



CITY OF ATLANTA

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 9, 2016

Agenda Item: Application for Type III Certificate of Appropriateness (CA3-16-053) for a rear addition at **1119 Lawton Place**-Property is zoned R-4A/West End Historic District.

Applicant: Emily Dyer and Krista Verdelotti
1119 Lawton Place

Facts: According to the Fulton County Tax records available online, this single family dwelling was constructed in 1920. According to West End Historic District survey, this building 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.

- (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;
 - (b) *Type required:*
 - (i) Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. 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) as set forth in chapter 20 of this part 16.

(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:*

(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.

(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.

Site

The Applicant submitted a site plan, however it is not properly scaled. As such, Staff cannot confirm the lot dimensions or setbacks. Given the size of the lot and location of the proposed addition, Staff finds it likely the setback requirements have been met. Staff recommends the Applicant submit a properly scaled site plan.

Per underlying zoning, the maximum floor area ratio (FAR) allowed is .50. The proposed FAR is .25 and therefore meets the requirements. Per underlying zoning, the maximum lot coverage allowed is 55%. The proposed lot coverage is 36% and therefore meets the requirements.

Addition

The Applicant is proposing a rear addition. As this is an interior lot, Staff finds only the side of the addition is visible from the street. As such, Staff will only comment on the side elevation. In general, Staff finds the overall design, location, materials and massing are consistent and compatible with the existing house. The proposed addition is slightly inset from the corner of the house and slope of the roof will help differentiate the proposed addition from the existing historic house. Staff does have a concern with the proposed fenestration. Staff finds the proposed window is not consistent or compatible with historic windows on the house or in the district. Staff recommends the side elevation feature an appropriate window that is consistent and compatible with the existing house.

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 an Application for a Type III Certificate of Appropriateness (CA3-16-053) for a rear addition at **1119 Lawton Place**-Property is zoned R-4A/West End Historic District, with the following conditions:

1. The Applicant shall submit a properly scaled site plan;
2. The side elevation shall feature an appropriate window that is consistent and compatible with the existing house, per Section 20G.006(3); and
3. Staff shall review and if appropriate, approve the final plans.



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STAFF REPORT March 9, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-061) for a variance to allow an increase in the east side yard setback from a maximum of 4.3 feet (required) to 5.43 feet (proposed) and to allow an increase in the rear yard setback from a maximum of 49.75 feet (required) to 74.8 feet (proposed), and (CA2-16-062) for a revision of plans at 744 West Ashland Ave. Property is zoned R 5/Inman Park Historic District (Subarea 1) / Beltline.

Applicant: Rick Bizot
1077 Alta Avenue

Facts: This lot is currently vacant and located on the north side of West Ashland Avenue. The property is generally level with the sidewalk in its front portion, then drops down significantly towards northeast corner.

At the January 8, 2014 meeting the Commission approved Applications CA3-13-334 and CA3-13-326 for a new single family residence, an accessory residential unit, and reductions in the rear yard setback for the principal structure. The current application is for an increase in the rear and side yard setbacks to accommodate the sewer easements and shared driveway, as well as associated revisions to the previously approved plans.

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.
 - 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

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:

- i. All new principal structures.

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.

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.

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.
 - a. No individual house design shall be substantially repeated on the same side of a street block.
 - b. An unpaved planting strip adjacent and parallel to the public street shall be provided. The Compatibility Rule shall apply to the dimensions and location of planting strips.
 - c. A sidewalk between the planting strip and the required front yard and parallel to the public street shall be provided. The Compatibility Rule shall apply to sidewalks. The sidewalk shall be the same width as the sidewalk on abutting properties or it shall be the width required by law, whichever is greater. If no sidewalk exists in the block, the new sidewalk shall not be less than six feet wide. If no sidewalk paving material predominates in the block, the sidewalk shall be constructed of the historically accurate material for that block, either hexagonal pavers, concrete inlaid with hexagonal imprint, or brick.
 - d. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
 - e. All front facades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the Compatibility Rule shall apply.
 - f. The Compatibility Rule shall apply to the form and pitch of the primary roof of the principal structure.
 - g. The Compatibility Rule shall apply to the height, scale, and massing of the principal structure. 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.

- i. Front porches on principal structures shall be required. The Compatibility Rule shall apply to the design and size of said front porches, provided that such porches shall be a minimum of 12 feet wide or one-half of the width of the front façade, whichever is greater, and a minimum of 8 feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to 10 feet into the required front yard. All front porch steps shall have closed risers and ends.
 - j. Decks are permitted only when located to the rear of the principal structure. Such decks shall be no wider than the width of the house and shall not project beyond the side façade of the existing house.
 - k. The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street or park as a façade element, the chimney shall originate at grade.
 - m. The compatibility rule shall apply to the height of portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, no single section of such retaining wall shall exceed four feet in height.
 - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
 - i. The style of the individual window.
 - (1) Windows in the front façade shall be predominantly vertical in proportion.
 - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
 - ii. The size and shape of individual window openings.
 - iii. The overall pattern of fenestration as it relates to the building façade.
 - o. Mechanical equipment shall be located to the side and rear of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street or park.
 - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
 - q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - ii. The type of brick and pattern of brickwork.
 - iii. The type of stone and pattern of stonework.
 - iv. The material and texture of stucco.
 - v. The size and type of doors.
 - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - vii. Paving materials for walks and drives.
 - (1) Asphalt is not permitted.
 - viii. Visible foundation materials.
 - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
 - ix. Visible portions of chimneys.
 - (1) Chimneys shall be faced with masonry. Siding on chimneys is not permitted.
 - x. Skylights are permitted where not visible from a public street or park wherever possible. Protruding bubble skylights are prohibited.
2. Setback requirements:
 - a. New construction: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new construction: Front, side, and rear setbacks shall be subject to the compatibility rule.
 3. Off-street parking and driveways. In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses:
 - a. Off-street parking shall not be permitted between the principal structure and any public street.
 - b. Parking shall not be permitted on walkways that are located between the street and the façade of the principal structure.
 - c. The use of alleys for access to such parking is both permitted and encouraged. No variance is required for driveways coming off of an alley provided however that such driveways shall not extend past any façade which faces a public street.

- d. Driveways shall not exceed a width of ten feet not including the flare at the street. Two-way driveways, where required for an allowed commercial or multi-family use, shall not exceed 24 feet not including the flare at the street.

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 Applicant provided a response to the variance criteria in their submission which focuses on the existence of a 20 ft. wide easement for a sewer line which runs diagonally through the property that effects the rear yard setback.

Staff agrees that the sewer easement is extraordinary and exception to this property as there are few other properties in the District with such sewer easements running diagonally across them. Staff also agrees that an unnecessary hardship is created given that essentially no vertical, substantial construction is permitted on the easement meaning that even if the Applicant wanted to do so they couldn't. Further, the sewer easement is peculiar to this property, given the lack of easements on the vast majority of properties in the District. Lastly, Staff finds that the increase in the rear yard setback would not cause substantial detriment and would be in keeping with the purpose and intent of the District regulations.

In regards to the side yard setback, the Applicant states that adherence to the previously approved setbacks would create a narrow shared driveway. The Applicant is concerned that this narrow driveway would create safety issues given its close proximity to the principal structure. Additionally, the Applicant cites that there is only one contributing structure on the block which can be used for compatibility comparisons. This means that there is no range to for the Applicant to work with as the point of comparison is a single fixed distance.

Staff agrees that the existence of only one contributing structure is extraordinary and exceptional to this property. Staff also agrees that a narrow driveway so close to the principal structure creates an unnecessary hardship and potential safety issues. Additionally Staff finds that the size of the lot, and its non-conformity to the R-5 minimum lot requirements in regards to its frontage and size, is a condition which is peculiar to the property. Further, Staff finds that a setback increase of approximately 1 foot would not create a substantial detriment and would be in keeping with the purpose and intent of the District regulations.

Revision of plans

The Applicant is proposing several minor alterations to the plans previously approved by the Commission. Firstly, the Applicant is proposing an alternate placement and design for the rear deck. The original design had the deck substantially extending into the sewer easement. The new design has the majority of the deck placed outside of the easement and still within the buildable area of the lot. To accommodate the new deck location, the Applicant is proposing alterations to the fenestration on the rear and west elevations including a new side entry door and a new bathroom window. Staff finds the designs of both elements meet the regulations, and that the overall fenestration pattern is

compatible with the block face. Lastly, the Applicant is requesting a smaller front porch depth than what was previously approved. The original plans include a front porch with a depth of 10 feet, and the new design is for a porch that is 9 feet 6 inches which still meets the required minimum porch depth of 8 feet.

Staff has no concerns with the proposed plan revisions.

CA3-16-061

Staff Recommendation: Based upon the following:

- 1) The variance meets all of the variance criteria, per Section 16-26.003.

Staff recommends approval Application for a Type III Certificate of Appropriateness (CA3-16-061) for a variance to allow an increase in the east side yard setback from a maximum of 4.3 feet (required) to 5.43 feet (proposed) and to allow an increase in the rear yard setback from a maximum of 49.75 feet (required) to 74.8 feet (proposed) at 744 West Ashland Ave. Property is zoned R 5/Inman Park Historic District (Subarea 1) / Beltline.

CA2-16-062

Staff Recommendation: Based upon the following:

- 1) The proposal meets the District regulations, per Section 16-20L.005 and 16-20L.006.

Staff recommends approval of an Application for a Type III Certificate of Appropriateness (CA2-16-062) for a revision of plans at 744 West Ashland Ave. Property is zoned R 5/Inman Park Historic District (Subarea 1) / Beltline.



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STAFF REPORT March 9, 2016

Agenda Item: Application for a Type II Certificate of Appropriateness (CA3-16-063) for a new single family house at **317 Georgia Avenue**. Property is zoned R-5 / Grant Park Historic District (Subarea 1) / Beltline.

Applicant: Adam Stillman
350 Sinclair Ave.

Facts: According to the Photographic Inventory, this lot is currently vacant.

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:

- (2) Side yard: There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet, except for zero-lot-line development where no side yard is required along the internal lot line.
- (3) Rear yard: There shall be a rear yard of not less than seven feet except for zero-lot-line units where the internal side or rear lot line may be reduced to zero feet.
- (5) Maximum floor area within this district:
 - 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;
 - (6) Maximum lot coverage: Maximum lot coverage within this district shall not exceed 55 percent of the net lot area.
 - (7) Location of structures in two-family dwellings: Any structure of lesser floor area in any two-family dwelling unit shall be located no nearer to any street frontage than the structure of greater floor area. Any dwelling structure with a street-fronting elevation shall provide a pedestrian entrance on that elevation.

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

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

- (1) General Criteria.
 - (A) Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - (B) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - (C) In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) Certificates of Appropriateness.
 - (C) Type III Certificates of Appropriateness shall be required for:
 1. All new principal structures;

2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.

(7) Paved surfaces: The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

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

Site Plan

The proposed structure will be setback 7 feet on both the side and rear property lines as required by the R-5 regulations and allowed by the Grant Park Historic District regulations. The proposed structure will be setback from Georgia Avenue 26.6 feet as measured from the closest corner of the front porch. The Grant Park Historic District regulations require the front yard setback to be

based on either the compatibility rule or the previously existing contributing structure of like use. The Applicant has provided measurements of two neighboring contributing properties located at 325 Georgia Avenue, which has a front yard setback of 25.2 feet, and 297 Georgia Avenue, which has a front yard setback of 31.3 feet. Based on these measurements, the proposed setback appears to meet the compatibility rule. However, it is unclear from the plans whether the measurements of the two contributing structures were taken from the front porch or the front façade of the subject properties. Staff recommends the Applicant clarify the method used for measuring the two contributing structures used for compatibility comparison.

The subject property is a nonconforming lot with regards to its size and street frontage. As such the R-5 regulations allow for a floor area ratio of 65% of the net lot area. The net lot area of the subject property is 5604 sq. ft. meaning that any principal structure built on the site has a maximum allowable floor area of 3642.6 sq. ft. The proposed structure has a floor area of 2790 sq. ft. which meets the R-5 floor area requirements. The R-5 lot coverage requirements allow for no more than 55% of impervious surface or 3082.2 sq. ft. The proposed structure has a lot coverage of 45% or 2401 sq. ft. Staff finds the lot coverage requirements have been met.

The plans indicate an existing concrete sidewalk along the Georgia Avenue frontage. Staff recommends that any repairs to portions of the sidewalk damaged during construction meet the District regulations. A site stair leading to the front porch serves as the required walkway.

Massing and Building Height

The proposed two story house is defined by a 6 in 12 hipped roof, a 16 in 12 hipped dormer, and a full 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. Staff finds the overall height, massing and design of the proposed dwelling to be similar to the historic houses on the block.

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 Georgia Avenue as required. From the drawings the front door will have a glass panel $\frac{3}{4}$ the length of the door.

The Applicant is proposing to install 3 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 to be no less than 15% and no more than 40% of the wall surface. The proposed structure will have approximately 15% fenestration on the front façade. Staff finds the fenestration requirements have been met.

Building Materials

The proposed materials include horizontal cementitious lap siding for the bottom level of the structure, cementitious or cedar shake siding for the upper level of the structure, decorative wood corbels, architectural shingles for the roof, a brick foundation, brick cheek walls for the porch steps, wood steps on the front porch, and wood railing on the front porch. The material for the front door and windows are not indicated. Staff recommends that an appropriate material for the front door and windows be indicated on the plans. The materials for the front porch columns are not indicated. Staff recommends an appropriate material for the porch columns be indicated on the plans.

Porch

Per regulations, the minimum allowed depth for the front porch is 7 feet. Staff finds that the proposed porch is 9 feet and therefore meets this requirement. The porch features tapered columns and railings that are compatible with other similar porches in the District. The porch also features decorative wood corbels. 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.007;

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-16-019) for alterations at **325 Georgia Avenue**. Property is zoned R-5 / Grant Park Historic District (Subarea 1) / Beltline., with the following conditions:

1. The Applicant shall clarify the method used for measuring the two contributing structures used for compatibility comparison, per Sec. 16-20K.007(1)(A);
2. Any repairs to portions of the sidewalk damaged during construction shall meet the District regulations, per Sec. 16-20K.007(2)(E)(3);
3. An appropriate material for the front door and windows shall be indicated on the plans, per Sec. 16-20K.007(2)(B)(1);
4. An appropriate material for the porch columns shall be indicated on the plans, per Sec. 16-20K.007(2)(B)(1); and,
5. The 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 March 9, 2016

Agenda Item: Application for Type III Certificates of Appropriateness (CA2-16-064) for alterations at **180 Carroll Street** – Property is zoned Cabbagetown Landmark District (Subarea 4) / Beltline.

Applicant: Barbara Harper - Milltown Arms Tavern
180 Carroll Street

Facts: According to the 2002 photographic inventory this existing commercial building was constructed in 1950 and is considered contributing to the District.

Analysis: The following code sections apply to this application:

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

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

(2) Type required:

- a) When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition of a contributing building shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

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

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

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this chapter 20A do not specifically address the application.
- (3) Applications. Materials necessary for complete review of an application shall be submitted with the application as set forth by the director. In addition, a scaled site plan showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements shall be submitted for all Type III certificate of appropriateness applications. For new construction of a principal building, the application shall also include a scaled drawing showing all front yard setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.
- (4) Additional notification. The applicant shall be given contact information for interested Cabbagetown community organizations and shall be directed to provide the organization with a copy of the submitted application and attachments within three days of submission to the commission.
- (5) Cabbagetown design guidelines. The commission shall adopt and maintain guidelines, referred to herein as the Cabbagetown Design Guidelines. These guidelines shall: further the intent of these regulations; further define

elements of architectural style and applicability; provide important additional detailed information regarding the construction and renovation of historic buildings; and be used as a guide to ensure the compatibility of future development in the Cabbagetown Landmark District.

- (6) The compatibility rule.
- a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than ten percent than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
- a) General criteria:
 1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
 2. The general façade organization and proportions shall be subject to the compatibility rule.
 3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. corner boards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.
 - b) Façades:
 1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
 2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of 14 inches and a maximum of four feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
 3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
 4. Exterior doors visible from any public right-of-way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.
 - f) Site development, sidewalks and curbs:
 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
 3. Curbing shall be granite; poured concrete shall not be used.

4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.
- (14) Design standards for alterations and additions to contributing buildings. Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the historic architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:
- a) All repair work shall be match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - b) All replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - c) Alterations shall not introduce materials or building elements that do not reinforce the architectural character of the building and shall not destroy historic materials that characterize the property.
 - d) The height or width of any alteration or addition shall not exceed the height or width of the existing building.
 - e) Any alterations or additions shall be compatible with the massing, scale and architectural features of the property.
- (17) Grading and landscaping.
- a) Grading shall not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure.
 - b) New grades shall meet existing topography in a smooth transition.
 - c) Approval of an application for a certificate of appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties. The commission may require that plant materials in a landscape plan reflect the character of the Cabbagetown Landmark District.
- (19) Off-street and off-site parking.
- b) The number of required parking spaces is set out in each subarea.
 - c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
 - d) Off-street parking shall not be located or authorized between the principal building and the street.
 - k) Use of shared driveways and/or alleys is encouraged.
 - l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
- Sec. 16-20A.010. - Neighborhood commercial/services (Subarea 4).
- (8) Storefront fenestration.
- a) All street-fronting sidewalk level development, with the exception of religious institutions and fire stations, shall provide fenestration for a minimum of 75 percent of the length of the frontage, beginning at a point not more than three feet above the public sidewalk, for a height no less than ten feet above the sidewalk.
 - b) Fenestration for commercial uses shall allow views into the interior or display windows and shall not have painted glass, reflective glass, or other similarly treated fenestration.
 - c) Variances in fenestration requirements may be approved by the commission.
 - d) Sidewalk level development without fenestration shall not exceed a maximum length of ten feet of façade.
- (9) Relationship of building to street.
- a) The primary pedestrian entrance to all uses and business establishments with sidewalk level street frontage shall:
 1. Face and be visible from the street;
 2. Be directly accessible, visible, and adjacent to the sidewalk, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street;
 3. Remain unlocked during normal business hours for nonresidential uses; and
 4. Face and be visible to an arterial street when located adjacent to such arterial streets.
 - b) Buildings shall provide continuous street-fronting sidewalk level commercial, office, or residential uses.
 - c) A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, and shall be a minimum of six inches in height.
- (10) Storefront illumination and lighting.
- a) Security, decorative, and other lighting adjacent to residential uses shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination. The commission may also require other elements to reduce light spillage.
 - b) Any security, decorative, or other lighting luminaries shall be located a minimum height of eight feet above the sidewalk, drive or pedestrian area.
- (15) Fences and walls.
- a) Chain link or similar elements shall not be visible from any public plaza, outdoor dining area, or public right-of-way. Chain link fencing, where permitted, shall be clad in either black or dark green coating. Canopies and associated service areas shall not be located between a building and the street.

- b) No fences are permitted between the principal building and the sidewalk.
 - c) Walls shall be wood, smooth finish stucco or brick.
 - d) No walls, except retaining walls, shall be located between a building and the sidewalk, with the exception of walls that screen commercial dumpsters and loading areas, which shall have a maximum height of six feet.
 - e) The commission may by variance permit retaining walls that are greater than two feet in height between the building façade line and the street.
- (19) Minimum off-street parking requirements. The following parking requirements shall apply to all permitted uses, including those approved by special permits. (See also sections 16-28.013 and 16-28.014.) Design of parking facilities shall be subject to review by the commission.
- a) Banks and similar institutions: One space for each 200 square feet of floor area.
 - b) Childcare centers: One space for each 600 square feet of floor area; in addition to providing required off-street parking, such centers shall provide safe and convenient facilities for loading and unloading children, as approved by the director of the bureau of traffic and transportation.
 - c) Clothing and tailor shops: One space for each 200 square feet of floor area.
 - d) Clubs and lodges: One space for each 100 square feet of floor area.
 - e) Commercial recreation uses, including bowling alleys, amusement arcades, game rooms, and the like: One space for each 100 square feet of floor area.
 - f) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area.
 - g) Laundry and dry cleaning establishments where equipment is operated by customers: One space for each 200 square feet of floor area.
 - h) Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below: One space for each 200 square feet of floor area.
 - i) Accessory uses: One space for each 300 square feet of floor area devoted to an otherwise permissible accessory use.
 - j) For all other nonresidential uses: One space for each 300 square feet of floor area.
- (20) Off-street parking variances.
- a) Reductions in parking requirements may be approved by the commission if a written shared parking arrangement that meets, the following criteria is secured:
 1. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access.
 2. All shared parking spaces shall be clearly marked and signed as reserved during specified hours.
 - b) An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 1. A to-scale map indicating location of proposed parking spaces.
 2. Indicate hours of business operation.
 3. Written consent of property owners agreeing to the shared parking arrangements;
 4. Copies of any parking leases. Renewed leases shall be provided to the commission as they are signed. Lapse of a required lease agreement shall terminate the permit.

The Applicant is proposing to install a new storefront window bay and entrance door, a new metal awning, and a new poured concrete pad to be used for entry purposes from the adjacent parking lot. The storefront window bay and entry door will be made of wood to match the elements found on the non-original front entrance, and will be centered between the two existing gooseneck light fixtures on the north façade. This new entrance will be used for secondary entrance to the structure and meets the Subarea 4 regulations for storefront fenestration. Using the regulations for storefront fenestration, Staff finds the new storefront quantitatively meets the District regulations and is generally compatible with typical historic storefronts. The proposed awning will consist of batten seam metal roofing material on a wooden frame to match similar features found elsewhere in the subarea of the District. Staff has no concerns with the proposed awning.

The poured concrete pad will 37.3 feet wide by 5 feet deep and will be sloped inward towards two drains to shed any water from rainfall. A retaining wall will be placed directly adjacent to

the concrete pad to mitigate the grade change between the concrete pad and the adjacent lot. While not mentioned in the plans, Staff has concerns that this area could be used for outdoor seating in the future. Such a configuration would require additional parking to be provided to accommodate the new seating space. At this time Staff Recommends no outdoor seating or tables be provided on the proposed concrete pad.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above, per Section 16-20A.006, & .010;

CA2-16-064

Application for Type III Certificates of Appropriateness (CA2-16-064) for alterations at **180 Carroll Street** – Property is zoned Cabbagetown Landmark District (Subarea 4) / Beltline with the following conditions:

1. Outdoor seating and tables shall not be provided on the proposed concrete pad, per, Sec16-20A.010(19); and
2. 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 March 9, 2016

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-16-065) for site work and a monument at **248 Oakland Avenue (Oakland Cemetery)** - Property is zoned Oakland Cemetery Landmark District.

Applicant: James Cheeks
949 N. Ormewood Park Drive

Facts: The lot is located in the North West portion of the cemetery. The closest street is Oakland Avenue.

Analysis: The following code sections apply to this application:

Sec. 16-20.009. Same; further standards.

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

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

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

Sec. 16-20E.002. General regulations.

The following regulations shall apply to the entire Landmark District. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

1. Regulations shall be minimum standards which must be followed and shall be applied by the AUDC (section 16-20.008).
2. The AUDC shall further adopt and maintain guidelines that shall extend the intent of these regulations, further define elements of architectural landscape design and ensure the compatibility of future development and restoration within this Landmark District.
3. The power to hear, grant or deny variances from these regulations shall rest with the AUDC.
4. *Procedure for variance:* Upon a determination of the AUDC that an application for renovation or new construction is in conflict with the intent of these regulations and/or the guidelines, the AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (section 16-26.001). Notification shall include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.
5. *Secretary's guidelines:* In addition to specific standards listed herein, the Secretary of the Interior's Standards for Historic Preservation Projects Part 1 shall be a part of these regulations and shall be applied by the AUDC.
6. *Landscaping criteria:*
 - (a) A certificate of appropriateness shall be required for any alteration to existing walks, walls or drives and the removal of trees or shrubs other than "volunteers" which endanger the movements, mausoleums, walls, paths and steps, or hamper pedestrian and vehicular circulation.
 - (b) Repairs to walks, walls and drives shall be done with matching materials, style and technique. The final result shall be of a quality equal to the original work and contiguous with adjacent masonry.
 - (c) Construction materials within the cemetery shall be limited to granite, marble, limestone, sandstone, molded concrete and brick.
 - (d) The use of gravel, marble chips and granite dust on grave surfaces is prohibited.
 - (e) A certificate of appropriateness shall be required for any alteration to the existing tree or shrub planting within Oakland Cemetery.
 - (f) The park-like character of Oakland Cemetery shall be maintained by the planting of high branching native hardwood trees, sufficiently spaced apart to maintain a light shade which is conducive to the growth of grass. Tree and shrub species selected for new planting shall be consistent with existing species within Oakland Cemetery. Evergreen species shall be planted selectively to create contrast and interest. Hybrid and exotic trees and shrub species shall be prohibited.
7. Buildings, mausoleums and monuments:
 - (a) Existing buildings in Oakland Cemetery consists of a watchhouse, the tower building, maintenance barns and public toilets. A certificate of appropriateness shall be required for the demolition or repair of any existing building.
 - (b) Repair of existing buildings shall be done with matching materials, style and technique. The final result shall be of a quality equal to the original work and contiguous with adjacent masonry.
 - (c) No additional buildings shall be allowed.
 - (d) All buildings in the Landmark District shall be subject to the provisions for demolition or removal of existing structures as specified in section 16-20.007(3) of this part.
 - (e) The Preservation Briefs #1 prepared by the Technical Preservation Services Division of the Office of Archeology and Historic Preservation and Recreation Service will be adhered to for the cleaning of all buildings and monuments and mausoleums.
8. It shall be mandatory for all parks and recreation personnel charged with the maintenance and upkeep of Oakland Cemetery to be made aware of the intent and specific content of these regulations. A copy of these regulations shall be maintained on the site with the supervisory staff responsible for the maintenance of Oakland Cemetery.

City personnel anticipating any activity to change the physical appearance or functional character of the landscape, drives, walks, walls, monuments, mausoleums, planting or buildings of Oakland Cemetery shall initiate such activity only upon approval of the AUDC as specified in this part.

The Applicant is proposing a new monument for the gravesite of the former City of Atlanta Mayor, Maynard Jackson. While the Applicant provided a site plan for the grave in question, there was no information submitted regarding where the existing gravesite is in the context of the cemetery. Staff recommends the Applicant provide information regarding where the gravesite is in the cemetery, including the block and lot. Staff recommends the Applicant provide pictures of the existing conditions to provide additional context.

The proposed monument is approximately 14' in height and will have a granite base. It is not clear if the actual monument will be made out of granite or another material. The elevations indicate the monument will be made of jet black, however it is not clear if this is a reference to the material or the color of the monument. Staff recommends the Applicant clarify the material for the proposed monument.

In general, Staff finds the overall design of the monument is appropriate and consistent and compatible with other similar monuments in the cemetery. In looking at a picture submitted that shows the proposed monument at the site, Staff finds the monument fits in with the large open space and trees nearby.

One concern Staff has is how the monument is oriented on the site. In looking at the proposed picture and the site plan, this site appears to be on a corner and has a location at the corner and on the side that may be a natural gathering place for the monument to be viewed. It does not appear the monument is oriented to face either of the natural gathering points on the corner or on the side. As the existing bench on the site is not indicated on the site plan, it is not clear whether the monument will be oriented to be easily viewed from the bench. Staff recommends the Applicant clarify how the monument will be oriented in regards to the corner, the gathering area at the side and the bench at the rear of the site.

In looking at the proposed pictures, there appears to be a pile of bricks at the corner of the lot. It is not clear whether there will be repairs to the lot as part of the project proposal. Staff recommends the Applicant clarify whether any repairs are proposed as part of the project.

Staff Recommendation: Based upon the following:

1) The proposed improvements are generally compatible with the District's character or will have no effect on its character, except as noted above, per Section 16-20.009.

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-16-065) for site work and a monument at **248 Oakland Avenue (Oakland Cemetery)** - Property is zoned Oakland Cemetery Landmark District, with the following conditions:

1. The Applicant shall provide information regarding the where the gravesite is in the cemetery, including the lot and block;
2. The Applicant shall provide pictures of the existing conditions to provide additional context;
3. The Applicant shall clarify the material for the proposed monument;
4. The Applicant shall clarify how the monument will be oriented in regards to the corner, the gathering area at the side and the bench at the rear of the site.
5. The Applicant shall clarify whether any repairs are proposed as part of the project; 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 March 9, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-067) for a variance to allow an accessory structure between the principal structure and the street (CA2-16-066) for alterations and site work at **1059 Oglethorpe Ave.** Property is zoned RG-4C / West End Historic District / Beltline.

Applicant: Abernathy Housing Partners, LLC.
1700 7th Avenue STE 2000, Seattle

Facts: According to the West End Historic District photographic inventory, this multi-family structure is considered non-contributing to the West End Historic District.

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:
 - (iv) The following Type II Certificates of Appropriateness shall be reviewed by the director of the commission and shall be required for any of the following:
 - (e) replacement of non-original, non-historic or missing elements that otherwise meet the regulations, including but not limited to siding, windows, porch railings, porch columns, porch flooring, exterior doors if visible from a public street, and

If a Type II Certificate of Appropriateness is required and the proposed alteration meets the requirements of this chapter, as applicable, and other criteria applicable to Type II certificates, the director of the commission shall issue the Type II Certificate within 14 days of receipt of the completed application. If a Type II Certificate of Appropriateness is required and the proposed alteration does not meet the requirements of this chapter, as applicable, the director of the commission shall deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the director regarding the approval and/or denial of Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for Type I Certificates.

- (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).
- (vi) The following Type III Certificates of Appropriateness shall be reviewed by the commission and shall be required for:
 - d. Variances.
- (3) Variances: The urban design commission shall have the power to hear, grant and deny variances from the provisions of this chapter (20G) 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 46, which provisions are hereby incorporated herein.

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.
- (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.
- (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.
- (14) Fences:
 - (a) Fences shall be fabricated of brick, iron, wood or metal pickets. Fence lines shall follow or run parallel to a property line in the front and half-depth front yards. Fences shall not obscure the front façade of the building.
 - (b) Fences located in the front or half-depth front yard shall not exceed four feet in height. Front yard fences may exceed four feet in height provided the height is no more than the height of the adjacent, contiguous fencing on immediately adjacent properties.
 - (c) Fences shall not exceed six feet in height when located in the side or rear yards.
 - (d) Chain link fabric is not permitted in a front yard or half depth front yard.
 - (e) Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence shall not exceed six feet when located in a front or half-depth front yard.
 - (f) Walls are only permitted in the rear and side yards only when such yards are not adjacent to a public street and when such walls are located behind the rear façade of the principal structure. When such walls are permitted, they shall be six feet or less in height.

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.

Variance

The Applicant is asking for a variance to allow the placement of a pavilion between the principal structure and Oglethorpe Avenue. In their justification the Applicant states that the property has a double frontage along both Foster Place and Oglethorpe Avenue. This creates a condition whereby the property has no rear yard, but rather two front yards. An accessory structure placed anywhere on the lot would therefore require a variance. The Applicant also points out that the area between the principal structure and Foster Place is paved for use as a parking lot. This means that an accessory structure can only be placed in the Oglethorpe Avenue front yard. Based on this analysis, Staff finds that a hardship has been established. However, Staff finds that the accessory structure could be placed in several other areas to mitigate the effect that the accessory structure. Additionally, the current placement of the accessory structure would violate the 60 foot Oglethorpe Avenue setback required by the conditions of the RG-4C zoning. Staff finds that a more appropriate placement of the accessory structure is the area currently proposed for a community garden. This would allow for compliance with the conditional RG-4C zoning and would reduce the impact of the accessory structure on the predominately residential Oglethorpe Avenue streetscape. Staff Recommends the plans be altered to swap the placement of the accessory structure and the community gardens.

Alterations and site work

The existing windows are proposed for in-kind replacement. The Applicant has provided information regarding the proposed replacement window product which Staff finds to be an appropriate in-kind replacement solution. As the structure is a non-contributing building Staff has no concerns regarding the proposed in-kind window replacement.

The Applicant is also proposing repairs to the mortar and expansion joints on all facades as needed, cleaning of the brick on all facades as needed, paving, walkways, and site stairs to accommodate new exercise and activity areas and a new fence along Oglethorpe Avenue. Staff has no general concerns with the proposed work. Regarding the proposed pavilion, Staff has no concerns with the design of the structure. With regards to the proposed fence alterations, no information has been received detailing the height, location, or design of the proposed fence. Staff recommends the height, location, and materials of the proposed fence meet the District regulations and be indicated on the plans.

Staff Recommendation: Based upon the following:

CA3-16-067

Staff recommends approval Application for a Type III Certificate of Appropriateness (CA3-16-067) for a variance to allow an accessory structure between the principal structure and the street at **1059 Oglethorpe Ave.** Property is zoned RG-4C / West End Historic District / Beltline with the following condition:

1. The plans shall be altered to swap the accessory structure and the community gardens.

CA2-16-066

Staff recommends approval of an Application for Type II Certificate of Appropriateness (CA2-16-066) for alterations and site work at **1059 Oglethorpe Ave.** Property is zoned RG-4C / West End Historic District / Beltline with the following conditions:

1. The height, location, and materials of the proposed replacement fence shall meet the district regulations and be indicated on the plans, per Sec. 16-20G.006(14); and,
2. Staff shall review and if appropriate, approve the final plans and documentation.



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STAFF REPORT March 9, 2016

Agenda Item: Review and Comment (RC-16-069) for demolition of an existing structure and construction of a new singly family house at **21 Brighton Road**- Property is zoned R-4/ Brookwood Hills Conservation District/ Beltline.

Applicant: Joseph Gardner
21 Brighton Road

Facts: According to the Brookwood Hills Inventory, this single-family dwelling was built in 1946 and is considered non-contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20.007(b) of the Atlanta Land Development Code, as amended:

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

Sec. 16-20.009. Same; further standards.

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

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

design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

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

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

Demolition

The Applicant is proposing to demolish the existing house in order to build a new one. While the existing house is more than 50 years old, it is not considered contributing in the Brookwood Hills Conservation District. As such, Staff does not have concerns regarding the proposed demolition.

Site

In comparing the site plan to the City of Atlanta cadastral maps, Staff finds there is a slight discrepancy in the dimensions. Staff suggests the Applicant work with the Office of Planning subdivision staff to resolve the discrepancy.

Per underlying zoning, the maximum lot coverage is 50%. The proposed lot coverage is 36.89% and therefore meets the requirements. Per underlying zoning the floor area ratio (FAR) cannot exceed .50. The proposed FAR is .45 and therefore meets the requirements. Per underlying zoning, the front yard shall be no less than 35', the side yard setback shall be no less than 7' and the rear yard shall be no less than 15'. Staff finds all setback requirements have been met.

Design

The houses on Brighton Road come in a variety of types, styles and heights. In looking at the overall massing, height, roof form and architectural details, it is difficult to identify the specific architectural style of the proposed house. Staff finds the proposed house has many elements of the other historic houses on the block, however the design itself seems to be a mixture of styles as opposed to one cohesive style with appropriate architectural details.

In looking at the main entryway, Staff has concerns with the location of the door. In looking at the block, most of the doors are in the center, although there are some houses with doors that are located towards the side of the facade. In looking at the front door, columns and upper level balcony, Staff finds this combination is more appropriate at the center of the facade as opposed to the side. If the columns and balcony were eliminated, Staff finds the location of the door would be more consistent with houses on the block with a flat facade. Staff suggests the entrance is moved to the center of the facade or the columns and balcony are eliminated.

In looking at the east elevation, there is a two-car garage underneath the house. Given the age of the historic houses in the district, most historic houses have detached garages. Some houses have later additions with a garage attached to the rear of the house. Staff finds the proposed garage is unusual as

it is located underneath the house and is not located to the rear. Staff suggests the proposed garage be detached or attached towards or at the rear of the house.

In comparing the proposed fenestration to other houses on the block, there are large areas of windows, especially on the west elevation. While Staff has no concerns with having lots of windows, Staff suggests the number and grouping of the windows be more consistent with the historic houses on the block.

The proposed house features numerous materials including a granite foundation, brick façade, cast stone hand rails, metal railings, metal windows, copper gutters and downspouts, stucco cornice, wood or cast stone columns and wood timbers. Staff finds there are too many different materials on the house. Staff suggests the design includes less differentiation in the materials.

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



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STAFF REPORT March 9, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-070) for a new multifamily housing development at **465 Memorial Drive (aka 464-488 Woodward Avenue)**- Property is zoned SPI-22 (Subarea 4)/ Grant Park Historic District (Subarea 3).

Applicant: Ben Curran
3438 Peachtree Road, Suite 1425

Facts: This property consists of an entire block with frontage on Memorial Drive to the north, Woodward Avenue to the south, Loomis Avenue to the east and Wood Street to the west.

In looking at the City of Atlanta lot boundary map, the zoning map and the historic district map, Staff finds a portion of the property is located in SPI-22 and therefore is not within the purview of the Commission. Specifically, the Memorial Drive elevation and a portion of the Wood Street elevation and most of the Loomis Avenue elevation are not within the purview of the Commission.

Analysis: The following code sections apply to this application:

Per Section 20.009 of the Atlanta Land Development Code, as amended:

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

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.
- (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.008. Specific Regulations – Commercial Subarea II.

In addition to the general regulations set forth in section 16-20K.006, the following regulations shall apply to all properties located within Commercial Subarea II.

- (1) *The intent of the regulations for the Commercial Subarea II is as follows:*
 - a. To mitigate any negative effects that existing and proposed commercial properties may have on adjoining residential properties in the district.
 - b. To ensure harmony between existing and future uses of the properties in this subarea and the overall residential character of the district.
 - c. To discourage displacement of residents, to allow for a variety of housing opportunities that are compatible with and complementary to the architectural character of the neighborhood and to ensure the health, safety and welfare of the residents of the neighborhood.
- (3) *Multifamily Residential Uses.* For multifamily uses the following controls and requirements shall apply:
 - a. Development Controls:
 1. *Setbacks.* The front yard setback shall not be less than five (5) feet nor greater than fifteen (15) feet. Other setbacks shall be regulated by the applicable commercial district regulations.
 2. *Bulk Limitations.* Floor area ratio shall not exceed an amount equal to (.696) times net lot area.
 - b. Height:
 1. *Maximum building heights.* Buildings which are within one-hundred-fifty (150) feet of a single-family or a two-family residential district boundary shall have a maximum height of thirty-five (35) feet. Buildings that are between one hundred-fifty (150) feet and three hundred (300) feet from a single-family or a two-family residential district boundary shall have a maximum height of fifty-two (52) feet.
 2. *Transitional height planes.* Where this use adjoins a district in R-1 through RG classification without an intervening street, height within the subarea shall be limited as follows: No portion of any structure shall protrude through a height limiting plane beginning thirty-five (35) feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the commercial subarea at an angle of forty-five (45) degrees.
 - c. Off-street parking requirements. Off-street parking shall not be permitted between the principal structure and any public street.
 - d. Architectural Standards. The standards outlined in section 16-20.009 shall apply as applicable.

The existing property is located in SPI-22 and Subarea 3 in the Grant Park Historic District. In looking at the requirements for both zoning categories, Staff finds the following topics are covered by the historic district regulations for the parts of the project that are within the purview of the Commission: architectural design, setbacks, height and floor area ratio. All other topics will be covered by the SPI-22 regulations and will be reviewed by other Office of Planning Staff. As there may be changes to the project required due to the SPI-22 review, Staff recommends any changes necessitated by the SPI-22 requirements are reviewed and if appropriate, approved by Staff.

Demolition

In looking at the existing site within the purview of the Commission, there is an existing single story non-contributing commercial building. The Applicant is proposing to demolish the existing structure in order to build a new multi-family building. As the existing building is non-contributing, Staff finds a Type IV Certificate of Appropriateness to allow demolition is not required. Staff has no concerns regarding the proposed demolition.

Signage

There is no signage currently proposed. As signage within the Grant Park Historic District requires review by the Commission, Staff recommends any signage within the Grant Park Historic District be submitted as a separate application.

Site

In comparing the survey submitted to the City of Atlanta lot boundary map, Staff finds the City has a different configuration than indicated on the survey. Specifically, the lot boundary map indicates the project location is made up of eight different lots. Staff suggests the Applicant work with the Office of Planning subdivision staff to resolve the lot discrepancies.

Per regulations, the setbacks must be no less than 5' and no more than 15'. In looking at the site plan submitted, Staff finds the setback requirements have been met. Per regulations, the maximum FAR (floor area ratio) allowed is .696 of the net lot area. In looking at the plans submitted, the proposed FAR is 1.26 and therefore does not meet the requirements. The FAR calculations indicated on the plans do not differentiate between the SPI-22 portion of the project and the Grant Park Historic District portion of the project. Staff recommends the portion of the project within the Grant Park Historic District zoning district have an FAR that is no more than .696. Staff recommends the Applicant submit FAR calculations specifically for the Grant Park Historic District portion of the project.

Per regulations, the only off-street parking requirement is there is no parking allowed between the principal building and the street. As the proposed parking is internal to the project, Staff finds the off-street parking requirement has been met.

Massing and Design

In general, Staff finds the overall massing and design is consistent and compatible with a multi-family building in this part of the Grant Park Historic District. Staff finds it appropriate that the design does not mimic the architecture of the historic houses across the street. Staff finds the more simplistic modern style creates a clear visual separation between the historic single family houses and the more commercial, higher density projects on Memorial Drive.

Building Height

The Woodward Avenue block face across the street from the project consists mostly contributing single family houses that are one and two-stories. Per regulations, the maximum allowed height of the project is based on its proximity to the R-5 zoning district. As the R-5 zoning district is directly behind the Woodward Avenue portion of the project, Staff finds the portion of the project within 150' of the R-5 district can be 35' and the portion of the project between 150' and 300' from the R-5 district can be 52' in height.

In comparing the official zoning map to the site plan, Staff has concerns there may be a slight discrepancy between the official zoning map and the zoning lines indicated on the site plan. As the height and the purview of the project are directly related to the zoning district boundary lines, Staff finds it is important the zoning district boundary lines are accurate. Staff would note that having a survey of the zoning district boundary lines done would be the best solution. Staff recommends the Applicant provide documentation the zoning district boundary lines indicated on the site plan are accurate.

In comparing the site plan to the elevations, Staff finds there is a discrepancy between the zoning district boundary lines indicated on the site plan and the zoning district boundary lines indicated on the

elevations. As mentioned in the previous paragraph, the location of the zoning district boundary line impacts the height and the purview of the project. Staff recommends the site plans and elevations are internally consistent. Staff recommends the proposed height meets the requirements based on accurate zoning district boundary lines.

Fenestration

Staff finds the overall fenestration is consistent and compatible with design of the building. While the windows are not typically seen on historic single family houses, the design of the windows is appropriate for a new multi-family development. While the general design of the windows are appropriate, the details are not clear. Staff recommends the proposed fenestration be appropriately inset from the façade, have an appropriate frame depth, have muntins that are substantial and are permanently affixed to the exterior of the glass and materials that are compatible with the design of the building.

Materials

The proposed project includes the following materials: cast stone caps, two types of brick, cementitious panels, cementitious horizontal lap siding, nichiha panels, stucco, metal canopies, metal pickets and glass railings. Staff has concerns regarding the numerous building materials. While having different building materials can help to differentiate parts of the building and break up the facades, Staff finds too many materials creates a disjointed appearance. Staff recommends the amount of façade materials be reduced to avoid a disjointed appearance.

Staff Recommendations: Based upon the following:

The plans, with the exceptions noted above, meet the regulations per Section 16-20K.008;

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA3-15-070) for a new multifamily housing development at **465 Memorial Drive (aka 464-488 Woodward Avenue)**- Property is zoned SPI-22 (Subarea 4)/ Grant Park Historic District (Subarea 3), with the following condition:

1. Any changes necessitated by the SPI-22 review process are reviewed and if appropriate, approved by Staff.
2. Any proposed signage within the Grant Park Historic District shall be submitted as a separate application.
3. Any portion of the project within the Grant Park Historic District zoning district shall have an FAR that does not exceed .696 of the net lot area, per Section 16-20K.008(3)(a)(2);
4. The Applicant shall submit FAR calculations specifically for the Grant Park Historic District portion of the project, per Section 16-20K.008(3)(a)(2);
5. The Applicant shall provide documentation the zoning district boundary lines indicated on the site plan are accurate;
6. The site plans and elevations shall be internally consistent;
7. The proposed height shall meet the requirements based on accurate zoning district boundary lines, per Section 16-20K.008(3)(b)(1);
8. The proposed fenestration shall be appropriately inset from the façade, have an appropriate frame depth, have muntins that are substantial and are permanently affixed to the exterior of the glass and materials that are compatible with the design of the building, per Section 16-20.009;
9. The amount of façade materials shall be reduced, per Section 16-20.009; and
10. Staff shall review and if appropriate, approve the final plans.



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Director, Office of Planning

STAFF REPORT March 9, 2016

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-16-072) for alterations at **678 Peoples St.** Property is zoned R-4A / West End Historic District / Beltline.

Applicant: Kaliah A. Johnson
2048 Lilac Lane, Decatur

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

After the submission of this application Staff was notified that windows were being removed without a permit or approval by the Commission. An Inspector from the Office of Buildings visited the site and issued a Stop Work Order for this unapproved work.

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:
 - (i) 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 Code of Ordinances.
 - (ii) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - (iii) Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. This exemption in no way obviates the requirements for certificates of appropriateness set forth in this section.

- (iv) The following Type II Certificates of Appropriateness shall be reviewed by the director of the commission and shall be required for any of the following:
 - (a) fences, walls, retaining walls;
 - (b) decks, skylights, solar panels, mechanical and communication equipment if visible from a public street;
 - (c) new accessory structures and alterations to existing accessory structures;
 - (d) shutters, awnings if visible from a public street;
 - (e) replacement of non-original, non-historic or missing elements that otherwise meet the regulations, including but not limited to siding, windows, porch railings, porch columns, porch flooring, exterior doors if visible from a public street, and
 - (f) paving.

If a Type II Certificate of Appropriateness is required and the proposed alteration meets the requirements of this chapter, as applicable, and other criteria applicable to Type II certificates, the director of the commission shall issue the Type II Certificate within 14 days of receipt of the completed application. If a Type II Certificate of Appropriateness is required and the proposed alteration does not meet the requirements of this chapter, as applicable, the director of the commission shall deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the director regarding the approval and/or denial of Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for Type I Certificates.

- (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:
 - (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.
 - (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.
- (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.
- (7) Roofs:
- (a) Replacement roofing materials shall be of the same size, texture and material as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
 - (c) The use of synthetic roofing materials is permitted if not visibly distinguishable from the original as viewed from the public street.
- (8) Decks: Decks shall be constructed to the rear of the structure and shall not extend beyond the sides of the structure. Decks on the corner lots shall be screened with fencing or vegetation to reduce visibility from the public street.
- (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.
- (16) Ornaments:
- (a) Architecturally significant ornaments, such as corner boards, cornices, brackets, downspouts, railings, columns, steps, doors and window moldings, shall be retained.
 - (b) Replacement ornaments shall be permitted only when originals cannot be rehabilitated.
 - (c) Installation of new ornaments, where none previously existed, shall be permitted only when it is in accordance with the architectural style of the original structure.

Scope of work

The Applicant has stated that their proposed scope of work might include items not listed for review under the current application. Staff recommends the Applicant clarify all proposed work on the exterior of the property.

Alterations

The Applicant is proposing to remove a non-historic half width second story enclosed porch to allow for the addition of a new full width second story porch on the front façade. The new second story porch will contain columns and other ornaments to match the existing features on the existing front porch. New porch railings and balusters are proposed for both the porch and second story porch, but it is unclear if the new porch railings and balusters will meet the District regulations. Staff would recommend that the new porch railings and balusters meet the district regulations. Further, the plans are unclear whether the door on the proposed second story porch is original, or whether a new door will be installed. Staff recommends the Applicant clarify whether the door on the proposed porch is existing or whether a new door is proposed. If a new door is proposed for the second story, Staff recommends the new door meet the district regulations. The proposed work also includes a new rear dormer. Staff would recommend the Applicant document that it cannot be seen from the public street or that it meets the District regulations.

The Applicant is proposing to remove windows from the structure and replace them with simulated divided lite windows. As this project has received a Stop Work Order for windows removed without a permit, Staff recommends the Applicant provide comprehensive photographic documentation detailing the extent of the window removal prior to review by the Commission, and information regarding the current status of the removed windows. At this time, no information has been received regarding the specific windows which are proposed for replacement, the condition of the windows and their need for replacement as opposed to repair, or the proposed replacement windows, as required by the regulations. Staff recommends the applicant submit information detailing the specific windows which are proposed for replacement, photographic documentation for each window proposed for replacement which details their need for replacement and inability to be repaired, and manufacturer's specifications for the proposed replacement windows. Additionally, Staff recommends any original windows removed prior to this application being reviewed by the Commission be retained until Staff has determined their level of deterioration requires replacement.

The Applicant is proposing to install new wood siding over the existing Masonite shingle siding and to replace deteriorated portions of the window trim and corner boards. According to the Applicant, the Masonite shingles were installed over the original wood siding. Staff has no concerns with installing the new wood siding over the non-original siding or with the in-kind replacement of damaged portions of trim. However, Staff does have concerns about the reveal of the new siding as it will protrude from the trim and create an incompatible spatial relationship. Staff recommends the Applicant provide a detailed dimensional drawing showing how the existing spatial relationship between the siding and the trim will be retained.

The Applicant is proposing a temporary in-kind repair of the existing roof, but is also proposing to replace the shingles with a tin-shingle roof material at a later date. The Applicant has supplied pictures of similar materials being used on other properties on the block, however, roofing material is not determined by compatibility comparison in the District. Per the regulations, roofing material must match the existing material, which in the case of the subject property, would be architectural shingles. Staff recommends that any re-roofing be done in-kind.

The Applicant is proposing to remove the cement parge coat from the left side chimney and to re-point the masonry. Staff has no general concerns with the proposed work, but does have concerns with potential damage to the chimney as a result of the cleaning and re-pointing process. Staff recommends any damage to the chimney be repaired in-kind. The Applicant is also proposing to remove an existing fire-escape stair and associated awning. No indication is given as to whether any doors or windows are proposed for replacement. Staff recommends the Applicant clarify whether any doors or windows will be altered as a result of its removal.

The Applicant is proposing to extend the driveway by 50 ft. No site plan has been provided which shows the current driveway configuration or the proposed extended driveway. Staff recommends the Applicant provide a site plan showing the current driveway configuration and the proposed extended driveway.

The Applicant is proposing a rear deck which will be converted to a screened porch at a later date. Staff has no concerns with either of these proposed alterations.

Staff Recommendation: Based upon the following:

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

CA2-15-198

Staff recommends approval of an Application for a Type II Certificate of Appropriateness (CA2-15-189) for alterations at **678 Peeples St.** Property is zoned R-4A / West End Historic District / Beltline, with the following conditions:

1. The Applicant shall clarify all proposed work on the exterior of the property Per Sec. 16-20G.005(1);
2. The new porch railings and balusters shall meet the district regulations, Per Sec. 16-20G.006(9)(d)
3. The Applicant shall clarify whether the door on the proposed porch is existing or whether a new door is proposed, Per Sec. 16-20G.006(3)(c);
4. If a new door is proposed for the second story, the new door shall meet the district regulations, Per Sec. 16-20G.006(3)(k);
5. The Applicant shall provide comprehensive photographic documentation detailing the extent of the window removal prior to review by the Commission, and information regarding the current location of the removed windows, Per Sec. 16-20G.006(3)(a);
6. The Applicant shall submit information detailing the specific windows which are proposed for replacement, photographic documentation for each window proposed for replacement which details their need for replacement and inability to be repaired, and manufacturer's specifications for the proposed replacement windows, Per Sec. 16-20G.006(3)(c);
7. Any original windows removed prior to this application being reviewed by the Commission shall be retained until Staff has determined their level of deterioration to require replacement, Per Sec. 16-20G.006(3)(c);
8. Staff recommends the Applicant provide a detailed dimensional drawing showing how the existing spatial relationship between the siding and the trim will be retained, Per Sec. 16-20G.006(16)(a);
9. Staff recommends that any re-roof be done in-kind, Per Sec. 16-20G.006(7)(a);
10. Staff recommends the Applicant clarify where on the principal structure the fire-escape is, and whether any doors or windows will be altered as a result of its removal, Per Sec. 16-20G.005(1);
11. Any damage to the chimney shall be repaired in-kind, Per Sec. 16-20G.006(6)(a);
12. Staff recommends the Applicant provide a site plan showing the current driveway configuration and the proposed extended driveway, Per Sec. 16-20G.005(1); and
13. Staff shall review and if appropriate, approve the final plans and supporting documentation.



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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

February 10, 2016

UPDATED

March 9, 2016

(Updated text shown in italic.)

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4PH-16-016) for the demolition of an accessory structure due to a threat to public health and safety at **1496 Fairview Road** – Property is zoned Druid Hills Landmark District.

Applicant: Kevin Ferguson
1496 Fairview Road

Facts: According to the Druid Hills Inventory, the single family house on the property was built in 1929. The property is considered contributing to the District. According to the Applicant, the garage is 90 years old and as such would date to the era as the house itself. Given the property is considered contributing to the District, the garage would be considered contributing to the District as well and as such under the current District regulations its demolition is subject to a Type IV Certificate of Appropriateness review. The garage appears largely intact, though the Applicant recently installed new roofing.

At its February 10, 2016 meeting, the Commission deferred this application to allow for the Applicant to address the concerns and comments in the Staff Report. On February 19th and 29th, the Applicant submitted additional materials for consideration by the Commission: an expanded engineer's report and a report from the contractor who would build the new garage. These new materials are taken into consideration in this revised Staff Report.

Analysis: The following code sections apply to this application:

Per Section 16-20.008

(d) Type IV Demolitions: Demolition of a Landmark Building or Site, a building or site in a Landmark District or a contributing building or site in a Historic District, constitutes an irreplaceable loss to the quality and character of the City of Atlanta. Therefore, all demolitions of said specified buildings or sites shall require a type certificate of appropriateness. Said certificates shall be granted according to the following procedures and standards:

- (1) Conditions: Type IV certificates of appropriateness shall be issued by the commission only when (1) or both of the following two (2) conditions have been established pursuant to the standards and criteria required below:
 - a. The demolition is required to alleviate a threat to public health and safety;
- (2) Standards and criteria: The standards and criteria required to be shown in order to establish the existence of the conditions specified in subsection (d)(1) above shall be as follows:
 - a. Threats to public health and safety:

To prove the existence of a threat to public health and safety, the applicant must establish, and the commission must find, the following:

[See items #1-12 as outlined below and excerpted from Section 16-20.008(d)(2).]

Section 16-20B.003 General Regulations:

(2) Certificates of Appropriateness.

(h) Type IV certificates of appropriateness shall be reviewed and decided by the Commission and shall be required for the demolition or moving of any contributing principal structure or contributing accessory building. A partial demolition of a contributing principal structure or contributing accessory building shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's or buildings historic interpretability or importance.

The Applicant is proposing to demolish a garage to build a new one and a half story garage with a workshop above. Unless otherwise noted below, the Staff has found that the Applicant has adequately responded to the demolition criteria / documentation requirement. The Staff will only address criteria / documentation requirements that it found were either not met, needed additional clarification, or had not been provided. The comments below are organized using the same numbers for the criteria / documentation requirements as listed in the application package.

1. Demonstrate through independent analysis and supporting information that a major and imminent threat to public safety exists.

The Applicant submitted a letter report from a registered engineer. According to the letter the structure is in poor condition. Specifically, the engineer indicates the roof framing is questionable, the right wall acts as a retaining wall, the wall framing is insufficient, the structure is leaning and it does not meet current building code. According to the engineer, rehabilitation or adding to the structure would be expensive and he recommends demolition. Separately, the Applicant noted the door header had been spliced, there was termite damage, the rear wall is raking to the left (towards the property line) and that initially property insurance could not be secured until issues with the garage were addressed.

According to the Applicant, the accessory structure was built 90 years ago about the same time as the house. Given the age of the accessory structure, the concerns in the letter report are not necessarily uncommon. It is clear the accessory structure is in disrepair. In their letter report, the engineer indicates that a potential retention plan probably involve a partial demolition and rebuilding. However, no more information was provided about that alternative.

Generally speaking, a major and imminent threat exists when the structure is in danger of collapse or presents a similar hazard. While the letter report submitted indicates the existing structure does have substantive structural problems, the Staff finds that the engineer's current analysis does not indicate that a major and imminent threat to public health and safety exists.

The Staff recommends the Applicant submit additional documentation or analysis that indicates the existing accessory structure is a major and imminent threat to public safety.

The Applicant submitted an expanded report from the same structural engineer and a report from the contractor who would be building the new garage / workshop. In the expanded engineer' report, the engineer notes the condition of the existing garage is "very poor" and "does not comply with the current residential building code". He also notes concerns about the roof and wall framing, foundation, the front beam across the garage opening, the presence of dirt against the right wall of the garage, and termite damage and rot in portions of the garage, deflection of the front wall.

The Staff finds that the engineer's expanded report, while it provides some more information about the existing garage, is generally more information about the same topics / concerns noted in the first version. It does not outline different problems or different concerns of what was otherwise outlined in the first report. Based on reviewing the two version of report, the Staff further finds that there are some concerns that would be expected in a building / structure of this age, particularly that the framing doesn't meet the current building codes. The Staff would note that the framing of likely every contributing house and accessory structure doesn't meet the current building code either

Further, the Staff finds that the photographs provided by the Applicant do not show any leaning of the structure, particularly to the front. One photograph (looking out at the front right corner) appears to show a very plum wall corner. The Staff also finds that the garage door header and the termite damage (which appears to be limited and only at the lower portions of some framing / trim members) could be reasonably repaired. The roof framing could also be replaced with a new roof resting on top of the existing walls.

The Staff would agree that there are several components of the garage that do need to be replaced, such as the roof framing. The Staff would also agree that there are several characteristics of the garage that would make it difficult to put a second story on top of it, such as the un-known foundation condition, minimal framing, and wood framing below grade. The Staff would also agree that if such a second story addition were made, it would be reasonable to conclude that little of the existing house could be incorporated into that design not necessarily because of condition but because of the inherent qualities of a building that was not meant to have a second story.

The Staff finds that at this time the Applicant has not shown a threat to public health and safety and as such it would retain its previous recommendation.

2. Present all reasonable alternatives for rectifying the threat and analysis of all such alternatives.

The Applicant indicates the depth, width and height of the garage would need to be increased to accommodate full size vehicles. The Applicant added that doing this with the existing garage would require that much of the garage be removed thus resulting in an essentially new garage anyway. While the Staff is not surprised that the garage cannot accommodate more than one large vehicle, the question remains what are the options to address this functional issue.

The Staff finds that there are two reasonable alternatives to address this issue: renovate / expand the existing garage or demolish the garage and build a new, larger garage with or without additional non-vehicle space. As currently submitted, the Applicant has provided cost information for "demolition and new construction new garage" for \$40,000 to \$50,000. The design of the proposed replacement garage in the corresponding Type III Certificate of Appropriateness application includes a workshop in a half-story above the garage. It is not clear if the \$40,000-\$50,000 cost estimate for demolition and new construction is for the proposed design or just a new garage.

The Applicant has not provided any information or details for the possible alternative of expanding the existing garage. They did note in their narrative that the expansion option would be "impractical" and that "while more expensive, complete demolition and construction of a new structure would be the safest approach". The engineer noted in their letter report that "rehabilitation or adding to the structure will be expensive, since most of the existing structure will require major reinforcement or replacement". These conclusions would seem to indicate that comparisons were made between the

renovation / expansion option and the demolition / new construction option regarding at least cost, logistics, practicality, and safety of construction. They would also seem to indicate that the engineer concluded that renovation / expansion would be more expensive while the Applicant concluded that demolition / new construction would be more expensive.

The Staff would recommend the Applicant submit information about reasonableness of the renovation / expansion option referred to in their narrative response and clarify the conclusions reached by the engineer regarding the cost of the renovation / expansion vs. demolition / new construction.

The contractor's report outlines the process and steps that it would take to try to re-use portions of the garage when building a new two-story garage with a workshop on top and that such an approach would still not result in the reuse of much material from the existing garage. However, the Staff does not agree that the only alternative to eliminate the threat to public health of safety is to build a two-story garage with a workshop on top. It still appears to the Staff that the existing garage could be properly renovated and then if necessary added to for additional interior space.

The Staff would retain the first part of its previous recommendation.

10. The infeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:

10(b) Estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of the proposed alterations.

As noted above, the Applicant provided an estimate for demolition / new construction and a design for a new garage with a half-story workshop above, but no estimates were provided for the renovation / expansion alternative. The Staff would recommend the Applicant provide a cost estimate for the renovation / expansion option and clarify whether the cost estimate provided for the demolition / new construction is just for a garage or for the garage / workshop design included in the submission.

The contractor report includes a cost estimate of \$70,050 to build a new two-story garage / workshop design and a cost estimate of \$108,250 to complete the same project while trying to incorporate components of the existing garage. The Staff would concur that it would be more expensive to try to retain / salvage / reuse portions of the existing garage in the new design given that there is little relationship between the proposed design and the existing garage. A cost estimate does not appear to have been provided for a general renovation of the existing garage with the potential of an addition.

The Staff would retain the first part of its previous condition.

10(d) In the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

The engineer's letter report does not address the economic feasibility of the two options beyond noting that the renovation / expansion option "will be expensive".

Separately, the Applicant noted that the value of the property would be the same for both a renovated / expanded garage and a new garage, and given the amount of work that would be required to renovate / expand the garage both options would result in essentially a new structure. Assuming that the garage issue is not being addressed for the purposes of selling the property, the economic feasibility of the either option would best be assessed by comparing the cost of the improvements to the resulting change in value. Given that the Applicant has concluded the resulting value would be the same, the Staff finds that an accurate cost comparison that the Staff requested in response to other criteria would be important to determine the economic feasibility. The Staff would recommend the Applicant provide background documentation from one of the professionals listed in the criteria to support the Applicant's conclusions regarding the economic feasibility of the two options.

The Applicant has provided specific cost estimates via the contractor's report which support the conclusion that the "retain / salvage / reuse strategy" would be substantially more expensive than a more typical demolition and new construction strategy to achieve the same end result – that of a two-story garage. Given the value of the property would otherwise be the same in the end, the Staff finds that of the two alternatives actually assessed, the typical demolition and new construction option is more "economically feasible." The Staff would note however, that it is likely that the third as yet described / assessed option (renovation of the existing garage with a potential expansion), would yield a different cost estimate and economic feasibility.

The Staff would still recommend that the analysis otherwise provided by the Applicant regarding economic feasibility be supported with documentation provided by one of the professional's listed in the criteria.

11. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

This property is within the Druid Hills Historic District, which is listed in the National Register of Historic Places. As such, there are economic incentives (both property tax and income tax) that could be applicable to this project. The Staff recommends the Applicants provide information on each economic incentive with an explanation as to why the economic incentive in question is not feasible.

No information was included in the revised submission addressing this topic. The Staff would retain its previous recommendation.

Overall Comments

The Staff finds that the Applicant has provided documentation that the existing accessory structure is in disrepair; however there is no documentation that the accessory structure in its current condition is a threat to public health and safety. The Staff also has concerns about the cost estimates and the analysis for alternatives to demolition. Given the information it has at this time, the Staff cannot support the application for demolition.

Comment on Application Materials by the Bureau of Buildings

One of the requirements of the Type IV Certificate of Appropriateness process is for the Office of Buildings to comment on the application materials via a written report. The Staff has submitted a request to the Office of Buildings to inspect the property and produce a report regarding this property. When the inspection and report are complete, the Staff will include the report in the file for future reference.

The Staff received a report from the Office of Buildings on February 15, 2016 with the conclusion that the building should be repaired as soon as possible. Given that additional information was provided by the Applicant after the request of the Office of Buildings report on February 1, 2016, the Staff has requested an updated report from the Office of Buildings.

Staff Recommendation: Based upon the following:

- a) The Applicant has not met the criteria for a demolition to alleviate a threat to public health and safety, per Section 16-20.008.

The Staff recommends deferral of the application for a Type IV Certificate of Appropriateness (CA4PH-16-016) for the demolition of an accessory structure due to a threat to public health and safety at **1496 Fairview Road** – Property is zoned Druid Hills Landmark District, to allow the Applicant time to address the following concerns of Staff:

1. The Applicant shall submit additional documentation or analysis that indicates the existing accessory structure is a major and imminent threat to public safety, per Section 16-20.008;
2. The Applicant shall submit information about reasonableness of the renovation / expansion option referred to in their narrative response, per Section 16-20.008;
3. The Applicant shall provide a cost estimate for the renovation / expansion option, per Section 16-20.008;
4. The analysis otherwise provided by the Applicant regarding economic feasibility be supported with documentation provided by one of the professional's listed in the criteria, per Section 16-20.008;
5. The Applicants provide information on each economic incentive with an explanation as to why the economic incentive in question is not feasible, per Section 16-20.008;and
6. The Applicant shall submit appropriate copies of all updated information, no later than 8 days before the Commission meeting to which the application is deferred.



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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

February 10, 2016

UPDATED

March 9, 2016

(Updated text shown in italic.)

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-018) for a variance to allow a reduction in the rear yard setback from 40 feet (required) to 9.2 feet (proposed), and to allow a reduction in the west side yard setback from 25 feet (required) to 9.9 feet (proposed) (CA3-16-017) for a new accessory structure at **1496 Fairview Rd.** Property is zoned Druid Hills Landmark District.

Applicant: Kevin Ferguson
1496 Fairview Rd.

Facts: According to the Druid Hills Inventory, the single family house on the property was built in 1929. The property is considered contributing to the District. According to the Applicant, the current garage is 90 years old and as such would date to the era as the house itself. Given the property is considered contributing to the District; the garage would be considered contributing to the District. A companion application has been filed to request the demolition of the existing garage (CA4PH-16-016).

The current application consists of the following actions:

1. Reduce the rear and west side yard setbacks to accommodate the new garage;
2. Remove one (1), non-specimen tree;
3. Construct a new 1.5 story garage and workshop on generally the same location as the existing garage; and
4. Remove driveway paving near the western property line and add some paving to the interior of the property.

At its February 10, 2016 meeting, the Commission deferred this application to allow for the Applicant to address the concerns and comments in the Staff Report. On February 19th, the Applicant submitted additional materials for consideration by the Commission: a perspective analysis of the existing and proposed garages in relationship to the existing house. These new materials are taken into consideration in this revised Staff Report.

Analysis: The following code sections apply to this application:

Sec. 16-20B.003. General regulations.

The following general regulations shall apply to the entire district which includes the following subareas: (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale Road / Oakdale Road / Lullwater Road / Lullwater Parkway. Any proposed development, new construction, addition, alteration, or demolition shall require a certificate of appropriateness as noted below and shall conform to the following regulations:

- (1) General Standards. In the Druid Hills Landmark District, the Commission shall apply the following general standards only if the standards set forth elsewhere in this chapter 20B do not specifically address the application:
 - (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - (e) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 - (f) 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.
 - (g) 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.
 - (h) Archaeological resources shall be protected and preserved in place. 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, 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.
 - (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) Certificates of Appropriateness.
 - (a) Except as otherwise provided herein, the procedures for determining the correct type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Ordinance.
 - (b) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - (c) No certificate of appropriateness shall be required for the removal of dead, dying, or hazardous tree as defined in the City of Atlanta Tree Ordinance or a tree with a diameter breast height of less than six (6) inches.
 - (g) Type III certificates of appropriateness shall be reviewed and decided by the Commission and shall be required for:
 - i. All new principal structures.
 - ii. All additions to existing principal structures and accessory buildings, including decks.
 - iii. All new accessory structures.
- (3) Minimum off-street parking requirements:
 - a. Off-street parking spaces shall not be permitted in any front yard nor within 50 feet of the public right-of-way in any half-depth front yard, except for yards adjacent to Moreland Avenue, where a 60-foot limit shall apply. For the purpose of this regulation, the front yard shall be that area between the public right-of-way and the forward line of the principal structure.
 - b. No off-street parking shall be located within 20 feet of any lot line.
 - c. Number of off-street parking spaces required:
 1. For single-family, two-family, and multiple-family dwellings: Two (2) spaces for each dwelling unit.
- (4) Minimum landscape requirements: The overall quality of the landscaped area visible from public right-of-ways should be preserved as an integral part of the historic character of the District. Any major alteration to the landscape or topography visible from the public right-of-way in the District shall maintain the general landscaping scale and character reflected in the original development of Druid Hills in order to preserve the historic landscape character of the District. Any major alteration to the landscape or topography visible from the public right-of-way shall:
 - (a) follow the standards set forth in 16-20B.003(1);
 - (b) be consistent and compatible with the overall landscape plan and design on the property and block;

- (c) maintain the spatial organization of an open space in front of the house, asymmetrical plantings on the sides of the principal structure and a rear tree canopy;
 - (d) not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure;
 - (e) ensure that any new grades shall meet the existing topography in a smooth transition;
 - (f) retain any existing historic circulation systems, including driveways, walkways and paths;
 - (g) ensure that any new circulation systems and substantial reconstruction of existing circulation systems is consistent and compatible with the existing circulation systems on the property and block with respect to layout, scale, materials, and topographic siting;
 - (h) ensure that any off-street parking be constructed of a material which will assure a surface resistant to erosion, have adequate access to a public street and have adequate circulation space; and
 - (i) comply with the provisions of the City of Atlanta Tree Ordinance with the following exceptions:
 - i. When the removal of trees is permitted by the Commission, each tree removed shall be replaced with a tree of an appropriate species having a minimum caliper of two and one half (2 ½) inches; and
 - ii. Taking into account the site density and tree spacing regulations of the City of Atlanta Tree Ordinance, any replacement trees and placement of said trees shall comply with (a)-(g) above.
 - (iii) Compliance with (i) above shall not eliminate any additional recompense or tree replacement that otherwise may be required by the City of Atlanta Tree Ordinance.
- (5) Minimum drainage controls: Structures shall be located so as to preserve the natural terrain of the district. Proper drainageways shall be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department of public works.
- (a) No structure shall be permitted within any 100-year floodplain.
 - (b) No single-family structure shall be constructed on natural slopes greater than 25 percent.
 - (c) No structure other than single-family shall be permitted on slopes greater than 15 percent.
- (6) Minimum architectural controls: Any new construction, additions, renovations or alterations in the District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district and shall follow the standards set forth by Section 16-20B.003(1).

Sec. 16-20B.005. Fairview Road regulations.

The following regulations shall apply to any proposed development on any property located on Fairview Road:

- (1) Permitted principal uses and structures:
 - a. Single-family dwellings.
 - b. Parks, playgrounds and community buildings owned and operated by a governmental agency.
- (2) Permitted accessory uses and structures: Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
 - a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
- (3) Minimum lot requirements:
 - a. Lot width: Each lot shall have a minimum lot width of 100 feet as measured along its frontage.
 - b. Lot area: Each lot shall contain a minimum lot area of 18,000 square feet.
- (4) Lot coverage: Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.
- (5) Minimum yard requirements:
 - a. Setbacks:
 - 3. North side, Oakdale Road to the east end of Fairview Road, NE:
 - Front yard: 73 feet.
 - Side yards: 25 feet.
 - Rear yard: 40 feet.
- (6) Maximum height: No building shall exceed a height of 35 feet.

Sec. 16-20B.008. Variances, special exceptions and appeals.

- (1) The Commission shall have the power to hear, grant or deny all variances from the sections of this chapter and all special exceptions as will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provision in a particular case will result in unnecessary hardship, provided that the spirit of the chapter shall be preserved, public welfare and safety secured, and substantial justice done. The criteria and the procedures for such variances and special exceptions shall be the same as so specified in chapter 26 of this part for the board of zoning adjustment.
- (2) Appeals from decisions of any administrative officials shall be made to the urban design commission, the same as so specified for the board of zoning adjustment in section 16-30.010, chapter 30 of this part.

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

In their submission the Applicant notes that existing garage is within the required setbacks, that with the current setbacks the proposed garage couldn't be built, and proposed garage is generally in the same location as the existing garage.

The Staff would concur with the Applicant's variance argument. Given the size of the lot and the required setbacks, a detached garage in the rear yard would essentially have to be attached to the left rear corner of the house and existing deck. Further, placing the garage that close to the house would significantly decrease its functionality as the right side of the garage wouldn't be able to be accessed by vehicles. A garage placement that was compliant with the setbacks would also make the garage a much more prominent component of the property, as viewed from the street. The Staff would add that to the rear of the property is Paideia School, which eliminates negative effects on a residential property from the reduction in the rear yard setback.

The Staff finds that the Applicant has documented compliance with the variance criteria. However, given the Staff's recommendation regarding the demolition of the existing garage (CA4PH-16-016), the Staff would recommend deferral of the variance request until such time as the Commission makes a final decision regarding the demolition of the existing garage.

Given the Staff's retained recommendation regarding CA4PH-16-016, it would still recommend deferral of variance request until such time as the Commission makes a final decision regarding the demolition of the existing garage.

General Development Controls

The proposed lot coverage is indicated on the site plan and meets the District regulations.

The front yard setback is met by the proposed location of the detached garage. Given the Staff's recommendation regarding the side and rear yard setbacks, those setbacks would be met as well.

The survey submitted with the plans indicates that no portion of the property is within a "flood hazard area". Given it is not clear what is defined as a "flood hazard area", the Staff would recommend the Applicant document that none of the proposed work will occur within the 100 year flood plain.

No additional information was provided in the new materials, there for the Staff would retain its previous recommendation.

Further, the District regulations restrict building on slopes of greater 15% for other structures. While likely not an issue, the Staff would recommend the Applicant document compliance with all of the District's slope disturbance requirements.

No additional information was provided in the new materials, there for the Staff would retain its previous recommendation.

Site Work

Reconfiguration of the Driveway

Regarding the reconfigured driveway work, the District regulations restrict parking within 20 ft. of a property line. In its current configuration, the driveway and access to the existing garage is within 20 ft. of the property line. This would appear to be the minimal amount of area needed to provide reasonable access to the garage. Given the proposal is to removal a small section of driveway within the 20 ft. distance and add a small section of driveway outside the 20 ft. distance, the Staff does not have any concerns about the changes in the driveway or access to the garage.

Removal the non-specimen tree

The site plan indicates the removal of one tree to allow construction of the proposed garage. The district regulations require the replacement of removed trees (specimen or otherwise) with a 2.5 in. caliper tree. No replacement tree is specified on the site plan. The Staff would recommend the tree removal and replacement meet all of the District regulations.

No additional information was provided in the new materials, there for the Staff would retain its previous recommendation.

New Garage

The Staff finds that the use of the faux half-timbering concept, panel garage doors, shed roof dormer, clipped gable ends, and knee brackets is compatible with the somewhat Craftsman style of the existing house. However, the Staff does have several concerns about the proposed garage.

First, the Staff is concerned about the size and scale of the garage. The main house on the property is a one story house (though with a high crawl space foundation); while the proposed garage is a 1.5 story house making it potentially taller in absolute terms. In looking at the photographs provided by the Applicant and the District inventory photograph, it appears the garage will sit slightly up hill from the house, adding to the perceived height of the garage in relation to the main house. Third, the roof pitch of the proposed garage appears to be significantly steeper than the main house. All three of these characteristics will make the garage more visually prominent that what would be expected for a secondary building on the property. The generally straight path of the driveway will make the proposed garage highly visible from the street adding to its prominence.

The Staff would recommend the size and scale of the proposed garage be reduced to be more compatible with the main house and reflect the garage's secondary status on the property.

As noted above, the Applicant provided a perspective analysis that shows the proposed garage would not be perceived as taller than the existing house and would not in any way overshadow or diminish the character or presence of the existing house on the lot.

Second, the Staff is concerned about the use of "cement wall panels with beadboard pattern" particularly coupled with the use of cementitious siding on the lower portion of the garage. While faux half-timbering existing on the main house, the panels there are stucco. The Staff finds that a beadboard pattern on the panels will not be compatible with the existing house. The Staff would recommend the faux half-timbering use flat, non-patterned, stucco panels as sheathing and the cementitious siding is smooth face.

The Applicant has noted that the existing house has the same bead board pattern in the field of the half-timbering wall sheathing.

CA3-16-018

Staff Recommendation: Based upon the following:

- a) The Staff recommendation regarding the application for the demolition of the existing garage (CA4PH-16-016).

The Staff recommends deferral of the Application for a Type III Certificate of Appropriateness (CA3-16-018) for a variance to allow a reduction in the rear yard setback from 40 feet (required) to 9.2 feet (proposed), and to allow a reduction in the west side yard setback from 25 feet (required) to 9.9 feet (proposed) at **1496 Fairview Rd.** Property is zoned Druid Hills Landmark District.

CA3-16-017

Staff Recommendation: Based upon the following:

- a) The Staff recommendation regarding the application for the demolition of the existing garage (CA4PH-16-016);
- b) *Except as noted above, the proposed design meets the District regulations, per Section 16-20B.*

The Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-16-017) for a new accessory structure at **1496 Fairview Rd.**, to allow time for the Applicant to address the following issues and comments:

1. The Applicant shall document that none of the proposed work will occur within the 100 year flood plain, per Section 16-20B.003(5)(a);
2. The Applicant shall document compliance with all of the District's slope disturbance requirements, per Section 16-20B.003(5)(c);
3. The tree removal and replacement shall meet all of the District regulations, per Section 16-20B.003(4); and
4. The revised plans and supporting materials (including all required copies) shall be submitted to the Staff at least eight (8) days prior to 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
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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT
February 10, 2016
REVISED
March 9, 2016
(Revised text in italic.)

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-021) for variance to allow a reduction in the south side yard setback from 20 feet (required) to 9 feet (proposed), and to allow a reduction in the front yard setback from 110 feet (required) to 102 feet (proposed), and (CA3-16-022) for alterations, additions, and site work at **909 Oakdale Rd.** Property is zoned Druid Hills Landmark District.

Applicant: Angel Shockey
553 Amsterdam Ave.

Facts: According to the architectural survey in 2002, this dwelling built in 1913 is considered contributing to the druid Hills Landmark District. The house appears largely unaltered from its original appearance on the front and side facades.

The current application consists of the following actions:

1. Reduction in the south (right) yard setback from 20 feet to 10 feet to allow for the construction of a new garage;
2. Reduction in the west (front) yard setback from 110 ft. to 102 ft. to allow the reconfiguration of the front entry / stoop;
3. Widen existing driveway to 10 ft. its entire length and reconfigure / expand the existing parking court in front of the garage and behind the house;
4. Replace front brick walk;
5. Install a 4 ft. tall retaining wall along the south edge of the parking court;
6. Remove an existing set of concrete stairs, a concrete patio, and a rock patio and construction a new dining terrace and run of site stairs behind the parking court and next to the new detached garage;
7. Create a new front entry with cast stone Tudor arches;
8. Relocate the existing sun room door to become the front door;
9. Replace the existing chimney cap with a brick cap and decorative chimney pot;

10. Replace the attic vents with windows;
11. Replace all of the existing windows on the existing house with new casement and fixed glass windows;
12. Reconfigure the windows on the north elevation on the main level;
13. Remove the existing low-sloped metal roof on the front façade bay and add a brick parapet wall;
14. Remove the previous rear addition and portions of the second story to create a three-level rear addition with a rear porch and brick chimney that extends the north leg of the house and “fills in” the rear the “ell” of the rear of the house; and
15. Build a new, detached three-level garage with a sunken terrace behind it.

At the February 10, 2016 Commission meeting, the Commission deferred this application to allow time for the Applicant to address the concerns of the Staff. On March 1, 2016, the Applicant submitted revised plans, supporting documentation and variance argument. It is these revised materials that are addressed in this revised Staff Report.

Analysis: The following code sections apply to this application:

Sec. 16-20B.003. General regulations.

The following general regulations shall apply to the entire district which includes the following subareas: (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale Road / Oakdale Road / Lullwater Road / Lullwater Parkway. Any proposed development, new construction, addition, alteration, or demolition shall require a certificate of appropriateness as noted below and shall conform to the following regulations:

- (1) General Standards. In the Druid Hills Landmark District, the Commission shall apply the following general standards only if the standards set forth elsewhere in this chapter 20B do not specifically address the application:
 - (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - (e) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 - (f) 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.
 - (g) 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.
 - (h) Archaeological resources shall be protected and preserved in place. 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, 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.
 - (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) Certificates of Appropriateness.
 - (a) Except as otherwise provided herein, the procedures for determining the correct type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Ordinance.
 - (b) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.

- (c) No certificate of appropriateness shall be required for the removal of dead, dying, or hazardous tree as defined in the City of Atlanta Tree Ordinance or a tree with a diameter breast height of less than six (6) inches.
- (g) Type III certificates of appropriateness shall be reviewed and decided by the Commission and shall be required for:
 - i. All new principal structures.
 - ii. All additions to existing principal structures and accessory buildings, including decks.
 - iii. All new accessory structures.
- (3) Minimum off-street parking requirements:
 - a. Off-street parking spaces shall not be permitted in any front yard nor within 50 feet of the public right-of-way in any half-depth front yard, except for yards adjacent to Moreland Avenue, where a 60-foot limit shall apply. For the purpose of this regulation, the front yard shall be that area between the public right-of-way and the forward line of the principal structure.
 - b. No off-street parking shall be located within 20 feet of any lot line.
 - c. Number of off-street parking spaces required:
 - 1. For single-family, two-family, and multiple-family dwellings: Two (2) spaces for each dwelling unit.
- (4) Minimum landscape requirements: The overall quality of the landscaped area visible from public right-of-ways should be preserved as an integral part of the historic character of the District. Any major alteration to the landscape or topography visible from the public right-of-way in the District shall maintain the general landscaping scale and character reflected in the original development of Druid Hills in order to preserve the historic landscape character of the District. Any major alteration to the landscape or topography visible from the public right-of-way shall:
 - (a) follow the standards set forth in 16-20B.003(1);
 - (b) be consistent and compatible with the overall landscape plan and design on the property and block;
 - (c) maintain the spatial organization of an open space in front of the house, asymmetrical plantings on the sides of the principal structure and a rear tree canopy;
 - (d) not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure;
 - (e) ensure that any new grades shall meet the existing topography in a smooth transition;
 - (f) retain any existing historic circulation systems, including driveways, walkways and paths;
 - (g) ensure that any new circulation systems and substantial reconstruction of existing circulation systems is consistent and compatible with the existing circulation systems on the property and block with respect to layout, scale, materials, and topographic siting;
 - (h) ensure that any off-street parking be constructed of a material which will assure a surface resistant to erosion, have adequate access to a public street and have adequate circulation space; and
 - (i) comply with the provisions of the City of Atlanta Tree Ordinance with the following exceptions:
 - i. When the removal of trees is permitted by the Commission, each tree removed shall be replaced with a tree of an appropriate species having a minimum caliper of two and one half (2 ½) inches; and
 - ii. Taking into account the site density and tree spacing regulations of the City of Atlanta Tree Ordinance, any replacement trees and placement of said trees shall comply with (a)-(g) above.
 - (iii) Compliance with (i) above shall not eliminate any additional recompense or tree replacement that otherwise may be required by the City of Atlanta Tree Ordinance.
- (5) Minimum drainage controls: Structures shall be located so as to preserve the natural terrain of the district. Proper drainageways shall be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department of public works.
 - (a) No structure shall be permitted within any 100-year floodplain.
 - (b) No single-family structure shall be constructed on natural slopes greater than 25 percent.
 - (c) No structure other than single-family shall be permitted on slopes greater than 15 percent.
- (6) Minimum architectural controls: Any new construction, additions, renovations or alterations in the District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district and shall follow the standards set forth by Section 16-20B.003(1).
- (7) Fences, walls and retaining walls: Subject to the provisions of Section 16-28.008(5) and the following limitations:
 - (a) Fences and walls are not permitted in the front yard, yards adjacent to public streets, or between any principal structure and a public street.
 - (b) Fences and walls not exceeding 6 feet in height may be erected in the side or rear yard.
 - (c) Fences and walls shall be constructed of vertical iron pickets, brick, stucco, vertical wood pickets, or coated chain link.
 - (d) The front facing portion of fences shall be no less than 40% open.

- (e) Retaining walls are allowed if existing on the block face. Such retaining walls shall be no taller than the existing retaining walls on the block face or the minimum height required to retain the adjacent grades. All retaining walls shall be faced with brick, stone or stucco.

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

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

- (1) Permitted principal uses and structures:
 - a. Single-family dwellings.
 - b. Parks, playgrounds and community buildings owned and operated by a governmental agency.
- (2) Permitted accessory uses and structures: Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
 - a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
 - b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
- (3) Lot coverage: Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.
- (4) Minimum yard requirements:
 - a. Setbacks:
 - 1. East side of Oakdale Road, Ponce de Leon Avenue to city limit:
 - Front yard: 110 feet.
 - Side yards: 20 feet.
 - Rear yard: 100 feet.

Sec. 16-20B.008. Variances, special exceptions and appeals.

- (1) The Commission shall have the power to hear, grant or deny all variances from the sections of this chapter and all special exceptions as will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provision in a particular case will result in unnecessary hardship, provided that the spirit of the chapter shall be preserved, public welfare and safety secured, and substantial justice done. The criteria and the procedures for such variances and special exceptions shall be the same as so specified in chapter 26 of this part for the board of zoning adjustment.
- (2) Appeals from decisions of any administrative officials shall be made to the urban design commission, the same as so specified for the board of zoning adjustment in section 16-30.010, chapter 30 of this part.

Variances

Reduction in the south (right) yard setback from 20 feet to 10 feet to allow for the construction of a new garage.

In the Applicant's response to the variance criteria, they cite as reasons for the variance: the retention of the historic site features, the difficulty of placing the garage under the house or in a different location without excess site disturbance, and that the garage would be next to a neighbor's parking area vs. next to a house on the opposite side of the property.

As currently articulated, the Staff does not find that the Applicant's responses to the variance criteria are sufficient. The proposed garage's current location would appear to require its own substantial grading as evidenced by the large retaining wall behind it and the retaining wall in front of it to expand the parking court that allows access to the garage. The rear addition on the house includes a full height basement level part of which is covered exterior space. It is not clear to the Staff the difficulty of placing a garage in that space under the main floor of the house on the north end of the parking court given the footprint of the addition and the size of the proposed parking court. It would also appear that the only site feature historic or otherwise being retained with the proposed garage current location is one run of stairs. Other nearby site features are being removed.

The Staff would recommend this variance request be deferred until such time as the Applicant has provided sufficient responses to the variance criteria.

As noted above the Applicant has revised their variance criteria and the design of the garage addressing several of the Staff's concerns. They have shown that the alternative suggest by Staff to place the garage in the lower level of the main structure would create additional problems on the property including substantial additional paving and less relationship between the main structure and the rear yard landscape. The elimination of the basement level of the garage eliminates substantial grading, the larger retaining wall, and allows for the retention of more potential historic features in the rear yard. Lastly, the Applicant has provided a perspective rendering showing the garage's slightly less significant visual relationship to the house due to distance and topography.

As such, the Staff would recommend the approval of this portion of the variance with the condition that the view of the garage from the public street is partially screened by landscaping that otherwise meets the District regulations.

Reduction in the west (front) yard setback from 110 ft. to 102 ft. to allow the reconfiguration of the front entry / stoop.

For this variance, the Applicant notes as reasons for the variance that the house already projects into the front yard setback and that the current limitations for front porch encroachments would only allow a 2 ft. increase in depth to the front porch.

The Staff agrees that the front yard setback was instituted after the house was built, that the house already projects into the front yard setback (making the front of the house 102 ft. from the front property line – thus the actual variance request) and that front porches do and can protrude into front yard setbacks. However, it is not clear to the Staff that an otherwise allowed 2 ft. increase in depth would not be meaningful, what hardship that would exist if the front stoop could not be reconfigured or increased in depth, if the actual front yard depth of the front faced of this house is different than other houses on the block, and how the distance of the proposed front stoop from the front property line would or would not be different from front porches or stoops of other houses on the block. Further, it would appear that the current front vestibule (which would be removed to create the new front stoop) is original to the house.

The Staff would recommend this variance request be deferred until such time as the Applicant has provided sufficient responses to the variance criteria.

In the revised design, the front entry is retained in its current location and only the front stoop roof/eave, pilasters, and supporting brackets will be revised. The vestibule will not be expanded nor will any new columns be added away from the house. As such, the Staff would recommend approval of this portion of the variance request be approved as well with the condition that the entire front stoop roof structure not project more than 4 ft. 11 in. from the existing face of the house

General Development Controls

The proposed lot coverage is below the maximum permitted by the District regulations. The north side and rear yard setbacks are met by the proposed design. However, no information was provided about the presence or absence of the 100 year floodplain and the whether the proposed structures and/or

improvements are located in it. The Staff would recommend that the Applicant document compliance with the District's 100 year floodplain requirements.

The Applicant has added this note to their site plan, based on the property survey.

Further, the District regulations restrict building on slopes of greater than 25% for the house and no greater than 15% for other structures. The Staff would recommend that the Applicant document compliance with the District's slope disturbance requirements.

On the revised site plan the Applicant has documented compliance with the 15% slope restriction for the garage. As the proposed additions to the house are generally within existing disturbed areas (which are essentially flat portions of the site), the Staff finds that the 25% slope requirement has been met as well.

Site Work

Widen existing driveway to 10 ft. its entire length and reconfigure / expand the existing parking court in front of the garage and behind the house.

While the Staff understands the widening of the driveway will result in the loss of potential historic material, it does see the difficulty of using such a narrow driveway. The Staff would recommend, however, that the new driveway material be the same material as the existing driveway and have a similar finish and that the new south curb have the same profile and design as the north curb.

The revised site plan notes that the new south curb will have the same profile as the retained north curb. It would also appear from this note that the existing drive will be retained with a 2 ft. (+/-) strip added to the south side to create the wider driveway. As such, the Staff would retain the material and finish portion of its recommendation.

Regarding the expanded parking court, it is not clear what the proposed material of the parking court will be. But more importantly, the Staff is concerned about the District's limitation of parking (and in this case a parking court and access to the garage) within 20 feet of a property line. The existing parking area is well outside the 20 ft. limitation and the Staff does have concerns about the reduction of the side yard setback for the purposes of building a garage, such that the garage could be moved to another location on the site. At the same time, the final garage location will require paved access and potentially turn around space. The Staff finds that if the Applicant does meet the variance criteria for a reduction in the setback for the garage, the paved area in front of the garage within 20 ft. of the side property line should be limited to that which is required to allow access to the garage and the minimally required turning movements to achieve that access. The Staff would recommend that the parking court within 20 ft. of the side property line be only that which is required to provide access to the final location of the garage and the minimal turning movements to achieve that access.

The revised site plan notes that the parking court will be colored concrete. Further, the southern edge of the parking court has been moved north such that it aligns with the garage door opening. Given that to back in or out of the southern parking bay this portion of the parking court would be required for a reasonable turning movement and parking in front of the southern parking bay would restrict the use of the southern parking bay, the Staff finds that the parking court does not include any excess area that would facilitate parking within 20 ft. of the side property line.

Replace front brick walk.

The site plan indicates the removal of the front walkway, but not information is included about the replacement materials or design other than the footprint apparently being the same. Further, it is not clear the condition of the existing brick walkway or if it is original or historic to the property.

The Staff would recommend more information be provided about the existing brick walkway and the proposed walkway.

The revised site plan notes that the existing front brick walkway will be retained as is.

Install a 4 ft. tall retaining wall along the south edge of the parking court.

While the general zoning provisions referred to in the District regulations have been met and brick is an allowable material, the Applicant has not shown that there are retaining walls on the block face. The Staff would recommend that documentation be provided of other retaining walls on the block face.

The Applicant has noted that there are existing retaining walls on the subject property and as such this meets the requirement to show retaining walls exist on the block face. Further, the Staff would note that the proposed retaining wall at the south edge of the parking court would be cut into the natural grade. As such, the retaining wall would not significantly alter the natural grade on the top side of the retaining wall and would not likely visible from the public street.

Remove an existing set of concrete stairs, a concrete patio, and a rock patio and construction a new dining terrace and run of site stairs behind the parking court and next to the new detached garage.

Even though these features are not visible from the public street, it is not clear from the documentation provided by the Applicant if any of the existing site features that are to be removed are original or historic to the property. Further, no information has been provided by the Applicant regarding the material and specific design of the new site features. The Staff would recommend additional information be provided about the existing site features to be removed and the proposed site features.

In the revised site plan, both sets of site stairs leading into the rear yard have been retained, as well as a substantial portion of the existing stone patio, which will be expanded and become part of the revised for the dining terrace. The only new, related site feature will be the expanded stone patio which will utilize new stone for paving.

Alterations to the Existing House

Create a new front entry with cast stone Tudor arches.

As noted in the variance analysis, the Staff finds that the existing front vestibule, which would be removed to create the new front entry, is likely original or historic to the house (with the potential exception of the iron railing on top). As such, the removal of this component of the house would constitute the loss of historic fabric. Further, the Staff is concerned about the new design creating a false sense of development to the house by creating a more ornate and “grandier” entrance that was historically existed. Notwithstanding the Staff’s concerns about the encroachment into the front yard setback, the Staff would recommend the existing front entrance be retained and if desired more modestly redesigned, though not replaced.

As noted above, the front stoop proposal has been re-designed to a more modest proposal that is otherwise compatible with the architectural style of the house, but nonetheless still requires replacement of the existing roof structure and design elements, pilasters and brackets. While the Staff finds that the wrought iron railing on the front stoop roof is likely not original or historic to the building, it is still concerned about the removal of the other front stoop elements. The Staff would recommend the Applicant provide additional documentation supporting the conclusion that the existing front stoop features are not original or historic to the house.

Relocate the existing sun room door to become the front door.

While the current door is not an unusual design (suggesting it might not be original or historic to the house), the Staff would still recommend that additional information be provided about the condition and status of the front door.

The Applicant provided a photograph from 1972 showing the existing front door with a different paint scheme. While the Staff would acknowledge that the sunroom door would be lost with the rear addition, it is still concerned about the use of a rear door for a front door, regardless of the history of the current front door. Further, the Staff finds that the amount of glass in the sun room door would not be typical of a Tudor style front door which typically only has minimal amounts of glass in the upper portion of the door slab. The Staff would retain its previous recommendation and further recommend that if the current front door is not historic or original to the structure, the new front door shall be compatible with the architectural style of the house.

Replace the existing chimney cap with a brick cap and decorative chimney pot.

Though the Staff does not have any concerns about this “additive” alteration (i.e. it could be removed in the future leaving the original chimney remaining), it would caution the Applicant that finding a matching brick will be very difficult.

Replace the attic vents with windows.

The Staff have no concerns about the removal of the attic vents, but only minimal information is provided about the proposed windows. Further, it is concerned that the light pattern of the proposed windows will include individual lights that are slightly bigger than the existing windows on the house which would make it inconsistent with the rest of the house and at the same time draw attention to what should be a secondary feature. The Staff would recommend the proposed attic vent windows be redesigned to be compatible with the house and in particular the existing windows on the house.

The Staff finds that the new attic vent windows are compatible with the architectural style of the house.

Replace all of the existing windows on the existing house with new casement and fixed glass windows. Reconfigure the windows on the north elevation on the main level.

The Applicant is proposing to replace all of the windows on the house with new windows that would fit within the same openings and have the same light pattern. The Applicant has submitted no information regarding the need for these historic windows to be removed. Further, from the photographs provided by the Applicant the windows appear to be original or historic to the house, though storm windows and screens have been added in the past. The Staff finds that the historic windows on the house should be

retained. The Staff recommends the existing windows on the portions of the house not affected by the proposed addition be retained and if necessary, repaired in kind.

The revised proposal includes the retention of existing windows that aren't otherwise affected by the rear additions. Some of the windows will be left as is and some will be refurbished by adding insulation and materials from the inside of the house leaving the sashes and exterior trim intact.

Remove the existing low-sloped metal roof on the front façade bay and add a brick parapet wall. From the photographs provided by the Applicant, this feature appears to be original or historic to the house. The Staff also finds that such roof forms are typical for accent roofs on houses of similar architectural style in the District. The Applicant has provided no information as to the reason or desire for this change in the house. The Staff would recommend the existing low-sloped roof on the front façade bay be retained and if necessary, repaired in kind.

The revised plans still include the replacement of this roof, citing “interior water damage”. While the Staff finds that the proposed design is compatible with the architectural style of the house, it is still concerned about the unnecessary loss of historic fabric and the change in the design of the house. The Staff would recommend the Applicant provide additional documentation as to the condition of the low sloped roof on the front façade bay and if replacement is necessary, it shall be replaced in-kind.

Additions

Remove the previous rear addition and portions of the second story to create a three-level rear addition with a rear porch and brick chimney that extends the north leg of the house and “fills in” the rear the “ell” of the rear of the house.

While the Staff acknowledges that the addition is entirely to the rear of the house (which is generally the preferred, historic preservation location for additions) it has two significant concerns about its size / massing, architectural elements, and materials.

First, the entire proposed addition (including the portion that wraps over the main floor to create a larger second floor) will be significantly larger than the original house. The massing of the addition will change the massing of the house from either a relatively thin house (that had been previously less significantly added to) or a reverse gabled ell house to an essentially square house with a full two-story massing on the north side and a more significant one-story / two-story massing on the south side. On the north side of the house, about one-half of the façade area will consist of the addition or re-configured existing walls.

Second, the seamless use of materials and architectural elements that match the existing materials and architectural elements (particularly on the north side of the house) will create the appearance of a historic house that never existed. The materials and architectural elements do not retain any differentiation from the original house to the addition. While the Staff understands that additions must be compatible with the house they are being added to, they should not create a false sense of development; in this case on a larger scale than the proposed front stoop.

The Staff would recommend the proposed addition be re-designed so as to retain substantially more of the massing and scale of the original house and be slightly differentiated itself from the original house.

The addition has been substantially re-designed, including stepping in the façade on the north side of the house as well as reducing pitches of and breaking down the connecting roofs on the addition. These changes allow the existing house to still be delineated from the addition. From a massing and scale perspective, the Staff finds that the revised design is compatible with the existing house and meets the District regulations.

However, the Staff is still concerned about the changes to the windows on the north side of the house. There is a paired window on the basement level and a paired window on the first floor that are being removed. Will it be clear from the proposed floor plan why these would need to be removed and though they are not highly visible from the public street, the Staff is nonetheless concerned about the loss of historic fabric on the original house. The Staff would recommend that on the north side of the house, additional existing windows are retained in the final design.

Detached Garage

Build a new, detached three-level garage with a sunken terrace behind it.

Given the proposed garage will be entirely new construction, the Staff is not as concerned about it creating a false sense of development as contemporary nature of numerous materials or elements will differentiate it from the original house. At the same time, the Staff is concerned about the size and scale of the garage, particularly given the request to reduce the side yard setback by one-half. Though it will not overshadow the existing two-story house in any way, it will be more than 20 ft. tall and will be a significant visual presence on the property given the lot is relatively flat to that point and given it lies at the direct end of the driveway.

The Staff would recommend the massing and scale of the proposed garage be changed so as to reduce the visual presence on the lot.

In the revised plans, the garage design, height, massing, and scale is un-changed. The Applicant has provided a perspective rendering of the garage as seen from the street which shows that it will be viewed as shorter than shown in the elevation due to the distance from the street and the cresting of the topography on the site. The Staff is still concerned about the size of the garage and as such would recommend the Applicant shall explore, and implement as reasonable, methods to reduce the visual presence of the massing and scale of the garage as viewed from the street.

Further, the Staff is concerned about the 7 ft. high retaining wall to the rear of the garage. As noted above, there are general zoning provisions that are referred to in the District regulations, which limit the height of any two retaining walls to six (6) ft. and only if they are separated by a corresponding horizontal separation distance. Also, as with the retaining wall around the parking court, the Applicant has not shown that there are retaining walls on the block face. The Staff would recommend that the retaining wall behind the garage be revised to meet the general zoning regulations referred to by the District regulations.

The retaining wall behind the garage has been eliminated from the proposal.

CA3-16-021

Staff Recommendation: Based upon the following:

- a) *As currently submitted, the variance request meets the variance criteria, except as noted above, per Section 16-26.003(1); and*

Staff recommends *approval* of the Application for a Type III Certificate of Appropriateness (CA3-16-021) for variance to allow a reduction in the south side yard setback from 20 feet (required) to 9 feet (proposed), and to allow a reduction in the front yard setback from 110 feet (required) to 102 feet (proposed) at **909 Oakdale Rd**, to allow time for the Applicant to address the following comments and concerns of the Staff:

1. *The view of the garage from the public street is partially screened by landscaping that otherwise meets the District regulations, per Section 16-26.003(1); and*
2. *The entire front stoop roof structure not project more than 4 ft. 11 in. from the existing face of the house, per Section 16-26.003(1).*

Staff Recommendation: Based upon the following:

- a) The Staff's *revised* recommendation regarding CA3-16-021; and
- b) *As currently submitted, the proposed design meets the District regulations, except as noted above, per Section 16-20B.003.*

CA3-16-022

Staff recommends *approval* of the Application for a Type III Certificate of Appropriateness (CA3-16-022) for alterations, additions, and site work at **909 Oakdale Rd.**, to allow time for the Applicant to address the following comments and concerns of the Staff:

1. The new driveway material shall be the same material as the existing driveway and have a similar finish, per Section 16-20B.003(1), 16-20B.003(4)(a) and (g);
2. *The Applicant shall provide additional documentation supporting the conclusion that the existing front stoop features are not original or historic to the house, per Section 16-20B.003(1);*
3. Additional information shall be provided about the condition and status of the front door, per Section 16-20B.003(1);
4. *If the current front door is not historic or original to the structure, the new front door shall be compatible with the architectural style of the house, per Section 16-20B.003(1);*
5. *The Applicant shall provide additional documentation as to the condition of the low sloped roof on the front façade bay and if replacement is necessary, it shall be replaced in-kind, per Section 16-20B.003(1);*
6. *On the north side of the house, additional existing windows shall be retained in the final design, per Section 16-20B.003(1);*
7. *The Applicant shall explore, and implement as reasonable, methods to reduce the visual presence of the massing and scale of the garage as viewed from the street, per Section 16-20B.003(1); and*
8. The Staff shall review, and if appropriate, approve the final plans, specifications, and supporting documentation.



KASIM REED
MAYOR

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT
February 10, 2016
REVISED
March 9, 2016
(Revised text shown in italic.)

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-023) for six new townhouses at **15-17 Daniel Street** - M. L. King, Jr. Landmark District (Subarea 4) / Beltline.

Applicant: C and G Property Holdings, LLC
934 Glenwood Avenue

Facts: The project is located just south of the southwest corner of Daniel Street and Edgewood Avenue, 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 property is a significant amount of vacant land.

In 2015, the Commission approved the consolidation of three lots into the current one lot (CA3-15-393).

The property has no structures on it, few if any trees, and is relatively flat.

The Applicant is proposed to build six (6) townhouses, four of which will face and be adjacent to Daniel Street. The two other units will be located in a building behind the first building, facing an interior drive access / courtyard. The Daniel Street units are noted as live/work spaces. It is not clear if the interior drive / courtyard will be fenced.

At the February 10, 2016 Commission meeting, the Commission deferred this application to allow time for the Applicant to address the concerns and comments of the Staff. The Applicant submitted revised plans March 2, 2016 which are the subject of this revised Staff Report.

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:
 - 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.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
- a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - iii. No certificate of appropriateness shall be required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials.
 - 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;
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.
 - e. Prohibited uses.
 - i. All uses marked with an "X" in Table 1: Martin Luther King Jr. Landmark District Table of Uses shall be prohibited in the Subarea(s) identified unless otherwise authorized in subsection 16-20C.005(2) or (3) below. All uses not listed in Table 1: Martin Luther King Jr. Landmark District Table of Uses shall be prohibited in all district Subareas unless otherwise authorized in subsection 16-20C.005(2) or (3) below.
 - ii. No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.
 - iii. Use of heavy drop hammers, punch presses or other machinery, or processing methods creating an excessive noise or vibration is prohibited in this district, subject to the provisions in chapter 74, article IV, noise control.

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				
Assisted living facilities	X	X	SUP	SUP
Dormitories, fraternity houses and sorority houses, officially affiliated with an accredited college, university or private school and only for the time period that such affiliation is in effect, such that loss of affiliation shall result in the loss of permission for the use	X	X	X	P
Multi-family dwellings	X	X	P	P
Personal care homes	P	P	P	P
Single-family dwellings	P	P	P	P
Supportive housing	X	X	P	P
Two-family dwellings	P	P	P	P
NON-RESIDENTIAL USES				
Auditoriums, museums, libraries, galleries and similar cultural facilities	X	P *	P	P
Bakeries and catering establishments	X	P *	X	P
Banks, savings and loan associations, and similar financial institutions	X	X	X	P
Barber shops and beauty shops	X	P *	X	P
Bed and breakfast inns	X	P #	P	P
Business or commercial schools	X	X	X	P
Business service establishments, including those providing duplicating, printing, maintenance, communications, addressing, mailing, bookkeeping, or guard services	X	X	X	P
Child care centers, kindergartens and special schools	X	X	X	P

Churches, synagogues, temples, mosques, other places of worship	X	P ^	P	P
Clubs and lodges	X	X	P	P
Commercial recreational establishments, including theaters, convention halls, places of assembly and similar uses, with primary activities conducted within fully enclosed buildings	X	X	P	P
Digital industry switchboards, relay equipment, and associated power generators as principal uses	X	X	X	X
Drive-in and drive-through facilities	X	X	X	X
Eating and drinking establishments	X	P *	X	P
Farmers markets	X	X	P	P
Grocery stores	X	P ^	X	P
Hospitals	X	X	X	P
Hotels and motels	X	X	P	P
Laundry and dry cleaning, collection stations or plants, limited to no more than 5,000 square feet of floor area; laundry and dry cleaning where equipment is operated by customers	X	X	X	P
Manufacturing, repairing not including automobiles or heavy machinery, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and byproducts do not create adverse effects beyond the boundaries of the property	X	P *	X	P
Market Gardens	X	X	P	P
Mortuaries and funeral homes	X	X	X	SEP
Offices and studios	X	P *	P	P
Clinics (including veterinary), laboratories, studios and similar uses, but not blood donor stations	X	X	X	P

Park-for-hire surface parking lots	X	X	SUP @	SUP @
Park-for-hire parking structures	X	X	P	P
Poolrooms, billiard parlors	X	X	X	SEP
Printing and blueprinting shops	X	X	X	P
Professional or personal service establishments but not hiring halls	X	P *	X	P
Public schools or private schools having similar academic curricula and special schools for exceptional children	X	X	P	X
Rehabilitation centers, nursing homes	X	X	SUP	SUP
Repair establishments for home appliances,	X	X	X	P

bicycles, lawn mowers				
Retail establishments, including delicatessens	X	P *	X	P
Roof antennas	X	X	P %	P %
Service stations	X	X	X	P
Shelter	X	X	SUP	SUP
Structures and uses required for operation of MARTA or of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shop as the primary purpose	X	X	P	X
Tailoring, custom dressmaking, millinery and similar establishments limited to not more than 5000 square feet in area	X	P *	X	P
Temporary commercial activities	X	X	X	P
Trade schools, colleges, universities	X	X	X	P
Urban Gardens	SAP ^{&}	SAP ^{&}	P	P
NOTES				
# Bed and breakfast uses in Subarea 2 shall comply with the use restrictions of 16-20C.005(2)(b).				
@ Park-for-hire surface parking lots shall comply with the use restrictions of 16-20C.005(3)(c).				
% Roof antennas and similar uses shall comply with the use restrictions of 16-20C.005(3)(d).				
* Limited to location set forth in 16-20C. 005(2)(c) and further limited to a maximum size of 2,000 square feet for each individual use.				
^ Limited to location set forth in 16-20C. 005(2)(c) and further limited to a maximum size of 4,000 square feet for each individual use.				
& On an undeveloped lots.				

3. The following additional Permitted Principal Use and Structures provisions shall apply to Subareas 3 and 4.
 - a. Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises; and no storage for such merchandise shall occupy more than 40 percent of the floor area on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.
 - b. Veterinary offices. Veterinary office and clinics shall keep animals in sound-proofed buildings, laboratories, and studios (authorized in Subarea 4 only).

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 (1.5) 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 (2) zones: an amenity zone and a walk zone.

- ii. The amenity zone shall be located immediately adjacent to the curb with a consistent cross-slope not to exceed two (2) percent. Width shall be measured from back (building side) of curb to the walk zone. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.
 - iii. The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape, with a consistent cross-slope not exceeding two (2) percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight (8) feet.
 - iv. New sidewalks and their corresponding zones shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new amenity zone shall be a minimum of two (2) feet wide and the new walk zone shall be a minimum of five (5) feet wide.
 - v. Street trees shall be planted a maximum of 30 feet on-center within the amenity zone and shall be spaced equal distance between street lights.
 - vi. Any existing decorative hardscape treatment of sidewalks, including amenity zone or walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape and color.
 - vii. Decorative pedestrian lights, where installed, shall be placed a maximum of 60 feet on center and spaced equidistant between required trees. Where installed, said lights shall be located within the amenity zone. Said lights shall be as approved by the Director. New developments shall match the light and tree spacing on blocks where existing Atlanta Type lights are installed.
 - viii. Changes or additions of planters, trash containers, street lighting, and similar elements, shall require a Certificate of Appropriateness by the Commission.
 - ix. Upon redevelopment of a parcel reasonable efforts shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
- c. Required Open Space.
- i. Open Space shall be required only for multi-family uses. All other uses shall have no Open Space requirements.
 - ii. Required Usable Open Space shall be provided equal to five (5) percent of the total floor area dedicated to multi-family use.
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.

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 (6) 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.
- 3. The following Design Standards provisions shall apply to Subareas 3 through 4.
 - a. Facades.
 - i. Building materials for the façades of principal structures shall be determined by the compatibility rule. Concrete block and other masonry materials may be used on façades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any façade.
 - ii. Covering of the original façade shall not be permitted.
 - iii. Painting of unpainted building materials and masonry is prohibited.
 - iv. All cleaning of stone, terra cotta, and brick shall be done with low-pressure water and mild detergents.
 - v. All repairs to original mortar shall be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints shall be duplicated in width and in joint profile.
 - vi. Cornice lines shall cap all building facades and shall consist of sheet metal, brick, cast concrete or terra cotta materials.
 - b. Active uses (See Sec. 16-20C.005(3)(e))
 - i. Active uses shall be provided within buildings and parking structures for the entire length of said building façade except ingress and egress points into parking structures or loading areas.
 - ii. Active uses shall be provided for a minimum depth of 20 feet, as measured from the sidewalk-level building façade.
 - c. Fences and walls.
 - i. All fences and walls shall require a Certificate of Appropriateness by the Director of the Commission. Barbed wire, razor wire and chain link or similar elements are prohibited.
 - ii. Fences and walls are not permitted in front yards or where otherwise visible to public view as determined by the Director of the Commission.
 - iii. Fences and walls shall be permitted only to a total combined height of six (6) feet.
 - d. Fenestration.
 - i. A minimum of 60 percent of the length of the building façade shall contain fenestration.
 - ii. Sidewalk-level development without fenestration shall not exceed a maximum length of 10 feet of façade.
 - iii. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.
 - e. Illumination and Security Features.
 - i. Security, decorative, and other lighting shall minimize light spillage by providing cutoff luminaries that have a maximum 90-degree illumination. The Commission may also require other elements to reduce light spillage.
 - ii. Any security, decorative, or other lighting luminaries shall be located a minimum height of eight (8) feet above the sidewalk, drive, or pedestrian area.
 - iii. External storefront security grilles, gates and security doors must be fully retractable during business hours. Such devices shall provide visibility into the interior of protected space when in use, and shall be prohibited from being opaque.
 - iv. Any external security grills, gates and security doors must be compatibly integrated into and concealed by the overall architecture and architectural patterns and elements of the façade on which they are located.
 - f. Awnings and Canopies.
 - i. Original awnings and canopies shall be retained.
 - ii. Replacement awnings or canopies are permitted only when original awnings or canopies cannot be rehabilitated.
 - iii. Awnings and canopies must have a minimum clearance of eight (8) feet above the sidewalk level, and shall not encroach more than five (5) feet over the public sidewalk.

- iv. Installation of new canopies upon contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.
- v. Installation of new canopies upon non-contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the district.
- vi. New awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.
- vii. New awnings shall be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
- viii. Multiple awnings on a single building shall be similar in shape and configuration.
- ix. Only that portion of the awning used for signage shall be illuminated.

Sec. 16-20C.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
All other Residential and Dwelling Uses	The greater of: 2 spaces or 1 space for every 5 residential units	None	No more than 50 spaces required	2.5 spaces for every 1 residential unit
Non-Residential Uses	The greater of: 2 spaces or 1 space for every 4,000 square feet of floor area	None	No more than 50 spaces required	2.5 spaces for every 1,000 square feet of floor area

- 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.
 - ii. When authorized, park-for-hire surface parking lots shall be prohibited from being located within 65 feet of any public street frontage.
 - c. Screening for Non-Residential and Multi-family Uses.
 - i. All surface parking regardless of the number of parking spaces provided, shall comply with all of the requirements of Chapter 158, Article II, Sec. 158-30.
 - ii. Screen wall extensions shall be permitted when surface parking is directly adjacent to a public sidewalk and additionally shall:
 - (1) Be located predominantly parallel and congruent with the adjacent building façade;
 - (2) Be a minimum height of ten (10) feet and a maximum height of 12 feet;
 - (3) Be a minimum of 50 percent permeable or articulated to avoid blank walls; and
 - (4) Utilize the adjacent building for purposes of determining allowable materials and architectural features.
- 2. The following regulations shall apply to parking structures within the district.
 - a. In addition to the parking deck regulations of Section 16-28.028, parking structure façades shall have the appearance of a horizontal storied building and shall utilize the compatibility rule for the contributing structures of any use on the block for the purposes of determining building materials, building massing, architectural features, building heights and setbacks.
 - b. Parking structures shall meet the active use requirements as regulated in Section 16-20C.005(3)(e).

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

General Development Controls and Uses

For the purposes of applying the compatibility rule, the block would constitute all of the contributing buildings along the south side of Edgewood Avenue between Daniel Street and Boulevard.

A variety of residential and commercial uses are permitted in the Subarea, including multi-family, retail and eating/drinking establishments. As noted above, the Daniel Street units are noted as live work, though the potential “work” uses are not defined. The Staff would recommend that all proposed or potential uses be listed on the plans and met the District regulations.

A note about uses has been added to the plans.

Notwithstanding the lack of specificity regarding the uses, the sidewalk level of the building must have active uses, which is shown on the first level floor plan for the Daniel Street building.

In addition to the active use requirement noted above, loading docks in particular are not permitted on the primary façade of the building, which the Staff finds to be any street facing façade. Given the nature of the project, no loading docks are included in the proposed design.

Usable open space must be provided equal to five (5) percent of the total floor area dedicated to multi-family use. No usable open space calculations were included in the submission. The Staff would recommend that usable open space is provided and meets the District regulations.

The total square footage of usable open space is provided and the Staff assumes that this is provided via the roof top decks, though the calculations don't specify the location of the usable open space. The Staff would recommend the plans identify the source of the provided usable open space.

The District regulations require that the setbacks of the project meet the compatibility rule, which requires the front, side and rear yard setbacks be within the range established for each setback based on the contributing buildings on the block, with an additional allowance for zero side yard setbacks. No setback calculations or comparison tables were included in the submission. The Staff would note that the front and side yard setbacks of the contributing buildings along the Edgewood Avenue is zero (0) ft. The proposed design includes a zero (0) ft. rear yard setback, but it is not clear what the rear yard setback range is for the comparison buildings. The Staff would recommend that the Applicant document that the rear yard setback of the project meet the District regulations.

No additional information was provided about the rear yard setback. The Staff would retain its previous recommendation.

No mechanical equipment is shown on the site plan, the roof plans, or other design documents. The Staff would recommend that all of the mechanical equipment requirements of the District regulations be met. The Staff would recommend that the mechanical equipment be shown on the plans and meet all of the District regulations.

The mechanical equipment is shown on the roofs of each building behind the parapet wall and will not be visible from a public street.

No dumpsters are shown on the site plan.

The plans specify that all trash disposal will occur via individual trash receptacles, not a dumpster.

The Staff would also note that the property is within the Beltline Zoning Overlay District and as such Beltline Zoning Overlay requirements would apply to the project. Given the potential for overlap between the Beltline Zoning Overlay requirements and the District regulations, the Staff would recommend that the Staff be authorized to review, and if appropriate, approve revisions to the plans related to the Beltline Zoning Overlay requirements if these revisions otherwise meet the District regulations.

Parking (Vehicle and Bicycle) and Curb Cuts

There are no minimum vehicle parking requirements in this Subarea of the District, but there are maximum parking allowances for both multi-family and non-residential uses. There are eight (8) parking spaces provided for the six (6) townhouse units, which meets the maximum parking allowance for a multi-family project. However, if the “live/work” building were to become entirely “work” it is not clear if the maximum of 2.5 spaces per 1,000 of floor area would be exceeded. The Staff would recommend that the total square footage of the project be calculated and the project meet the maximum parking limitations for all potential uses of that square footage.

The plans note that any non-living space will be used for “permitted accessory / incidental uses and home occupation”. Given the space still could be used flexibly; the Staff would retain its previous recommendation to take into account potential revisions to the use of the first floor.

In contrast, bicycle parking is required, must have a certain anchor design and must be located within 100 ft. of the building entrance. No details are provided about bicycle parking for any type of use of the buildings. The Staff would recommend that bicycle parking be shown on the plans and meet all of the District regulations for all potential uses of the project.

One bicycle rack is noted on the site plan, though the graphic does not reflect its location. Further, the Staff finds that if the first floor is used more as commercial space, an additional bike rack would be needed. The Staff would recommend that two bicycle racks be shown on the site plan.

From a design perspective, the proposed vehicle parking does not have any street or sidewalk level exposure and does not face any street.

The existing alley to the north of the property is proposed for providing vehicle access. Based on photographs provided by the Applicant, the existing alley appears to be paved at least next to the property and have a curb cut. It is not clear when the alley was paved, but it does appear to be relatively recent and the area of where the sidewalk would be is standard concrete. This is the first property to be wholly redeveloped along Daniel Street next to or near this alley (there is no sidewalk in front of the

subject property). As such, the Staff would recommend that the plans specify that the eventual sidewalk material will continue across the alley curb cut.

A note has been added to the site plan to address this concern.

Sidewalks and Site Features

The site plan did not include any information or design about the existing sidewalk along Daniel Street, though there is a new sidewalk rendered on one of the graphics. There is no sidewalk in front of the property itself. Further, given the size and type of project, it is very doubtful that a sidewalk would remain through the construction. As such, the Staff finds that the project will need to incorporate a new sidewalk along Daniel Street. The Staff recommends that the plan indicate all of the sidewalk zone and sidewalk amenities meet all of the District regulations.

While the plans note that the general width and location of the sidewalk and amenity zone meet the District regulations, there are several details / notes that are not yet covered on the site plan, such as cross slope, sidewalk material and the design of the street lights. The Staff would retain its previous recommendation.

The District regulations do not allow fences in the front yard of a property and restricts their visibility anywhere on the property. There appears to be fences shown at either end of the interior drive access / courtyard. The Staff finds that these fences are not located in the front yard, as no front yard actually exists in the case of this project. However, both fences are clearly visible from public view. While the Staff understands the need for such fences to provide security for the project and to define private vs. public space, the Staff is concerned about their design. No design details are provided about the two fences on either end of the interior drive access / courtyard. The Staff would recommend that the two fences proposed at either end of the interior drive access / courtyard are substantially integrated into the design of the building itself, be no taller than 6 ft., and have no characteristics of a fence.

The fences at the north and south ends of the interior drive access / courtyard have been removed from the proposed design.

It does not appear that any trees will be removed as part of the project. If any trees are removed, the City's Tree Ordinance requirements must be met.

The Staff finds that given the proximity of the new construction to the surrounding buildings, the general character of the Edgewood Avenue corridor, and the potential redevelopment character of the buildings and structures that could be adjacent to the property on the sides and rear, no screening or buffering is necessary to screen this project from any of its surroundings.

The Staff would recommend the Applicant clarify if utilities will be buried underground or if not, their reasonable efforts to try to accommodate this design feature.

The site plan notes that utilities will be buried underground for this project.

Overall Massing and Scale

Both buildings are three (3) stories, with an addition roof top amenity level. In this portion of the Subarea, the District regulations limit the height of new construction to 1.5 times the height of the tallest contributing building on the block, which in this case is the eastern most building on the south side of Edgewood Avenue (there is a maximum height of 55 ft. regardless of this allowance). The tallest building is 27.5 ft. tall, making the maximum height for the proposed building 41.25 ft.

Building height is 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. The building height comparison analysis page of the drawings shows the height measured from the grade along Daniel Street (which is indicated as level for the entire length of the project frontage) to the top of the parapet wall and to the top of the roof top stair access structure. The distance to the parapet wall of both building is well within the allowed height. The Staff would note that the roof top access structure would not be counted in the height calculation if there is no other enclosed space included within the roof top access structure other than what is required to provide the roof top access. It is not clear if there is any other space included in the roof top access structure. The Staff would recommend that the plans clearly indicate that there is not any other space included in the roof top access structure other than what is minimally required to provide the roof top access.

The floor plans / roof plans indicate that only a landing at the top of the stairs will located at the roof level. On the front building there will be light well down into the third floor space. On the back building, the middle portion that projects up is the top of a two-story space on the third floor.

Regarding the scale of the building, the Staff finds that generally speaking the overall massing is compatible with the District. While it is larger than the immediately surrounding buildings, its relatively short length mitigates that height makes the overall massing similar to a variety of buildings found along Edgewood Avenue.

Architectural and Façade Elements

The District regulations have specific requirements as to the pattern, size, and location of the fenestration on the sidewalk level of the project that has to occupy a minimum of 60 % of the length of the façade. While it would appear the design would meet this requirement, no such calculation was included in the submission. The Staff is also concerned about the use of glass where a solid bulkhead would normally be found in a three part storefront window design. The use of this glass creates clearly contemporary look that is not compatible with the typical three part storefront design with large display windows which is found throughout the District. The Staff would recommend the sidewalk level fenestration meet all of the District regulations (including size and design) and the plan indicate as such.

The sidewalk level fenestration has been revised to include a solid bulkhead at the bottom of the display window with a material similar to the rest of the first floor. The plans also note that the percentage of the length of the façade with fenestration will be 73% and no more than 10 ft. of the length of the façade will be without fenestration.

The Staff is also concerned with the fenestration pattern on the upper floors of the buildings which includes groups of two, three or four windows, creating large expanses of glass. While the Staff understands that the project is not required to mimic existing window patterns in the District, the Staff is concerned that these differences in fenestration pattern create too contemporary of a design. Further, such large expanses of glass in the upper floors of buildings are not the predominant window pattern on contributing buildings in the District. The Staff would recommend the fenestration pattern on the upper levels of both buildings be revised to meet the District regulations.

The upper level fenestration of the front building has been revised to include thicker vertical trim between the grouped windows and additional horizontal divisions. There is still an opaque (likely metal) spandrel between the second and third floor window groupings. Further, the lower portion of the third floor windows will be fronted by a mesh screen / railing to allow for a Juliet balcony. All of these revisions / clarifications create a window pattern that while contemporary is similar to window patterns on contributing buildings in the District and as such meets the District regulations.

The upper floors of the rear building maintain the same fenestration as in the original submittal. While the Staff acknowledges that these windows will be less visible from the public street, the Staff is still concerned about the amount of grouped glass. As such, the Staff would retain its previous condition for the rear building. The Staff would note that using a similar (though not necessarily the same) light division technique on the rear building as was used on the front building would be appropriate.

What appear to be flat canopies are proposed for the east facades of both buildings above the third floor windows and above the Daniel Street entrances. Though the overall concept of the canopies above sidewalk level entrances meets the District regulations, no information was provided about their clearance above the sidewalk or projection over the right of way. Further, the Staff finds that the canopies at the third level of the buildings is not compatible with the District and creates too contemporary of an appearance to the building. The Staff would recommend the flat canopies at the third level of the buildings are eliminated from the design and the remaining canopies above the sidewalk level meet all the District regulations.

The canopies on the first floor of the front building have been revised into a single, continuous canopy with an 8 ft. clearance above the sidewalk and no more than a 5 ft. projection. It is not clear if the third level canopies have been removed. The Staff would retain the first portion of its previous recommendation.

No exterior security grills, gates, or doors are proposed as part of the project.

No security or exterior lighting is indicated on the elevations. The Staff would recommend that any exterior lighting of any type be indicated on the plans and meet the District regulations.

Scones are proposed on the sidewalk level of the front building, above the garages on the front building, and around the rear building. A note has been added about reduction of light spillage through the use of cut-off luminaires.

Materials

Apart from the metal windows and doors, the exterior of the project utilizes brick on the Daniel Street building (with different coursing and joints) and “masonry” / concrete and cypress siding on the interior building. No materials are specified for the roof top access structures. The District regulations require that exterior materials meet the compatibility rule and be used in a coherent manner. The compatibility rule requires comparison to contributing buildings, though there is an allowance for other masonry materials on facades that don’t face a public street.

The Staff is concerned that the cypress siding is not historically found on any contributing building (principal or accessory), but is the primary cladding material for the interior building. The Staff does not find that this cypress siding meets the District regulations for the interior building. While it acknowledges that the interior building is behind the Daniel Street building, and thus is given additional flexibility by the regulations (as it relates to other masonry materials), the use of a wood product to clad a multi-family building of this size does not meet the District regulations.

The Staff would recommend the materials on the exterior of the interior building meet the District regulations as to the material itself, its location, alignment with other materials, and percentage of use.

The rear building now utilizes hard coat stucco on all four sides of the upper two floors and roof top access area, and concrete on the ground floor. Given the location of the building on the site and that is behind another, larger building, the Staff finds that these materials meet the District regulations. The front building remains various combinations of brick.

No painted glass, reflective glass, or other similarly treated fenestration is indicated on the plans. No glass block is proposed for the storefront areas.

Further, the Staff understands that the project signage shown on the plans is in fact the proposed signage for the project. While it would appear that this blade sign would meet the District regulations, the Staff would recommend the Staff shall confirm that the signage shown on the revised plans meets the District regulations and if not, shall review, and if appropriate approve, the final signage proposal.

Staff Recommendation: Based upon the following:

1. There are components of the overall massing and design, architectural elements, façade components, and materials that do not meet the District regulations, per Section 16-20C.004, Section 16-20C.005, Section 16-20C.006, Section 16-20C.007, Section 16-20C.008, and Section 16-20C.009.

Staff recommends *approval* of the Application for a Type III Certificate of Appropriateness (CA3-16-023) for six new townhouses at **15-17 Daniel Street** - M. L. King, Jr. Landmark District (Subarea 4) with the following conditions:

1. *The plans shall identify the source of the provided usable open space, per Section 16-20C.007(1)(c);*
2. *The Applicant shall document that the rear yard setback of the project meets the District regulations, per Section 16-20C.007(3);*
3. *The total square footage of the project shall be calculated and the project shall meet the maximum parking limitations for all potential uses of that square footage, per Section 16-20C.009(1)(a);*
4. *Two bicycle racks shall be shown on the site plan, per Section 16-20C.00(1)(a);*
5. *The plan shall indicate that all of the sidewalk zone and sidewalk amenities meet all of the District regulations, per Section 16-20C.007(1);*
6. *The fenestration pattern on the upper levels of the rear building shall be revised to meet the District regulations per Section 16-20C.008(1)(b);*
7. *The flat canopies at the third level of the buildings shall be eliminated from the design, per Section 16-20C.008(3)(f);*
8. *The Staff shall be authorized to review, and if appropriate, approve revisions to the plans related to the Beltline Zoning Overlay requirements if these revisions otherwise meet the District regulations;*
9. *The Staff shall confirm that the signage shown on the revised plans meets the District regulations and if not, shall review, and if appropriate approve, the final signage proposal, per Section 16-28A.010;*
10. *The Staff shall review, and if appropriate approve, the final elevations, plans, and supporting documentation.*



CITY OF ATLANTA

M. KASIM REED
MAYOR

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

February 10, 2016

REVISED

March 9, 2016

(Revised text shown in italic.)

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-029) for alterations, additions, and site work at **879 Lullwater Parkway** - Property is zoned Druid Hills Landmark District.

Applicant: Wesley Stone
118 Barry Street

Facts: The house was built in 1950 is considered non-contributing to the Druid Hills Landmark District. This Ranch style house appears largely unaltered from its original appearance on the front and side facades. As such, while non-contributing to the District and not common in the District, it does represent a distinct and identifiable architectural form and massing, a distinct relationship to the site, and has different characteristics than most pre-World War II houses.

The current application consists of the following actions:

1. A new driveway, with retaining walls from the existing curb cut to a proposed parking court;
2. A walking path system in the front yard;
3. A new entry terrace in front of the house, with a stepping stone walkway to the parking court and side entry;
4. An extensive outdoor patio area behind the house with an outdoor kitchen, retaining walls, and water feature;
5. Removal and replacement of numerous trees;
6. New casement windows;
7. New cedar siding and rafter tails;
8. A glass projecting addition in the center of the front façade of the house;
9. A glass projecting addition in the left hand portion of the front façade of the house;
10. Removal of the existing attached carport on the northeast corner of the house and the concrete screen at the front, northwest corner of the house
11. An addition that wraps the north side facade and a portion of the rear façade, and extends to the north creating a new wing to the house that contains a new attached garage;
12. A two-story, detached garage north of the house on the north side of the proposed parking court; and

13. A new greenhouse behind the main addition to the house.

At its February 10, 2016 meeting, the Commission deferred this application to allow time for the Applicant to address the concerns about the Staff. On March 1, 2016, the Applicant submitted revised plans and materials, which are the subject of this revised Staff Report. In the revised submission, the Applicant included new elements or clarified elements of the proposed design, including increasing the pitch of the roof from 3 in 12 to 4 in 12, raising the eave line of the roof 1.5 ft., connecting the formerly detached garage to the house via a walkway / breezeway, and creating an exposed rafter tail system.

Analysis: The following code sections apply to this application:

Sec. 16-20B.003. General regulations.

The following general regulations shall apply to the entire district which includes the following subareas: (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale Road / Oakdale Road / Lullwater Road / Lullwater Parkway. Any proposed development, new construction, addition, alteration, or demolition shall require a certificate of appropriateness as noted below and shall conform to the following regulations:

- (1) General Standards. In the Druid Hills Landmark District, the Commission shall apply the following general standards only if the standards set forth elsewhere in this chapter 20B do not specifically address the application:
 - (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - (e) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 - (f) 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.
 - (g) 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.
 - (h) Archaeological resources shall be protected and preserved in place. 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, 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.
 - (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) Certificates of Appropriateness.
 - (a) Except as otherwise provided herein, the procedures for determining the correct type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Ordinance.
 - (b) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - (c) No certificate of appropriateness shall be required for the removal of dead, dying, or hazardous tree as defined in the City of Atlanta Tree Ordinance or a tree with a diameter breast height of less than six (6) inches.
 - (g) Type III certificates of appropriateness shall be reviewed and decided by the Commission and shall be required for:
 - i. All new principal structures.
 - ii. All additions to existing principal structures and accessory buildings, including decks.
 - iii. All new accessory structures.
- (3) Minimum off-street parking requirements:
 - a. Off-street parking spaces shall not be permitted in any front yard nor within 50 feet of the public right-of-way in any half-depth front yard, except for yards adjacent to Moreland Avenue, where a 60-foot limit shall apply. For

the purpose of this regulation, the front yard shall be that area between the public right-of-way and the forward line of the principal structure.

- b. No off-street parking shall be located within 20 feet of any lot line.
- c. Number of off-street parking spaces required:

1. For single-family, two-family, and multiple-family dwellings: Two (2) spaces for each dwelling unit.

- (4) Minimum landscape requirements: The overall quality of the landscaped area visible from public right-of-ways should be preserved as an integral part of the historic character of the District. Any major alteration to the landscape or topography visible from the public right-of-way in the District shall maintain the general landscaping scale and character reflected in the original development of Druid Hills in order to preserve the historic landscape character of the District. Any major alteration to the landscape or topography visible from the public right-of-way shall:
 - (a) follow the standards set forth in 16-20B.003(1);
 - (b) be consistent and compatible with the overall landscape plan and design on the property and block;
 - (c) maintain the spatial organization of an open space in front of the house, asymmetrical plantings on the sides of the principal structure and a rear tree canopy;
 - (d) not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure;
 - (e) ensure that any new grades shall meet the existing topography in a smooth transition;
 - (f) retain any existing historic circulation systems, including driveways, walkways and paths;
 - (g) ensure that any new circulation systems and substantial reconstruction of existing circulation systems is consistent and compatible with the existing circulation systems on the property and block with respect to layout, scale, materials, and topographic siting;
 - (h) ensure that any off-street parking be constructed of a material which will assure a surface resistant to erosion, have adequate access to a public street and have adequate circulation space; and
 - (i) comply with the provisions of the City of Atlanta Tree Ordinance with the following exceptions:
 - i. When the removal of trees is permitted by the Commission, each tree removed shall be replaced with a tree of an appropriate species having a minimum caliper of two and one half (2 ½) inches; and
 - ii. Taking into account the site density and tree spacing regulations of the City of Atlanta Tree Ordinance, any replacement trees and placement of said trees shall comply with (a)-(g) above.
 - (iii) Compliance with (i) above shall not eliminate any additional recompense or tree replacement that otherwise may be required by the City of Atlanta Tree Ordinance.
- (5) Minimum drainage controls: Structures shall be located so as to preserve the natural terrain of the district. Proper drainageways shall be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department of public works.
 - (a) No structure shall be permitted within any 100-year floodplain.
 - (b) No single-family structure shall be constructed on natural slopes greater than 25 percent.
 - (c) No structure other than single-family shall be permitted on slopes greater than 15 percent.
- (6) Minimum architectural controls: Any new construction, additions, renovations or alterations in the District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district and shall follow the standards set forth by Section 16-20B.003(1).
- (7) Fences, walls and retaining walls: Subject to the provisions of Section 16-28.008(5) and the following limitations:
 - (a) Fences and walls are not permitted in the front yard, yards adjacent to public streets, or between any principal structure and a public street.
 - (b) Fences and walls not exceeding 6 feet in height may be erected in the side or rear yard.
 - (c) Fences and walls shall be constructed of vertical iron pickets, brick, stucco, vertical wood pickets, or coated chain link.
 - (d) The front facing portion of fences shall be no less than 40% open.
 - (e) Retaining walls are allowed if existing on the block face. Such retaining walls shall be no taller than the existing retaining walls on the block face or the minimum height required to retain the adjacent grades. All retaining walls shall be faced with brick, stone or stucco.

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

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

- (1) Permitted principal uses and structures:
 - a. Single-family dwellings.
 - b. Parks, playgrounds and community buildings owned and operated by a governmental agency.

- (2) Permitted accessory uses and structures: Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
 - a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
 - b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
 - c. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
- (4) Lot coverage: Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.
- (5) Minimum yard requirements:
 - a. Setbacks:
 7. East side of Lullwater Parkway, to city limit:
 - Front yard: 140 feet.
 - Side yards: 25 feet.
 - Rear yards: 100 feet.
- (6) Maximum height: No building shall exceed a height of 35 feet.

The submission did not include existing condition elevations or photographs of the existing house. As such, it is difficult for the Staff to access several of the proposed actions related to the renovations and additions to the main house. The Staff would recommend that existing condition elevations and labeled photographs be provided to allow for a complete assessment of the proposed actions.

Existing condition photographs and elevations were included in the revised submission.

General Development Controls

The proposed lot coverage is not indicated on the site plan. The Staff would recommend the lot coverage be indicated on the site plan and meet the District regulations.

The revised submission includes lot coverage calculations that document compliance with the District regulations.

The front, side, and rear yard setbacks are met by the proposed design of the main house and the detached garage.

However, the proposed greenhouse does not meet the rear setback as it is within 100 ft. of the rear property line. On the graphic site plan, the note indicates compliance with the following District code section: "Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line." The proposed greenhouse is not an accessory structure to a swimming pool which is what that code section refers to. Greenhouses, as well as other regular accessory structures not associated with swimming pools, are required to meet the standard setback regulations.

Further, the Staff is concerned that the outdoor kitchen will be tall enough (above 30" of off the ground) that it would be considered an accessory structure and thus also subject to the rear yard setback requirement.

The Staff would recommend that all the accessory structures meet the setback requirements. The Staff would note that retaining walls, site stairs, patios, and in-ground water features do not need to meet the setback requirements.

The greenhouse has been removed from the project and the outdoor kitchen has been clarified to be an outdoor grilling area.

While not likely an issue, no information was provided about the presence or absence of the 100 year floodplain and the whether the proposed structures and/or improvements are located in it. The Staff would recommend that the Applicant document compliance with the District's 100 year floodplain requirements.

The survey in the revised submission includes a note that none of the property is within the floor plain.

Further, the District regulations restrict building on slopes of greater than 25% for the house and no greater than 15% for other structures. A slope analysis included in the submission shows that no portions of the house will be built on a slope of greater than 25% but it does not include such an analysis for other structures. The Staff would recommend that the Applicant document compliance with all of the District's slope disturbance requirements.

Given that all of the new structures are now additions to the existing house (including the formerly detached garage at the north end of the site) there are no "other structures" included in the proposal.

Site Work

A new driveway, with retaining walls from the existing curb cut to a proposed parking court.

The Staff finds that the new, curving driveway is compatible with the sites wooded character, compatible with the Ranch house architecture, and is required due to the steep topography. However, the Staff is concerned about the retaining walls, even though they are faced with stone / boulders. While the general zoning provisions referred to in the District regulations have been met regarding height, the Applicant has not shown that there are retaining walls on the block face. The Staff would recommend that documentation be provided of other retaining walls on the block face.

The Applicant provided several examples of retaining walls on properties on the block face.

There are four (4) off-street parking spaces located within the attached and detached garages.

The District regulations restrict off-street parking within 20 ft. of any property line. The garages and associated parking court are more than 25 ft. away from any property line. However, the District regulations also prohibit any parking in any front yard, which is defined as "that area between the street line [i.e. the front property line] and the forward line of the principal structure". The forward most point of the proposed house is the farthest point of the front façade. A portion of the parking court is located forward of the front edge of the house, even with the proposed additions. As such, that portion of the parking court does not meet the District regulations. The Staff would recommend that the portion of the parking court forward of the front edge of the front of the house be removed from the proposed design.

The area of the parking court in front of the façade of the house has been removed from the proposed design.

A walking path system in the front yard.

Only the outline of what appears to be a walking path system is shown on the site plan. No materials or general design are noted. The Staff is concerned about the visual presence of a path system in the front yard. The front yard in the District is typically left (except for required driveways) for landscaping and lawn that provides views of the house. Further, it is not clear that a new circulation system is consistent and compatible with the existing circulation systems on the property and block with respect to layout, scale, materials, and topographic siting. The Staff would recommend more information be provided about the walkway system in the front yard.

The revised plans specify that the proposed pathways in the front yard will be informal, mulch paths. Given the topography of the site, the existing wooded nature of the front yard, the existing ground covers (grass, mulch and ivy), the lack of a clear view shed to the house, and the informal nature of the landscaping, the Staff finds that the proposed mulch paths meet the District regulations. The Staff would recommend, however, that no grading or path edging is associated with the proposed mulch paths in the front yard.

A new entry terrace in front of the house, with a stepping stone walkway to the parking court and side entry.

The Staff has no concerns about the front entry terrace and stepping stone path. In most cases, the Staff would find that such a terrace might be considered too large for a pre-World War II style or form of house on a more typical lot in the District with clearer site lines to the house. However, the Staff finds that given the style and form of this particular house and the topography of this particular property, such a front entry terrace meets the District regulations as being compatible with the features, proportion, and massing of the property and its environment.

An extensive outdoor patio area behind the house with an outdoor kitchen, retaining walls, and water feature.

Except as previously noted regarding the concerns about the outdoor kitchen, the Staff does not have concerns about the landscape and hardscape improvements to the house. As with the front entry terrace, the Staff finds that given the style and form of this particular house and the topography of this particular property, such landscape and hardscape improvements meet the District regulations as being compatible with the features, proportion, and massing of the property and its environment.

Removal and replacement of numerous trees.

The site plan does indicate the number, type and size of trees that will be removed and replaced. Further, the Staff does find the tree replacement design is generally consistent and compatible with the overall landscape plan and design on the property and block and would not unnecessarily alter the natural topography of the site. However, it does have some concerns. First, there are 46 trees being removed, including 11 trees that are over 20 in. in “size”. Second, the proposed trees directly in front of the house could close off the view of the house such that the District required “open space in front of the house” will not exist. Third, the proposed replacement trees (1.5 in. caliper) are not sufficient caliper to meet the District regulations (2.5 in. caliper). The Staff would recommend the tree removal and replacement plan be redesigned to meet all of the District regulations.

In the revised submission, the Applicant has provided more information about the approach to the tree removal and replacement. As required by the District regulations, all trees to be removed will be replaced with a new tree of various species that have at least a 2.5 in. caliper. Further, the tree plan shows that the tree placement will meet the District regulation given the existing wooded landscape of the front yard (which doesn't have “open space” in front of the house) and the City's suite density and tree spacing requirements for “shade” and “understory” trees.

Alterations to the Existing House

New casement windows.

Given that lack of existing condition elevations or photographs, the Staff does not know which windows are being replaced or added on the house, what their condition is and the rationale for their replacement. Regardless, generally speaking the replacement of original windows is not supported unless there is

information documenting that they are not original to the house, they are in such condition that they cannot be rehabilitated, and the replacement windows are the same as or very similar to the existing windows. The Staff would recommend the Staff access the new casement window action item when sufficient information is submitted about this action.

The Applicant has provided more information about the condition and time period of the existing windows noting that many of them are contemporary and/or have various forms of damage.

New cedar siding and rafter tails.

Given that lack of existing condition elevations or photographs, it is not clear the design and condition of any existing siding, if it is even present on the house. (The District inventory sheet photograph does not provide enough detail to discern the house materials.) Regardless, generally speaking the replacement of original siding is not supported unless there is information documenting that it is not original to the house, it is in such condition that it cannot be rehabilitated, and the replacement siding is the same as or very similar to the existing windows. The Staff would recommend the Staff assess the cedar siding action item when sufficient information is submitted about this action.

Regarding the rafter tails, the sectional detail notes that the cedar rafter tails will be “scabbed on” implying that there is either existing rafter tails on an existing eave that will not be getting bigger or that they will be internally scabbed on to the existing roof framing and their presence will allow the creation of a new eave that is bigger than the existing eave. However, given that lack of existing condition elevations or photographs, it is not clear the design and condition of any eaves or rafter tails. Regardless, generally speaking the Staff would be concerned if this action created an entirely new eave that would otherwise change the profile or visual proportions of the house been the wall and roof. The Staff would recommend the Staff assess the eave and rafter action item when sufficient information is submitted about this action.

The Applicant provided more information about the siding and rafter tail component of the project including more information about the existing conditions. The siding will cover or replace a variety of sheathing materials including painted CMU, stucco over CMU, glass block, brick, rock / stone, and plywood.

Additions

A glass projecting addition in the center of the front façade of the house.

A glass projecting addition in the left hand portion of the front façade of the house.

The Staff is concerned that while these two additions might be compatible with the overall architectural form and style of the existing house, their construction will unnecessarily remove original fabric and alter the front façade of the house. Further, additions (though relatively small) on the front of a house are not the preferred historic preservation solution. Lastly, given the lack of existing condition elevations and photographs, it is difficult to accurately assess the effect these additions would have on the house’s form, style, materials, and visual presence.

The Staff would recommend the Staff assess the two front additions when sufficient information is submitted about these actions.

Removal of the existing attached carport on the northeast corner of the house and the concrete screen at the front, northwest corner of the house.

Though a carport would be significant component of a Ranch form and style house, this carport was located at the back of the house, could have been an addition of some type, and had little visual presence within the main house form. The Staff has no concerns about the removal of the attached car port.

However, in contrast the concrete screen at the front corner of the house (which created another, likely original attached carport) is a very significant and distinct element of the house's architecture and one of the most visible portions of the house from the street. It would appear that this screen has been removed in the proposed designed and replaced with a garden wall that creates an outdoor sitting area and entrance vestibule. The Staff finds that it would be possible to still have such a space, but use the existing screen wall to create it, thus retaining more original architectural fabric of the house.

The Staff would recommend that the concrete screen at the northwest, front corner of the house be retained and as necessary repaired in kind.

An addition that wraps the north side facade and a portion of the rear façade, and extends to the north creating a new wing to the house that contains a new attached garage.

The most significant part of the project is the large addition that is located at the northern end of the house and extends to the northeast. In short, the Staff finds that given this particular house form and style and this particular lot, the construction of a long, side addition is compatible with the materials, features, size, scale and proportion and massing of the house and would protect the integrity of the property and its environment. The massing, roof form, and architectural composition of the addition are based on and complimentary to the existing house. Though the addition will be visible from the street (including the attached garage and limited fenestration), the Staff finds that given its one-story massing and low sloped roof form, it meets the District regulations for this particular type of house.

The Staff assumes that given the graphics shown on the proposed elevation, the addition will have similar materials as the existing house. However, the Staff would recommend that all the materials of the addition be labeled on the graphic of the proposed elevation and that all new materials on the addition meet the District regulations.

Review of the Alterations and Additions to the Existing House

Now that the extent of the proposed changes are clear to the Staff (given the submission of an existing floor, existing elevations, current condition photographs, an extensive narrative, and additional notes on the proposed elevations), the Staff finds that in this particular set of circumstances it is appropriate to review the alterations and additions to the existing house in totality vs. as individual components or actions for four reasons.

First, as noted above this house is now considered under the current District regulations a non-contributing building to the District, meaning that it could be demolished without any Commission review. Any new, replacement house would still need to meet the District regulations, which would mean that the new / replacement house would have to be designed to be compatible with the pre-World War II, more "traditional" or revival-style designs in the District, not a Ranch style house.

Second, under the previous District regulations when a Type IV Certificate of Appropriateness was actually required for its demolition, the Commission approved that request. A new / replacement house was also approved with a pre-World War II, more "traditional" or revival-style design.

Third, given the house has been determined to be non-contributing to the District, the Staff finds that typical concerns over the loss of original elements of the house are not pertinent as house's components can't be historic if the house itself isn't considered historic in this particular District.

Fourth, as except noted below, the proposed design reinforces the existing architectural characteristics of the house such that the stylistic integrity of the house is maintained. While the proposed alterations and additions are comprehensive and extensive, the Applicant could also "convert" the house into a more "traditional" / revival style design meaning that the Ranch house character could be completely lost.

The Staff finds that given the circumstances noted above, the review of the proposed alterations and additions should focus on how the resulting design meets the District's architectural standards as a comprehensive whole vs. the effects of the individual alteration and addition actions on the existing individual components of the house.

Taking this revised approach to the review of the architectural changes and additions, the Staff finds that generally speaking the alterations and additions do meet the District regulations for four reasons.

First, no historic fabric (as categorized in the District) will be lost.

Second, the Applicant has documented that there have been previous alterations to the non-contributing house meaning that even if it were contributing to the District, its integrity would be in question.

Third, in general the resulting house will be consistent and compatible with the existing design and be characteristic of a 1950s Ranch House. The low and long massing of the house will be maintained and even strengthened by most of the additions and alterations. Even with the increased wall height and the increased roof pitch, the house will still be distinctly "Ranch" in character. The resulting design will incorporate semi-outdoor and outdoor terrace spaces that are compatible with a Ranch style house. The new siding and large groupings of windows will be compatible with a Ranch style house.

Fourth, the proposed alterations and additions will not destroy historic materials, features, and spatial relationships, given the non-contributing status of the property. Further, the spatial features of the property will be maintained such that the property's visual relationship to the District will remain relatively unchanged. At the same time, the alterations and additions will be clearly differentiated from the old and will protect the integrity of the property (by reinforcing the Ranch style) and the District. Lastly, the proposed alterations and additions will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and the District would be unimpaired, and in fact the property could still support the construction of a new house that would otherwise meet the District regulations as they would apply to a new house.

Detached Accessory Structures

A two-story, detached garage north of the house on the north side of the proposed parking court.

Similar to the compatibility of the addition to the main house, the Staff finds that the location of this accessory structure is compatible with this particular house form and style. Generally speaking, accessory structures in the District (especially garages) are located behind the main house or at least as a rear addition. On these properties, the vast majority of which have pre-World War II houses, garages are truly accessory structures that housed an accessory / secondary / utilitarian function (a mode of transportation) that wasn't directly related to the house itself from a functional perspective. In this particular case, though, the Staff finds that the location of the detached garage creates a parking

courtyard which is compatible with massing, form, site design, and functionality of Ranch houses from this post-World War II time period, given the automobile is considered an integral part of the use of the house and not an accessory function anymore.

However, the Staff is concerned about the height and massing of the proposed detached garage. While two-story garages of certain sizes have meet the District regulations, those garages are generally located on lots with the pre-World War II houses; houses that are one-and-a-half or two-story houses. Further, those garages are located to the rear and side of the house as would be expected for a property from that time period. In this particular case, though, the height and size of the detached garage contrasts to the dominant, overall physical characteristic of the existing house – its long, very wide, and one-story massing.

The Staff would recommend the massing and height of the detached garage be significantly reduced in massing and height to be more compatible with the massing and height of the existing house.

In contrast to the compatibility of the other alterations and additions to the house, the Staff is still concerned about the massing and height of the now semi-attached garage on the far northern portion of the addition. Even taking into account the view from the street and steep slope of the site, the Staff finds that the massing and height of the two-story garage will be significant and prominent on the site, particularly given the one-story massing of the main house. In fact, its location essentially aligned with the front façade of the house makes it two-story massing even more prominent than if it were located farther back on the lot. The Staff would maintain its previous recommendation.

A new greenhouse behind the main addition to the house.

Apart from the concerns noted above about the setbacks of the greenhouse, the Staff has no concerns about it, given its size and location.

The greenhouse has been removed from the proposal at this time.

Staff Recommendation: Based upon the following:

a) *Except as noted above, the alterations, additions, and site work meet the District regulations, per Section 16-20B.*

CA3-16-029

Staff recommends *approval* of the Application for a Type III Certificate of Appropriateness (CA3-16-029) for alterations, additions, and site work at **879 Lullwater Parkway** - Property is zoned Druid Hills Landmark District, to allow time for the Applicant to address the following issues and comments:

1. *No grading or path edging shall be associated with the proposed mulch paths in the front yard, per Section 16-20B.003(1), 16-20B.003(4)(a) and (g);*
2. *The detached garage shall be significantly reduced in massing and height to be more compatible with the massing and height of the existing house, per Section 16-20B.003(1); and*
3. *The Staff shall review, and if appropriate approve, the final plans, specifications, and supporting documentation.*



CITY OF ATLANTA

KASIM REED
MAYOR

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

March 9, 2016

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4PH-16-047) for demolition due to a threat to health and safety at **103 Bradley Street** – Property is Martin Luther King, Jr. (Subarea 2) / Beltline.

Applicant: Harold Buckley, Jr., Esq.
787 Field Street

Facts: This duplex structure is considered contributing to the District and according to the District inventory sheet was built in 1900-1910. It is a two-story building with a full width, two-story front porch.

In April, 2015 the property owner applied for the demolition of the structure, but was denied by the Commission. The current application includes additional and new information about the structure.

Analysis: The following code sections apply to this application:

Per Section 16-20.007. Certificates of appropriateness; generally.

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

(3) Landmark Districts:

- a. To change the exterior appearance of any structure within any Landmark District;
- b. To erect any new structure or to make an addition to any structure within a Landmark District;
- c. To demolish or move any structure, in whole or in part, within a Landmark District; or

Per Section 16-20.008

(d) Type IV Demolitions: Demolition of a Landmark Building or Site, a building or site in a Landmark District or a contributing building or site in a Historic District, constitutes an irreplaceable loss to the quality and character of the City of Atlanta.

Therefore, all demolitions of said specified buildings or sites shall require a type certificate of appropriateness. Said certificates shall be granted according to the following procedures and standards:

- (1) Conditions: Type IV certificates of appropriateness shall be issued by the commission only when (1) or both of the following two (2) conditions have been established pursuant to the standards and criteria required below:
 - a. The demolition is required to alleviate a threat to public health and safety;
- (2) Standards and criteria: The standards and criteria required to be shown in order to establish the existence of the conditions specified in subsection (d)(1) above shall be as follows:

- a. Threats to public health and safety:
To prove the existence of a threat to public health and safety, the applicant must establish, and the commission must find, the following:
[See items #1-12 as outlined below and excerpted from Section 16-20.008(d)(2).]

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.

3. Certificates of Appropriateness

- d. Type IV Certificates of Appropriateness.
 - i. Type IV Certificates of Appropriateness shall be reviewed by the Commission and shall be required for the demolition or moving of any contributing structure.
 - ii. A partial demolition of a contributing structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic or cultural interpretability or importance.

Unless otherwise noted below, the Staff has found that the Applicant has adequately responded to the demolition criteria / documentation requirement. The Staff will only address criteria / documentation requirements that it found were either not met, needed additional clarification or discussion, or had not been provided. The comments below are organized using the same numbers for the criteria / documentation requirements as listed in the application package.

Staff Response to the Application Submitted

1. Demonstrate through independent analysis and supporting information that a major and imminent threat to public safety exists.

The Applicant provided a structural analysis from Omega One Enterprises, Inc. from 2015 and an engineering report from this year that addresses the Staff's comments from the previous application. These reports document focused on the structure deterioration of the building from shifting loads, unstable / inadequate footings, termites, wood beetles, and water/moisture damage, particularly in the rear portion of the building. It is this portion of the building which has the most contact with the ground given the slope of the property. Additionally, the report noted the deterioration of the interior features due to holes in the roof.

The report from 2015 also notes the presence of asbestos siding and lead paint, given the age of the house and previous renovation attempts. The reports included photographs of the damaged areas of the house.

The both reports conclude by finding that the house cannot be rehabilitated given the amount of structural damage/ deterioration to the foundation (deflection of interior and perimeter components, inherent design flaws, poor previous repairs), sill plate, bottom of the wall studs, water damage to the roof, and water damage to the interior due to the holes in the roof. The engineer explained how the compromised building is unstable and would be subject to collapse with any type of externally-generated forces, such as high winds or earthquake. Lastly, the engineer described what would be involved in trying to fix the problems with the foundation, sills, and framing given the more typical problems of a failing roof and water damage inside the building. They also noted that after fixing all of the issues with the house, there would likely be little of the original house remaining.

The Staff would acknowledge that the current engineering report and the supporting photographs make it clear as to how many or to what extent the structural components of the house have been effected by the wood rot, termite damage, and wood beetle damage. The additional photographs

show that where such damage has occurred it is severe and the narrative outlines how much of the foundation system of each side of the structure has damaged.

The Staff would note that having asbestos siding and/or lead paint is typical of a house of this age and as such should be an expected issue in any renovation project. As to the issue of the animal feces and insect infestation, this would likely need to be remedied (if it already hasn't been) regardless of the alternative selected.

Lastly, the Staff would note that since the last review in 2015, the Office of Buildings has conducted a site visit and concluded that the building should be demolished.

While the Staff generally agrees with the Applicant's and the Office of Building's analysis, it is still not clear to the Staff that the building is instable in its current condition and could collapse or otherwise is a major and imminent threat to public health and safety. The Staff would recommend the Applicant provide additional documentation that a major and imminent threat to public health and safety currently exists on the site. For example, the Staff finds it would be important to know:

- What is the amount and type of deflection of the foundation, walls, interior piers, and/or other features described in the narrative?
- Is the house likely still shifting, moving, or settling; or has it likely been in its current condition for some time?
- Have there been any changes in the house since last year that have exacerbated the conditions of the house (i.e. more deflection, additional insect damage, additional water damage, etc.)?
- Is there any ability to undertake selective, specific demolition to better understand the condition of the structure above the foundation area?

2. Present all reasonable alternatives for rectifying the threat and analysis of all such alternatives.

As stated by the Applicant in their submission, the following costs would be associated with various alternatives for addressing the threat to public health and safety:

Demolition and Rebuilding of similar duplex structure:	\$325,363
Renovation of existing building as a duplex or single-family structure:	\$401,211
Renovation of existing building with allowed rear addition:	\$460,746
Partial Demolition, Partial Addition and Renovation of existing building:	\$421,653
Demolition, Combination with 105 Bradley and Construction of Apartment:	\$320,000

In the submission, there is some basic analysis of the logistical and architectural issues associated with these alternatives, including that the renovation alternatives would require replacement of most of the existing fabric making the renovation alternatives result in essentially a new building.

5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.

No appraisals were completed as part of the purchase of the property, but appraisals and valuations were performed in the past.

In September, 2014 an appraisal documented the value of the property as follows:

As-Is value:	\$77,000
Replacement Duplex value:	\$295,000

Replacement Single-family value: \$330,000

In early 2015, an appraisal documented the value of the property as follows:

Replacement Duplex value:	\$225,000 - \$250,000
Expanded Duplex value (up to 820 sq. ft.)	\$225,000 - \$250,000
Replacement Single-family value:	\$250,000 - \$430,000

The appraiser noted that the high end of the replacement single-family value was unlikely given the differences in the property size between the subject property and the comparison property.

The Applicant also submitted information from a real estate professional which states the values in September, 2014 were as follows:

As-is value:	\$150,000
New Construction market value:	\$322,000

6. The fair market value of the property immediately prior to its designation and the fair market value of the property (in its protected status as a designated building or site) at the time the application is filed.

According to the Applicant, the property value at the time the application was submitted was \$137,100, per the Fulton County Tax Assessor's appraised value. The Applicant did not provide a fair market value prior to the designation, which occurred in 1989. The Staff would recommend the Applicant provide information or a response about the fair market value of the property prior to the designation in 1989.

10. The infeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:

a) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

The Applicant provided a structural analysis from Omega One Enterprises, Inc. from 2015 (i.e. the previous application) and an engineering report from this year that addresses the Staff's comments from the previous application. These reports document focused on the structure deterioration of the building from shifting loads, unstable / inadequate footings, termites, wood beetles, and water/moisture damage, particularly in the rear portion of the building. It is this portion of the building which has the most contact with the ground given the slope of the property. Additionally, the report noted the deterioration of the interior features due to holes in the roof.

The report from 2015 also notes the presence of asbestos siding and lead paint, given the age of the house and previous renovation attempts. The reports included photographs of the damaged areas of the house.

The both reports conclude by finding that the house cannot be rehabilitated given the amount of structural damage/ deterioration to the foundation (deflection of interior and perimeter components, inherent design flaws, poor previous repairs), sill plate, bottom of the wall studs, water damage to the roof, and water damage to the interior due to the holes in the roof. The

engineer explained how the compromised building is unstable and would be subject to collapse with any type of externally-generated forces, such as high winds or earthquake. Lastly, the engineer described what would be involved in trying to fix the problems with the foundation, sills, and framing given the more typical problems of a failing roof and water damage inside the building. They also noted that after fixing all of the issues with the house, there would likely be little of the original house remaining.

The Staff would acknowledge that the current engineering report and the supporting photographs make it clear as to how many or to what extent the structural components of the house have been effected by the wood rot, termite damage, and wood beetle damage. The additional photographs show that where such damage has occurred it is severe and the narrative outlines how much of the foundation system of each side of the structure has damaged.

The Staff would note that having asbestos siding and/or lead paint is typical of a house of this age and as such should be an expected issue in any renovation project. As to the issue of the animal feces and insect infestation, this would likely need to be remedied (if it already hasn't been) regardless of the alternative selected.

Lastly, the Staff would note that since the last review in 2015, the Office of Buildings has conducted a site visit and concluded that the building should be demolished.

While the Staff generally agrees with the Applicant's and the Office of Building's analysis, it is still not clear to the Staff that the structural soundness of the entire building is compromised such that the building is not a suitable candidate for rehabilitation / renovation. The Staff would recommend the Applicant provide some additional analysis documenting the structural soundness of the structure and its suitability for rehabilitation. For example, the Staff finds it would be important to know:

- What is the amount and type of deflection of the foundation, walls, interior piers, and/or other features described in the narrative?
- Is the house likely still shifting, moving, or settling; or has it likely been in its current condition for some time?
- Have there been any changes in the house since last year that have exacerbated the conditions of the house (i.e. more deflection, additional insect damage, additional water damage, etc.)?
- Is there any ability to undertake selective, specific demolition to better understand the condition of the structure above the foundation area?

b) Estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of the proposed alterations.

As stated by the Applicant in their submission, the following costs would be associated with various alternatives for addressing the threat to public health and safety:

Demolition and Rebuilding of similar duplex structure:	\$325,363
Renovation of existing building as a duplex or single-family structure:	\$401,211
Renovation of existing building with allowed rear addition:	\$460,746
Partial Demolition, Partial Addition and Renovation of existing building:	\$421,653
Demolition, Combination with 105 Bradley and Construction of Apartment:	\$320,000

In the submission, there is some basic analysis of the logistical and architectural issues associated with these alternatives, including that the renovation alternatives would require replacement of most of the existing fabric making the renovation alternatives result in essentially a new building.

Taken together, these estimates show that the cost to either recreate a similar duplex structure or build an apartment of similar size is about \$85,000 to \$180,000 less than the three renovation-related options.

c) Estimated market value of the property in the current condition; after completion of the proposed construction, alteration, demolition, or removal; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

No appraisals were completed as part of the purchase of the property, but appraisals and valuations were performed in the past.

In September, 2014 an appraisal documented the value of the property as follows:

As-Is value:	\$77,000
Replacement Duplex value:	\$295,000
Replacement Single-family value:	\$330,000

In early 2015, an appraisal documented the value of the property as follows:

Replacement Duplex value:	\$225,000 - \$250,000
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Replacement Single-family value:	\$250,000 - \$430,000

The appraiser noted that the high end of the replacement single-family value was unlikely given the differences in the property size between the subject property and the comparison property.

The Applicant also submitted information from a real estate professional which states the values in September, 2014 were as follows:

As-is value:	\$150,000
New Construction market value:	\$322,000

The Applicant did not provide a value for the property in its current condition (March, 2016), as is. The Staff would recommend the Applicant provide a value for the property in its current condition.

d) In the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

In comparing the cost estimates above to the property valuations, it would appear that all of the renovation-related options, and the demolition / reconstruction option as a duplex have costs higher than the valuations. The demolition and replacement as a single family house option would have costs and valuations of about the same amount, given the unlikely of achieving a valuation at the high end of the range noted in the application. As such, the alternative that

would have the most potential to be economically feasible would be the replacement of the existing duplex structure with a new single family house.

However, the Staff would note that those conclusions were not reached by one of the qualified professionals noted above. The Staff would recommend the Applicant provide an assessment of the economic feasibility of the rehabilitation or reuse of the existing structure by one of the professionals listed in the criteria.

- e) **The infeasibility of new construction around, above, or below the existing protected building or site, and the infeasibility of a transfer of development rights, including an assessment of the monetary value that could be derived from such a transfer, pursuant to section 16-28.023 of the Code of Ordinances.**

The Applicant's analysis noted that given the District regulations regarding the setbacks and lot coverage, and the existing conditions on the subject property, a 378 sq. ft. addition could be made to the back of the property. The Applicant further notes that no addition would be possible to the front and sides of the existing house.

Regarding the development rights, the Applicant asserts that if there were any excess development rights to transfer, the administrative and logistical costs would outweigh the benefits.

The Staff would agree with both of these assessments.

10. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

According to the Applicant, the economic incentives are not helpful given their limited income tax liability relative to this property.

The Staff would not agree with this assessment given that the economic incentives are not limited to the income tax liability associated with the property, but rather the income tax liability associated with the property owner. The Staff would recommend the Applicant provide an assessment of the economic incentives that could apply to the property / project.

Overall Comments

Based on the reports, narrative and pictures provided by the Applicant, the Staff finds that the existing building is in a state of substantial disrepair, needs significant rehabilitation, is potentially unsafe, and that the building could at some point collapse. It is clear that there are structural, environmental, interior and building material issues. The Staff would also agree that if additional structural loads were placed on the house due to high winds or vibrations, the compromised structure could collapse either quickly or more slowly over time. The Staff finds that conditions and circumstances exist that could create an imminent and major threat to public health and safety.

At the same time, the Staff finds that there are portions of the house that would appear to retain their architectural integrity and configuration (such as front porch, upper levels exterior walls, portions of siding, and some windows and doors), though it is unclear their structural integrity at this point in time.

The Applicant has also provided analysis of the alternative scenarios. The Staff would note that in comparing the costs of the various alternatives for which cost estimates were provided with the various property values that were provided, any of the alternatives could result in an economic loss to the property owner. The only alternative that has the potential to create economic value for the property owner would be the “renovation” of the house as a single family dwelling, which would likely require the replacement of most if not all of the components of the house.

However, based on the information submitted, the Staff finds that all of the criteria have not been satisfied, including a fully supported / documented conclusion that a major and imminent threat currently exists at the property. Given the information we have at this time, the Staff cannot support the application for complete demolition of the structure.

Comment on Application Materials by the Office of Buildings

One of the requirements of the Type IV Certificate of Appropriateness process is for the Office of Buildings to comment on the application materials via a written report. The Staff has submitted a request to the Office of Buildings to inspect the property and produce a report regarding this property. When the inspection and report are complete, the Staff will include the report in the file for future reference.

As noted above, however, since the Commission’s review in 2015, unrelated to the application process the Office of Building’s has provided an assessment of the building and concluded it should be demolished.

Staff Recommendation: Based upon the following:

- a) Based on the information provided with this application to date, the Applicant has not met all of the criteria proving that a threat to public health and safety currently exists on the property, per Section 16-20.008;

Staff recommends deferral of the application for a Type IV Certificate of Appropriateness CA4PH-16-047) for demolition due to a threat to health and safety at **103 Bradley Street** – Property is Martin Luther King, Jr. (Subarea 2) / Beltline, to allow time for the Applicant to address the following concerns and comments:

1. The Applicant shall provide additional documentation that a major and imminent threat to public health and safety currently exists on the site, per 16-20.008;
2. The Applicant shall provide information or a response about the fair market value of the property prior to the designation in 1989, per 16-20.008;
3. The Applicant shall provide some additional analysis documenting the structural soundness of the structure and its suitability for rehabilitation, per 16-20.008;
4. The Applicant shall provide a value for the property in its current condition, per 16-20.008;
5. The Applicant shall provide an assessment of the economic feasibility of the rehabilitation or reuse of the existing structure by one of the professionals listed in the criteria, per Section 16-20.008;
6. The Applicant shall provide an assessment of the economic incentives that could apply to the property / project, per Section 16-20.008; and
7. The Applicant shall submit the required materials (and the required number of copies) at least eight (8) days prior to the Commission meeting to which this application is deferred.



CITY OF ATLANTA

M. 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 February 24, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-057) for a variance to allow a reduction in front yard setback from a minimum of 60 ft. (required) to 27 ft. (proposed) at **451 Atlanta Avenue** - Property is zoned R-5 / Grant Park Historic District (Subarea 1).

Applicant: Gilbert Tillman
469 Morgan Dairy Road

Facts: The 1980s non-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.

In 2015, the Commission approved with conditions (CA3-15-438) a substantial renovation to the house that included the following actions:

1. Reconfigure the front porch to create a projecting front porch with a shed roof and two-part columns;
2. Replace the existing double hung with casement windows;
3. Re-side the existing house;
4. Repair or replace rotten soffit, fascia and other exterior trim; and
5. Build an entirely new second floor with a front-facing gable, gable brackets, cementitious shake sheathing, and side-projecting accent “gable” on the right side.

None of the alterations to the side or rear facades of the house were 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.

Given the proposed second story addition was to be located directly on top of the existing front façade and as such would be subject to the front yard setback requirements (and potentially increasing the level of non-conformity), one of the conditions included in the Commission's approval was as follows:

“The Applicant shall document compliance with the front yard setback requirements found in the District regulations, per Section 16-20K.007(1);”

Subsequent to the Commission’s conditional approval of the design, the Applicant submitted final permit-ready plans, but was unable to comply with the condition related to the front yard setback. There is only one contributing house on the block face and as such its front yard setback establishes the “range” for the block face for new construction or additions that affect the front yard setback. Therefore, the condition of the Commission’s approval related to the front yard setback was not satisfied.

Before the Commission at this time is a request to reduce the front yard setback from the distance established by the one contributing structure on the block face (the minimum of 60 ft.). The actual site plan and design that was previously and conditionally approved by the Commission would not change. If the current variance were approved by the Commission the renovations and additions could be built as approved by the Commission.

No site features or the design of the actual house would change with this variance application.

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.
- (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.

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.
- (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.)
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.

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.

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.

Generally speaking, the Staff concurs with the Applicant's variance argument. It is unusual that there is only one contributing house on the block face for the compatibility rule comparison. Further, that particular house is set back from the street an unusual distance such that it is substantially different than any of the non-contributing buildings on the block face and different than many houses in the overall District. Also, the existing house is non-contributing so its existing setback cannot be used in the compatibility rule comparison. The Staff would note that previously there was a second contributing building on the block face with a much smaller setback than 60 ft. which created a more reasonable range on the block face. That house has been demolished and replaced eliminating the creation of a true range on the street. Lastly, if the front yard setback distance were complied with, the proposed second story addition would be located almost at the back of the house and would create a completely different project than what was originally proposed by the Applicant.

The Staff would recommend approval of the variance request. However, it would also recommend no changes be made to the actual site plan, house footprint, front porch footprint, house design approved via CA3-15-438 except to comply with the conditions of CA3-15-438.

Variance (CA3-16-057):

Staff Recommendation: Based upon the following:

1. Except as noted above, the Applicant has met the criteria for issuing a variance, per Section 16-26.003; and
2. The actual site plan and proposed design of the house would not change with the approval of this variance.

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-16-057) for a variance to allow a reduction in front yard setback from a minimum of 60 ft. (required) to 27 ft. (proposed) at **451 Atlanta Avenue** - Property is zoned R-5 / Grant Park Historic District (Subarea 1), with the following conditions:

1. No changes shall be made to the actual site plan, house footprint, front porch footprint, and house design approved via CA3-15-438 except to comply with the conditions of CA3-15-438; and
2. The Staff shall review and if appropriate approve the final plans and supporting documents for the proposed project.