



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

**TIM KEANE**  
Commissioner

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

## STAFF REPORT October 14, 2015

**Agenda Item:** Application for Type III Certificates of Appropriateness (CA3-15-380) for a subdivision of one lot into seven lots at **734 Mercer Street**-Property is zoned R-5/ Grant Park Historic District (Subarea 1)/Beltline.

**Applicant:** Kye Wehrell  
2556 Old Orchard Trail, Marietta

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

In 2014, the Commission approved an application for a Type III Certificate of Appropriateness (CA3-14-129) for a lot subdivision from one lot into six lots.

**Analysis:** The following code sections apply to this application:  
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

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

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

2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
- d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
- (3) *Subdivisions.* In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
- (4) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.

The lot in question fronts 370.20' on Mercer Street and has a depth of 163.84' on Eloise Street. The Applicant is proposing to subdivide an existing lot into seven lots. All lots will front Mercer Street and the corner lot will have a half depth front yard on Eloise Street. Per the underlying R-5 zoning, the lots must have a minimum frontage of 50' and an area of no less than 7500 sq. ft. Staff finds the proposed lots meet the underlying zoning requirement. Staff would note that corner lots are required to have 10% additional frontage. Staff finds the corner lot meets the requirements as well.

The Grant Park Historic District regulations require the resulting lots to conform to the historic platting of the district in regards to lot size, dimension and configuration. While the lots in the district vary, Staff finds that most existing lots are rectilinear, have frontages between 50-70 feet and have depths between 140-200 feet. Unlike some other historic neighborhoods, the lot pattern in Grant Park has not changed significantly over the years. As such, Staff finds the existing lot pattern is very similar to the historic platting pattern. As the proposed lots are consistent and compatible with the existing pattern, Staff finds the proposed lots conform to the historic platting pattern. Based on the information we have at this time, Staff does not have concerns regarding the proposed subdivision. Staff would note that once the final subdivision is approved by the Office of Planning, no applications for a variance will be accepted for one year as required by the subdivision code.

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

- 1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.006(3);

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-15-380) for a subdivision of one lot into seven lots at **734 Mercer Street**-Property is zoned R-5/ Grant Park Historic District (Subarea 1)/Beltline.



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

**TIM KEANE**  
Commissioner

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

## STAFF REPORT

October 14, 2015

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-15-383) for alterations, additions and site work at **1105 Colquitt Avenue** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline.

**Applicant:** Carolyn Kaplan  
1125 Oxford Road

**Facts:** According to the Inman Park survey book, this dwelling built in 1908 is considered contributing.

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

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

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

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

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

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

- ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
  - c. **Compatibility Rule:** The intent of the Mayor and Council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face, and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.
- 2. **Certificates of Appropriateness.**
  - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - d. Type III Certificates of Appropriateness shall be required for:
    - ii. All major alterations and additions to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from Certificates of Appropriateness in the Subarea regulations.
- 6. **Tree Preservation and Replacement.**  
The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Section 158-26, shall apply to this District.
- 7. Any time the provision 16-20.011(b) of this part is enforced in this District, the Director of the Commission shall notify the Inman Park Neighborhood Association within 10 days and a 30-day period for comment be allowed for the Association. Further, the Director shall regularly send to the Inman Park Neighborhood Association the agenda for each regular meeting and for any special meeting of the Commission in which there is any agenda item for property located within the Inman Park Historic District.

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

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

- 1. **Design Standards and other criteria for construction of and for additions to one- and two-family residential structures.**
  - f. The Compatibility Rule shall apply to the form and pitch of the primary roof of the principal structure.
  - g. The Compatibility Rule shall apply to the height, scale, and massing of the principal structure. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)
  - h. Height of the first floor of the front façade above grade shall be subject to the Compatibility Rule. The first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than 7 inches in height. Slab-on-grade construction is not permitted.
  - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
    - i. The style of the individual window.
      - (1) Windows in the front façade shall be predominantly vertical in proportion.
      - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
      - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
    - ii. The size and shape of individual window openings.

- iii. The overall pattern of fenestration as it relates to the building façade.
- p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
- q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
  - i. The dimensions of the exposed face of lap siding and wood shingles.
  - v. The size and type of doors.
    - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
  - vi. The materials and pattern of roofing.
  - viii. Visible foundation materials.
    - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.

2. *Setback requirements:*

- b. *New additions to existing structures:* The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.

6. Permitted accessory uses and structures: These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- f. The following regulations shall apply to all permitted accessory uses and structures:
  - i. Except in the case of home occupation, no accessory use shall be of a commercial nature.
  - ii. No accessory structure shall be constructed until construction of the principal structure has actually begun, and no accessory structure shall be used or occupied until the principal structure is completed and in use.
  - iii. Accessory structures shall not cover more than 25 percent of the rear yard.
  - iv. Accessory structures shall be placed behind the principal structure; side and rear setbacks shall not be less than three feet.
  - v. Accessory structures shall not exceed 25 feet in height or the height of the principal structure, whichever is less, and shall not contain a total floor area greater than 30 percent of the floor area of the principal structure.

**Site**

According to the site plan, the lot in question fronts approximately 48’ on Colquitt and has a depth of 125’. Per regulations, the side yard setback of the proposed addition can be no closer to the setbacks than the existing house. As the gable additions does not extend pass the edge of the existing roof, Staff finds the side yard setback requirement has been met.

The rear yard setback is based on the compatibility rule. The project includes a rear gable addition that is cantilevered and a rear porch that would both impact the rear yard setback. The Applicant did not provide information regarding the rear yard setback of the contributing houses on the block face. Staff recommends the Applicant provide documentation the rear yard setback requirement has been met.

The Applicant is proposing a new accessory structure and new external HVAC units. Per regulations, the setbacks for accessory structures shall be no less than 3’. In looking at the written measurements, the side and rear yard setbacks are more than 3’ and therefore meet the requirements. The scale for the site plan is not clear, therefore Staff cannot verify the written measurements. Staff recommends the site plan indicate a clear scale.

Per regulations, the floor area ratio (FAR) can be no more than .50. The proposed FAR is .49 and therefore meets the regulations. Per regulations, the maximum lot coverage allowed is 55%. The existing lot coverage is 58% and the proposal reduces it to 55%. While the proposal appears to meet the lot coverage requirements, Staff has concerns regarding how the lot coverage was calculated. As there are no as-built site plans, it is not clear how the existing driveway was reduced. There is an indication of the addition of a gravel pave product but there is no indication of what percentage of this product counts against the lot coverage. Staff recommends the Applicant provide additional documentation regarding the lot coverage calculations.

Per regulations, the accessory structure shall cover no more than 25% of the rear yard. The plans indicate the proposed accessory structure covers 0% of the rear yard. Staff finds this calculation is not accurate. Staff recommends the Applicant provide documentation the proposed accessory structure meets the rear yard coverage requirements.

The Applicant is proposing a 4' metal fence and gates. Staff has no concerns regarding the location, material or height of the proposed fence and gates.

### **Alterations**

As this is an interior lot, Staff finds only the front and sides of the house are visible from a public right-of-way or park. Staff will only comment on the front and side facades.

The Applicant is proposing to add three gables on the side and rear of the house to accommodate additional living space. The proposed side gables are appropriately located below the existing ridgeline and behind the existing chimneys. Given the impact adding three gables will have on the existing house, Staff recommends the Applicant clarify whether the side dormers can be reduced in size and still accommodate the requested living space. Staff has no general concerns regarding the proposed materials and fenestration on the side gables. Staff recommends all cementitious siding is indicated as smooth.

Staff has concerns regarding the sides of the rear gable. Staff finds that having a cantilevered rear gable is not a typical treatment for historic houses. Staff recommends the Applicant clarify whether a design was explored that would allow for the requested living space without a cantilevered rear gable.

The only alteration on the front façade is the removal of a gable vent and the installation of a small window in its place. While Staff does not have concerns regarding the installation of the window, Staff recommends the Applicant submit documentation the design of the proposed window meets the requirements.

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

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

Staff recommends approval of the Application for a Type III (CA3-15-383) for alterations, additions and site work at **1105 Colquitt Avenue** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The Applicant shall provide documentation the rear yard setback requirement has been met, per Section 16-20L.006(2)(b);
2. The site plan shall indicate a clear scale;

3. The Applicant shall provide additional documentation regarding the lot coverage calculations, per Section 16-07.008(6);
4. The Applicant shall provide documentation the proposed accessory structure meets the rear yard coverage requirement, per Section 16-20L.006(6)(f)(iii);
5. The Applicant shall clarify whether the side dormers can be reduced in size and still accommodate the requested living space;
6. All cementitious siding shall be indicated as smooth, per Section 16-20L.006(1)(q);
7. The Applicant shall clarify whether a design was explored that would allow for the requested living space without a cantilevered rear gable;
8. The Applicant shall submit documentation the design of the proposed window meets the requirements, per Section 16-20L.006(1)(n); and
9. Staff shall review and if appropriate, approve the final plans.



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

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

[www.atlantaga.gov](http://www.atlantaga.gov)

**TIM KEANE**  
Commissioner

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

## STAFF REPORT October 14, 2015

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-15-384) for alterations and additions at **375 Milledge Avenue** - Property is zoned R-5 / Grant Park Historic District (Subarea 1).

**Applicant:** Brooke Emler  
1005 Wedgewood Way

**Facts:** The 1900s contributing building appears to be relatively unaltered from its original configuration, materials, and architectural components. The front yard of the property is relatively flat and even with the public sidewalk. The property slopes gently down from Milledge Avenue. The Applicant proposes substantial alterations to the existing house and a significant second story addition. The Staff has identified the following components of the project:

1. Replacement of the essentially flat front porch roof with a 4:12 front porch roof that connects above the main ridge line;
2. Replacement of the front porch box columns with 10” cedar posts;
3. Potential replacement of the masonry front porch steps;
4. Potential addition of a brick water table below the siding;
5. Replacement of all the wood siding, exterior trim, and the gable vent;
6. Replacement of the windows and doors;
7. Replacement of the front facing accent gable siding with shingle / shake sheathing;
8. Construction of a dormer on the front roof plane with square windows and shingle / shake sheathing;
9. Complete removal of the pyramid-shaped hipped roof and one chimney, and construction of a side-to-side gable roof that will be about 5 ft. higher; and
10. Construction of a two-story, shed roof addition behind the new side-to-side gable roof form.

None of the alterations to the side or rear facades of the house are subject to review by the Commission or the Staff as viewed as independent alterations as they don't affect a façade that faces a public street.

**Analysis:** The following code sections apply to this application:  
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

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

- (1) *General Criteria.*
  - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
  - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
  - c. Type III Certificates of Appropriateness shall be required for:
    2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.

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

- (1) *Development Controls.*
  - a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
  - b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
  - c. *Rear Yard:* Rear yard setback shall be seven feet.
- (2) *Architectural Standards.*
  - A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

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

- B. Design Standards and Criteria for New Principal Structures.
  1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).
  3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
  4. All front façades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
  5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
  11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.

15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
  - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
  - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
  - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
- D. Design Criteria for Alterations and Additions to Contributing Structures. Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:
  1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
  2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

### Document Concerns

The existing condition elevations do not accurately show the house as it is today. For example:

- the front facing accent gable is shown with boxed returns instead of a full return;
- the window in the front facing ell is shown off center instead of centered on the façade of the front facing ell;
- the middle front porch column is in the wrong place;
- the front porch roof is not shown with the right pitch and relationship to the main roof;
- the front façade picture window is shown as double hung;
- none of the elevations show the existing chimney on the right side of the house;
- The roof is shown as a hipped roof with a side to side gable instead of a pyramidal hipped roof;

The Staff would recommend the Applicant provide complete and accurate existing condition elevations.

### General Development Controls

It is not clear if the proposed lot coverage would meet the zoning regulations, as the lot coverage calculations were not included in the plans. Further, the floor area ratio calculations shown on the site plan are not complete. The Staff would recommend the Applicant provide lot coverage and floor area ratio calculations.

Regarding the setbacks, it would appear that the front and side yard setbacks would meet the District regulations as being equal to the existing house's setbacks, but no notes are included in the site plan confirming that compliance. The Staff would recommend the site plan indicate the setbacks of the existing house and proposed addition.

The rear yard setback is substantially larger than the 7 ft. requirement.

### Alterations and Addition

Notwithstanding the concerns noted above regarding documentation and general development controls, the Staff finds that the proposed alterations and additions do not meet the design, architectural and materials requirements in any respect.

The District regulations allow for two methods for reviewing proposed alterations and additions to contributing buildings. The first of the two methods requires consistency with the architecture of the existing building and compliance with the new construction regulations. The second of the two methods requires that no historic material be removed, the work be differentiated from the old, and that the work be compatible with the existing building. The Staff finds that the proposed alterations and additions do not comply with either method.

Assessing the proposal using the first of the two methods, the Staff finds that the proposal is not consistent with nor reinforces the historic architectural character of the entire existing contributing structure given that the entire roof system would be removed, re-shaped and increased in height; the entire front porch would be renovated / replaced to a different design; and substantial historic material and several architectural components would be removed. The cumulative effect of these alterations and additions that none of the house's existing architectural character would remain.

Assessing the proposal using the second of the two methods, the Staff finds that the proposal would destroy historic materials that characterize the property and the new house not be compatible with the massing, size, scale and architectural features of the property and environment. Historic materials such as the siding, front porch elements, windows, and doors are being removed or covered over. The altered house would have a completely different massing and size (taller without the pyramidal hipped roof), and scale (an addition that would be larger than the existing house). Further, the altered house would very little of its existing architectural features.

The Staff finds that the proposed design must be completely and substantially re-thought to create a design that will meet the District regulations.

The Staff recommends that the proposed alterations and additions to the existing house be completely and substantially redesigned or removed in their entirety from the proposal so as to produce a design that meets the District regulations.

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

1. The proposal does not meet the District regulations, per Section 16-20K.006 and 16-20K.007.

Staff recommends deferral of an application for a Type III Certificate of Appropriateness (CA3 15 384) for alterations and additions at **375 Milledge Avenue** - Property is zoned R-5 / Grant Park Historic District (Subarea 1), to allow time for the Applicant to address the following comment and concerns:

1. The Applicant shall provide complete and accurate existing conditions elevations;
2. The Applicant shall provide lot coverage and floor area ratio calculations, per Section 16-20K.007(2)(D);
3. The site plan shall indicate the setbacks of the existing house and proposed addition, per Section 16-20K.007(1);
4. The proposed alterations and additions to the existing house be completely and substantially redesigned or removed in their entirety from the proposal so as to produce a design that meets the District regulations, per Section 16-20K.007(2)(D); and
5. The Applicant shall submit revised plans and supporting materials (including the required number of copies) at least eight (8) days prior to the Commission meeting to which this application is deferred.



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

**TIM KEANE**  
Commissioner

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

## STAFF REPORT October 14, 2015

**Agenda Item:** Application for Type II Certificate of Appropriateness (CA2-15-385) for alterations at **674 Peoples Street**-Property is zoned R-4A/West End Historic District.

**Applicant:** Caleb Racicot  
674 Peoples Street

**Facts:** According to the West End Historic district inventory this single family dwelling was built in the late 1800's or the early 1900's. The existing house is considered contributing.

**Analysis:** The following code sections apply to this application:  
Per Section 16-20G.005 of the Atlanta Land Development Code, as amended:  
The following general regulations shall apply to the West End Historic District.

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

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

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

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

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

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

(2) *Building Façades:*

(c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.

(d) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.

(3) *Windows and Doors:*

(a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.

(b) Original window and door openings shall not be blocked or enclosed, in whole or in part.

(c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.

(d) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.

(e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.

(g) New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.

(h) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule.

(i) The scale, size, proportion, and location of all openings in new construction shall be established by the compatibility rule.

(j) New windows or doors added to existing structures shall be located façades that don't face a public street.

(6) *Chimneys:*

(a) Chimneys shall match original materials, mortar, color and pattern whenever possible.

(b) New chimneys shall be faced with brick or stucco.

(c) Siding on chimneys is prohibited.

(d) When any portion of a chimney is visible from a public street as a façade element, the chimney shall originate at grade.

The Applicant is proposing to demolish two existing chimneys and rebuild them with a mixture of existing bricks and new in-kind materials. Staff would note the proposal includes extending the height of one chimney by 1' and adding a chimney cap. Staff recommends the Applicant provide information regarding why the chimney demolition is required. The Applicant has provided a chimney height study to justify the increased height. Staff would note that the height of chimneys is not based on the compatibility. Staff finds the height of the chimney should match the existing chimney.

According to the Applicant, the proposed extended height is due to code requirements. While meeting code requirements is important, Staff finds that there are often accommodations made for historic buildings. Some projects that involve repairs as opposed to replacement are not required to meet current codes. Staff recommends the Applicant clarify whether there is an opportunity to repair the chimney without raising the height to meet code requirements. If the chimney must be extended to meet code, Staff recommends the Applicant provide documentation.

The Applicant is proposing various repairs and replacements in-kind, including the following: possible rebuilding of existing porch pier, replacement of rotten porch decking, replacement of porch spindles, replacement of rotten wood fascia in-kind, replacement of damaged wall shingles, replacement of some roof shingles and repair of the front door. Based on the pictures and narrative provided, Staff finds that most of the repairs and replacements are appropriate. The Applicant is proposing to use salvage materials to replace historic elements. Staff has concerns regarding the use of salvage as it may create a false sense of history. Staff recommends any elements proposed to be replaced with salvage match the existing element in regards to material, design and size.

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

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

Staff recommends approval of the Application for Type II Certificate of Appropriateness (CA2-15-385) for alterations at **674 Peebles Street**-Property is zoned R-4A/West End Historic District, with the following conditions:

1. The Applicant shall provide information regarding why the chimney demolition is required, per Section 16-20.009;
2. The Applicant shall clarify whether there is an opportunity to repair the chimney without raising the height to meet code requirements, per Section 16-20.009;
3. If the chimney must be extended to meet code, the Applicant shall provide documentation, per Section 16-20.009;
4. Any elements proposed to be replaced with salvage shall match the existing element in regards to material, design and size; and
5. Staff shall review and if appropriate, approve the final plans.



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

**TIM KEANE**  
Commissioner

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

## STAFF REPORT October 14, 2015

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-15-386) for a variance to allow materials which do not meet the compatibility rule at **785 Lake Ave.** Property is zoned R-5 / Inman Park Historic District (Subarea 1) / Beltline.

Applicant: Chip Price  
3445 Stradford Rd.

### **Facts:**

The Applicant previously submitted a Type II Staff Review (CA2S-15-369) for work on the front walk and site stairs leading from the porch to the sidewalk. The proposed project involves installing stone on top of the existing concrete porch steps, site stairs, and walkway. While the proposed materials are acceptable for porch stairs, paving materials for elements such as walkways and site stairs are subject to the Compatibility Rule in the Inman Park Historic District. In the Staff's review of the project it was determined that the predominate material for walkways and site stairs on the block face in question is concrete. The Applicant is requesting a variance to allow for the use of stone for the walkway and site stairs.

**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.
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.
  - 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:
    - vii. Paving materials for walks and drives.
      - (1) Asphalt is not permitted.

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.

The District regulations differentiate between front porch steps and site stairs and the appropriate materials for each element. Front porch steps are steps which are attached to the front porch and the materials used on these steps can be any material which is compatible with porches on the block. Site stairs are stairs which exist in any permitted yard and which are not directly attached to the principal structure. For the purposes of design review, site stairs are considered paving which is subject to the compatibility rule which dictates that the materials for this element must match that which predominates the block face in question.

**Variance analysis:**

The Applicant's argument is made in two points in relationship to the four variance criteria: that the current height and width of the risers and treads of the existing site stair are too short and narrow thereby creating a hazard, and that removal of the existing site stair and walkway to allow new features to be poured would damage the foundation of the existing structure. Staff agrees with the Applicant's argument concerning the safety of the existing stairs, but finds that the Applicant has not shown how this is related to the variance criteria. Further, the Applicant has not submitted information to support their claim that removal of the site stair and walk would damage the foundation of the structure and how that relates to the variance criteria. Staff finds that the Applicant's justification does not meet the variance criteria as it would appear that the site stairs could be fixed with a material that meets the district regulations.

**Variance (CA3-15-386):**

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

- a) The variance request does not meet the variance criteria per Section 16-26.003(1);

Staff recommends denial of the Application for a Type III Certificate of Appropriateness (CA3-15-386) for a variance to allow materials which do not meet the compatibility rule at **754 Lake Ave.** Property is zoned R-5 / Inman Park Historic District (Subarea 1) / Beltline.



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

**TIME KEANE**  
Commissioner

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

## STAFF REPORT October 14, 2015

**Agenda Item:** Applications for Type III Certificates of Appropriateness (CA3-15-388) for a second story addition at **89 Bradley Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

**Applicant:** Saskia Benjamin  
89 Bradley Street

**Facts:** The house on the lot is non-contributing to the District, having been built in the 1990s. It is a one-story, side-to-side gable house with a projecting front porch and projecting rear massing. There is a two-story accessory structure in the rear yard and a driveway on the left side of the house.

The Applicant is proposing to remove the entire roof system and build a full second story with its own front-to-back gable, two-story front porch and extended / rebuilt brick chimney on the right side. The entire addition will be built directly on top of the existing house footprint / exterior walls.

One the block face there are three contributing houses: 79, 103, and 105 Bradley Street. The first house is one-story, while the last two are two-story with two-story porches.

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

Sec. 16-20C.004. General regulations

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

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

qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
- a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
    - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
    - ii. Block face. One side of a block, located between two consecutive street intersections.
  - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
    - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
  - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
  - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
  - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
  - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
  - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
- a. General Provisions.
    - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
    - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
    - iii. Additions;
    - v. Variances, special exceptions and administrative appeals.
8. Variances, special exceptions and administrative appeals.
- a. Variance applications and applications for special exceptions and administrative appeals from these regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in Section 16-26.001 through Section 16-26.006. The Commission shall have the authority to grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16.25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).

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

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

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

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

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

- 1. The following Lot Controls and Building Heights provisions shall apply to Subareas 1 and 2.
  - a. Lot controls.
    - i. The compatibility rule shall apply for the purposes of determining permitted lot coverage.
  - b. Building heights.
    - iii. For all other areas, the height of any alteration, addition, or new construction shall be established through the compatibility rule.-
    - iv. Notwithstanding the height requirements of this district, previously existing structures in existence before 1967 but no longer in existence may be reconstructed to their original footprints and height where the applicant shows by archived evidence or sworn affidavit(s), and the commission finds, that such structural dimensions previously existed on the proposed site.

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

- 1. The following Sidewalks, Yards and Open Spaces provisions shall apply to Subareas 1 through 4.
  - a. Sidewalks.
    - i. Public sidewalks shall be located along all public streets and shall consist of two (2) zones: an amenity zone and a walk zone.
    - ii. The amenity zone shall be located immediately adjacent to the curb with a consistent cross-slope not to exceed two (2) percent. Width shall be measured from back (building side) of curb to the walk zone. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.
    - iii. The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape, with a consistent cross-slope not exceeding two (2) percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight (8) feet.
  - b. Yards. Notwithstanding the setback requirements of these Subareas, previously existing contributing structures may be reconstructed to their original footprints and setbacks upon a submittal of finding that such structural dimensions have been shown by archived evidence or sworn affidavit(s) to have previously existed on the proposed site, and as subsequently approved by the Commission.
  - c. Required Open Space.
    - i. Open Space shall be required only for multi-family uses. All other uses shall have no Open Space requirements.
- 2. The following additional Yards provisions shall apply to Subareas 1 and 2.

b.Subarea 2.

- i. Except as provided below, all front, side and rear yard setbacks shall be established through utilization of the compatibility rule. All new construction shall maintain a minimum of 10 feet for rear yard setbacks where the compatibility rule would permit a smaller rear yard setback, except as otherwise provided for accessory structures.

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

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

a. Building Compatibility.

- i. All elements of new construction shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
- ii. The compatibility rule shall apply to a principal structure's general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.
- iii. Fiberglass roofs shall be prohibited.

b. Fenestration.

i. The compatibility rule shall apply to the following aspects of fenestration:

- (1) The style and material of the individual window or door.
- (2) The size and shape of individual window and door openings.
- (3) The overall pattern of fenestration as it relates to the building façade.
- (4) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.

ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.

iii. Except as otherwise provided in 16-20C.008(2), if muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.

c. Landscaping.

i. A landscape plan may be required by the Commission to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the district.

ii. Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158-26 et seq., shall apply to this district.

d. Loading areas, loading dock entrances, and building mechanical and accessory features for all non-residential uses.

i. All dumpsters shall be concealed with walls six feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco and shall not be visible from any public street.

ii. Loading docks and loading areas shall not be permitted on the primary façade of a principal building.

iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.

iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible from any public street.

v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.

2. The following Design Standards provisions shall apply to Subareas 1 through 2.

a. Windows and Doors.

i. Simulated divided light windows or plain sash windows shall be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.

ii. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung.

iii. Front doors facing and parallel to the street shall be provided.

iv. Front doors shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.

b. Front Yard Porches.

i. Front yard porches shall be provided.

ii. Front yard porches shall contain balustrades, columns, floor dimensions, height, roof pitch and overhangs as regulated by the compatibility rule.

iii. Decorative metal, resin, fiberglass and plastic columns are prohibited.

- iv. Front yard porches are permitted to be enclosed with recessed screen wire when the primary characteristics of the porch are maintained.
- v. Front yard porch steps shall be wood, brick or concrete. Metal steps are prohibited.
- vi. A paved walkway from the front yard porch to the adjacent public sidewalk shall be required.
- c. Siding and Foundations.
  - ii. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four (4) inch reveal and no more than a six (6) inch reveal.
  - iii. Foundations shall be permitted to utilize brick, stone, smooth stucco, and smooth finish concrete as foundation-facing materials.
  - iv. When provided, chimneys shall be faced in brick and shall originate at grade.

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

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

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

- i. Bicycle parking spaces shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock and shall be a type specified by the Director of the Office of Planning as applicable.
- ii. Bicycle parking shall be located a maximum horizontal distance of 100 feet from a building entrance.
- b. Surface Parking.
  - i. When utilized, off-street surface parking shall not be permitted to be located between a building and an adjacent street without an intervening building.

**Site Plan and Setbacks**

There are no changes proposed to the site itself. The driveway, curb cut, walkway, public sidewalk, fences, retaining walls, rear screen porch, and accessory structure will remain as is. Given this and that the second story addition will be on top of the existing house, there is no change in lot coverage.

The setbacks (front, rear, and both sides) of the house and any additions are determined by the compatibility rule and must be within the smallest and largest respective setbacks of the contributing buildings on the block face. The setbacks are measured from the closest point of the house to the property line on any given side.

In this case, the existing house is non-contributing and as such cannot be used as a point of comparison for calculating the setback ranges. Further, while the existing house is grandfathered in, the new addition must meet the current setback requirement even though it is located on top of the existing house. For example, the left side yard setback of the proposed addition must be between the farthest and closest left side yard setbacks of 79, 103, or 105 Bradley Street. While the setbacks of the existing house (and thus the setbacks of the proposed addition) can be determined from existing site plan, there has not been information submitted comparing those setbacks to the contributing buildings on the block face.

Based on a quick analysis of on-line GIS data, the house at #79 is shifted to the right on its lot, while #103 and #105 have small setbacks on each side. #79 has a front setback that might be similar to #89, while #103 and #105 are much smaller. The rear yard setbacks vary amongst the houses. However, to confirm compliance with the setback requirements, the Applicant must provide specific distances for their existing house and the contributing houses on the block face. The Staff would note that if the

setbacks of the addition are not within the ranges established by the compatibility rule comparison, a variance would need to be applied for through the Commission review process.

The Staff would recommend the Applicant document compliance with all of the setback requirements.

There are not any notations on the site plan regarding mechanical equipment, which might have to be revised given the change in the size of the house. Any mechanical over 30" in height must meet the setback requirements and all the other District regulations that apply to mechanical equipment. The Staff recommends any new exterior mechanical equipment meet all the District regulations.

### **Massing and Building Height**

Regarding the massing of the addition, the Staff has no concerns about the massing as both #103 and #105 have full, two-story rectangular massing with two-story porches. Further, all three contributing houses have full width or almost full width front porches.

The first floor height of the house will not change with the second story addition.

The most significant characteristic of the second story addition is that it increases the height of the house. The height of any new construction or addition (or in this case, the combined finished project) is regulated by the compatibility rule. The compatibility rule limits the height of the finished product to no taller than the tallest contributing building on the block face (79, 103, or 105 Bradley Street). The proposed house will be 31 ft. 8 in. as measured at the front elevation from the average point of grade to the highest point of the roof. While #103 and #105 are two story houses, there has not been specific information submitted comparing those heights to the height of the proposed house. The Staff would note that if the height of the addition / finish product is more than the height of the highest of #103 or #105, the height of the addition / finish product would have to be reduced to be the same as or lower than the maximum height. Per the District regulations, height is not permitted to be varied by the Commission or any other City body.

The Staff would recommend the Applicant document compliance with the building height requirements.

### **Overall Design**

The Staff finds the proposed house is similar in overall design to #103 and #105 Bradley Street. Per the District regulations, the general façade arrangement, proportion, roof pitch, roof form and materials are all based on the compatibility rule. In this case, #103 and #105 (as the two-story buildings on the block face) create the general design parameters for comparison, taking into account that there are existing windows, doors, siding, trim, etc. on the current house that will remain. In looking at these two buildings, the Staff finds the general façade arrangement, proportion, and roof form meet the requirements. The proposed addition has an 8:12 roof pitch, but there has not been specific information submitted comparing that roof pitch to the roof pitch of the contributing houses on the block face. The Staff would recommend the Applicant document compliance with the roof pitch requirements.

### **Fenestration**

Per the District regulations, the compatibility rule applies to the fenestration pattern. In comparing the proposed fenestration on the second story addition to the contributing houses, the Staff finds the overall fenestration pattern is consistent and compatible with the contributing houses on the block face. Further, the trim, header and sill details of the windows in the second story addition will match those of the existing house.

## **Porch**

In general, Staff finds the proposed porch and its architectural elements are similar to the house at 105 Bradley Street. While Staff finds the new porch roof, columns, stairs and railings are generally appropriate, Staff recommends the plans indicate the railings will have a two-part top and bottom rail with balustrades that butt joint the top and bottom rail.

Per District regulations, the porch depth is based on the compatibility rule. The Staff finds the porch configuration is consistent and compatible with the other contributing houses on the block face and given it will be based on the existing, one-story front porch on the house, meets the District regulations.

## **Materials**

The materials for the second story addition are indicated as wood windows, cementitious siding, architectural asphalt shingles and a brick veneer chimney extension. Some existing ornamentation will be reused.

While Staff generally finds the materials indicated are appropriate, Staff finds that not all material details are indicated. For example, the cementitious siding must be smooth face with between at 4" and 6" reveal. The material of the new trim and new porch elements is not specified. The Staff would recommend the plans indicate all building materials and details and that all building materials meet the District regulations.

Staff recommends deferral of an application for a Type III Certificates of Appropriateness (CA3-15-388) for a second story addition at **89 Bradley Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, to allow the applicant time to address the following concerns of Staff:

1. The Applicant shall document compliance with all setback requirements, per Section 16-20C.007(2)(b);
2. Any new exterior mechanical equipment shall meet all the District regulations, per Section 16-20C.007(2)(b) and 16-20C.008(1)(d);
3. The Applicant shall document compliance with the building height requirements, per Section 16-20C.006(1)(b)(3);
4. The Applicant shall document compliance with the roof pitch requirements, per Section 16-20C.008(1)(a)(ii);
5. The plans shall indicate porch railings with a two-part top and bottom rail with balustrades that butt joint the top and bottom rail, per Section 16-20C.008(2)(b);
6. The plans shall indicate all building materials and details and that all building materials shall meet the District regulations, per Section 16-20C.008(1)(a); and
7. Any updated plans and information shall be submitted to the Staff at least eight (8) days before the Commission meeting to which this application is deferred.



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

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

**TIM KEANE**  
Commissioner

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

## STAFF REPORT October 14, 2015

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-15-389) for a new single family house at **688 Grant Terrace**. Property is zoned R-5 / Grant Park Historic District (Subarea 1).

**Applicant:** Jacque Edmonds  
Po Box 675935

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

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

Sec. 16-07.008. - Minimum yard requirements.

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

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

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

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

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

- (1) General Criteria.
  - (A) Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - (B) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
  - (C) In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) Certificates of Appropriateness.
  - (A) Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
  - (B) Type II Certificates of Appropriateness shall be required for: Minor alterations to those façades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
  - (C) Type III Certificates of Appropriateness shall be required for:
    1. All new principal structures;
    2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
  - (D) Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
- (3) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (4) Financial Hardship Exemptions.
  - A. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the ground of economic hardship to the property owner.
  - B. The burden of proving economic hardship by a preponderance of the evidence shall be on the Applicant.

- C. The commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
    - 1. The present income of the property owner(s) and those occupying the property;
    - 2. The age of the property owner;
    - 3. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
    - 4. The availability of other sources of funds that are appropriate to the circumstances of the Applicant, including loans, grants, and tax abatements;
    - 5. The costs associated with adherence to these regulations;
    - 6. The degree of existing architectural significance and integrity of the structure; and
    - 7. The purpose and intent of this chapter.
  - D. The commission shall consider these factors and shall grant an exemption, in whole or in part, as appropriate upon a finding that the Applicant's economic hardship outweighs the need for strict adherence to these regulations.
- (5) Subdivisions. In addition to the requirements of the subdivision and zoning ordinances, including but not limited to sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.
  - (6) Tree Preservation and Replacement. The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.
  - (7) Paved surfaces: The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

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

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

(1) Development Controls.

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

(2) Architectural Standards.

- (A) Statement of Intent. The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of

new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

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

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

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

13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
  14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
    - a. Fences not exceeding four feet in height may be erected in a front yard. Other than retaining walls, walls shall not be erected in a front yard or a half-depth front yard.
    - b. Fences and walls not exceeding six feet in height may be erected in the side or rear yards.
    - c. In a half-depth front yard, when a fence exceeds four feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
    - d. The finish side or front side of one-sided fences shall face the public street.
  15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
    - a. Paving materials for walks and drives: Black asphalt is prohibited.
    - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
    - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
    - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
    - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
    - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.
- (C) Design Standards and Criteria for Alterations and Additions to Non-contributing Structures. Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.
- (D) Design Criteria for Alterations and Additions to Contributing Structures. Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:
1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
  2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

(E) Site development, sidewalks and curbs:

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

### **Siteplan**

The maximum FAR (floor area ratio) allowed for this lot is 0.50 of the net lot area. The subject property has a net lot area of 9,116 sq. ft. meaning that a structure built on the lot would be allowed to have a maximum square footage of 4,558 sq. ft. The square footage of the proposed structure is 2,526 Sq. Ft. which meets this requirement.

The front yard setback can either be based on the compatibility rule or the previously existing contributing building of like use. The proposed front yard setback is 30'. The Applicant has not submitted information regarding the previously existing building of like use or the range allowed by the compatibility rule. Staff recommends that the Applicant provide justification for the 30' front yard setback based on either the setback of the previously existing building of like use or the compatibility rule.

Of the side yard setback options, the regulations allow the side yard setbacks to no less than 7'. The proposed structure has a north side yard setback of 8.1' and a south side yard setback of 8.7'. Staff finds that the proposed structure meets the side yard setback requirements

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

As required by the regulations, the site plan indicates a walkway from the porch to the front property line. The plans do not indicate an existing public sidewalk, nor a new public sidewalk being installed. Staff recommends the Applicant clarify whether a sidewalk exists on the property. If no sidewalk exists, Staff recommends that a public sidewalk which meets the District regulations be installed.

The plans indicate an existing gravel drive running along the rear of the property. Staff can find no record of this gravel drive and recommends the Applicant provide information regarding how the gravel drive connects to the street and how it relates to the alley to the rear of the property. Staff would note that as the lot is non-conforming in regards to the street frontage, off street parking is not required for this lot, nor would a drive not connected to a public street require a variance.

### **Massing and Building Height**

The proposed two story house is defined by a 8 in 12 gable roof and a two story half width front porch. Per regulations, the maximum height allowed is 35'. The Grant Park Historic District regulations do not specify how the height should be measured. As such, Staff finds the standard City measurement should be used. In looking at the front façade, Staff finds the height requirement has been met. In looking at the contributing house on the block, the structure is one story and most have a gable roof. While Staff finds the overall height, massing and design of the proposed dwelling is not similar to the historic houses on the block, Staff finds the regulations have been met.

### **Building Facades**

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

### **Windows and Doors**

A single front door is parallel and facing Grant Terrace as required. The design of the door is not clear from the drawings. Staff recommends that the Applicant clarify the design of the front door.

The Applicant is proposing to install 1 over 1, double hung windows on the front facade. Staff finds the design of the proposed windows to be appropriate. The Grant Park regulations allow for windows to either be compatible with the windows on contributing houses or are no less than 15% and no more than 40% of the wall surface. The proposed structure will have 22% fenestration on the front façade. Staff finds the proposed windows meet the fenestration percentage requirement.

The plans indicate a gable vent with trim which is inconsistent with the window trim is to be installed on the front façade. Staff recommends that the front gable vent have trim matching the window trim on the front façade.

### **Building Materials**

The proposed materials include horizontal cementitious siding, cedar shake, architectural shingles for the roof, cement foundation with a stucco coating, wood windows, wood decking on the front porch, wood steps on the front porch, and wood railing on the front porch. The material for the front door is not indicated. Staff recommends that an appropriate material for the front door be indicated on the plans. The materials for front porch columns are not indicated. Staff recommends an appropriate material for the porch columns be indicated on the plans. The drawings indicate that the front porch foundation will be wood piers. Staff finds that this is not

an appropriate material for a front porch foundation and suggests the Applicant revise their drawings to show a front porch foundation material which meets the District Regulations.

### **Porch**

Per regulations, the minimum allowed depth for the front porch is 7'. Staff finds that the proposed porch is 8'6" and therefore meets this requirement. The porch features columns and railings that are compatible with other similar porches in the District. Staff finds the overall decorative details of the proposed front porch are consistent and compatible with the house style.

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

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

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-15-389) for a new single family house at **688 Grant Terrace**. Property is zoned R-5/Grant Park Historic District (Subarea 1), to allow the Applicant time to address the following Staff concerns:

1. The Applicant shall provide justification for the 30' front yard setback based on either the setback of the previously existing building of like use or the compatibility rule, per Sec. 16-20K.007(1)(A);
2. The Applicant shall clarify whether a sidewalk exists on the property per, Sec. 16-20K.006(7);
3. If no sidewalk exists, a public sidewalk which meets the District regulations shall be installed per, Sec. 16-20K.006(7);
4. The Applicant shall provide information regarding how the gravel drive connects to the street and how it relates to the alley to the rear of the property per, Sec. 16-20K.006(7);
5. The Applicant shall clarify the design of the front door per, Sec. 16-20K.007(2)(B)(15);
6. The front gable vent shall have trim matching the window trim on the front façade, per Sec. 16-20K.007(2)(B)(11)
7. An appropriate material for the front door shall be indicated on the plans per, Sec. 16-20K.007(2)(B)(15);
8. An appropriate material for the porch columns shall be indicated on the plans, per, Sec. 16-20K.007(2)(B)(15);
9. The Applicant shall revise their drawings to show a front porch foundation material which meets the District Regulations, per Sec. 16-20K.007(2)(B)(15)(b); and,
10. Staff shall review and if appropriate, approve the final plans and documentation.



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

**TIM KEANE**  
Commissioner

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

## STAFF REPORT October 14, 2015

**Agenda Item:** Application for Type II Certificate of Appropriateness (CA2-15-392) for alterations at **573 Holderness Street**-Property is zoned R-4A/West End Historic District.

**Applicant:** Richard Mullen  
573 Holderness Street

**Facts:** According to the West End Survey, single family dwelling is contributing. According to the Fulton County Tax Assessors records available online, the house was constructed in 1912.

**Analysis:** The following code sections apply to this application:  
Per Section 16-20G.005 of the Atlanta Land Development Code, as amended:  
The following general regulations shall apply to the West End Historic District.

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

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

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

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

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

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

(2) *Building Façades:*

(c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.

(d) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.

(3) *Windows and Doors:*

(a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.

(b) Original window and door openings shall not be blocked or enclosed, in whole or in part.

(c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.

(d) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.

(e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.

(g) New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.

(h) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule.

(i) The scale, size, proportion, and location of all openings in new construction shall be established by the compatibility rule.

(j) New windows or doors added to existing structures shall be located façades that don't face a public street.

(k) New or replacement doors shall be made of wood and shall contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.

(5) *Foundations:*

(a) Foundation materials, including infill materials, shall replicate the original materials in size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.

(b) New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials and style with adjacent and surrounding buildings.

(c) Slab on grade is not permitted.

(d) Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.

(6) *Chimneys:*

(a) Chimneys shall match original materials, mortar, color and pattern whenever possible.

(b) New chimneys shall be faced with brick or stucco.

(c) Siding on chimneys is prohibited.

(d) When any portion of a chimney is visible from a public street as a façade element, the chimney shall originate at grade.

(9) *Porches:*

(a) Architecturally significant porches, including their component features, steps and stoops shall be retained.

(b) Replacement porches, steps and stoops shall match the original in size, style and materials. All front porch steps shall have closed risers and ends.

(c) Porches may be enclosed with screen wire or glass provided that the main characteristics of a front porch are maintained.

(d) New or replacement porches shall contain balustrades, columns and other features consistent with the architectural style of the house or other original porches in that block. The height of the top rail shall be no more than 33 inches above the finish porch floor, except as required by the City's building code.

In looking at survey pictures, the previously existing stairs were concrete. While the stairs were likely not original to the house, they were historic. In looking at pictures submitted by the Applicant, it appears the stairs have been replaced twice without a permit since 2010. The Applicant is requesting to retain the existing wood stairs. The regulations require that replacement stairs match the size, style and materials of the original stairs. As we do not have documentation of what the original stairs were, Staff finds the new stairs should either be consistent with the architectural style of the existing house or consistent with the stairs on original porches on the block.

In looking at pictures of other porches submitted by the Applicant, only one is on the same block has the house in question. In looking at survey pictures, most of the stairs that we could see appeared to be masonry. As such, Staff finds the proposed stairs do not meet the requirement related to being consistent with the other stairs on the block.

In looking at the architectural style of the house, Staff finds the existing house is a Queen Anne. In looking at existing examples in West End and other historic districts, Staff finds that most stairs are masonry. At the same time, there are examples of Queen Anne houses with wood stairs. While Staff finds the best solution would be masonry stairs, Staff finds that wood stairs with closed ends and risers do meet the requirements.

The Applicant is proposing a wood privacy fence. While Staff has no concerns regarding the material or the location, the height and design of the fence are not indicated on the plans. Staff recommends the Applicant provide information regarding the height and design of the proposed fence.

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

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

Staff recommends approval of the Application for Type II Certificate of Appropriateness (CA2-15-392) for alterations at **573 Holderness Street**-Property is zoned R-4A/West End Historic District, with the following conditions:

1. The Applicant shall provide information regarding the height and design of the proposed fence, per Section 16-20G.006(14); and
2. Staff shall review and if appropriate approve the final plans.



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

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

[www.atlantaga.gov](http://www.atlantaga.gov)

**TIME KEANE**  
Commissioner

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

## STAFF REPORT

October 14, 2015

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-15-393) for a consolidation of three lots into one lot at **15 and 17 Daniel Street and 0 Daniel Street Rear** - Properties are zoned Martin Luther King, Jr. Landmark District (Subarea 4)/Beltline.

**Applicant:** Land G Property Holdings LLC  
93 Glenwood Avenue

**Facts:** The three lots are currently vacant. They are located near the southwest corner of Edgewood Avenue and Daniel Street, just south of an east-west alley that runs from Daniel Street on the east to Boulevard on the west. At the southwest corner of Edgewood Avenue and Daniel Street (but outside the proposed consolidation) is a separate vacant lot that is north of the alley. To the south of the three lots is a significant amount of vacant land.

Two of the lots face Daniel Street and are generally rectangular running east-west and one lot faces the alley generally running north-south. The southern boundary of the District is the southern property line of the southernmost Daniel Street facing lot and the rear property line of the alley facing lot.

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

Sec. 16-20C.004. General regulations

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

2. The compatibility rule.

- a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
  - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
  - ii. Block face. One side of a block, located between two consecutive street intersections.
- b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
  - ii. On contributing buildings on the same block in Subareas 3 and 4.

- c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
  - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to “compatibility rule.”
  - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
  - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
  - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
- a. General Provisions.
    - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
    - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
    - i. All new principal structures;
    - v. Variances, special exceptions and administrative appeals.
7. Lot Consolidations, Subdivisions and Replatting. No subdivision, consolidation or replatting of parcels or lots shall be approved unless the applicant establishes:
- a. That the proposed subdivision, consolidation or replat is substantially consistent with the historic character of the district and meets all lot requirements set forth in Chapter 20C; and
  - b. That the proposed subdivision, consolidation or replat will facilitate development that furthers the historic qualities and regulations of the District. In addition, within Subareas 1 and 2, all subdivisions, consolidations or replats of parcels or lots shall conform to the historic platting pattern in these Subareas with regard to lot size, dimensions, and configurations.

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

2. The following lot controls and building heights provisions shall apply to Subareas 3 and 4.

- a. *Building heights.*
  - i. Maximum building heights shall be permitted up to a maximum of one and one-half times the height permitted utilizing the compatibility rule, provided that:
    - (1) For property located east of Interstate 75/85, no building shall be permitted to exceed a maximum height of 55 feet.
    - (2) For property located west of Interstate 75/85, no building shall be permitted to exceed a maximum height of 68 feet.
  - ii. The building heights permitted in this subsection are intended to be the maximums authorized but are subject to further compatibility restrictions under other provisions of this district relative to building form, scale, massing and materials.
  - iii. Notwithstanding the height requirements of these subareas, previously existing structures in existence before 1967 but no longer in existence may be reconstructed to their original footprints and height where the applicant shows by archived evidence or sworn affidavit(s), and the commission finds, that such structural dimensions previously existed on the proposed site.

Sec. 16-20C.007. - Sidewalks, yards and open space.

1. The following sidewalks, yards and open spaces provisions shall apply to Subareas 1 through 4.

- a. Sidewalks.
  - i. Public sidewalks shall be located along all public streets and shall consist of two zones: an amenity zone and a walk zone.

- ii. The amenity zone shall be located immediately adjacent to the curb with a consistent cross-slope not to exceed two percent. Width shall be measured from back (building side) of curb to the walk zone. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.
  - iii. The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape, with a consistent cross-slope not exceeding two percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight feet.
  - iv. New sidewalks and their corresponding zones shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new amenity zone shall be a minimum of two feet wide and the new walk zone shall be a minimum of five feet wide.
3. The following additional yards provisions shall apply to Subareas 3 and 4.
- a. *Front, rear and side yards.* All front, rear and side yards for this subarea shall be established through the compatibility rule, except that zero-lot-line side yards shall be permitted as a minimum side yard allowance regardless of the compatibility rule application.

The existing lots that front Daniel Street are 29.5 ft. and 35.18 ft. wide and have a depth ranging from 70 ft. to 84.88 ft. The lot that faces the alley is 30 ft. wide at its northern end, tapering to 15.20 ft. at its southern end and has a depth of about 64 ft. The Applicant is proposing to consolidation all three lots into one generally rectangular lot that will have frontage along Daniel Street.

Per the District regulations, the proposed consolidation must be substantially consistent with the historic character of the district, meet all lot requirements set forth in the regulations, and facilitate development that furthers the historic qualities and regulations of the District. While the Staff finds that the three lots likely had houses on them at one point in the past, now they are immediately south of the Edgewood Avenue street corridor and are within the Auburn Avenue / Edgewood Avenue Subarea. Almost all the properties in the Edgewood Avenue corridor / Subarea (and particularly those that are east of the Downtown Connector) have commercial, office, entertainment, eating and drinking, or service buildings; though some have upper level residential uses and a few are multifamily exclusively. None of them have single-family houses.

Further, the Subarea regulations contemplate and are structured around the development of mixed-use, one to three story buildings that have street level activity with zero front yard and side yards setbacks. The proposed lot shape and size (vs. the three smaller lots) could support such a project. The Staff would add that the Subarea contains a variety of lot sizes and shapes, including those that are larger and small than the proposed lot both in frontage and size.

As such, the Staff finds that the proposed consolidation would create a larger lot that could facilitate development that furthers the historic qualities and regulations of the District and as such could be substantially consistent with the historic character of the District.

While the Staff understands that the Applicant is likely in the beginning stages of their project development, the Staff finds that to confirm that the proposed lot consolidation would meet the District regulations, the Applicant should submit a basic site plan and building design would be illustrate that a building could be built on the consolidated lot that would meet the building height, setbacks, site plan-related, and any other building dimension-related regulations. The Staff would recommend the Applicant submit a basic site plan and building design that meets the building height, setbacks, site plan-related, and any other regulations that effect building dimensions.

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

- a) The proposed lot consolidation meets the regulations, except as noted above, per Section 16-20C.004, 16-20C.006, and 16-20C.007.

Staff recommends approval of an application for an Application for a Type III Certificate of Appropriateness (CA3-15-393) for a consolidation of three lots into one lot at **15 and 17 Daniel Street and 0 Daniel Street Rear, with the following conditions:**

1. The Applicant submit a basic site plan and building design that meets the building height, setbacks, site plan-related, and any other regulations that effect building dimensions, per Section 16-20C.004(7); and
2. The Staff shall review, and if appropriate approve, the basic site plan and building design only for the purposes of confirming compliance with Section 16-20C.004(7).