



CITY OF ATLANTA

KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT November 9, 2015

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-15-411) for the construction of a new single family house/townhome at **789 Cherokee Avenue (aka 765-C Harrison Place)** – Property is zoned PD-MU/ Grant Park Historic District (Subarea 1).

Applicant: Gail Glozier
281 West Wieuca Road

Facts: On August 12, 2015, the Commission approved an Application for a Type III Certificates of Appropriateness (CA3-15-270) for the construction of a new single family house/townhome at **789 Cherokee Avenue (aka 765-C Harrison Place)** – Property is zoned PD-MU/ Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall provide documentation that having a front projecting bay located over a porch is compatible with other historic two-story houses in the district, per PDMU condition #9
2. The Applicant shall submit properly scaled elevations;
3. The project shall meet the height requirement, per PDMU condition #9;
4. All window units shall be no larger than 28 sq. ft., per Section 16-20K.007(2)(B)(11);
5. All material details shall be indicated on the plans;
6. The side gables shall be hipped; and
7. Staff shall review and if appropriate, approve the final plans.

This current application is for a revision to previously approved plans.

Analysis: The following code sections apply to this application:

(Those District regulations that would otherwise apply, but are superseded by the PD-MU site plan or conditions have been removed from the listing of applicable District regulations set out below.)

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

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

(2) Certificates of Appropriateness.

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

1. All new principal structures;

Per Section 16-20K.007:

- (1) *Development Controls.*

D. *Off-street parking and driveway requirements:*

1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.

(2) *Architectural Standards.*

(A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural 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.
4. All front facades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
6. The height of the principal structure shall not exceed 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.
Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
11. Any facades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 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.
14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
 - b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standards, 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.

This application is for a revision to plans for a previously approved project. Staff reviewed the revised plans submitted for the August 12th meeting and the plans submitted to allow for a revision to plans. Staff finds the site plans and elevations for both sets of plans are identical. Staff finds that most of the conditions previously approved are documentation issues and are therefore not a concern. The main issue is that Staff finds condition #1 as previously approved by the Commission has not been met.

When the original application was approved, there was a condition that required the Applicant to submit documentation that having a front projecting bay located over a porch is compatible with other historic two-story houses in the district. This condition was in response to Staff's concern that the design of the project did not meet PD-MU condition #9. PD-MU condition #9 states the following, "The nine interior townhome (or five detached) units and the detached single family homes will be designed to be consistent with the historic architectural style of the Grant Park neighborhood and to comply with Grant Park's historic zoning regulations, and will not exceed a height of 35 feet."

After the application was approved with conditions, the Applicant submitted a picture of one historic house as documentation. Staff found the documentation submitted did not show that the design was consistent and compatible with the two-story houses in the district. As no further documentation was submitted, Staff recommended the Applicant revise the elevation to meet the conditions. Instead, the Applicant has submitted an application to keep the original design. As no further documentation or explanation has submitted with this current application, Staff still finds the project as currently designed does not meet PD-MU condition #9. Given the information we have at this time, Staff cannot support the proposed revision to the previously approved plans.

Staff Recommendation: Based upon the following:

1) The plans do not meet the regulations with the exception of the comments noted above;

Staff recommends denial of an application for a Type (CA3-15-411) for the construction of a new single family house/townhome at **789 Cherokee Avenue (aka 765-C Harrison Place)** – Property is zoned PD-MU/ Grant Park Historic District (Subarea 1).



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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT November 9, 2015

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-15-412) for the construction of a new single family house/townhome at **789 Cherokee Avenue (aka 765-A Harrison Place)** – Property is zoned PD-MU/ Grant Park Historic District (Subarea 1).

Applicant: Gail Glozier
281 West Wieuca Road

Facts: On August 12, 2015, the Commission approved an Application for a Type III Certificates of Appropriateness (CA3-15-267) for the construction of a new single family house/townhome at **789 Cherokee Avenue (aka 765-A Harrison Place)** – Property is zoned PD-MU/ Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall provide documentation that having a front projecting bay located over a porch is compatible with other historic two-story houses in the district, per PDMU condition #9
2. The Applicant shall submit properly scaled elevations;
3. The project shall meet the height requirement, per PDMU condition #9;
4. All window units shall be no larger than 28 sq. ft., per Section 16-20K.007(2)(B)(11);
5. All material details shall be indicated on the plans; and
6. Staff shall review and if appropriate, approve the final plans.

This current application is for a revision to previously approved plans.

Analysis: The following code sections apply to this application:

(Those District regulations that would otherwise apply, but are superseded by the PD-MU site plan or conditions have been removed from the listing of applicable District regulations set out below.)

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

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

(2) Certificates of Appropriateness.

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

1. All new principal structures;

Per Section 16-20K.007:

(1) *Development Controls.*

D. *Off-street parking and driveway requirements:*

1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.

(2) *Architectural Standards.*

(A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural 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.

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 - b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standards, 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.

This application is for a revision to plans for a previously approved project. Staff reviewed the revised plans submitted for the August 12th meeting and the plans submitted to allow for a revision to plans. Staff finds the site plans and elevations for both sets of plans are identical. Staff finds that most of the conditions previously approved are documentation issues and are therefore not a concern. The main issue is that Staff finds condition #1 as previously approved by the Commission has not been met.

Condition #1 states the following, “The Applicant shall provide documentation that having a front projecting bay located over a porch is compatible with other historic two-story houses in the district.” This condition was in response to Staff’s concern that the design of the project did not meet PD-MU condition #9. PD-MU condition #9 states the following, “The nine interior townhome (or five detached) units and the detached single family homes will be designed to be consistent with the historic architectural style of the Grant Park neighborhood and to comply with Grant Park’s historic zoning regulations, and will not exceed a height of 35 feet.”

After the application was approved with conditions, the Applicant submitted a picture of one historic house as documentation. Staff found the documentation submitted did not show that the projecting bay over the porch was consistent and compatible with the two-story historic houses in the district. As no further documentation was submitted, Staff recommended the Applicant revise the elevation to meet the conditions. Instead, the Applicant has submitted an application to keep the original design. As no further documentation or explanation has been submitted with this current application, Staff still finds the project as currently designed does not meet PD-MU condition #9. Given the information we have at this time, Staff cannot support the proposed revision to the previously approved plans.

Staff Recommendation: Based upon the following:

1) The plans do not meet the regulations with the exception of the comments noted above;

Staff recommends denial of an application for a Type (CA3-15-412) for the construction of a new single family house/townhome at **789 Cherokee Avenue (aka 765-A Harrison Place)** – Property is zoned PD-MU/ Grant Park Historic District (Subarea 1).



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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT November 9, 2015

Agenda Item: Application for Type II Certificate of Appropriateness (CA2-15-419) for alterations at **1177 Oak Street**-Property is zoned R-4A/West End Historic District.

Applicant: Carlton Ferguson
3009 Rainbow Drive

Facts: According to the West End Survey, this New South Cottage is contributing. The survey picture indicates diamond pattern windows on the front façade, a front door with diamond pattern transom and side lites and a non-original porch railing.

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.

(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.

(12) *Paved Surfaces:*

(a) The original layout, patterns and paving materials of sidewalks, driveways, alleyways, curbs and streets shall be retained. The design and material of new replacement paving materials shall be subject to the compatibility rule.

(b) The design and material of new paved surfaces areas, other than those specified in subsection (a) above, including driveways, walkways, and patios, or portions thereof, shall be subject to the compatibility rule.

(c) New driveways shall not exceed a width of ten feet not including the flare at the street.

(13) *Off-Street Parking Requirements:*

(a) Off-street parking shall not be permitted in the front yard or half-depth front yard.

Violations

In comparing the original survey pictures, the new survey pictures taken in 2010, the pictures submitted by the Applicant and the pictures submitted by the neighborhood, it is clear that several violations have occurred since the districts designation. In March of this year we received an e-mail from the owner of the property inquiring whether there were any violations on the property and what would be required to permit the work they were proposing. After the owner submitted pictures of the existing conditions and commentary regarding the condition of the property, Staff sent the following response on April 2nd:

“In comparing the pictures you e-mailed to the survey pictures we have on file, there are several alterations that have been done without the proper permits. In looking at the permitting system, there is one permit for the conversion of a duplex into a single family house. The application indicates that no exterior work is proposed. There was also a note in the system that the house may have been converted into a rooming house but the inspectors could not gain entry into the house. It is clear from looking at the pictures that the windows have been replaced, the porch has been enclosed, the porch railings have been replaced, new siding has been installed and site railings have been added. There may be additional violations not revealed by the pictures. As the house was in violation when you purchased it, you are now responsible for resolving the violations. My suggestion is that you submit an application to permit the work that has been done.”

In June we received a complaint that work was being done without a permit. After a visit to the property by an inspector, a stop work order was placed on the property. In addition to the violations indicated in the Staff response above, it appears all of the existing siding has been removed from the house. In looking at the most recent pictures submitted, Staff finds the as-built elevations are not accurate. Staff also has concerns the proposed elevations are not accurate. Staff recommends the Applicant submit accurate as-built elevations. Staff recommends the Applicant submit accurate proposed elevations. Staff recommends the Applicant submit current pictures of the front and side elevations of the house.

Alterations

Parking

In looking at the site plan, the Applicant is proposing to install a parking pad in front of the house. Per regulations, parking is not allowed in the front yard. In looking at the survey picture, there is no existing driveway and no indication of an existing curb cut. While it is not clear when the curb cut was installed, Staff finds it was installed without a permit and is therefore not allowed. Staff recommends the proposed parking pad be removed from the site plan.

Windows and Doors

The elevations indicate the windows are remaining. In looking at recent pictures submitted, the windows do not match the survey pictures and do not match the windows depicted in the elevations. As indicated in the violation section, the original diamond pattern windows were removed from the front façade. It also appears that window openings have been altered on the right side of the front elevation and windows have been added. Staff recommends the left of the front elevation have a three diamond pattern window unit that is wood and true divided lite with appropriate headers, appropriate separation between units, appropriate trim and matches the original survey picture.

In regards to the right side of the front elevation, it appears one of the window opening was altered before the districts designation. In looking at the proposed elevations, three 6 over 6 windows are proposed for the existing bay. While Staff does not have a concern about the addition of windows,

Staff recommends the bay on the right side of the front elevation feature three diamond pattern windows that are wood and true divided lite with appropriate headers, appropriate trim and appropriate sills.

In looking at the side elevations, all windows are 6 over 6. As the historic windows on the front facade were diamond pattern windows, it is unlikely the original windows were six over six. Staff recommends the side elevations have wood diamond pattern windows that are true divided lite or 1 over 1 wood windows with appropriate headers, trim and actual sills.

In looking at the right side elevation, it appears one of the windows will be relocated. Per regulations, original window shall not be blocked or enclosed. Staff recommends all original window openings are retained. In looking at the left elevation it appears one window opening will be removed and three new window openings will be added. Staff does not have a concern regarding the addition of new windows. Staff finds the removal of the opening on the left side elevation is not appropriate and should therefore be retained.

In looking at an elevation of the front door, it appears the diamond pattern transom and side lites are being replaced and the new door appears to have multiple lites. Staff recommends the diamond pattern transom and side lites are retained. Staff recommends the new front door be wood with glass in its upper portion to match the historic door shown on the survey picture.

Both the existing and proposed gable windows on the front and left elevation are indicated as multi-pane. In looking at the pictures submitted, it is not clear what the existing gable windows look like. Staff recommends the gable windows are either non-decorative or vents are installed instead.

Siding

The Applicant is proposing to install cementitious siding. As there is documentation the wood siding was recently removed, Staff finds that cementitious siding does not meet the requirements. Staff recommends all new siding is wood with a reveal to match the original siding.

Porch

Staff finds the existing porch railing was installed without a permit and does not meet the requirements. Staff recommends a new railing is installed that has a two-part top and bottom rail with pickets that butt joint the top and bottom rail. The Applicant is proposing to replace the existing columns. Staff recommends the columns are repaired and retained. If replacement is warranted, Staff recommends the new columns match the historic columns as shown in the survey pictures.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for Type II Certificate of (CA2-15-419) for alterations at **1177 Oak Street**-Property is zoned R-4A/West End Historic District, with the following conditions:

1. The Applicant shall submit accurate as-built elevations;
2. The Applicant shall submit accurate proposed elevations;
3. The Applicant shall submit current pictures of the front and side elevations of the house;
4. The left side of the front elevation shall have a three diamond pattern window unit that is wood and true divided lite with appropriate headers, appropriate separation between units, appropriate trim and matches the original survey picture, per Section 16-20G.006(3)(c);

5. The bay on the right side of the front elevation shall feature three diamond pattern windows that are wood and true divided lite with appropriate headers, appropriate trim and appropriate sills, per Section 16-20G.006(3)(c);
6. The side elevation windows shall be either wood diamond pattern windows that are true divided lite or 1 over 1 wood windows with appropriate headers, trim and actual sills, per Section 16-20G.006(3)(c);
7. All original window openings shall be retained, per Section 16-20G.006(3)(b);
8. The diamond patterned transom and side lites around the front door shall be retained, per Section 16-20G.006(3)(g);
9. The new front door shall be wood with glass in its upper portion to match the historic door shown on the survey picture, per Section 16-20G.006(3)(g);
10. The gable windows shall either be non-decorative or vents, per Section 16-20G.006(3)(g);
11. All new siding shall be wood with a reveal to match the original siding, per Section 16-20G.006(2)(d);
12. A new railing shall be installed that has a two-part top and bottom rail with pickets that butt joint the top and bottom rail, per Section 16-20G.006(9)(d);
13. The columns shall repaired and retained unless replacement is warranted, per Section 16-20G.006(9)(a);
14. If replacement of the existing columns is warranted, the new columns shall match the historic columns as shown in the survey picture, per Section 16-20G.006(9)(d); and
15. Staff shall review and if appropriate approve the final plans and documentation.



CITY OF ATLANTA

KASIM REED
MAYOR

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT November 9, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-15-419) for alterations at **902 White St.** Property is zoned R 4A / West End Historic District / Beltline.

Applicant: Brenda Gibbons
2860 Church St., East Point

Facts: This existing single family residence is considered contributing to the District.

Prior to the submission of this application the Applicant replaced the original wood siding with vinyl siding, removed the original wood window trim, and replaced the original wood windows with vinyl windows.

The Applicant has also filed for a separate Type II Staff Review application for the installation of a rear deck.

Analysis: The following code sections apply to this application:

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

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

- (1) Certificates of Appropriateness: Certificates of appropriateness within this district shall be required as follows:
 - (a) When required:
 - (i) To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the public right-of-way;
 - (ii) To erect a new structure or to make an addition to any structure within the district, when said addition can be seen from public right-of-way; and
 - (iii) To demolish or move any contributing structure, in whole or in part, within the district.
 - (b) Type required:
 - (v) The following Type II Certificates of Appropriateness shall be review by the commission and shall be required for any of the following to the extent they are visible from a public street:
 - a. Alterations to any façade of any principal structure; and
 - b. All site work, except as noted in Section 16-20G.005(b)(4).

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:
 - (a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.
 - (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
 - (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.
 - (e) Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
 - (f) Height of the first floor of the front façade above grade shall be subject to the compatibility rule. Notwithstanding the compatibility rule, the first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than seven inches in height. Slab-on-grade construction is not permitted.
 - (g) No structure shall exceed that height established by the compatibility rule.
- (3) Windows and Doors:
 - (a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
 - (b) Original window and door openings shall not be blocked or enclosed, in whole or in part.
 - (c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.
 - (d) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - (e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
 - (f) Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
 - (g) New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
 - (h) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule.
 - (i) The scale, size, proportion, and location of all openings in new construction shall be established by the compatibility rule.
 - (j) New windows or doors added to existing structures shall be located façades that don't face a public street.
 - (k) New or replacement doors shall be made of wood and shall contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.

The Applicant has installed what appears to be vinyl siding. Staff finds that the regulations require that replacement siding match the original in material, scale, and direction. As the

alteration has already taken place, Staff recommends the Applicant clarify whether the non-compliant vinyl siding was installed over the original wood trim and siding. If the original wood trim and siding is intact, Staff recommends the non-compliant vinyl siding be removed to expose the original wood siding and the trim and siding be repaired in-kind. If the original wood trim and siding was removed, Staff recommends the non-compliant vinyl siding be removed and replaced with wood trim and siding with a reveal which meets the District regulations.

The Applicant also replaced the existing wood windows and trim with non-compliant vinyl windows. Staff finds that the regulations require architecturally significant windows and trim be retained. Staff finds that the original windows and trim in question are dominant features of the otherwise plain structure and are therefore architecturally significant. Therefore, Staff recommends that the non-compliant vinyl windows be removed and replaced with the original wood windows. If the original wood windows and trim are no longer on site, then Staff recommends that wood windows and trim which match the original elements in regards materials, design, size, and style be installed.

Staff Recommendation: Based upon the following:

- a) The completed work does not meet meets the regulations per Section 16-20G.006

CA2-15-419

Staff recommends approval of an Application for a Type III Certificate of Appropriateness (CA2-15-419) for alterations at **902 White St.** Property is zoned R 4A / West End Historic District / Beltline. With the following conditions:

1. The Applicant shall clarify whether the non-compliant vinyl siding was installed over the original wood trim and siding, per Sec. 16-20G.006(2)(d);
2. If the original wood trim and siding is intact, the non-compliant vinyl siding shall be removed to expose the original wood siding and the trim and siding be repaired in-kind, per Sec. 16-20G.006(2)(d);
3. If the original siding was removed, the non-compliant vinyl siding shall be removed and replaced with wood trim and siding with a reveal which meets the District regulations, per Sec. 16-20G.006(2)(d);
4. The non-compliant vinyl windows shall be removed and replaced with the original wood windows, per Sec. 16-20G.006(3)(a);
5. If the original wood windows and trim are no longer on site, then wood windows and trim which match the original elements in regards materials, design, size, and style shall be installed, per Sec. 16-20G.006(3)(c); and,
6. Staff shall review and if appropriate, approve the final plans and documentation.



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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT November 9, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-15-420) for alterations at **2976 Wales Avenue**- Property is R-4A/Whittier Mill Historic District.

Applicant: Jamie Ready
2132 Brookview Drive

Facts: According to the Fulton County Tax Assessor available online, this single family dwelling was constructed in 1999. Staff finds the existing house is non-contributing.

Analysis: The following code sections apply to this application:

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

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

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

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

- (1) *Certificates of Appropriateness:* Certificates of appropriateness within this subarea shall be required as follows:
 - a. *When required:*
 1. To change the exterior appearance of the following elements of a structure within the subarea, when said changes can be seen from the public right-of-way: foundations, siding, chimneys and roofs;
 2. To change the exterior appearance of the following elements of the front facade of a structure: windows, doors, architectural details and porches. For the purpose of this chapter, front facade means the elevation of the building which faces the front yard as defined in code of ordinances section 16-28.007(3) and (4).
 3. To erect a new structure;
 - b. *Type required:*
 1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for

all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).

(2) *Architectural Standards:*

b. *Windows and doors*

1. Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
2. Replacement windows and doors shall be permitted only when originals cannot be rehabilitated.
3. Replacement windows and doors shall match the original in design, materials, shape and size with no more than a one-inch width or height difference from the original size.

The Applicant is proposing to add a new double hung window and bay window on the east façade. The proposed windows will be vinyl and the lite divisions will be sandwiched in between the glass. Usually Staff would not support the use of vinyl or lite divisions that are not permanently affixed to the exterior of the glass. In looking at pictures submitted by the Applicant, the existing windows are vinyl and the lite divisions are not permanently affixed to the exterior of the glass. As the regulations require that window replacement windows match the originals, Staff finds the proposed replacement is appropriate in this case.

Staff finds that bay windows are not typical of mill village housing in this district. Staff would note that the existing non-contributing house is also not typical of the historic houses in the district. As the house itself is not historic and the proposed bay window will be located towards the rear of the house, Staff does not have concerns with the proposed bay window.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of Application for a Type II Certificate of Appropriateness (CA2-15-420) for alterations at **2976 Wales Avenue**- Property is R-4A/Whittier Mill Historic District.



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TIME KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

October 14, 2015

REVISED

November 9, 2015

(Revised text shown in italic.)

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3 15 429) for a for a variance to allow an increase in the right side yard setback from 43 in. (maximum allowed) to 5 ft. (proposed), a decrease in the rear yard setback from 51 ft. (minimum allowed) to 45 ft. 6 in. (proposed), and a roof pitch that does not predominate on the block face and (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.

At the October 14, 2015 Commission meeting, the Commission deferred this application to allow time for the Applicant to address the concerns noted in the Staff Report and submit a variance application for deviations in the setback and roof pitch from the District regulations. A slightly revised design to the addition was also submitted on October 15, 2015. This revised Staff Report responds to the variance submission, additional supporting documentation, and the revised design submitted by the Applicant on October 15, 2015.

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.
 - a. 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.

Per Section 16-26.003:

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

Variance Analysis

The Staff agrees with the Applicant's variance analysis and finds that the requested variances meet the criteria. Without the requested variances the right side of the proposed addition would have to be cantilevered over the existing house by about 1.5 ft. which beyond creating an unusual construction proposal would create a completely incompatible massing and proportion to the resulting house. Without the requested variances, the rear of the addition would have shortened by about 5.5 ft. which again creating an incompatible architectural massing and proportion to the resulting house.

Further, while the existing house is compatible with the District, it is still considered non-contributing to the District due to its age and cannot be included in the compatibility rule analysis. At the same time, because it is a non-contributing house it is possible to compatibly add to the house. This means that while an addition is allowed, an addition that would create a compatible end product isn't supported by the existing regulatory framework.

Regarding the roof pitch variance, part of the additional information submitted by the Applicant was the roof pitch of the three contributing houses on the block. The roof pitches of those houses are 6:12 (105 Bradley St.), 7:12 (103 Bradley St.), and 10:12 (79 Bradley St.). Given that there is one example of each roof pitch on the contributing houses on the block face, the proposed addition's revised 7:12 roof pitch meets the District regulations. As a result, the variance request for the roof pitch is not necessary.

The Staff would recommend approval of the right side and rear yard setback variances.

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.

The additional information provided by the Applicant documents that the front yard setback of the existing house and proposed addition (20 ft. 1 in.) is within the range established by the compatibility rule (87 in. to 23 ft.) and the left side yard of the existing house and proposed addition (12 ft.) is within the range established by the compatibility rule (43 in. to 12 ft. 8 in.). Given the Staff's recommendation regarding the variance request for the right side and rear yard setbacks, the Staff finds the setback regulations have been met.

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.

The site plan submitted with the additional materials does not show any change in the mechanical equipment which is located on the right side of the house. The Staff would retain its previous recommendation in case mechanical equipment changes are necessary for the addition.

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.

In the additional information provided by the Applicant, the heights of two of the three contributing buildings was provided, which established the maximum building height as 31 ft. 4 in. The minimum height is the one-story house at 79 Bradley Street. With the change in the roof pitch to 7:12, the new height of the addition is 30 ft. 6 in., which is within the range established by the compatibility rule.

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.

As noted above, the Applicant provided the roof pitch information for all three contributing buildings. With the revision of the addition's roof pitch to 7:12, the roof pitch meets the District regulations.

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.

It is not clear from the submitted plans if the front porch railing meets the condition. The Staff would retain its previous condition.

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.

Though some additional material notes have been added to the plans, the Staff would retain its previous recommendation.

Staff Recommendations:

Variance Application (CA3-15-429):

Based upon the following:

- a) *Except as noted above, the Applicant has documented compliance with the variance criteria, per Section 16-26.003.*

*Staff recommends approval of the application for Type III Certificate of Appropriateness (CA3-15-429) for a for a variance to allow an increase in the right side yard setback from 43 in. (maximum allowed) to 5 ft. (proposed), a decrease in the rear yard setback from 51 ft. (minimum allowed) to 45 ft. 6 in. (proposed), and a roof pitch that does not predominate on the block face at **89 Bradley Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, with the following conditions:*

- 1. The roof pitch of the proposed addition shall be 7:12, per Section 16-20C.008(1)(a)(ii).*

Design Application (CA3-15-388):

Based upon the following:

- a) *Except as noted above, the proposal meets the District regulations, per Section 16-20C.004, .005, .007, .008., and .009.*

Staff recommends *approval* 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, with the following conditions:

- 1. Any new exterior mechanical equipment shall meet all the District regulations, per Section 16-20C.007(2)(b) and 16-20C.008(1)(d);*
- 2. 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);*
- 3. 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*
- 4. The Staff shall review, and if appropriate, approve the final plans, specifications, and supporting documentation.*