);
2. The project shall meet the lot coverage requirement, per Section 16-06A.008(6);
3. The two front façade doors shall be retained, per Section 16-20I.006(3)(b)(2);
4. The Applicant shall provide information regarding why the window and opening on the left elevation is proposed for removal, per Section 16-20I.006(3)(b)(2);
5. The Applicant shall clarify whether new siding is proposed in the gable area;
6. All site plans, elevations and floor plans shall be internally consistent; and
7. Staff shall review and if appropriate, approve the final plans and documentation.



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## STAFF REPORT September 23, 2015

**Agenda Item:** Review and Comment (RC-15-366) for the demolition of a City of Atlanta owned property at **3931 Land O Lakes Drive**- Property is zoned R-3.

**Applicant:** Henrietta Kisseih  
1100 2<sup>nd</sup> Street, Stone Mountain

**Facts:** The existing single family dwelling is located in the North Buckhead Neighborhood in NPU B.

**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 structure 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.

The Applicant is proposing to demolish an existing City of Atlanta owned property. In looking at the Fulton County Tax Assessor records available online, the existing structure is indicated as a 1967 single story brick ranch. The pictures and site plan submitted indicate the existing structure is a two-story stucco building that is typical of 1980's construction. Either the original brick ranch house has been heavily altered or was demolished. Staff suggests the Applicant provide information regarding any alterations or demolition to the original 1967 house.

Staff finds the original 1967 single story brick ranch is no longer present due to either alterations or demolition. As such, Staff does not have a concern regarding the proposed demolition. The application indicates the property will be added to the "greenspace inventory". It is not clear whether the land will be used for a specific purpose or whether it will be unused vacant land. Staff suggests the Applicant provide information regarding why the land was acquired and what is proposed for the land after the demolition is completed. Given the information we have at this time, Staff does not have concerns regarding the proposed demolition.

**Staff Recommendation:** Staff recommends that the Commission deliver its comments regarding Review and Comment (RC-15-366) for the demolition of a City of Atlanta owned property at **3931 Land O Lakes Drive**.

**SCRIPT FOR SECOND PUBLIC HEARING  
FOR THE  
TYPE IV CERTIFICATE OF APPROPRIATENESS APPLICATION:**

***CA4ER-15-304 –  
1111 ST. AUGUSTINE PLACE  
(ATKINS PARK HISTORIC DISTRICT)***

*(Commission Secretary reads item into record.)*

**Chair:** The Commission this afternoon will be reconvening the public hearing started on AUGUST 12, 2105 regarding the application of JOSEPH ASHKOUTI for a Type IV Certificates of Appropriateness to DEMOLISH the building at 1111 ST. AUGUSTINE PLACE, located in the ATKINS PARK HISTORIC DISTRICT.

The Applicant had the burden of showing the DEMOLITION of the building is required to rectify a condition of unreasonable economic return and the Applicant has the present intent and financial ability to replace the landmark building with a replacement building in accordance with the standards and criteria set out in Section 16-20.008, Subsection d.

At the AUGUST 12, 2015 meeting the Applicant presented their application and the public was given an opportunity to speak on the application. In addition, the Commission established the Economic Review Panel, created a deadline of AUGUST 20, 2015 for any additional materials to be submitted for consideration by the Economic Review Panel and set the date for the reconvening of the public hearing to SEPTEMBER 9, 2015, which was deferred until TODAY.

Unlike cases that do not involve the Economic Review Panel, there was no staff recommendation, but all of the materials received by AUGUST 20, 2015 (including a transcript of the AUGUST 12, 2015 public hearing) were transmitted to the Economic Review Panel. The procedures that will govern this application requires that the Applicant select its representative to the Economic Review Panel, and the Commission select its representative, and those two persons will in turn select a third. For this application, the Economic Review Panel consisted of UTE BANSE, GREG EVANS, AND DOUGLAS SCOTT. The appointees are real estate and redevelopment experts knowledgeable in real estate economics in general, and more specifically, in the economics of renovation, redevelopment and other aspects of rehabilitation.

The Economic Review Panel, having reviewed all of the information noted above, prepared a written report of their findings with regard to the criteria set out in Section 16-20.008, Subsection d of the City's Historic Preservation Ordinance for demolition based on Applicant's position that such demolition is required to rectify a condition of unreasonable economic return. On **OCTOBER 01, 2015**, the Atlanta Urban Design Commission Staff received that written report from the Economic Review Panel and provided that report to the Commission for final

action by the Commission at today's reconvening of the public hearing for the application, as required by the City's Historic Preservation Ordinance.

For today's hearing, I would recommend that the Economic Review Panel have 10 minutes in which to present their written report and findings. Following the Economic Review Panel's presentation, as is the case with all other Commission applications, the Applicant and all those in favor of the application will have 10 minutes to present and all those opposed to the application will also have 10 minutes to present.

As was noted during the opening remarks, additional time can be granted by the Commission at their discretion if asked for at the beginning of each presentation period. In addition, any remaining time left from the 10 minutes allotted to the Applicant and those in favor of the application can be reserved for rebuttal of the opposition comments by the Applicant and those in favor of the application. Lastly, the Commission's Rules of Procedure allows 2 minutes for the Applicant to respond to the Commission's Executive Session comments and questions prior to the Commission making a motion on the application.

**Chair:** Is there a motion to adopt the 10 minute presentation time frame for the Economic Review Panel?

**Commission Member:** I move to adopt the 10 minute presentation time frame for the Economic Review Panel noted by the Commission Chair.

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

**Chair:** It has been moved and seconded to accept the 10 minute presentation time for the Economic Review Panel.

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

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

First, we will hear from the Economic Review Panel.

As the Economic Review Panel, do you need any additional time to make your presentation?

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

**Chair:** After we hear from the Economic Review Panel, we will then hear from the Applicant and those in support of the application. Economic Review Panel, please go ahead.

*(Presentation by the **Economic Review Panel** within time frame allotted by the Commission.)*

**Chair:** Next we will hear from the Applicant and those in support of the application.



As the Applicant or someone in support of the application, do you need any additional time to make your presentation?

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

**Chair:** After we hear from the Applicant and those in support of the application, we will then hear from those opposed to the application. Applicant, please go ahead.

*(Presentation by the Applicant and those in support of the application within time frame allotted by the Commission.)*

**Chair:** The Applicant and those in favor of the Application have \_\_\_ minutes for rebuttal.

**Chair:** Next we will hear from those in opposition to application. Is there anyone here that would like to speak in opposition to this application? Please come forward.

As someone in opposition to the application, do you need any additional time to make your presentations?

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

Those in opposition, please go ahead.

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

**Chair:** Is there any rebuttal by the Applicant and those in favor of the Application? If so, please come forward. You have \_\_\_ minutes for rebuttal.

**Chair:** This concludes the presentation of the Economic Review Panel’s findings and the public comment period for this application. At this time, the Commission will now enter Executive Session. At the end of this Executive Session, the Commission can take one of the following actions related to this application:

1. Adopt the Economic Review Panel’s report and APPROVE the application to DEMOLISH the building.
2. Adopt the Economic Review Panel’s report and APPROVE WITH CONDITIONS the application to DEMOLISH the building.
3. Find that the Economic Review Panel acted arbitrarily and/or that their decision was based on an erroneous finding of material fact and DENY the application to DEMOLISH the building. This action takes a ¾ majority action by the Commission to pass.
4. Adopt the Economic Review Panel’s report, but defer final action on the application to DEMOLISH the building for 90 days to allow time for the preparation of a “preservation plan” to be reviewed by the Economic Review Panel.

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

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

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

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

**Chair:** Hearing no more questions or comments from Commission members, per the Commission’s Rule of Procedure, does the Applicant have any response to the Commission members’ questions and comments prior to motions on the application? Your response is limited to 2 minutes.

*(**Applicant** has two minutes to respond to the Commission members’ questions and comments.)*

**Chair:** Are there any motions from Commission members to take action on the Economic Review Panel report and the application itself?

**Possible Urban Design Commission Motions:**

**1. Approve the Demolition (Each motion requires a simple majority vote to pass.)**

*First Motion:* “I move to adopt the final report of the Economic Review Panel received by the Atlanta Urban Design Commission Staff on OCTOBER 01, 2015 which was prepared by the Economic Review Panel for Application CA4ER-15-304 for the building at 1111 ST AUGUSTINE PLACE.”

*Second Motion:* “Based on the aforementioned adoption of the final report of the Economic Review Panel for Application CA4ER-15-304 and all evidence, materials and documentation submitted to the Commission for Application CA4ER-15-304, and all testimony presented to the Commission at the AUGUST 12, 2015 and today’s public hearing for Application CA4ER-15-304, I move to find that the Applicant has presented sufficient evidence that the standards and criteria set forth in subsection Section 16-20.008(d)(2)(b) are satisfied.”

*Third Motion:* “Based on the adoption of the foregoing motions, I move to approve Application CA4ER-15-304 for the DEMOLITION of the building at 1111 ST. AUGUSTINE PLACE to rectify a condition of unreasonable economic return in that the building is incapable of earning a reasonable economic return and the applicant has the present intent and the secured financial ability to replace the building with a replacement building.”

**2. Approve the Demolition with conditions (Each motion requires a simple majority vote to pass.)**

*First Motion:* “I move to adopt the final report of the Economic Review Panel received by the Atlanta Urban Design Commission Staff on OCTOBER 01, 2015 which was prepared by the Economic Review Panel for Application CA4ER-15-304 for the building at 1111 ST AUGUSTINE PLACE.”

*Second Motion:* “Based on the aforementioned adoption of the final report of the Economic Review Panel for Application CA4ER-15-304 and all evidence, materials and documentation submitted to the Commission for Application CA4ER-15-304, and all testimony presented to the Commission at the AUGUST 12, 2015 and today’s public hearing for Application CA4ER-15-304, I move to find that the Applicant has presented sufficient evidence that the standards and criteria set forth in subsection Section 16-20.008(d)(2)(b) are satisfied.”

*Third Motion:* “Based on the adoption of the foregoing motions, I move to approve Application CA4ER-15-304 for the DEMOLITION of the building at 1111 ST. AUGUSTINE PLACE to rectify a condition of unreasonable economic return in that the building is incapable of earning a reasonable economic return and the applicant has the present intent and the secured financial ability to replace the building with a replacement building, with the following conditions:

- 1.
  - 2.
- etc.”

**3. Deny the Demolition (Each motion requires a ¾ majority vote to pass.)**

*First Motion:* “I move to find that the Economic Review Panel convened for CA4ER-15-304 for the DEMOLITION of the building at 1111 ST AUGUSTINE PLACE acted arbitrarily and/or that their decision was based on an erroneous finding of material fact, as evidenced by the following findings and conclusions:

- 1.
  - 2.
- etc.

These findings and conclusions are based on those standards and criteria set forth in Subsections 16-20.008(d)(2)(b)(i-ii).”

*Second Motion:* “Based on the adoption of the foregoing motion, I move to deny Application CA4ER-15-304 for the DEMOLITION of the building at 1111 ST AUGUSTINE PLACE to rectify a condition of unreasonable economic return.”

**4. Defer Action on the Demolition (Each motion requires a simple majority vote to pass.)**

*First Motion:* “I move to adopt the final report of the Economic Review Panel received by the Atlanta Urban Design Commission Staff on OCTOBER 01, 2015 which was prepared by the Economic Review Panel for Application CA4ER-15-304 for the building at 1111 ST AUGUSTINE PLACE.”

*Second Motion:* “Based on the aforementioned adoption of the final report of the Economic Review Panel for Application CA4ER-15-304 and all evidence, materials and documentation submitted to the Commission for Application CA4ER-15-304, and all testimony presented to the Commission at the AUGUST 12, 2015 and today’s public hearing for Application CA4ER-15-304, I move to find that the Applicant has presented sufficient evidence that the standards and criteria set forth in subsection Section 16-20.008(d)(2)(b) are satisfied.”

*Third Motion:* “Per Section 16-20.008(d)(3)(c ), I move to defer final action on Application CA4ER-15-304 for a period of no more than 90 days, until the Commission’s regularly scheduled meeting on DECEMBER 9, 2015, to allow for the preparation of a preservation plan to save the building from partial demolition pursuant to Section 16-20.008(d)(4) within 60 days from the date of today’s hearing.”



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

## **STAFF REPORT** **September 23, 2015**

**Agenda Item:** Review and comment (RC-15-371) on a text amendment (Z-15-40) for revisions to the **Druid Hills Landmark District** regulations. Property is zoned Druid Hills Landmark District.

**Applicant:** Office of Planning  
55 Trinity Avenue, SW

**Facts:** In 1989, the Druid Hills neighborhood within the City of Atlanta was zoned to the Landmark District category of protection under the City’s Historic Preservation Zoning Ordinance. This 1989 zoning action essentially continued the previous “zoning” of the District that occurred prior to 1989 under the City’s pre-1989 historic preservation / zoning ordinance. The 1989 rezoning supplanted all of the regulations that existed at that time, and there have been only a couple of substantive changes to the District regulations since 1989.

In August, 2010, the Staff launched an effort to update many of the City Landmark and Historic District regulations, some of which were over 25 years old. The neighborhood leadership, stakeholders, and interested parties in each respective district, in partnership with the Staff, developed proposed regulatory revisions that were discussed and reviewed at the community level.

In the case of the Druid Hills Landmark District, there has been community engagement over the course of several lead by the Druid Hills Civic Association. The current rezoning application (Z-15-040) is based on this community engagement. Given the comprehensiveness and depth of this engagement as well as the actual form of the proposed revisions (moved sections, renumbered sections, new text, etc.), the current legislation would replace the current District regulations with a new set of regulations.

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

Per Section 6-4043 of the Atlanta City Code:

- (e) Powers and Duties: The commission is the city agency responsible for developing and administering the city's historic preservation and urban design activities and shall have the following powers and duties:
  - (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.

In 2010, the Staff developed a set of principles or “framework” to be used for all of the revisions to the District’s that would be a part of the overall revision initiative. While some of these do not necessarily apply to the revisions proposed for the Druid Hills Landmark District (given the actual revisions proposed and the physical character of the District), they are useful to put the proposed District regulation revisions into context with the City’s overall effort:

- Add Staff-level / “administrative” reviews for all districts that currently do not have them. The addition of administrative reviews will save customers time and money while freeing up Staff time to work on more complicated reviews.
- Amend existing language to clarify the intent of the regulations. There are instances where the apparent intent of the regulations is not carried out in the specific language / text of the regulations.
- Address general concerns / ambiguities / oversights in individual districts. There are examples of regulation sections that do not address all the pertinent issues for that topic.
- Do not add more substantive requirements or significant new topics to the regulations, expand the scope of the regulations, or add or delete any geography to the districts.
- Create more uniform requirements among similar districts, including but not limited to the following:
  - Staff review of independent driveways not connected to a public street.
  - Staff review of the replacement of non-original / non-historic or missing elements that otherwise meet the regulations (i.e. siding, windows, porch railings, porch columns, porch flooring, exterior doors, etc.).
  - Staff review of the use of synthetic roofing materials when not visually distinguishable from the original.
  - Clarification of language regarding energy generating devices (solar panels, wind turbines, etc.) if currently missing.

Over the years, the Staff, the neighborhood, applicants, and interested parties have found that portions of the current regulations did not always have the desired effect regarding new construction, additions, renovations, etc. The Staff has been working with the Druid Hills Civic Association to identify changes that would help better preserve the historic integrity of the District while also encouraging compatible new construction, additions and alterations.

In summary, the current proposal before the Commission at this time includes the following substantive changes from the existing regulations:

**Statement of Intent:**

- The Statement of Intent is updated to reflect an expanded period of significance / development that more closely follows the actual patterns of development in the District.

**General Regulations:**

- The Secretary of the Interior's Standards for Rehabilitation are listed in the district text as opposed to the current regulations which only referenced these standards.
- The types of Certificates of Appropriateness have been defined within the regulations.
- Administrative review (Type II Staff Review Certificates) has been added for selected types of projects.
- More detail has been added for landscaping requirements making it clear what is required for this type of work.
- Specific reference to the City’s Tree Ordinance has been added eliminating an outdated and somewhat duplicative section related to trees that previously existed within the regulations.

- Requirements for fences and walls have been clarified.
- A Contributing / Non-contributing Property List has been incorporated to delineate contributing structures for the entire district, with the ability for the list to be periodically updated for errors or omissions. No such delineation exists in the current regulations.
- The requirements for the review of subdivisions and consolidations have been made clearer using documents from previously adopted legislation as benchmarks.

**Ponce de Leon Corridor:**

- The text related to permitted principal and accessory uses, as well as uses allowed through special use permits has been re-organized to separate design requirements from use requirements.

**Fairview Road:**

- There were only minor changes made to this section.

**Springdale Road / Oakdale Road / Lullwater Road / Lullwater Parkway:**

- There were only minor changes made to this section.

The Staff would recommend support for the proposed revisions to the District regulations given that the proposed revisions:

1. Are based on a substantial amount of community input;
2. Clarify aspects of the regulations allowing for more “up-front” understanding of the requirements by property owners and potential applicants, including site plan, façade, material, and accessory structure requirements;
3. Include more specific design requirements adding depth and breadth Secretary of Interior Standards for Rehabilitation, which are only referred to in the current District regulations;
4. Add an administrative review process allowing the Commission and Staff to focus its public hearing-related work and analysis on more substantial proposals and changes to the District while at the same time requiring review of more routine or simpler requests by the Director; and
5. Differentiate between contributing and non-contributing buildings in relation to the District period of significance and statement of intent.

**Staff Recommendation:** Staff recommends that a letter of support and comments regarding Review and comment (RC-15-371) on a text amendment (Z-15-040) for revisions to the Druid Hills Landmark District regulations be sent to the Secretary of the Zoning Review Board and the appropriate Office of Planning Staff.



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

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**TIM KEANE**  
Commissioner

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

## STAFF REPORT September 23, 2015

**Agenda Item:** Application for Review and Comment (RC-15-377) for alterations to the Cyclorama Building and immediately adjacent property at **800 Cherokee Avenue (Cyclorama Building / Grant Park)**. Property is zoned R-5.

**Applicant:** Atlanta History Center  
130 West Paces Ferry Road

**Facts:** The City of Atlanta and the Atlanta History Center have signed a licensing agreement for the curation at the Atlanta History Center of the artifacts from the Cyclorama Building, including “The Battle of Atlanta” painting, the Texas Locomotive, and other items that were part of the exhibits at the Cyclorama Building. For this review, the Atlanta History Center has submitted their preliminary plans for actually moving the artifacts out of the Cyclorama Building, including what needs to happen to the building itself to remove the large “The Battle of Atlanta” painting and the Texas Locomotive.

At this time, some elements of the proposal should be considered preliminary as the very unique nature of the proposal means that some decisions about particular methods/techniques won’t be able to be made until the work actually starts. For example, if “The Battle of Atlanta” painting can’t be rolled onto large spools (the currently proposed method for removal), a different removal method and subsequent alterations to the building would have to be developed. Nonetheless, it is currently anticipated that when the artifacts are removed, the exterior of the Cyclorama Building and immediately surrounding grounds will be generally returned to their previous condition.

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

Per Section 6-4043 of the Atlanta City Code:

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

Per Section 16-20.009. Same; further standards.

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



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

As noted in the Applicant's narrative, it is anticipated that when the artifact removal is complete, the Cyclorama Building will be generally returned to its previous condition. To remove the Texas Locomotive (the first of the two phases to the project), a section of the 1982 portion of the foundation of the building will be removed, the dirt along that side of the building will be removed, two trees will be removed, and a temporary rail track will be built out of the building. The locomotive will be pulled out of the building on the temporary track and loaded onto a truck. Once the locomotive is out of the building, the foundation wall will be replaced to a structurally sound condition and standard waterproofing installed. The excavated dirt will be returned to its previous location, and replacement landscaping will be installed.

To remove "The Battle of Atlanta" painting (the second of the two phases), it is anticipated that the painting will be rolled on spools and lifted vertically out of the building through a 15 ft. x 15 ft. opening in the roof and loaded onto a truck. Once the painting is removed, the roof will be generally replaced to its previous condition, including all typical structural and waterproofing items.

In both cases, the temporary alterations will be located on portions of the building affected by the extensive 1982 renovations. It is not anticipated that the alterations will affect any original or historic fabric from the building.

The Staff finds that given the unique nature of the project, the Atlanta History Center has developed a well thought out and researched proposal for the removal of the artifacts from the building that will not include any unnecessary alterations to the building. Further, the temporary proposed alterations will not affect any prominent façade or element of the building. To remove the locomotive, a normally underground section of foundation will be altered. To remove the painting, a non-visible portion of the roof will be altered.

Further, the Staff finds that it should work directly with the Atlanta History Center regarding the final logistical and physical decisions that will need to be made once the project is underway and more information is known about the details of the project.

**Staff Recommendation:** The Staff recommends that the Commission confirm the delivery of its comments at the meeting for an application for application for Review and Comment (RC-15-377) for alterations to the Cyclorama Building and immediately adjacent property at **800 Cherokee Avenue (Cyclorama Building / Grant Park)**. Property is zoned R-5.



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**TIM KEANE**  
Commissioner

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

## STAFF REPORT

September 23, 2015

Updated

October 5, 2015

(Updated text in Arial font)

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-15-328) for a variance to reduce the West Ashland Street front yard from a minimum of 35' (required) to 9.7' (proposed), to reduce the east side yard setback from a minimum of 7.5' (required) to 5.8' (proposed), to allow a deck not located to the rear of the principal structure, to allow off street parking between the principal structure and the street, and to allow a lack of a front porch on the West Ashland façade of the principle structure, and (CA3-15-329) for alterations, an addition, and site work at **754 Lake Ave.** Property is zoned R-5 / Inman Park Historic District (Subarea 1) / Beltline.

Applicant: Stanley Sugarman  
1934 Hosea Williams Drive

**Facts:** The existing single-family residence was constructed in 1907 and is considered contributing to the District.

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

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

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

1. General criteria.
  - a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Code.
  - b. In the Inman Park Historic District, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
    - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
    - ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.

- iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
  - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
  - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
  - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
  - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
  - viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
  - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
  - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- d. Compatibility rule:
- i. The intent of the mayor and council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face; and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945.
  - ii. To further that intent and simultaneously permit flexibility in design, the regulations provide a compatibility rule which is as follows:
    - (a) Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure.
    - (b) Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.
  - f. 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.
2. Certificates of appropriateness.
- a. Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - d. Type III certificates of appropriateness shall be reviewed by the commission and shall be required for:
    - ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a certificate of appropriateness in the subarea regulations.
  - e. Type IV certificates of appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.
3. Variances, Special Exceptions, and Appeals.
- Variance applications, applications for Special Exceptions, and appeals from these Regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will

result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in Chapter 26 of this Part 16. The Commission shall have the authority to grant or deny applications for Special Exceptions pursuant to the standards in Chapter 25. The Commission shall have the authority to grant or deny applications for appeal pursuant to the standards in Section 16-30.010 and the appeal provisions for said decision, set forth in Section 16-30.010(e), shall also apply to the Commission's decision.

Sec. 16-20L.006. - Specific regulations for Inman Park Core District, Subarea 1.

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

1. Design standards and other criteria for construction of and for additions to one- and two-family residential structures.
  - a. No individual house design shall be substantially repeated on the same side of a street block.
  - b. An unpaved planting strip adjacent and parallel to the public street shall be provided. The compatibility rule shall apply to the dimensions and location of planting strips.
  - c. A sidewalk between the planting strip and the required front yard and parallel to the public street shall be provided. The compatibility rule shall apply to sidewalks. The sidewalk shall be the same width as the sidewalk on abutting properties or it shall be the width required by law, whichever is greater. If no sidewalk exists in the block, the new sidewalk shall not be less than six-feet wide. If no sidewalk paving material predominates in the block, the sidewalk shall be constructed of the historically accurate material for that block, either hexagonal pavers, concrete inlaid with hexagonal imprint, or brick.
  - d. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
  - e. All front façades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the compatibility rule shall apply.
  - f. The compatibility rule shall apply to the form and pitch of the primary roof of the principal structure.
  - g. The compatibility rule shall apply to the height, scale, and massing of the principal structure, except as noted below. In no case shall the height of a structure exceed 35 feet. (See section 16-28.022 for excluded portions of structure.)
    - i. The height of additions shall not be subject to the compatibility rule, but shall be no higher than the existing structure.
    - ii. Notwithstanding the compatibility rule, any new roof ridge line shall be no higher than the highest roof ridge line of the existing structure.
  - h. Height of the first floor of the front façade above grade shall be subject to the compatibility rule. The first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than seven inches in height. Slab-on-grade construction is not permitted.
  - i. Front porches on principal structures shall be required. The compatibility rule shall apply to the design and size of said front porches, provided that such porches shall be a minimum of 12 feet wide or one-half of the width of the front façade, whichever is greater, and a minimum of eight feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to ten feet into the required front yard. All front porch steps shall have closed risers and ends.
  - j. Decks are permitted only when located to the rear of the principal structure. Such decks shall be no wider than the width of the house and shall not project beyond the side façade of the existing house.
  - k. The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street or park as a façade element, the chimney shall originate at grade.
  - l. Fences and walls, excluding permitted retaining walls, visible from a public street or park upon completion, subject to the provisions of section 16-28.008(5) and the following limitations, may occupy required yards:

- i. Fences not exceeding four feet in height may be erected in the front yard or half-depth front yard. Walls, excluding permitted retaining walls, are not permitted in the front yard or in other yards adjacent to public streets,
  - ii. Fences and walls not exceeding six feet in height may be erected in side or rear yards.
  - iii. Fences located in the required front yard adjacent to a street shall be constructed of brick, stone, metal vertical pickets or wood pickets. Chain link fencing is not permitted in front yards or in other yards adjacent to public streets.
- m. The compatibility rule shall apply to the height of portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, no single section of such retaining wall shall exceed four feet in height.
- n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
  - i. The style of the individual window.
    - (1) Windows in the front façade shall be predominantly vertical in proportion.
    - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
    - (3) Window and door casings widths and depths are subject to the compatibility rule.
  - ii. The size and shape of individual window openings.
  - iii. The overall pattern of fenestration as it relates to the building façade.
- o. Mechanical equipment shall be located to the side and rear of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street or park.
- p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system ("EIFS"), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
- q. The compatibility rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
  - i. The dimensions of the exposed face of lap siding and wood shingles.
  - ii. The type of brick and pattern of brickwork.
  - iii. The type of stone and pattern of stonework.
  - iv. The material and texture of stucco.
  - v. The size and type of doors.
    - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
  - vi. The materials and pattern of roofing.
  - vii. Paving materials for walks and drives.
    - (1) Asphalt is not permitted.
  - viii. Visible foundation materials.
    - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
  - ix. Visible portions of chimneys.
    - (1) Chimneys shall be faced with masonry. Siding on chimneys 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:
  - a. New construction: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new construction: Front, side, and rear setbacks shall be subject to the compatibility rule.
  - b. New additions to existing structures: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.

3. Off-street parking and driveways. In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses:
  - a. Off-street parking shall not be permitted between the principal structure and any public street.
  - b. Parking shall not be permitted on walkways that are located between the street and the façade of the principal structure.
  - c. The use of alleys for access to such parking is both permitted and encouraged. No variance is required for driveways coming off of an alley provided however that such driveways shall not extend past any façade which faces a public street.
  - d. Driveways shall not exceed a width of ten feet not including the flare at the street. Two-way driveways, where required for an allowed commercial or multi-family use, shall not exceed 24 feet not including the flare at the street.

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.

### **Site Plan and Replat**

The Applicant has applied for a replat application from the Office of Planning (REP-15-104). In Subarea 1 of the Inman Park Historic District, replat applications are not subject to review by the Commission. The Applicant is requesting permission to include a significant tract of land, currently recorded as part of the West Ashland Ave. right of way, into the subject property. The outcome of the replat application significantly affects the ability of the proposed work to be accomplished as well as the application of the variance criteria to the variance requests. Further, as the proposed replat involves the incorporation of the public right of way into the subject property, which can be more complicated than a standard replat application. As such, the Staff recommends that both applications be deferred to allow the Applicant time to work with Office of Planning Staff to address the lot issues.

### **CA3-15-328:**

#### **General variance analysis:**

In their variance justification the Applicant cites both the size and shape of the lot and the lot's double frontages along Lake Avenue and West Ashland Avenue as the primary conditions which necessitate the requested variances. On these issues, Staff finds that the Applicant has met the variance criteria given that the lot is smaller than the minimum R-5 lot requirements, and, while double frontage lots do exist in the district, they are not common.

#### **Specific variance request analysis:**

***To reduce the West Ashland front Yard from a minimum of 35' (required) to 9.7' (proposed):***

Staff finds that the West Ashland front yards are used as the de-facto rear yard for all contributing structures on the block face. Further, the proposed setback will still allow for a functional, if small, backyard area for the property.

***To reduce the east side yard setback from a minimum of 7.5' (required) to 5.9' (proposed):***

The Applicant's intent is to construct a side deck in such a way that it becomes a continuation of the east façade of the structure. The setback along the east side yard setback narrows as the property line sits diagonally from the principal structure. Staff finds that the proposed location of the side deck addition to be the only feasible location for an addition of this type. Further, Staff finds that the proposed side deck would not obscure the ability to interpret of the original structure or create a false sense of historic development.

***To allow off street parking between the principal structure and the street:***

Several properties on Lake Avenue have driveways which allow for parking to the side of the house with access on either Lake or West Ashland Avenues. The subject property itself appears to have had such a driveway at one point or another as a driveway curb cut still exists along the Lake Avenue frontage. However, Staff finds that it would not be preferable to place a new driveway in the same location. The subject property sits 8.9' feet at the widest point from the east side yard setback and the property line sits in such a way as the setback becomes increasingly narrow as it moves towards the rear of the structure. Staff finds that this creates a hardship in that a functional driveway could not extend 20' past the front façade as required by the regulations. Additionally, the "second" frontage along West Ashland Avenue functions primarily as the rear access for many (though not all) of the properties along Lake Avenue.

***To allow a deck not located to the rear of the principal structure, and to allow a lack of a front porch on the west Ashland façade of the principal structure:***

Staff finds that a front porch along the West Ashland frontage would be out of character for the block as the contributing structures on the block face are situated with the front of the structure facing Lake Avenue and the rear of the structure facing West Ashland Avenue. Additionally a deck in the West Ashland yard of this property would not be out of place as all of the contributing structures on this block have a deck between the house and the street along the West Ashland frontage.

In conclusion Staff recommends approval of all variance requests.

**CA3-15-329:**

**Alterations and site work**

The Applicant is proposing several alterations to the existing structure including replacement of siding, replacement of roofing material, and alterations to the front porch, and the installation of a rear deck. The Applicant is also proposing to install a new rear driveway. Under the district regulations, these alterations will require a separate review via a Type II Staff Review application.

**Addition**

The Applicant is proposing to install a rear addition on the existing non-historic rear bump out. Under the R-5 FAR regulations, if a property is less than 7500 sq. ft. then they are allowed to have 65% of the total lot area or 3700 sq. ft. in interior space, whichever is less. The subject

property is 4,972 sq. ft. and the proposed addition totals 3232 sq. ft. of interior space which is 65% of the total lot area. As such, Staff finds that the FAR requirement has been met.

Under the R-5 lot coverage regulations, the Applicant is allowed to have a total of 55% of the net lot area in impervious surfaces. Given the area of the subject lot, the property has a maximum allowable lot coverage of 7,735 sq. ft. The proposed lot coverage is 2618 sq. ft. As such, Staff finds that the lot coverage requirement has been met.

The proposed addition will have a ridgeline which matches the existing peak of the front roof plane. This ridgeline will extend the entire length of the addition and end in a gabled roof. The regulations state that an addition can have a roofline no higher than the roofline of the existing structure, and Staff finds that the Applicant has met this requirement. However, Staff does have concerns with the roof form. In the Inman Park Historic District, roof form is subject to the Compatibility rule. Staff finds that the majority of contributing structures on the block face have hipped roofs in the rear. Staff recommends that the proposed addition have a hipped roof.

The Applicant has submitted revised drawings which show an addition with a hipped roof.

Regarding the massing of the proposed addition, Staff finds that the overall height of the rear façade with the proposed gable roof is not consistent with contributing structures on the block face. However, given Staff's previous recommendation regarding the roof form, Staff finds that this concern has been alleviated.

Staff finds that the massing of the addition with a hipped roof as shown on the revised drawings to be compatible with the contributing structures on the block face.

According to the plans, the proposed addition will have as a visible foundation material either exposed CMU blocks or stucco. Exposed CMU blocks are prohibited as a visible foundation material in the Inman Park Historic District. As such, Staff recommends that the visible foundation material be stucco.

The Applicant has submitted revised drawings which show stucco as the visible foundation material.

The rear of the addition will have a bump out from the first floor to the main floor ceiling which will be capped with a shed roof. Staff finds that this bump out is compatible with the non-historic bump out of the existing structure and has no concerns with this feature of the proposed addition. Per the regulations the proposed addition contains fenestration which is predominately vertical in orientation. Staff finds the overall pattern of the windows and doors to be consistent with those features found on contributing buildings on the block face. However, the Applicant has not provided information regarding the material of the proposed rear doors. Staff recommends that the proposed doors be wood panel or fixed glass panel in wood frame.

The revised drawings do not list the material for the proposed rear doors. Staff retains its previous recommendation.



The proposed addition will be sided with horizontal lap siding with a reveal of 6". Per the regulations, the width of the siding reveal is subject to the compatibility rule. Staff recommends that the Applicant submit information detailing the compatibility of the proposed 6" horizontal lap siding reveal.

The Applicant has submitted information which shows that the siding on the majority of contributing structures on the block face have a 4.5" reveal. As such, Staff recommends that the replacement siding have a 4.5" reveal.

The proposed lower level floor plan contains features a kitchenette without food preparation appliances which leads Staff to believe that the space may be transformed into a duplex at some point in the future. Staff would note that while this structure would be allowed to be made into a duplex, said duplex would be required to show compliance with the Inman Park Historic District as well as the R-5 duplex regulations.

**Variance (CA3-15-328):**

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

- a) The variance request meets the variance criteria per Section 16-26.003(1); and,
- b) The property configuration is directly related to the variance requests and that configuration is subject to the as yet unresolved replat application;

Staff recommends deferral of an Application for a Type III Certificate of Appropriateness (CA3-15-328) for a variance to reduce the West Ashland Street front yard from a minimum of 35' (required) to 9.7' (proposed), to reduce the east side yard setback from a minimum of 7.5' (required) to 5.8' (proposed), to allow a deck not located to the rear of the principal structure, to allow off street parking between the principal structure and the street, and to allow a lack of a front porch on the West Ashland façade of the principle structure at **754 Lake Ave**. Property is zoned R-5 / Inman Park Historic District (Subarea 1) / Beltline with the following condition:

1. The Applicant shall work with Office of Planning staff to correct the lot issues;

**Design Review (CA3-15-329):**

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

- (a) The Staff recommendation regarding CA3-15-328; and
- (b) The property configuration is directly related to the proposed projects design and that configuration is subject to the as yet unresolved replat application;
- (c) The project meets the District Regulations with the exceptions noted above, per Section 16-20L.005 and Section 16-20L.006.

Staff recommends deferral of an Application for a Type III Certificate of Appropriateness (CA3-15-329) for alterations, an addition, and site work at **754 Lake Ave**. Property is zoned R-5 / Inman Park Historic District (Subarea 1) / Beltline to allow the Applicant time to address the following concerns:

1. The project shall be conditioned on the approval of replat application REP-15-104;
2. The proposed doors shall be wood panel or fixed glass panel in wood frame, per Sec. 16-20L.006(1)(q)(v)(1);
3. The replacement siding shall have a 4.5" reveal, per Sec. 16-20L.006(1)(l)(q)(i);  
and
4. Staff shall review and if appropriate, approve the final plans and documentation.



# CITY OF ATLANTA

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MAYOR

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TIM KEANE  
Commissioner

CHARLETTA WILSON JACKS  
Director, Office of Planning

## STAFF REPORT

September 9, 2015

*Updated*

September 23, 2015

*(updated information in italics)*

**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.

*At the September 9<sup>th</sup> meeting, this application was deferred to allow the Applicant time to address the concerns of Staff and the Commission.*

**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.

***As requested by Staff, the Applicant submitted updated compatibility information. Based on the house width submitted, Staff finds the minimum house width allowed is 14'. Staff finds the minimum house width further supports that Applicants request for a variance. Staff has no concerns regarding the proposed variance.***

### **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.

***In an updated site plan, the proposed front yard setback as measured to the porch is 10'2" and therefore meets the requirement. Staff retains its recommendation regarding clarification of 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.

***In looking at the updated compatibility information, there is still a discrepancy between the portion of the chart that contains all addresses and the portion of the chart that contains the range. While Staff finds the setbacks would be meet the requirements in either scenario, Staff retains its recommendation regarding submitting an accurate compatibility chart.***

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.

***Staff retains its recommendation regarding the FAR.***

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.

***As requested by Staff, the driveway location, design 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.

***In an updated site plan, there is an indication that the sidewalk will be replaced if damaged. As the regulations are specific on how the sidewalk should be replaced, Staff retains its recommendation.***

### **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.

***As requested by Staff, the Applicant provided compatibility information regarding the roof form. The predominate roof form is a gable. The proposed roof is a hip and therefore does not meet the requirement. Staff recommends the proposed roof is a gable. In revised elevations, the roof is now indicated as 5 in 12. As previously indicated, the predominate roof pitch is 7 in 12. The revised roof pitch does not meet the requirements. Staff recommends the proposed roof is 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.

***In revised the plans the height of the house is indicated as 25'1" on both the chart and the elevations. Staff finds the height requirement has been met. Staff retains its recommendation regarding the first floor height.***



## **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 revised elevations, the front façade windows are indicated as 2 over 2 and true divided lite. Staff finds the design of the windows meet the requirements. Staff retains its recommendation regarding the window material.***

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.

***In looking at updated elevations, Staff still has concerns regarding the large amount of blank wall. Staff retains its recommendation. In updated elevations the front façade doors are full wood panel and therefore meet the requirements.***

### **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.

***As requested by Staff, the Applicant submitted compatibility information for the foundations on the block face. As the predominate foundation material is block, Staff recommends the proposed foundation is block. Staff retains its recommendation regarding material details.***

### **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.

*As recommended by Staff, the Applicant provided information on the porch depths on the block face. The porch depths on the block face range from 5' to 8'. The proposed porch depth is 5' and therefore 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).

**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 approval 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), with the following conditions:

1. The Applicant shall submit an accurate compatibility rule chart;
2. The Applicant shall clarify how the front yard setbacks were measured;
3. The Applicant shall provide documentation the project meets the FAR requirement, per Section 16-20A.009(8);
4. If the sidewalk is damaged, the replacement shall meet the requirements, per Section 16-20A.006(13)(f);
5. The proposed roof shall be a gable, per Section 16-20A.006(13)(c);
6. The roof pitch shall be 7 in 12, per Section 16-20A.006(13)(c);
7. The Applicant shall clarify how the first floor heights were measured, per Section 16-20A.006(13)(b)(2)
8. All windows shall be wood, per Section 16-20A.006(13)(b)(3);
9. The proposed foundation material shall be block, per Section 16-20A.006(13)(a)(3);
10. All material details shall meet the requirements and shall be indicated on the plans, per Section (13)(a)(3); and
11. Staff shall review and if appropriate, approve the final plans.



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

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**TIM KEANE**  
Commissioner

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

## STAFF REPORT

September 9, 2015

*REVISED*

September 23, 2015

*(Revised text shown in italic.)*

**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.

*At the September 9, 2015 Commission meeting, the Commission deferred this application to allow time for the Applicant to respond to the Staff comments and the Staff Report. On September 15, 2015, the Applicant provided additional information regarding their application, including further written justification, a graphic of one potential alternative, and context photographs. It is this additional information that is taken into account in this revised Staff Report.*

**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.

*The additional information that was submitted did not address this issue. The Staff would retain its previous comments and concerns.*

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.

*The additional information did include photographs of the houses on the block face, which includes 2 one-story, low hipped roof houses (#165 and #205); 2 two-story, non-contributing houses (#157 and #189); 3 one-story houses with camel back rear additions (#179, #175, and #169); and 1 full two-story house (#173). The Staff finds that the camel back additions on the three houses are not appropriate points of comparison as they were either built before the District was enacted or they themselves were the subject of a variance request based on their unique circumstances. For the purposes of assessing effects of the proposed project on the character of the block face, these should be considered to be one-story houses. The non-contributing houses are also not an appropriate point of comparison as they do not reinforce the character of the block face or the District. This leaves 1 two-story house on the block face that is contributing and generally unaltered from its original construction. As a result, the Staff finds that the contributing buildings on the block face are predominantly one-story. Therefore, the proposed addition would be taller than most of the appropriate points on comparison on the block face.*

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.

*In the additional information submitted by the Applicant, they included a basic design for a full, two-story rear addition with the same square footage as the current proposal (about 950 sq. ft.). The Staff would agree that this full, two-story rear addition presents its own significant problems in relationship to the massing and form. The further justification in the additional information provides an assessment of a full left side, one-story addition; a rear one-story addition; and a side and rear one-story addition. The Staff finds that while these alternative present their own problems and challenges (and potential variance requests), the question remains as to whether these additions have less of a negative effect on the house's and the streetscape's historic character. For example, a combination left side and rear addition could reduce the excessive length of a full left side addition without reducing the overall programmed space. Though this would require a different variance, the outcome of this variance could be less significant (visually) than the current variance that has been requested.*

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 acknowledges that taking all of the houses on the block face, there are a variety of house forms and sizes. However, the Staff finds that those that do not conform to the District regulations or pre-date the District regulations should not be the benchmark to which the current project should be compared. Further, the Staff finds that even taking into account the circumstances of the block face, the proposed addition will significantly alter the existing structure such that it would be difficult to ascertain its historic character and which portions or elements of the house are in fact historic.*

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.

*Due to the continued concerns noted above, the Staff would retain its previous recommendation.*

## **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.

*The additional information did not respond to this concern. The Staff would retain its previous recommendation.*

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 additional information did not respond to this concern. The Staff would retain its previous recommendation.*

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.