



KASIM REED
MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303
404-330-6145 – FAX: 404-658-7491
<http://www.atlantaga.gov/Government/Planning.aspx>

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

SCRIPT FOR FIRST PUBLIC HEARING ON APRIL 13, 2016

CA4ER-16-087 – 670 MCDONALD STREET (GRANT PARK HISTORIC DISTRICT)

(Commission Secretary reads item into record.)

Chair: The Commission this afternoon will be hearing the application of JACQUE EDMONDS for a Type IV Certificates of Appropriateness for the demolition of the house at 670 MCDONALD STREET located in the GRANT PARK HISTORIC DISTRICT.

The Applicant shall have the burden of showing the property in question is incapable of earning a reasonable economic return in the absence of the requested demolition in accordance with the standards and criteria set out in Section 16-20.008, Subsection d. Unlike cases that do not involve an Economic Review Panel, there is no Staff recommendation, but the application will be reviewed by the Economic Review Panel.

Tonight, in the first of at least two public hearings that will be held regarding this application, the Commission will:

1. Hear a presentation by the Applicant;
2. Receive public comment on the application;
3. Ask questions about the application;
4. Establish the Economic Review Panel;
5. Set a date to submit additional materials related to the application; and
6. Set a date to reconvene the public hearing that was started tonight at an upcoming public hearing of the Commission.

The Commission will not be making a decision about the application at tonight's public hearing.

Chair: First, we will hear from the Applicant and all those in favor of the application. Given that you have one application before the Commission, you have a total of ten (10) minutes to present and rebut any opposition comments, per the Urban Design Commission’s “Rules of Procedure”.

As the Applicant, do you need any additional time to make your presentation?

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

Chair: After we hear from the Applicant, we will then hear from any opposition. Applicant, please go ahead.

(Presentation by the Applicant within time frame allotted by the Commission.)

Chair: Does that conclude the Applicant’s presentation?

(Applicant confirms if that is the end of their presentation / comments.)

Chair: Are those who want to speak in support of the application?

(Presentations / comments by those in support of the application.)

Chair: The Applicant has ____ minutes available for rebuttal if they so choose.

Chair: Is there anyone here that would like to speak in opposition to this application? Please come forward.

As the opposition, do you need any additional time to make your presentation?

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

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

Chair: Applicant, you have ____ minutes for rebuttal. Would you like to rebut the opposition’s comments and presentation?

(Rebuttal by the Applicant within remaining time if they so choose.)

Chair: We will now go into Executive Session. Are there any questions or comments from the Commission members?

(Questions or comments from the Commission members.)

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

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

Chair: Hearing no more questions or comments, we will now proceed with the next step in our hearing tonight.

The procedures that will govern this application require that the Applicant select its representative to the Economic Review Panel, and the Commission select its representative, and those two persons in turn select the third and final member of the panel.

All materials submitted to the office of the Urban Design Commission by the Applicant, any opposition, and any other interested party, as well as the transcript of this hearing, will be forwarded to the Economic Review Panel for their consideration. The Economic Review Panel, having reviewed all of that information, will prepare a written report of their findings with regard to the criteria set out in Section 16-20.008, Subsection d of the City's Historic Preservation Ordinance for the demolition based on unreasonable economic return. The Economic Review Panel will then submit that report to the Commission for review at the next regularly scheduled public hearing following the receipt of their written report.

At this point, I need to request the name of the Applicant's representative to serve on the Economic Review Panel and the amount of time that the Applicant expects the Panel would need to do its work and to submit its written report to the Commission for a meaningful review by the Commission.

(Applicant submits name of their representative to the Economic Review Panel and proposes their estimate of the time it would take for the Economic Review Panel to do its work.)

Chair: The Applicant's representative to the Economic Review Panel is _____.

Chair: The Staff has recommended _____ as the Commission's representative to the Economic Review Panel and they have indicated a willingness to serve. Their resume / qualifications are included in the Commissioner's desk package for your review.

I would like, therefore, on the basis of the Staff recommendation, to entertain a motion from the Commission to name _____ as the Commission's representative on the Panel.

Commission Member: I move to appoint _____ as the Commission's representative on the Economic Review Panel.

(Motion seconded by Commission Member.)

Chair: It has been moved and seconded to accept _____ as the Commission's representative to the Economic Review Panel.

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

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

Chair: Let the record show that _____ members voted in favor of the motion.

Chair: We now need to set a time and date certain for any additional materials, documentation, or evidence that will be submitted to the offices of the Urban Design Commission for consideration of the Economic Review Panel, per Section 16-20.008, subsection (d). The Staff is recommending that the deadline for the submission of additional materials, documentation or evidence to the offices of the Urban Design Commission as 5:00 p.m., THURSDAY, APRIL 21, 2016.

Does the Applicant have any concerns about this date? I would note that the transcript of these proceedings that the Applicant must provide would have to be submitted to the office of the Urban Design Commission by this date as well.

*(Time and date certain agreed upon by the **Applicant** and **Commission**.)*

I would like, therefore, to entertain a motion from the Commission to make the deadline for the submission of additional materials, documentation or evidence to the offices of the Urban Design Commission as 5:00 p.m., THURSDAY, APRIL 21, 2016.

Commission Member: I move to make the deadline for the submission of additional materials, documentation or evidence to the offices of the Urban Design Commission as 5:00 p.m., THURSDAY, APRIL 21, 2016.

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

Chair: It has been moved and seconded to make the deadline for the submission of additional materials, documentation or evidence to the offices of the Urban Design Commission as 5:00 p.m., THURSDAY, APRIL 21, 2016.

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

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

Chair: Let the record show that _____ members voted in favor of the motion.

Chair: So at this point we would like to entertain a motion to establish the Economic Review Panel and to direct the case numbered CA4ER-16-087 to the Economic Review Panel.

Commission Member: I move to establish the Economic Review Panel and to direct the case numbered CA4ER-16-087 to the Economic Review Panel.

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

Chair: It has been moved and seconded to establish the Economic Review Panel and to direct the case numbered CA4ER-16-087 to the Economic Review Panel.

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

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

Chair: Let the record show that _____ members voted in favor of the motion.

Chair: In summary, the Commission's representative to the Economic Review Panel is _____ . The Applicant's representative is _____ .

Any additional materials, documentation, or evidence should be submitted directly to the offices of the Urban Design Commission, 55 Trinity Avenue, SW, Suite 3350, Atlanta, Georgia 30335-0331, by 5:00 p.m. on THURSDAY, APRIL 21, 2016. The Director will transmit all received materials, documentation and evidence to the Economic Review Panel for their review and consideration.

Now the only remaining business with respect to this application is to entertain a motion that the public hearing for this agenda item be continued until a future public hearing of the Commission, which the Staff is recommending be the public hearing of WEDNESDAY, MAY 11, 2016. Assuming that WEDNESDAY, MAY 11, 2016 is the public hearing date chosen by the Commission tonight, please note that if additional time is needed by the Economic Review Panel to deliberate and/or produce their final written report, the application can be deferred from the WEDNESDAY, MAY 11, 2016 public hearing.

Commission Member: I move that the public hearing on the application of a Type IV Certificate of Appropriateness CA4ER-16-087 for the demolition of a house at 670 MCDONALD STREET be reconvened at the WEDNESDAY, APRIL 21, 2016 public hearing of the Urban Design Commission at 4:00 pm, Old City Council Chambers, Second Floor, City Hall, 68 Mitchell Street, Atlanta, Georgia.

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

Chair: It has been duly moved and seconded that the public hearing on the application of a Type IV Certificate of Appropriateness CA4ER-16-087 for the demolition of a house at 670 MCDONALD STREET be reconvened at the WEDNESDAY, MAY 11, 2016 public hearing of the Urban Design Commission at 4:00 pm, Old City Council Chambers, Second Floor, City Hall, 68 Mitchell Street, Atlanta, Georgia.

Chair: Any discussion on the motion? All those in favor indicate by raising their hands. Any opposed? Any abstentions?

(Vote taken by the Commission on the motion.)

Chair: Let the record show that _____ members voted in favor of the motion.

That concludes the discussion of the Type IV application CA4ER-16-087 regarding 670 MCDONALD STREET at this public hearing.

END OF SCRIPT FOR THE FIRST PUBLIC HEARING REGARDING THE APPLICATION.



CITY OF ATLANTA

KASIM REED
MAYOR

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

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 13, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-101) for a variance to allow parking in the front yard at **709 Joseph E. Lowery Blvd.** Property is zoned R-4A / West End Historic District/Beltline.

Applicant: Olabisi Ajanaku
709 Joseph E Lowery Boulevard

Facts: According to the District inventory this single family residence is considered contributing to the District. The subject property is located at the corner of Oglethorpe Ave. and Joseph E. Lowery Blvd.

Prior to the submission of this application, the property received a Stop Work Order for installing a driveway and walkway in the Oglethorpe Ave. front yard without a permit. This application is to allow the driveway to remain in place.

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:*
 - (vi) The following Type III Certificates of Appropriateness shall be reviewed by the commission and shall be required for:
 - a. All new principal structures.

- b. Additions that are visible from a public street or park.
 - c. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.
 - c. Subdivisions and aggregations.
 - 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.
- (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.

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

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

The subject property is situated with frontages along both Joseph E. Lowery Blvd. and Oglethorpe Ave. The two options for compliant driveways (i.e. a driveway which would extend beyond the front of the house) would be in either the west side yard or the south side yard. The variance is to allow parking in the Oglethorpe Ave. front yard in front of the house.

The subject property is non-conforming in regards to lot area. Additionally, the structure takes up the majority of the lot and is positioned in such a way as to make a compliant driveway difficult to place on the lot due to the closeness of the structure to the setbacks. The topography of the lot slopes downward from both Oglethorpe Ave. and Joseph E. Lowery Blvd. which would create a blind drive on either frontage. Further, Staff finds that there is a lack of street parking for the property as Joseph E. Lowery Blvd. is not wide enough to legally allow parking and a MARTA bus stop is situated directly in front of the house on the Oglethorpe Ave. frontage. While not associated with any of the variance criteria, the Applicant has provided police reports documenting attempted theft and damage to her vehicle by both criminals and MARTA buses.

Staff finds that the criteria for granting a variance has been met.

Staff Recommendation: Based upon the following:

- a) The variance request meets the regulations per Section 16-26.003(1)

CA3-16-101

Staff recommends approval of an Application for a Type III Certificate of Appropriateness (CA3-16-101) for a variance to allow parking in the front yard at **709 Joseph E. Lowery Blvd.** Property is zoned R-4A / West End Historic District/Beltline.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 13, 2016

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-16-105) for alterations at **188 Walker St.** Property is zoned Castleberry Hill Landmark District (Subarea 1).

Applicant: Steven Barton
570 Tancrest Cir.

Facts: According to the 2002 Inventory, this commercial building was built in 1930 and is considered contributing to the District.

Analysis: The following code sections apply to this application:

Sec. 16-20N.006. - Certificates of appropriateness.

1. 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.
3. Type II certificates of appropriateness shall be required for: minor alterations to the façade of any principal structure, including but not limited to: exterior stairs, landings, railings, awnings, canopies, and front stoops; and the construction of fences, walls, retaining walls, accessory structures, and paving. If the proposed alteration meets the requirements of section 16-20N.006, 16-20N.007, and 16-20N.008, then the director of the commission shall issue the type II certificate of appropriateness within 14 days of application for such certificate. If the proposed alteration does not meet the requirements of section 16-20N.006, 16-20N.007, and 16-20N.008, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of type II certificates of appropriateness may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for type I certificates of appropriateness.

Sec. 16-20N.007. - General regulations.

The following general regulations shall apply to all properties located within the district.

1. *[Standards.]* In the district, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20N do not specifically address the application or any portion of the application:
 - (a) The historic character of a property shall be retained and preserved.
 - (b) 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 historic 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.
- (k) Contemporary design for new construction and for additions to existing properties shall not be discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy section 16-20N.007 or section 16-20N.008, as applicable.
- (l) The height of a structure shall be measured on the façade facing the public street and measurement shall be taken from the highest point of such grade to the top of the parapet wall.

2. *Compatibility rule.*

- (a) The intent of the regulations and guidelines is to ensure that alterations and additions to existing structures and new construction are compatible with the design, proportions, scale, and general character of the block face, the entire block, a particular subarea or the district as a whole. To permit flexibility, some regulations are made subject to the compatibility rule, which states: "Where not quantifiable, the element in question (building proportion, roof form, fenestration, etc.) shall match that which predominates on the contributing buildings in the subarea. Where quantifiable, the element in question (i.e., distance of first floor above sidewalk grade), shall be no smaller than the smallest or larger than the largest such dimensions of the contributing buildings in the subarea."
- (b) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."

9. *Design standards and other criteria for construction of, additions to, or alterations of principal buildings:*

- (h) 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 feet above the sidewalk level, and shall not encroach more than five feet over the public sidewalk.
 - iv. Installation of new canopies, where none previously existed, shall be permitted only if they are compatible with the original structure.
 - v. New awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.
 - vi. 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.
 - vii. Multiple awnings on a single building shall be similar in shape and configuration.
 - viii. Only that portion of the awning used for signage shall be illuminated.

Sec. 16-20N.008. - Specific regulations for Historic Core, Subarea 1.

In the Castleberry Hill Historic Core, Subarea 1, the commission shall apply the standards referenced in section 16-20N.006(1) only if the standards set forth in section 16-20N.007 do not specifically address the application or any portion thereof:

[1.] *Design standards and other criteria for construction of, additions to, or alterations of principal buildings:*

- (a) The compatibility rule shall apply to the general façade organization, proportion, scale, and roof form of the principal structure.
- (b) The height of a principal structure shall be 40 feet. Properties with first floor retail space exceeding 12 feet in height shall have a ten percent height bonus, allowing for a maximum height not to exceed

- 44 feet. With the exception of properties north and east of Mangum Street that front Nelson Street, which shall have a ten-foot height bonus, allowing for a maximum height not to exceed 50 feet.
- (c) All building elements shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements, including but not limited to their: design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - (d) Fenestration.
 - i. The compatibility rule shall apply to the following aspects of fenestration:
 - a. The style and material of the individual window or door.
 - b. The size and shape of individual window and door openings.
 - c. The overall pattern of fenestration as it relates to the building façade.
 - d. 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. 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.
 - iv. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.

The Applicant is proposing to replace the existing windows in-kind and to install new windows along the front façade. The new windows along the front façade will be installed in the place of previously existing windows which have been covered with brick. As such, Staff has no concerns with the proposed window additions. With regard to the replacement of the original windows, no information has been given showing the need for the windows to be replaced as opposed to repaired. Staff recommends the Applicant provide information which details the ability of the windows to be repaired. If the windows are able to be repaired, Staff recommends the existing windows be repaired and retained.

Two new stairways are proposed for the rear façade of the structure. Per the regulations, the proposed stairs and handrails are metal. As such, Staff has no concerns with the proposed stairways. The Applicant is also proposing to replace the three existing metal doors and the existing roll top garage door with new metal doors and a roll top garage door. From the pictures provided, Staff finds that the front and rear door and roll top garaged doors are likely not original to the structure. Additionally, the proposed replacement elements are an appropriate material for doors of this type in the District. As such, Staff has no concerns with their replacement.

Lastly, a new standing seam metal awning is proposed to replace the existing front entry awning. From the pictures provided, Staff finds that the existing awning is likely not original to the structure. Additionally, staff finds the proposed materials to be appropriate for an awning of this type in the District. As such, Staff has no concerns with the proposed replacement awning.

Staff Recommendations: Based upon the following:

- a) Portions of the proposed renovations and site work meet the District regulations, except as noted above, per Section 16-20N.007, and Section 16-20N.008.

Staff recommends approval of an Application for a Type II Certificate of Appropriateness (CA2-16-105) for alterations at **188 Walker St.** Property is zoned Castleberry Hill Landmark District (Subarea 1) with the following conditions:

1. The Applicant provide information which details the ability of the windows to be repaired, Per Sec. 16-20N.007(1)(i);
2. If the windows are able to be repaired, Staff recommends the existing windows be repaired and retained, Per Sec. 16-20N.007(1)(a);
3. Staff shall review and if appropriate, approve the final plans and documentation.



CITY OF ATLANTA

KASIM REED
MAYOR

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

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 13, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-107) for a variance from the requirement that an independent driveway is connected to a public street at **465 Glenwood Ave.** Property is zoned R-5 / Grant Park Historic District (Subarea 1).

Applicant: Christopher Broughton – Urban Purpose Design
1939 Hosea L. Williams Drive NE

Facts: This existing single-family residence was constructed in 1903 and is considered contributing to the District.

Analysis: The following code sections apply to this application:

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

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

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

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

neighborhood revitalization, and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the ground of economic hardship to the property owner.

B. The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.

(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*.

(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.

Sec. 16-28.006. - Lots, yards and related terms and methods of measurement; general requirements and limitations; definitions.

(10) *Independent Driveway Required on Conforming Lot*: Each conforming lot shall have its own independent driveway entirely within its boundaries and directly connected to a public street. No lot shall be considered conforming if it does not have, or cannot be provided with, a driveway meeting this requirement.

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

(1) *Findings Required*: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
- (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
- (c) Such conditions are peculiar to the particular piece of property involved; and
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

The Applicant is requesting a variance to allow an independent driveway which is not directly connected to the public street. In their justification, the applicant states that the placement of the building on the lot creates a 1.3 foot setback on the west side of the property and a 4.8 foot setback on the east side of the property. The application of the Zoning Ordinance for this particular lot would prevent the property owner from having a compliant driveway configuration connected to a public street. While there is no requirement for off street parking on this property, the Grant Park Historic District regulations encourage the use of alleyways for off street parking if such a configuration is possible. As such, Staff finds that the conditions for granting this variance request have been met.

Staff Recommendation: Based upon the following:

- a) The variance request meets the variance criteria per Section 16-26.003 (1)

Staff recommends approval of an Application for a Type III Certificate of Appropriateness (CA3-16-107) for a variance from the requirement that an independent driveway is connected to a public street at **465 Glenwood Ave.** Property is zoned R-5 / Grant Park Historic District (Subarea 1).



CITY OF ATLANTA

KASIM REED
MAYOR

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

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

April 13, 2016

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4PH-16-108) for the demolition of a single family dwelling due to a public threat to health and safety at **1321 Oak Street SW**- Property is zoned R-4A/ West End Historic District (Subarea 1)/Beltline.

Applicant: City of Atlanta Office of Code Compliance
818 Pollard Boulevard

Facts: According to the West End Inventory, this single family dwelling is considered contributing. In looking at updated survey pictures taken in 2010, the existing dwelling appears vacant, boarded and has significant overgrowth. In looking at the Fulton County tax assessment available online, this dwelling was constructed in 1920.

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:*

iii. To demolish or move any contributing structure, in whole or in part, within the district.

(b) *Type required:*

ii. 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 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.

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:

Type IV and In-Rem Process

Generally, if an Applicant is applying for a demolition based on a public threat to health and safety, the Applicant is required to provide information and documentation for all the questions in the application. In this particular case, the property has gone through the In Rem process and the Applicant is the City of Atlanta. Below is a description of the In Rem process as described by the Office of Code Compliance:

“The In Rem process, as defined is the process “against the property” versus against the individual owner. The cases that are handled by my office are cases where the Code Enforcement Officer (CEO) has been unsuccessful in either identifying the owner, the owner is out of state or out of this jurisdiction, the owner is indigent or the owner is deceased and heirs either cannot be identified or fail to bring the property into compliance. The cases are due to code violations of Section 19 of the Atlanta Housing Code. Most remain open and vacant. The properties are problematic as they tend to be a refuge for criminals and or a danger to the public at large. The properties effect the quality of life for the neighbors as well as a safety hazard.

The In Rem board meets once a month to assist in the decision making of the City as to the action that should be taken to bring the properties into compliance either by demolition or cleaning and boarding the house. The resultant is a lien on the property for the expense incurred by the City to correct the non-compliance. The Board consists of individuals who are not City employees, who have been appointed by the Mayor and approved by City Council.”

The Applicant is not the owner and the In Rem process does not allow for repair, renovations or sale of the property. Staff finds the questions regarding cost, taxes, alternative uses, and property values are useful for informational purposes but do not always apply in City of Atlanta In Rem cases. Staff finds the most relevant questions in this case are the following:

1. Demonstrate through independent analysis and supporting information that a major and imminent threat to public safety exists; and
2. Present all reasonable alternatives for rectifying the threat and analysis of all such alternatives

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

The following is the Applicant’s answer to this question:

“Reports by the Atlanta Fire Department reflect damage to the structure (2007) to include a hole in the front portion of the roof. See attachment “M” The Atlanta Police Department aided the local investor/partner to clear the structure of vagrants thought to be responsible for the fire events”

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

The following is the Applicant’s answer to this question:

“The property is and has been exposed to the elements through damage to the roof since 2007; the structure is deteriorating both inside and outside. No alternative is reasonable or cost effective. Heirs have not been responsive”

Documentation

In the package submitted by the Applicant, there are several documents regarding the demolition request. There were notices sent to the estate on September 30th and October 15th of 2015 regarding the public hearing. Notices for the meeting were advertised on October 8th, October 15th, November 5th and November 12th for the In-Rem hearing. On November 19, 2015, the In-Rem board approved the demolition of the property. In looking at the sign-in sheets for the meeting, there were four people present to speak regarding the proposed demolition. Included in the submittal is a petition from fourteen people in support of the demolition. A registered letter regarding the demolition decision was delivered to the estate on November 25, 2015.

In looking at survey pictures taken at the time of the districts designation, this existing dwelling appears to be occupied and in fair condition. In looking at updated survey pictures taken in 2010, the existing dwelling appears to be vacant, boarded and in a state of deterioration. The Applicant submitted pictures taken in 2011, 2015 and 2016. In looking at the pictures submitted by the Applicant, the dwelling has remained boarded but the condition of the building has worsened. The front porch, the main roof and the non-historic siding are in poor condition. While there are clearly issues with the house and the site, the house appears to be largely intact. The condition of the interior of the house is not clear and the pictures do not indicate significant structural issues.

In looking at a fire incident report, it appears there was a fire at the property on October 7, 2007. In looking at the report the fire appears to have mostly impacted the exterior walls of the buildings. The cause of the fire was not determined. According to the Applicant, the fire was likely caused by vagrants. This conclusion cannot be verified by the fire incident report. Staff recommends the Applicant clarify how the vagrants are connected to the fire.

In looking at the inspection form, there are several items both interior and exterior that need to be renovated, repaired or replaced. The form indicates the total cost for repairs as \$67,773.54. Staff finds the cost of building an identical new house would far exceed the costs of repairing the existing structure. Staff finds the cost to repair the building is not unreasonable. Staff finds that demolishing the building as opposed to repairing it would be a loss for the district as a whole.

Notwithstanding Staff's findings regarding the condition of the building, by definition an open and vacant property is a threat to public health and safety. Despite the fact the house is intact, its status as an open a vacant property makes it a public threat to health and safety. Staff finds the threat could be eliminated if the house were properly repaired and renovated.

Conclusions

Based on the documentation submitted has suffered a fire, is in a severe state of deterioration and has been vacant for at least nine years. Based on these factors, Staff finds the Applicant has proven that a public threat to health and safety exists. The City cannot repair, renovate or sell the property and the heirs of the property have not come forward to rectify the threat. As such, Staff finds the Applicant has proven there are no reasonable alternatives to rectifying the threat. While Staff finds strongly the threat could be resolved without demolition, there appears to be no one willing to rectify the threat. Given the information we have at this time, Staff finds that demolition is necessary. Staff recommends the Applicant provide archival quality pictures of the existing dwelling before demolition.

Staff Recommendation: Based upon the following:

- a) The Applicant has proven a public threat to health and safety, per Section 16-20.008;
- b) The Applicant has proven there are not alternatives to rectifying the public threat to health and safety;

Staff recommends approval of the application for a Type IV Certificate of Appropriateness (CA4PH-16-108) for the demolition of a single family dwelling due to a public threat to health and safety at **1321 Oak Street SW**- Property is zoned R-4A/ West End Historic District (Subarea 1)/Beltline, with the following conditions:

1. The Applicant shall clarify how the vagrants are connected to the fire;
2. The Applicant shall provide archival quality pictures of the existing dwelling before demolition;
and
3. Staff shall review and if appropriate approved the final documentation.



CITY OF ATLANTA

KASIM REED
MAYOR

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

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 26, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-16-109) for siding replacement at **2903 Macaw St, SW**. Property is zoned R-4A/ Whittier Mill Historic District.

Applicant: Chris Wilkinson
2903 Macaw Street SW

Facts: This existing single family residence was constructed around the year 1896 and is considered contributing to the District.

Analysis: The following code sections apply to this application:

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

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

(Code 1977, § 16-20J.005)

Sec. 16-20J.006. - Specific regulations—Residential Subarea I.

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

- (1) *Certificates of Appropriateness:* Certificates of appropriateness within this subarea shall be required as follows:
 - a. *When required:*
 1. To change the exterior appearance of the following elements of a structure within the subarea, when said changes can be seen from the public right-of-way: foundations, siding, chimneys and roofs;
 2. To change the exterior appearance of the following elements of the front façade of a structure: windows, doors, architectural details and porches. For the purpose of this chapter, front façade means the elevation of the building which faces the front yard as defined in Code of Ordinances section 16-28.007(3) and (4).
 3. To erect a new structure; and
 4. To demolish or move any contributing structure, in whole or in part, within the subarea.
 - b. *Type required:*
 2. Except with regard to Type I certificates, the procedures for determining the appropriate type of certificate required under subsection 16-20J.006(1)a. above shall be those specified in section 16-20.008 of the zoning code, provided, however, that a partial demolition shall require

a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance of the front façade.

(6) *Architectural Standards:*

a. *Building façades:*

6. Siding repair or replacement shall match the original materials in scale and direction. Wood clapboard, if original, is preferred; however, aluminum, masonite, vinyl or other horizontal siding is permitted if window trim, cornerboards, and fascia/bargeboards are left in place or replaced with new material to match the original.

The Applicant is proposing to replace the existing siding, which consists of a mixture of original and replacement siding, with new smooth faced cementitious siding. The photographs provided by the Applicant show portions of the existing and replacement siding are in various stages of deterioration. However, Staff finds that options may exist to allow the repair and retention of portions of the original siding. Staff recommends the Applicant provide documentation regarding the ability of the original siding to be repaired. Per the regulations, the original wood siding should be retained where possible. Additionally, replacement siding should match the original in regards to material, scale, and direction. Staff recommends the original wood siding be retained where possible. Staff also recommends the replacement siding match the original in material, scale, and direction.

Staff Recommendation: Based on the following:

1. The proposed project meets the District regulations, with the exception noted above, per Sec. 16-20J.006;

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-16-109) for siding replacement at **2903 Macaw St, SW**. Property is zoned R-4A/ Whittier Mill Historic District, with the following conditions:

1. The Applicant shall provide documentation regarding the ability of the original siding to be repaired, per Sec. 16-20J.006(6)(a)(6);
2. The original wood siding shall be retained where possible, per Sec. 16-20J.006(6)(a)(6);
3. The replacement siding shall match the original in material, scale, and direction, per Sec. 16-20J.006(6)(a)(6); and,
4. Staff shall review and if appropriate, approve the final plans and documentation.



CITY OF ATLANTA

KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0301
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 13, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-110) for construction of a new single-family dwelling at 656 Eloise Street- Property is zoned R-4B/ Grant Park Historic District (Subarea 1)/Beltline.

Applicant: Kevin Maher
4300 Paces Ferry Road

Facts: This corner lot was previously part of a larger vacant lot that was subdivided into six separate lots. In 2005, the Commission approved an application for a Type III Certificate of Appropriateness (HD-05-505) to allow for the construction of a single family house at 656 Eloise Street. As the Applicant is now proposing a completely different house design, a new review is required.

Analysis: The following code sections apply to this application:

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

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

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

the district with regard to lot size, dimensions, and configurations.

- (4) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.
- (5) *Paved surfaces.* The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

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

- (1) *Development Controls.*
 - a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
 - c. *Rear Yard:* Rear yard setback shall be seven (7) feet.
 - d. *Off-street parking and driveway requirements:*
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.
- (2) *Architectural Standards.*
 - A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

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

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

- c. Balconies and upper level terraces shall be permitted.
 - 10. Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
 - 11. Any facades that face a public street shall consist of fenestration that is either: 1)substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15% and no greater than 40% of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed twenty-eight (28) square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed sixteen (16) square feet.
 - 12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding “bubble” skylights are prohibited.
 - 13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
 - 14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
 - b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
 - 15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.
- E. *Site development, sidewalks and curbs:*
- 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 - 2. Repairs or replacement of existing brick sidewalks shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 - 3. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 - 4. Sidewalks crossing driveways shall be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons shall not interfere with the visual field of the pedestrian path.

5. Curbing shall be granite; poured concrete shall not be used. Curbing shall be at least six inches in height from street level.
6. Historic materials such as brick, granite, and cobblestones shall be reused where possible.
7. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district shall be a red brick color.

Site Plan

According to the site plan submitted, the subject lot fronts 65' on Eloise Street and has a depth of 86.17' on Mercer Street. Staff finds there is a discrepancy between the site plan submitted and the City lot boundary map. Staff suggests the Applicant contact the Office of Buildings to determine whether resolution of the lot dimension discrepancy is required.

Per regulations, the front yard setback is based on the compatibility rule. In the previous application, the front yard setback range was established as 23'-30' as measured from the porch to the front property line. The proposed front yard setback is 26' and therefore meets the requirements. Per regulations, the side and rear yard setbacks should be no less than 7'. The proposed side and rear yard setbacks are more than 7' and therefore meet the requirement. Per regulations, the half depth front yard is based on the compatibility rule. In a previous application the half depth front yard was established as 15'. The proposed half depth front yard is more than 15' and therefore does not meet the requirement. Staff recommends the half depth front yard is 15'.

Per the underlying R-4B zoning district, the maximum lot coverage is 85% of the net lot area. The plans indicate the proposed lot coverage is 54.2% and therefore the requirement has been met. Per the underlying R-4B zoning district, the maximum floor area ratio (FAR) allowed is .75 of the net lot area. The proposed FAR is .50 and therefore meets the requirements.

Per regulations, a walkway from the front of the house to the sidewalk is provided. The material of the walkway is not indicated, Staff recommends the walkway material is indicated on the site plan. If the sidewalk is damaged during construction, Staff recommends the sidewalks is repaired or replaced as specified by the regulations. In looking at the site plan there is no mechanical equipment indicated. Staff recommends that any mechanical equipment on the site meet the setback requirements and be properly screened if visible from a public street.

Per regulations, only a single car width garages are allowed in the half depth front yard. Staff finds the proposed garage and entrance do not meet the requirements. Staff recommends the garage is revised or relocated to meet the requirements. Per regulations, driveways shall be a maximum of 10' wide. The proposed concrete driveway appears to be slightly more than 10' wide. Staff recommends the proposed driveway is no wider than 10'.

Massing and Building Height

The proposed two story house is defined by an 8 in 12 hipped roof, a single story full width porch with a 3 in 12 hipped roof. Staff finds the overall design, height and massing of the proposed house is similar to other two-story houses in the district. Per regulations, the maximum height allowed is 35'. The Grant Park Historic district regulations do not specify how the height should be measured. As such, Staff finds the standard City measurement should be used. Staff finds the proposed house is no taller than the maximum 35' allowed as measured from the front facade.

Building Facades

The Commission reviews the facades that face a public street. This is a corner lot, therefore Staff will on the Eloise Street and Mercer Street elevations.

Windows and Doors

The Applicant is proposing wood, double hung prairie style windows on the Eloise Street façade. The Grant Park regulations allow for windows to either be compatible with the windows on contributing houses or the windows shall be no less than 15% and no more than 40% of the wall surface. Staff finds the windows on the Eloise Street façade are compatible with the existing house and meet the fenestration requirement.

On the Mercer Street elevation, the Applicant is proposing mostly small rectangular prairie style windows. Staff finds there are large amounts of blank wall. Staff finds that having more full size double hung windows would be appropriate. Staff recommends the Applicant provide documentation the fenestration percentage requirement has been met on the Mercer Street elevation. Staff suggests all windows are true divided lite or simulated divided lite. Staff has no concerns regarding the proposed doors on either of the elevations.

Building Materials

The following building materials are indicated: smooth cementitious siding with a 6" reveal, stone veneer foundation, stone veneer base, wood railing, wood door, asphalt shingles, wood windows and wood trim. While Staff finds the materials indicated are appropriate, Staff finds there are a few materials not indicated on the plans. Specifically, the material for the walkway, the driveway and the porch stairs are not indicated on the plans. Staff recommends all material details are indicated on the site plan and elevations.

Porch

Per regulations, the minimum depth for new porches is 7'. The proposed front porch has a depth of 8' and therefore meets the requirements. The porch features columns, stairs and railings that are compatible with other similar porches in the district. Staff finds the overall decorative details of the proposed 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 per Section 16-20K.007(2)(B).

Staff recommends approval of the application for a Type III Certificate of (CA3-16-110) for construction of a new single-family dwelling at 656 Eloise Street- Property is zoned R-4B/ Grant Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The half depth front yard shall be 15', per Section 16-20K.007(1)(A);
2. If the sidewalk is damaged during construction, the sidewalk shall be repaired or replaced as specified by the regulations, per Section 16-20K.007(2)(E);
3. Any mechanical equipment on the site shall meet the setback requirements and be properly screened if visible from a public street, per Section 16-20K.007(2)(B)(13);
4. The garage shall be revised or relocated to meet the requirements, per Section 16-20K.007(2)(B)(8);
5. The proposed driveway shall be no wider than 10', per Section 16-20K.007(1)(D)(3);
6. The Applicant shall provide documentation the fenestration percentage requirement has been met on the Mercer Street elevation, per Section 16-20K.007(2)(B)(11);
7. All material details shall be indicated on the site plan and elevations; and
8. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

KASIM REED
MAYOR

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

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 13, 2016

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-16-111) for alterations and dormer additions at **1905 Whittier Avenue**. Property is zoned R-4A/Whittier Mill Historic District.

Applicant: Miripa Properties, LLC
4480 H South Cobb Drive, SW, Smyrna

Facts: According to the Whittier Mill inventory, this house was built in 1928 and is considered contributing to the District. The property is located on the northeast corner of Whittier Avenue and Maco Street. The house appears generally un-altered, except for a dormer on the northeast roof plane and what is likely an infilled porch in the southeast corner. The entrance and “front” porch to the house face northwest, away from both streets.

Per the District regulations, the “front façade” is the portion of the house that faces the front yard, which is defined as the shorter of the two frontages. In this case, the front yard of the property is along Whittier Avenue, the front façade faces Whittier Avenue, and the rear façade faces northeast.

The project before the Commission at this time includes the following components:

1. Construction of a shed roof dormer on the Whittier Avenue roof plane;
2. Construction of gable roof dormer / roof extension on the Maco Street roof plane;
3. Relocation / rebuilding of an existing gabled dormer on the northeast roof plane;
4. Removal and repair / replacement of existing siding with new, similar wood siding;
5. Replacement of the existing windows with “identical or similar”, vinyl-coated, one-over-one windows;
6. Reconfiguration/replacement of the contemporary paired windows on the Maco Street; elevation and northeast elevations with vinyl-coated, one-over-one windows;
7. Replacement of the “front” porch on the northwest elevation of the house;
8. Refurbishment of the existing exterior doors;
9. Repair of all deteriorated exterior elements;

Analysis: The following code sections apply to this application:

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

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

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

Sec. 16-20J.006. Specific regulations--Residential Subarea I.

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

- (1) **Certificates of Appropriateness:** Certificates of appropriateness within this subarea shall be required as follows:
 - a. **When required:**
 1. To change the exterior appearance of the following elements of a structure within the subarea, when said changes can be seen from the public right-of-way: foundations, siding, chimneys and roofs;
 2. To change the exterior appearance of the following elements of the front facade of a structure: windows, doors, architectural details and porches. For the purpose of this chapter, front facade means the elevation of the building which faces the front yard as defined in code of ordinances section 16-28.007(3) and (4).
 3. To erect a new structure; and
 4. To demolish or move any contributing structure, in whole or in part, within the subarea.
 - b. **Type required:**
 1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).
 2. Except with regard to Type I certificates, the procedures for determining the appropriate type of certificate required under subsection 16-20J.006(1)a. above shall be those specified in section 16-20.008 of the zoning code, provided, however, that a partial demolition shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance of the front facade.
- (2) **Financial Hardship Exemptions:**
- (3) **Lot Size, Dimensions and Configurations:** In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this chapter 20J shall apply to all subdivisions and aggregations of lots with regard to lot size, dimensions and configurations.
- (4) **Duplexes:** Notwithstanding any contrary provisions in part 16 of the code of ordinances, new construction of a new two-family or duplex dwelling shall be permitted within this district only as a single building.
- (5) **Grading:**
 - 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 structural integrity of a structure.
 - b. New grades shall meet existing topography in a smooth transition.
- (6) **Architectural Standards:**
 - a. **Building facades:**
 1. All new construction shall conform to the existing building orientation by having porches and front doors facing the front yard.

2. 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.
 3. There shall be two (2) side yards, one (1) on each side of the principal building, each having a width of not less than the width of the side yards for the block as established by the compatibility rule.
 4. There shall be a rear yard of not less than 10 feet.
 5. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
 6. Siding repair or replacement shall match the original materials in scale and direction. Wood clapboard, if original, is preferred; however, aluminum, masonite, vinyl or other horizontal siding is permitted if window trim, cornerboards, and fascia/bargeboards are left in place or replaced with new material to match the original.
 7. No new construction of additions shall exceed the height of the existing structure on the site or, for new construction, that of the tallest structure of like use on the block.
- b. Windows and doors:
1. Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
 2. Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in design, materials, shape and size with no more than a one-inch width or height difference from the original size.
 3. New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and design to existing windows and doors.
 4. The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a permitted differential of ten (10) percent.
 5. Windows in the front facade of new construction shall be predominantly vertical in proportion and must not be constructed in combination of more than two (2) windows.
 6. Replacement exterior doors shall match the original openings and conform to the original door in material and design.
 7. New exterior doors shall be wood panel or fixed glass panel in wood frame. In the alternative, metal doors may be used if their design matches that of an original door.
- c. Foundations:
1. Foundations shall be of brick, painted concrete block or stuccoed.
 2. Foundations shall be of masonry pier or continuous wall construction closed with solid or screen infill wall.
 3. Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.
 4. Slab on grade is not permitted.
- d. Storm doors and storm windows: Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.
- e. Chimneys:
1. Chimneys shall be retained whenever possible.
 2. If extending or repairing a chimney, the original materials, mortar, color and pattern shall be matched whenever possible.
 3. The construction of new chimneys shall not be permitted on the front facade.
 4. New chimneys shall be faced with brick or stucco.
 5. Siding on chimneys is prohibited.
- f. Roof::
1. Replacement roofs shall match the original roof in material, pitch and shape as well as ridge, overhang and soffit construction.
 2. Cold-rolled roofing is permitted only on flat roofs.
 3. Corrugated metal and corrugated fiberglass roofs are not permitted.
 4. The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
 5. Dormers shall not be permitted on the roof over the front facade of any structure.
 6. Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are not permitted on the roof over the front facade of any structure.
- g. Porches:
1. Architecturally significant front porches, steps and stoops shall be retained, whenever possible.
 2. Replacement front porches, steps and stoops shall match the original in size, design and materials.
 3. Front porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.

4. Front porches shall be required for the development of new homes and the compatibility rule shall apply or columns shall be six-inch by six-inch posts; the top and bottom rails of the balustrade shall be constructed of two-inch by four-inch lumber or the equivalent; the top rail shall not be higher than 36 inches above the porch floor; the bottom rail of the balustrade shall be three (3) to four (4) inches above the porch floor; and the individual balusters shall be constructed of two-inch by two-inch lumber and shall not be more than four (4) inches apart.
 5. Front porches shall contain balustrades, columns and other characteristics including floor dimension, height, roof pitch and overhang consistent with historic features for porches in that block, although standard lumber is permitted.
 6. New decks shall be permitted to the rear of the house.
- i. Walls and fences:
1. Front yard closure walls are not permitted.
 2. Fences in the front yard of any structure shall be of wood picket type construction.
 3. Retaining walls which are located in the front yard shall have a finished masonry surface constructed of materials compatible with the exterior finish of the principal dwelling. Retaining walls shall be integrated into the landscape.
- j. Architectural details:
1. Exterior architectural details, such as brackets, decorative trim, corner boards, windows moldings, railings, columns, steps and doors, which contribute to the character of the buildings and appear on the front facade, shall be retained, restored or replaced to match the original in dimension and design.

Sec. 16-20.009. Same; further standards.

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (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.

Documentation

As noted above, the District regulations define the official front of the house as the façade (and roof plane) that face the shortest frontage. In this case, the front of the house for the purposes of design review will be the southwest façade and roof plane that face Whittier Avenue. The elevations that have been submitted with the application label the elevations based on the functionality of the property, such that the front elevation is the location of the entrance door and porch. As a result, the other elevations are labeled in relationship to that functionality. For clarity sake, the Staff considers the elevations as follows:

<u>Labeled in Plans:</u>	<u>Per the District regulations:</u>
Front	Interior Side
Right	Front (Whittier Avenue facing)
Left	Rear
Rear	Street fronting (Maco Street facing)

Though not required, the Staff would strongly suggest that the elevations / plans be labeled per the District regulation / definitions.

Further, the Staff finds that the existing condition plans are not accurate in a numerous ways:

- the Whittier Avenue facing elevation does not include an existing window on the right side;
- the existing windows are shown as two horizontal lights over one light pane, though there are a variety of light patterns on the house, including four-over-four, and six-over-six;
- on the interior side elevation, the window to the right is shown as a full size window when it is actually a half-size window;
- the porch on the interior side elevation does not show the correct header / rafter tail configuration;
- the foundation does not reflect the piers and infill configuration (in particular, the foundation under the interior side elevation doesn't show the correct existing condition. on the interior side elevation);
- the rear and Maco Street facing elevations don't show the corner board and different siding patterns; and
- the chimney is not shown on the plans.

These differences carry over to the proposed elevations, which makes it difficult to determine exactly what is proposed in the project.

The Staff would recommend the plans accurately reflect all of the existing and proposed conditions, materials, and architectural components of the house.

Development Controls

Per underlying zoning, the maximum lot coverage allowed is 55%. As the project is not adding any features to the site, there is no change in the lot coverage. Per underlying zoning, the maximum floor area ratio (FAR) allowed is .50. There are no FAR calculations on the plans. The Staff recommends the Applicant submit FAR calculations.

Project Components

Construction of a shed roof dormer on the Whittier Avenue roof plane.

Dormers are specifically precluded on roofs over the front façade of the structure. As defined by the District regulations, the Whittier Avenue roof plan is over the front façade of the structure and as such a dormer is not permitted on this roof plane. The Staff would recommend the dormer on the Whittier Avenue roof plane be removed from the design.

Construction of gable roof dormer / roof extension on the Maco Street roof plane.

Though its elevation faces Maco Street, it is not considered the front façade of the structure, as defined by the District regulations. As such, a dormer that is compatible with the existing house would be permitted. While the proposed dormer utilizes the same roof pitch as the existing roof (in fact it extends the existing roof planes), the Staff is concerned about its size and use of a paired window. This dormer will dominate that roof plane and by extending the existing adjoining roof planes, substantially changes the roof form of the house. The Staff would recommend the dormer on the Maco

Street roof plane be redesigned to be more compatible with the existing house's architecture, including but not limited to reducing its size and dis-engaging it from the adjoining roof planes.

Relocation / rebuilding of an existing gabled dormer on the northeast roof plane.

The dormer on the northeast roof plane (which is allowed by the District regulations) is being moved north along the roof plane, farther away from the street. Even though this is an existing dormer and its movement away from the street is a positive change, the Staff finds that its design could be improved to be more compatible with the existing architecture of the building. The Staff would recommend the relocated dormer on the northeast roof plane be redesigned to be more compatible with the existing house's architecture.

Removal and repair / replacement of existing siding with new, similar wood siding.

Based on the photographs provided with the submission, there are pieces of siding that are deteriorated, damaged or missing, but wholesale replacement of the siding is not warranted. The Staff would recommend that only visibility deteriorated, damaged, or missing siding is replaced and it is replaced in-kind as to material, size, orientation, and reveal.

Replacement of the existing windows with "identical or similar", vinyl-coated, one-over-one windows.

Based on the photographs provided with the submission, there are a variety of windows on the house, both original / historic and replacement windows. The Staff has no concerns about the replacement of the non-original or non-historic windows, but it is concerned about the proposed vinyl clad windows regardless of what was there before. The Staff would recommend the Applicant document the status and condition of each window on the house and its rationale for replacement. The Staff would further recommend that if replacement of a window is warranted, the replacement window shall be wood with a light pattern that matches an original or historic window on the house with exterior light divisions permanently affixed to the exterior of the glass.

Reconfiguration/replacement of the contemporary paired windows on the Maco Street facing elevation and northeast elevations with vinyl-coated, one-over-one windows.

Based on the photographs provided with the submission, the Staff finds that these windows are not original or historic to the house. As such, the Staff has no concerns about their removal. The Staff would recommend that the replacement windows for the contemporary paired windows on the Maco Street and northeast elevations be wood with a light pattern that matches an original or historic window on the house with exterior light divisions permanently affixed to the exterior of the glass.

Replacement of the "front" porch on the northwest elevation of the house.

Based on the photographs provided with the submission, the Staff finds that the replacement of the front porch is not warranted. The Staff would recommend that the front porch on the northwest elevation of the house be retained and repaired in-kind as necessary.

Refurbishment of the existing exterior doors.

The Staff would recommend that the refurbishment of the existing exterior doors be done in-kind.

Repair of all deteriorated exterior elements.

It is not clear which elements this action is referring to, but the Staff assumes that it refers to miscellaneous trim, architectural elements, etc. The Staff would recommend the plans specify which exterior elements will be repaired and that such repair shall be done in-kind.

Staff Recommendation: Based upon the following:

- (a) The plans do not meet the regulations, with the exception of the notes above, per Section 16-20J.005 and 16-20J.006.

Staff recommends deferral of Application for Type III Certificates of Appropriateness (CA3-16-111) for alterations and dormer additions at **1905 Whittier Avenue**. Property is zoned R-4A/Whittier Mill Historic District, to allow time for the Applicant to respond to the following comment and concerns:

1. The plans shall accurately reflect all of the existing and proposed conditions, materials, and architectural components of the house, per Section 16-20J.005 and 16-20J.006;
2. The Staff recommends the Applicant submit FAR calculations;
3. The dormer on the Whittier Avenue roof plane shall be removed from the design, per Section 16-20J.006(6)(f)(5);
4. The dormer on the Maco Street roof plane shall be redesigned to be more compatible with the existing house's architecture, including but not limited to reducing its size and dis-engaging it from the adjoining roof planes, per Section 16-20.009;
5. The relocated dormer on the northeast roof plane shall be redesigned to be more compatible with the existing house's architecture, per Section 16-20.009;
6. Only visibility deteriorated, damaged, or missing siding shall be replaced and it shall be replaced in-kind as to material, size, orientation, and reveal, per Section 16-20J.006(6)(a)(6);
7. The Applicant shall document the status and condition of each window on the house and its rationale for replacement, per Section 16-20J.006(6)(b);
8. If replacement of a window is warranted, the replacement window shall be wood with a light pattern that matches an original or historic window on the house with exterior light divisions permanently affixed to the exterior of the glass, per Section 16-20J.006(6)(b);
9. The replacement windows for the contemporary paired windows on the Maco Street and northeast elevations shall be wood with a light pattern that matches an original or historic window on the house with exterior light divisions permanently affixed to the exterior of the glass, per Section 16-20J.006(6)(b);
10. The front porch on the northwest elevation of the house shall be retained and repaired in-kind as necessary, per Section 16-20J.006(6)(g);
11. The refurbishment of the existing exterior doors shall be done in-kind, per Section 16-20J.006(6)(b);
12. The plans shall specify which exterior elements will be repaired and that such repair shall be done in-kind, per Section 16-20J.006; and
13. The revised plans and supporting documentation (including the required number of 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
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 13, 2016

Agenda Item: Application for Type III Certificate of Appropriateness (CA3-16-113) for alterations and additions at **1115 Lawton Place** - Property is zoned R-4A/West End Historic District.

Applicant: Shannon Clark
1115 Lawton Place

Facts: According to the District inventory sheet, this single family dwelling was constructed in the 1900s and is contributing to the District. Based on the photographs and materials provided by the Applicant in this application, the Staff has determined that the current project consists of the following actions / components, some of which have already been completed without permits:

- Replacement of the multi-light over one light, original, double hung windows with wood, three-over-one, brick mold, double hung windows;
- Replacement of a window on the left elevation with a square, fixed pane window;
- Replacement of the wood, shingle sheathing on the main walls and siding in the gable face with 6 in. reveal cementitious siding on the main walls and shingle sheathing in the gable face;
- Replacement of two front stoops with a full width front porch with shed roof, tapered 8 in. columns, and cmu foundation;
- Replacement of the centered front door and transom with a new front door;
- Replacement of the left-hand front door and window combination with French doors;
- Replacement of the triangular front gable vent with a wood, three-over-one, brick mold, double hung window;
- Replacement of the eaves with new materials and design;
- Re-roof the house; and
- Construction of a rear deck.

At this time, the windows, siding, shingle sheathing, gable vent, eave material, and roofing have been removed and/or replaced.

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:
 - (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

(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.
- (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.
 - (h) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule.
 - (i) The scale, size, proportion, and location of all openings in new construction shall be established by the compatibility rule.
 - (j) New windows or doors added to existing structures shall be located façades that don't face a public street.
 - (k) New or replacement doors shall be made of wood and shall contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.
- (5) Foundations:
 - (a) Foundation materials, including infill materials, shall replicate the original materials in size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.

- (b) New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials and style with adjacent and surrounding buildings.
 - (c) Slab on grade is not permitted.
 - (d) Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.
- (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.
 - (b) Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
 - (c) The use of synthetic roofing materials is permitted if not visibly distinguishable from the original as viewed from the public street.
 - (d) The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
- (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.
- (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.

The District regulations only allow for the replacement of the non-historic elements if the replacement element meets the District regulations. Several of the actions / components of the project don't meet the District regulations and/or the information provided is not clear enough to make a determination.

Replacement of the multi-light over one light, original, double hung windows with wood, three-over-one, brick mold, double hung windows.

The Staff assumes based on the District inventory sheet that the windows that were removed were original to the house. Architecturally significant windows, including details, trimwork, and framing, must be retained. As such, their replacement is only warranted when the originals can't be rehabilitated.

The Applicant has not provided any documentation that the windows could not be rehabilitated. Further, if replacement is warranted, the replacement windows must 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 proposed (and now installed) windows are not compatible with the architecture of the house and do not meet the District regulations. The Staff would recommend the already installed replacement windows on the house be removed and new replacement windows be installed that match the original windows in style, materials, shape and size, with no more than a one-inch width or height difference from the original size.

Replacement of a window on the left elevation with a square, fixed pane window.

The Staff assumes that this window was also original to the house. Architecturally significant windows, including details, trimwork, and framing, must be retained. As such, their replacement is only warranted when the originals can't be rehabilitated.

The Applicant has not provided any documentation that the window could not be rehabilitated. Further, if replacement is warranted, the replacement window must match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. There is an exception for windows in kitchens and bathrooms (where this window is located), but the window still must be compatible with the architecture of the house, which the current window is not. The Staff would recommend the replacement window on the left elevation in the bathroom match the original window in style, materials, double-hung function, and shape.

Replacement of the wood, shingle sheathing on the main walls and siding in the gable face with 6 in. reveal cementitious siding on the main walls and shingle sheathing in the gable face.

The Staff finds that based on the District inventory photograph, the wood, shingle sheathing on the main walls and siding in the gable face were original to the house. Further, no documentation was included which supports the wholesale replacement of sheathing and siding. Lastly, the siding replacement must match the original siding in material, scale and direction. The proposed sheathing / siding does not meet the District regulations. The Staff would recommend the proposed sheathing and siding match the previously existing sheathing and siding regarding its placement on the facades, as well as its material, scale, and direction.

Replacement of two front stoops with a full width front porch with shed roof, tapered 8 in. columns, and cmu foundation.

The Staff finds that the current configuration of two stoops (to access two front doors) is not original or historic to the house and therefore the Staff has no concerns about its removal. According to the 1911 Sanborn Map, the house had a full width front porch. The door opening on the left-hand side of the front façade appears to have been added to take the place of a window. The Staff finds that adding back a full width front porch is an appropriate and compatible action if it meets all of the District regulations.

First, replacement porches, steps and stoops must match the original in size, style and materials and all front porch steps must have closed risers and ends. In this case, there is not documentation of the specific design or elements of the previous front porch (the District inventory sheet photograph shows the two stoops). However, the District regulations also require that 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 and that 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.

The Staff has several concerns about the proposed design, including:

- the front yard setback, as no documentation was provided documenting compliance with the District regulations;
- the roof form, which retains the small shed roof over the projection on the left side of the façade when normally such a projection would be covered by the porch roof;
- tapered, round columns given most original porch columns on the block are box columns;
- lack of porch header when one exists on original porches on the block;

- use of an unsheathed cmu foundation when the District regulations require foundations replicate the original materials (which would have been brick);
- floor boards the run parallel to the façade of the house when they normally run perpendicular to the front façade; and
- the 42 in. high railing when it would appear that the railing could be lower given the height of the finish floor above the surrounding grade.

The Staff would recommend the front porch be redesigned and detailed to meet all of the District regulations, including but not limited to the setbacks, roof form, header, flooring, columns, and railing.

Replacement of the centered front door and transom with a new front door.

Though the door that previously existed did not appear to be original or historic to the house, the door opening was, including the transom above. Architecturally significant windows and doors, including details, trimwork, and framing, must be retained. Further, original window and door openings shall not be blocked or enclosed, in whole or in part. Lastly, replacement windows and doors must 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 Staff would recommend the centered front door opening and transom opening is re-established and a District compliant front door and transom light installed.

Replacement of the left-hand front door and window combination with French doors.

The door and door opening that previously on the left-hand side of the front façade did not appear to be original or historic to the house. The door opening appears to have been added to take the place of a window. The 1911 Sanborn Map indicates the house as a single family dwelling. The Staff finds the original configuration would have been a triple window with the spacing and sizing similar to what exists on the right hand side of the front façade. While the Applicant would be permitted to keep the existing arrangement, any new arrangement (such as installing French doors) must meet the District regulations. Further, replacement doors and windows must 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 Staff would recommend that the previously existing window-door configuration on the left-hand side of the front façade be re-established with District compliant windows and door or the opening shall be returned to a configuration similar to the window configuration on the right-hand side of the front façade with District compliance windows.

Replacement of the triangular front gable vent with a wood, three-over-one, brick mold, double hung window.

No documentation was included in the submission supporting the removal of the front gable vent. Further, new window openings are only allowed on facades that do not face a public street. The Staff would recommend the front gable configuration be re-established to include the same triangular vent as documented in the District inventory sheet and not include a new window.

Replacement of the eaves with new materials and design.

The photographs submitted with the application show the previous eave material has been removed. The proposed elevations do not specify the new eave design or material. The Staff would recommend the new eave design and material is the same as the previously existing eave design and material as documented by the District inventory sheet photograph.

Re-roof the house.

The Staff has no concerns about the re-roofing of the house.

Construction of a rear deck.

The District regulations allow for decks to the rear of the structure. The proposed deck is to the rear of the structure and meets the underlying zoning minimum side yard setback requirements of 7 ft.

Staff Recommendation: Based upon the following:

- a) The plans do not meet the regulations, with the exceptions noted in the above analysis, per Section 16-20G.006.

Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-16-113) for alterations and additions at **1115 Lawton Place** - Property is zoned R-4A/West End Historic District, so the Applicant has time to address the following comments and concerns:

1. The already installed replacement windows on the house shall be removed and new replacement windows shall be installed that match the original windows in style, materials, shape and size, with no more than a one-inch width or height difference from the original size, per Section 16-20G.006(3);
2. The replacement window on the left elevation in the bathroom shall match the original window in style, materials, double-hung function, and shape, per Section 16-20G.006(3);
3. The proposed sheathing and siding shall match the previously existing sheathing and siding regarding its placement on the facades, as well as its material, scale, and direction, per Section 16-20G.006(2)(d);
4. The front porch shall be redesigned and detailed to meet all of the District regulations, including but not limited to the setbacks, roof form, header, flooring, columns, and railing, per Section 16-20G.006(9) and (2)(b);
5. The centered front door opening and transom opening shall be re-established and a District compliant front door and transom light shall be installed, per Section 16-20G.006(3);
6. The previously existing window-door configuration on the left-hand side of the front façade shall be re-established with District compliant windows and door or the opening shall be returned to a configuration similar to the window configuration on the right-hand side of the front façade with District compliant windows, per Section 16-20G.006(3);
7. The front gable configuration shall be re-established to include the same triangular vent as documented in the District inventory sheet and not include a new window, per Section 16-20G.006(3) and (16);
8. The new eave design and material shall be the same as the previously existing eave design and material as documented by the District inventory sheet photograph, per Section 16-20G.006(16);
9. The Applicant shall submit revised plans and supporting documentation (including the required number of copies) at least eight (8) days prior to the Commission meeting to which this application is deferred.



CITY OF ATLANTA

KASIM REED
MAYOR

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

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 13, 2016

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-16-116) for a variance to reduce the west side yard setback from 7' (required) to 4' (proposed); to reduce the east side yard setback from 7' (required) to 2' (proposed); to reduce the front yard setback from 30' (required) to 14' (proposed); and from the requirement that decks only be constructed at the rear of the property; and (CA3-16-117) for alterations and additions at **1182 Greenwich St.** Property is zoned R-4A/ West End Historic District / Beltline

Applicant: Shona Griffin
4000 Ferry Heights Drive

Facts: This existing single-family residence is considered contributing to the District. Prior to the submission of this Application, a Stop Work Order was placed on the structure for exterior alterations performed without a permit. The current Application is for the review of the completed and interrupted work.

Analysis: The following code sections apply to this application:

Sec. 16-06A.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.
- (3) *Rear yard:* There shall be a rear yard of not less than 15 feet.

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

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

- (1) *Certificates of Appropriateness:* Certificates of appropriateness within this district shall be required as follows:
 - (a) *When required:*
 - (i) To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the public right-of-way;
 - (ii) To erect a new structure or to make an addition to any structure within the district, when said addition can be seen from public right-of-way; and

- (iii) To demolish or move any contributing structure, in whole or in part, within the district.
- (b) *Type required:*
 - (v) The following Type II Certificates of Appropriateness shall be review by the commission and shall be required for any of the following to the extent they are visible from a public street:
 - a. Alterations to any façade of any principal structure; and
 - b. All site work, except as noted in Section 16-20G.005(b)(4).
- (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."
- (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.
- (2) *Building Façades:*
 - (a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.
 - (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
 - (c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.
 - (d) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
 - (e) Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
 - (f) Height of the first floor of the front façade above grade shall be subject to the compatibility rule. Notwithstanding the compatibility rule, the first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than seven inches in height. Slab-on-grade construction is not permitted.
 - (g) No structure shall exceed that height established by the compatibility rule.
- (3) *Windows and Doors:*
 - (a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
 - (b) Original window and door openings shall not be blocked or enclosed, in whole or in part.
 - (c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.

- (d) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - (e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
 - (f) Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
 - (g) New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
 - (h) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule.
 - (i) The scale, size, proportion, and location of all openings in new construction shall be established by the compatibility rule.
 - (j) New windows or doors added to existing structures shall be located façades that don't face a public street.
 - (k) New or replacement doors shall be made of wood and shall contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.
- (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.

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.

Vairance

To reduce the west side yard setback from 7' (required) to 4' (proposed):

The Commission is not empowered to grant variances from the required side yards. As such, Staff recommends the setback of the proposed deck/porch be 7 feet, or that the Applicant apply for a variance with the Board of Zoning Adjustments.

To reduce the east side yard setback from 7' (required) to 2' (proposed):

Staff finds that this variance request is unnecessary as the Applicant is allowed to use half of the alley to calculate the setback.

To reduce the front yard setback from 30' (required) to 14' (proposed):

The Applicant is requesting a reduction in the front yard setback from 30 feet, as determined by the compatibility rule, to 14 feet to allow a front porch/deck to be built. The Applicant cites that due to the elevation of the front door, a porch/deck is required to allow access through the front of the structure. Therefore any structure placed on the front façade for egress and ingress purposes would encroach into the required front yard setback. Staff finds that the variance criteria have been met for this request.

From the requirement that decks only be constructed at the rear of the property

No justification for allowing a deck between the principal structure and the street has been given. As such, Staff finds that the variance criteria have not been met for this request and recommends the proposed deck be a porch.

Addition

The Applicant is proposing to replace a rear addition which was damaged due to a fallen tree. The new addition would have the same footprint and fenestration pattern as the previously existing addition. Per the regulations, the addition will be sided with wood siding. Staff has no concerns with the proposed addition.

The Applicant is proposing a new deck between the principal structure and the street. Given Staff's previously stated variance recommendation that the proposed deck be a porch, the District regulations governing new and replacement porches will be used to review the proposed feature. Staff recommends the front porch contain a roof, columns, and other features consistent with the architectural style of the house or other original porches on the block. Lastly, given the Staff's previous recommendation regarding the east side yard setback variance request, Staff recommends the proposed porch conform to the 7 foot east side yard setback.

Alterations

All of the original windows have been removed from the property. In conversation with the owner, Staff has learned that the windows are no longer on site, making their retention impossible. As such, Staff recommends that the replacement windows be wood, and match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size.

New wood siding is proposed for the structure. In looking at the pictures provided by the Applicant Staff finds that portions of siding on the previously existing addition appeared to be in disrepair. However this siding has already been removed. Additionally, Staff finds that the siding on the rest of the principal structure can be repaired without the need for replacement. As such, Staff recommends the existing siding be retained and any repairs be done in-kind.

CA3-16-116

Staff Recommendation: Based upon the following:

- a) The side yard variance requests cannot be heard by the Commission;
- b) The front yard variance request meets the variance criteria per Sec. 16-26.003;
- c) The front deck placement variance does not meet the variance criteria per Sec. 16-26.003;

Staff recommends approval of an Application for Type III Certificates of Appropriateness (CA3-16-116) for a variance to reduce the west side yard setback from 7' (required) to 4' (proposed); to reduce the east side yard setback from 7' (required) to 2' (proposed); to reduce the front yard setback from 30' (required) to 14' (proposed); and from the requirement that decks only be constructed at the rear of the property at **1182 Greenwich St.** Property is zoned R-4A/ West End Historic District / Beltline with the following conditions:

1. The east side yard setback shall conform to the 7 foot required setback or the Applicant shall apply for a variance from the Board of Zoning Adjustments;
2. The proposed shall deck be a porch.

CA2-16-119

Staff recommends approval of an Application for Type III Certificates of Appropriateness (CA3-16-117) for alterations and additions at **1182 Greenwich St.** Property is zoned R-4A/ West End Historic District / Beltline with the following conditions:

1. The front porch shall contain a roof, columns, or other features consistent with the architectural style of the house or other original porches on the block, per Sec. 16-20G.006(9)(d);
2. The proposed porch shall conform to the 7 foot east side yard setback, Per Sec. 16-06A.008(2);
3. The replacement windows shall be wood, and that 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, per Sec. 16-20G.006(3)(c);
4. The existing siding shall be retained and any repairs shall be done in-kind, per Sec. 16-20G.006(2)(d);
5. Staff shall review and if appropriate, approve the final plans and documentation.



CITY OF ATLANTA

KASIM REED
MAYOR

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

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

April 13, 2016

Agenda Item: Application for a Review and Comment (RC-16-118) on site work at **189 West Wesley Road a.k.a. 0 Habersham Road NW (Sibley Park)**- Property is zoned R-2A.

Applicant: City of Atlanta Parks and Recreation
233 Peachtree Street NE, Suite 1700

Facts: Sibley Park is located in the Peachtree Heights West neighborhood in NPU B.

Analysis: The following code sections apply to this application:
Per section 6-4043 of the Atlanta City Code, as amended:

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

Per Section 16-20.009. Same; further standards.

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

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

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

According to the submittal, the project includes improvement of trails, stone steps, overlook, a new trail loop and one foot bridge. According to the Applicant, the proposed project is similar to the 1910 plan for the park and has the support of the neighborhood. Staff is generally supportive of improvements to the park. In looking at the plans and narrative, Staff finds the project details are not clear. Specifically, it is not clear which elements are extant and which elements are proposed. Staff suggests the Applicant clarify which elements are extant and any elements that will be repaired or replaced in-kind. Staff suggests the Applicant clarify which elements are new additions to the park. The material details and design of the elements are not clear. Staff suggests the Applicant provide further details regarding the material details and design of the proposed alterations to the park.

Staff recommends the Commission deliver its comments at the meeting.



CITY OF ATLANTA

KASIM REED
MAYOR

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

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 13, 2016

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-16-119) for alterations and a new deck at **492 Holderness St.** Property is zoned R-4A / West End Historic District / Beltline.

Applicant: Gateway Construction Company
3645 Marketplace Boulevard, Ste. 130-576

Facts: This existing single-family residence is considered contributing to the 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:
 - (b) *Type required:*
 - (v) The following Type II Certificates of Appropriateness shall be review by the commission and shall be required for any of the following to the extent they are visible from a public street:
 - a. Alterations to any façade of any principal structure; and
 - b. All site work, except as noted in Section 16-20G.005(b)(4).

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

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

- (1) *Generally:* The following building elements and architectural features shall be considered when applying section 16-20.009 of this chapter to the West End Historic District: doors, windows, foundations, finished floor elevations, roofs, roof features, gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvres, walls, fences, and gates.
- (2) *Building Façades:*
 - (a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.
 - (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.

- (c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.
 - (d) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
 - (e) Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
 - (f) Height of the first floor of the front façade above grade shall be subject to the compatibility rule. Notwithstanding the compatibility rule, the first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than seven inches in height. Slab-on-grade construction is not permitted.
 - (g) No structure shall exceed that height established by the compatibility rule.
- (3) *Windows and Doors:*
- (a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
 - (b) Original window and door openings shall not be blocked or enclosed, in whole or in part.
 - (c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.
 - (d) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - (e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
 - (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.
- (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.

The proposed project includes the replacement of all window sashes on the structure as well as in-kind repairs to the existing wood siding. No information detailing the need for these windows to be replaced or the proposed replacement windows has been received. Staff recommends the Applicant provide information which details the need for the windows to be replaced as well as the proposed replacement windows. If the need for replacement cannot be established from the pictures provided by the Applicant, Staff recommends the existing windows be retained and repaired as needed.

The Applicant is also proposing repairs to the front porch as well as in-kind repair and replacement of portions of damaged siding. While Staff has no general concerns with the in-kind repair of the siding, Staff recommends the Applicant provide information which details the specific location and extent of the proposed siding repairs and that any replacement siding meet the District regulations. The pictures provided by the Applicant show the floor to be deteriorated and several of the balusters missing from the porch railings. Staff has no concerns with the in-kind replacement of these porch features, but recommends the Applicant provide information detailing the specific components in need of repair and replacement.

A rear deck is proposed to replace the existing rear deck with a larger deck. Staff has no concerns with the proposed deck and finds that it meets all of the requirements for decks in the District.

Staff Recommendation: Based upon the following:

- a) The proposed work meets the regulations, with the exceptions noted above, per Section 16-20G.006

CA2-16-119

Staff recommends approval of an Application for a Type II Certificate of Appropriateness (CA2-16-119) for alterations and a new deck at **492 Holderness St.** Property is zoned R-4A / West End Historic District / Beltline with the following conditions:

1. The Applicant shall provide information which details the need for the windows to be replaced as well as the proposed replacement windows, per Sec. 16-20G.006(3)(c);
2. If the need for replacement cannot be established from the information provided by the Applicant, then the existing windows shall be retained and repaired as needed, per Sec. 16-20G.006(3)(a);
3. The Applicant shall provide information which details the specific location and extent of the proposed siding repairs and that any replacement siding meet the District regulations, Per Sec. 16-20G.006(2)(d);
4. The Applicant shall provide information detailing the specific components in need of repair and replacement, per Sec. 16-20G.006(9); and,
5. Staff shall review and if appropriate, approve the final plans and documentation.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

www.atlantaga.gov

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 13, 2016

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-16-120) for variances to reduce the rear yard setback from 50' (required) to 21' (proposed); and to reduce the east side yard setback from 20' (required) to 11' (proposed) to allow alterations and additions to an existing accessory structure; and (CA3-16-121) for alterations and additions at **1240 Fairview Rd.** - Property is zoned Druid Hills Landmark District.

Applicant: Kenneth P. Dooley
222090 Dunwoody Club Drive, Suite 106-235

Facts: According to the Druid Hills inventory, the single family house on the property was built in 1920 and is considered contributing to the District, as is the accessory structure. The property sits up from the side walk and street, with an existing granite retaining wall along the front property line.

The current application consists of the following actions:

1. Reduce the rear and east side yard setbacks to accommodate alterations and additions to the existing accessory structure;
2. Replace the existing front walkway and front site stairs with bluestone;
3. Construct new granite cheeks walls for the front site stairs and granite columns attached to the existing granite retaining wall;
4. Replace the timber wall along the front portion of the driveway with a raised granite, cobblestone curb;
5. Install a 5 ft. tall wood fence in the side and rear yards including a gate at the driveway and in the west side yard;
6. Install a wood fence / corral for trash cans on the east side of the house;
7. Repave the existing driveway with colored concrete.
8. Reconfigure the existing driveway / parking area in the rear yard by removing existing paving along the property line and adding paving towards the interior of the yard;
9. Install an in-ground pool and pool terrace in the rear yard;
10. Construct retaining walls, walkways, stepping stones, or terraces in the rear yard;
11. Renovate the existing accessory structure, to include new siding, windows, roof form, eave detail, and stone chimney.

12. Construct a two-story addition on the west side and an exterior stair on the east side of an existing accessory structure;
13. Repair the front façade siding and columns of the house using materials that match the existing;
14. Add a new balustrade / railing to the front porch;
15. Replace the existing front porch stairs with bluestone stairs;
16. Build new bluestone stairs off of the east side of the front porch to connect to the driveway;
17. Replace existing wood stair off of the west side of the front porch with granite / bluestone stairs;
18. Reconfigure the windows on the west side of the house;
19. Reconfigure the windows on the east side of the house and eliminate the enclosed side porch;
20. Add a shed roof, four window dormer above the front entry way of the house;
21. Extend the ridge line of the main hip to the rear and add a light atrium to the middle of the hipped roof; and
22. Add a two-story addition to the rear of the house, including a screened rear porch, rear sunroom, rear facing second floor balcony, and rear facing skylights.

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 six 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.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.
 - 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.
- (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:
 1. North side, Moreland Avenue to Springdale Road, NE:
 - Front yard: 65 feet.
 - Side yards: 20 feet.
 - Rear yard: 50 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, the stairs are required for accessibility, the addition and stair locations are consistent with the existing garage, the proposed work will not have any impact on surrounding properties, and the resulting design will be consistent with other accessory structures in the District.

While the Staff generally concurs with Applicant's conclusions, it finds that the Applicant has not documented that there is any hardship in meeting the side yard setback requirement for the stairs or that there is hardship to not having an addition. Further, it is not clear to the Staff that there are peculiar or exceptional conditions to the property that would necessitate a variance. The Staff certainly understands

the functional and aesthetic considerations of the proposed design, but is concerned about the lack of documentation specifically addressing some of the variance criteria.

The Staff would recommend the Applicant document compliance with all of the variance criteria.

General Development Controls

The proposed lot coverage is not indicated on the site plan. The Staff would recommend the Applicant document compliance with the maximum lot coverage requirement.

None of the addition to the main house is within the front or side yard setbacks, but the Staff is concerned about the replacement/rebuilding of the front porch stairs and the stairs off of the west side of the front porch, and the construction of the new stairs off of the east side of the front porch. If the existing stairs are completely demolished and their footprint or size is changed, the new stairs need to meet the setback requirements. The completely new stair on the east side needs to meet the setback requirements regardless. The Staff still has the concerns about the side and rear yard setback requirements related to the accessory structure work. The Staff would recommend all of the components of the project meet the setback requirements.

The survey submitted with the plans indicates that no portion of the property is within a “federal flood area”.

The District regulations restrict building on slopes of greater 25% for single-family structures (including additions thereto) and 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.

Site Work

Replace the existing front walkway and front site stairs with bluestone.

Though they have existed for some time, it is not clear if the existing front walkway and front site stairs are original or historic to the District. The Staff would not support the creation of a new front walk and stairs where none previously existed or where there were historic materials existed that could be repaired in-kind vs. replaced wholesale. The Staff would recommend the Applicant document the existing condition and origins of the front walk and stairs, and the rationale for its replacement. The Staff would further recommend that if replacement of the front walk and site stairs is warranted, the replacement occur in-kind if the materials are original or historic to the property.

Construct new granite cheeks walls for the front site stairs and granite columns attached to the existing granite retaining wall.

The Staff finds that the existing stucco cheeks walls and columns are not likely original or historic to the property and as such does not have a concern about their replacement with granite. However, the Staff would recommend the granite cheek walls and columns are only as tall as is needed to properly retain the surrounding earth and appropriately tie into the existing granite retaining wall.

Replace the timber wall along the front portion of the driveway with a raised granite, cobblestone curb.

Given the existing timber wall is made of railroad ties, the Staff has no concerns about its replacement. However, it is not clear the design or height of the granite cobblestone curb. The Staff would recommend the Applicant document the design and height of the driveway curb and that it meet the District regulations.

Install a 5 ft. tall wood fence in the side and rear yards including a gate at the driveway and in the west side yard.

While the Staff has no concerns about the height and location of the fence, it is not clear the design of the fence. The Staff is particularly concerned about the sections of fence forward most in the property closest to the house. The Staff finds that a traditional wood privacy fence would not be appropriate for the portions of the fence in the side yards near the front façade that run east-west. The Staff would recommend the Applicant document the design and height of the fencing and that all portions of the fence meet the District regulations.

Install a wood fence / corral for trash cans on the east side of the house.

The Staff has no concerns about this component of the project.

Repave the existing driveway with colored concrete.

It is not clear if the existing driveway is original or historic to the District. The Staff would not support the removal of historic materials that could otherwise be repaired in-kind vs. replaced wholesale. The Staff would recommend the Applicant document the existing condition and origins of the driveway and the rationale for its replacement. The Staff would further recommend that if replacement of the driveway is warranted, the replacement occur in-kind if the materials are original or historic to the property.

Reconfigure the existing driveway / parking area in the rear yard by removing existing paving along the property line and adding paving towards the interior of the yard.

The District regulations restrict off-street parking within 20 ft. of any property line. As the amount of paved area that could be used for parking within that 20 ft. distance is being reduced, the Staff finds that the level of non-conformity is being reduced. However, since it appears the entire driveway is being replaced, the Staff would recommend the Applicant document that only the minimal amount of paving required for turning movements is being re-installed within the 20 ft. distance.

Install an in-ground pool and pool terrace in the rear yard.

The setback distance for pools is measured to the water's edge. As such, the proposed pool meets the District setback requirements. The Staff has no concerns about the design or placement of the pool or pool deck.

Construct retaining walls, walkways, stepping stones, or terraces in the rear yard.

The Staff does not have any concerns about the design, location, or height of the proposed retaining walls or the proposed walkway, stepping stones or terraces.

While it does not appear that trees will be removed for the project, the Staff would recommend the Applicant document that all tree removal and replacement will meet all of the District regulations.

Accessory Structure Work

Renovate the existing accessory structure, to include new siding, windows, roof form, eave detail, and stone chimney.

The Staff considers the accessory structure original or historic to the property and contributing to the District. While the Staff understands the interest in renovating the existing garage, it is concerned that the level of detail and the idea to “match” various features of the existing house will elevate too much the visual and architectural prominence of the currently vernacular building and otherwise eliminate its secondary relationship to the main house. The accessory structure can have some details that are similar to the existing house, but its level of ornamentation should be less than the existing house. The Staff is

also concerned that the amount of work proposed for the accessory structure will amount to essentially rebuilding the accessory structure which could be considered a demolition of the accessory structure. Lastly, the Staff is concerned that the amount of work proposed for the accessory structure will unnecessarily remove historic features and fabric.

The Staff would recommend the renovation to the accessory structure retain more historic fabric and elements, be simplified in design, and be secondary in detail and ornamentation to the main house.

Construction a two-story addition to the west side and an exterior stair on the east side of an existing accessory structure.

In addition to the concerns noted above about the proposed setbacks, and the amount and detail of the renovation work, the Staff is also concerned about the size and level of detail of the proposed addition to the accessory structure. When completed, the proposed addition will make the existing accessory structure almost un-recognizable. The Staff would recommend the proposed addition's size and massing be reduced in relationship to the existing accessory structure and its level of detail be similar to the existing accessory structure.

Alterations to the House

Repair the front façade siding and columns of the house using materials that match the existing.

It is not clear the repair work to be done on the existing front façade or columns. The photographs provided with the submission do not document any substantive damage or deterioration to either of these features. The Staff would recommend the Applicant provide more information about the necessity for the repair work to the front façade siding and columns and that such repair work shall meet the District regulations.

Add a new balustrade / railing to the front porch.

The Staff has no concerns about the proposed balustrade / railing on the front porch, if it is wood. The Staff would recommend the front porch balustrade / railing be wood.

Replace the existing front porch stairs with bluestone stairs.

Based on the photographs provided with the submission, the Staff finds the front porch stairs (which are granite) are original or historic to the house, though the railing is likely a contemporary addition. It does also not appear that the stairs are damaged or deteriorated. The Staff would recommend the front porch stairs are retained and repaired in-kind, and that if desired a new hand rail is installed that meets the District regulations.

Build new bluestone stairs off of the east side of the front porch to connect to the driveway.

Notwithstanding the concerns noted above about the setbacks, the Staff does not have significant concerns about this component of the project. However, it would recommend that the new stairs off of the east side of the front porch be all granite to be similar to the foundation of the front porch.

Replace existing wood stair off of the west side of the front porch with granite / bluestone stairs.

Notwithstanding the concerns noted above about the setbacks, the Staff does not have significant concerns about this component of the project. However, it would recommend that the new stairs off of the west side of the front porch be all granite to be similar to the foundation of the front porch.

Reconfigure the windows on the west side of the house.

While the Staff will address its concerns about the location and design of the addition below, it is also concerned about the reconfiguration of the windows on the west side of the house beyond those affected by the addition. It is not clear the rationale for the window relocation and this would unnecessarily harm historic fabric to the house. The Staff would recommend that except for those windows that are affected by the final design of the addition, the windows on the west side of the house are left as is and repaired in-kind as necessary.

Reconfigure the windows on the east side of the house and eliminate the enclosed side porch.

In contrast to the west side of the house, the east side of the house has been previously altered such that the windows from the projecting portion to the back of the house are not original or historic to the house and in fact are generally incompatible with the house. The Staff would recommend, however, that the new windows on the west side of the house are similar in design and material as the existing, original windows on the house.

As for the removal of the previously enclosed side porch, the Staff is not able to determine if this is an original feature of the house, given the photographs provided in the submission. If this feature is original or historic to the house, the Staff is concerned about the unnecessary loss of historic fabric. The Staff would recommend that the Applicant document the status and condition of the enclosed side porch on the east side of the house and if it is original or historic, it shall be retained and repaired in-kind.

Add a shed roof, four window dormer above the front entry way of the house.

The Staff is concerned that the new shed dormer will both eliminate the original hipped, accent roof over the front façade projection and introduce an incompatible element to the house's architectural style. The simple, uninterrupted front facing roof plane is a significant characteristic of the existing house. The dormer would add a stark element to that and would create a "stacked" effect to the center of the house given the copying of the window pattern from below. The Staff would recommend the front dormer be eliminated from the design.

Extend the ridge line of the main hip to the rear and add a light atrium to the middle of the hipped roof.

While it is not clear to the Staff the benefit of extending the ridge line of the main hip to the rear (and it how the geometry of the new roof would work), the Staff does not have concerns about it from an architectural or design perspective. However, it is concerned about the light atrium to be added in the middle of the roof. The Staff is not aware of any light atrium on any house in the District. Further, it does find that it will be slightly visible from the public street and like a visible skylight, would not meet the District regulations as an incompatible alteration. The Staff would recommend the light atrium be eliminated from the design.

Addition to the House

Add a two-story addition to the rear of the house, including a screened rear porch, rear sunroom, rear facing second floor balcony, and rear facing skylights.

The Staff finds that at a general level, the proposed addition meets the District regulations. It is located to the rear of the house, will not significantly affect the massing of the house, will use similar materials as the house and is less tall than the existing house. The Staff's concern is that on the west side of the house, the addition will wrap around the side of the house eliminating: the projection on that side of the house, the current footprint of the house, the articulation of the side façade, and a distinctive triple window. Further, this addition raises the visual presence of the addition on the property (and thus diminishing the presence of the existing house) by exposing more of it to view from the street.

The Staff would recommend the west side of the addition not wrap around, be stepped in from, and retain more of the existing historic fabric on the west side of the house.

CA3-16-120 (Variance):

Staff Recommendation: Based upon the following:

- a) Except as noted above, the Applicant has not shown the variance request meets all of the variance criteria, per Section 16-26.003

The Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-16-120) for variances to reduce the rear yard setback from 50' (required) to 21' (proposed); and to reduce the east side yard setback from 20' (required) to 11' (proposed) to allow alterations and additions to an existing accessory structure, to allow time for the Applicant to address the following comments and concerns:

1. The Applicant shall document compliance with all of the variance criteria, per Section 16-26.003.

CA3-16-121 (Design Review):

Staff Recommendation: Based upon the following:

- a) Taking into account the Staff's recommendation regarding CA3-16-120; and
- b) Except as noted above, the proposed design does not meet the District regulations, per Section 16-20B.

The Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-16-121) for alterations and additions at **1240 Fairview Rd.**, to allow time for the Applicant to address the following issues and comments:

1. The Applicant shall document compliance with the maximum lot coverage requirement, per Section 16-20B.005(4);
2. All of the components of the project shall meet the setback requirements, per Section 16-20B.005(5)(a);
3. The Applicant shall document compliance with all of the District's slope disturbance requirements, per Section 16-20B.003(5)(c);
4. The Applicant shall document the existing condition and origins of the front walk and stairs, and the rationale for its replacement, per Section 16-20B.003(4);
5. If replacement of the front walk and site stairs is warranted, the replacement shall occur in-kind if the materials are original or historic to the property, per Section 16-20B.003(4);
6. The granite cheek walls and columns shall only be as tall as is needed to properly retain the surrounding earth and appropriately tie into the existing granite retaining wall, per Section 16-20B.003(4);
7. The Applicant shall document the design and height of the driveway curb and that it meets the District regulations, per Section 16-20B.003(4);
8. The Applicant shall document the design and height of the fencing and that all portions of the fence meet the District regulations, per Section 16-20B.003(7);
9. The Applicant shall document the existing condition and origins of the driveway and the rationale for its replacement, per Section 16-20B.003(4);
10. If replacement of the driveway is warranted, the replacement shall occur in-kind if the materials are original or historic to the property, per Section 16-20B.003(4);
11. The Applicant shall document that only the minimal amount of paving required for turning movements is being re-installed within the 20 ft. distance, per Section 16-20B.003(3);

12. The tree removal and replacement shall meet all of the District regulations, per Section 16-20B.003(4);
13. The renovation to the accessory structure shall retain more historic fabric and elements, be simplified in design, and be secondary in detail and ornamentation to the main house, per Section 16-20B.003(6);
14. The size and massing of the proposed addition to the accessory structure shall be reduced in relationship to the existing accessory structure and its level of detail shall be similar to the existing accessory structure, per Section 16-20B.003(6);
15. The Applicant shall provide more information about the necessity for the repair work to the front façade siding and columns and that such repair work shall meet the District regulations, per Section 16-20B.003(6);
16. The front porch balustrade / railing shall be wood, per Section 16-20B.003(6);
17. The front porch stairs shall be retained and repaired in-kind, and that if desired a new hand rail shall be installed that meets the District regulations, per Section 16-20B.003(6);
18. The new stairs off of the east side and west sides of the front porch shall be all granite to be similar to the foundation of the front porch, per Section 16-20B.003(6);
19. Except for those windows that are affected by the final design of the addition, the windows on the west side of the house shall be left as is and repaired in-kind as necessary, per Section 16-20B.003(6);
20. The new windows on the west side of the house shall be similar in design and material as the existing, original windows on the house, per Section 16-20B.003(6);
21. The Applicant shall document the status and condition of the enclosed side porch on the east side of the house and if it is original or historic, it shall be retained and repaired in-kind, per Section 16-20B.003(6);
22. The front dormer and light atrium shall be eliminated from the design, per Section 16-20B.003(6);
23. The west side of the addition shall not wrap around, shall be stepped in from, and shall retain more of the existing historic fabric on the west side of the house, per Section 16-20B.003(6); and
24. 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
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 13, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-123) for alterations and additions at **745 Pearce Street** - Property is zoned R4-A/Adair Park Historic District.

Applicant: Wole Oyenuga
745 Pearce Street, NW

Facts: According to the District inventory sheet this house is considered non-contributing to the District given it was built in the mid-2000s. The house has a full width front porch, a front to back gable roof and a small rear stoop. The driveway is located on the right side of the house. There is a short retaining wall and steps along the front property line.

The proposed project consists of the following components:

1. Install a privacy fence along the rear property line and a portion of the side property lines;
2. Replace the cementitious siding in the front gable with cedar shingles;
3. Construction a rear addition that includes a side-facing, double garage; three dormers; bonus room above; covered breezeway / porch, and an interior hallway above the breezeway / porch that connects the bonus room to the main house; and
4. Extend the existing driveway creating a parking court and turn around area for the garage.

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.
- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

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

Sec. 16-20I.002. - Scope of regulations.

- (a) The existing zoning map and regulations governing all properties within the Adair Park Historic District shall remain in full force and effect. The following zoning regulations shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (chapter 20I) shall apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall continue to apply; and any variance between said other regulations and these overlay district regulations (chapter 20I) shall be governed by the interpretation provision set forth in section 16-20.011(c) of the code of ordinances.
- (b) Except when otherwise explicitly provided, the provisions of chapter 20 of this part shall apply to this district.

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

The following regulations shall apply to all properties within the Adair Park Historic District.

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

Sec. 16-20I.006. Specific regulations--Residential Subarea I.

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

1. Certificates of Appropriateness: Certificates of appropriateness within this subarea shall be required as follows:
 - (a) When required:
 1. To change the exterior appearance of any portion of a structure within the subarea, when said change can be seen from the public right-of-way;
4. Architectural Standards:
 - (a) Building facades:
 1. All new construction shall conform to the existing building orientation (setbacks) by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main facade shall face the principal street whenever possible.
 2. At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distances from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
 3. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
 4. Siding repair or replacement shall match the original materials in scale and direction. Wood clapboard, if original is preferred; however, aluminum, masonite vinyl or other horizontal siding is permitted if window trim, cornerboards, and fascia/bargeboards are left in place or replaced with new material to match the original.
 5. Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
 - (b) Windows and Doors:
 1. Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
 2. Original window and door openings shall not be blocked or enclosed, in whole or in part.

3. Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size with no more than a one-inch width or height difference from the original size.
 4. Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
 5. New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
 6. The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a permitted differential of ten (10) percent.
 7. The scale, size, and proportion of all openings in new construction shall be established by the compatibility rule with a permitted differential of ten (10) percent.
 8. New windows or doors added to existing structures shall be located on sides or to the rear of buildings, rather than on the front.
- (c) Foundations:
1. Foundation materials, including infill materials, shall replicate the original materials in size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.
 2. New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials, and style with adjacent and surrounding buildings.
 3. Slab on grade is not permitted.
 4. Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.
- (d) Storm doors, storm windows, shutters and awnings:
- (e) Chimneys:
- (f) Roofs:
1. Roofing materials shall be of the same size, texture and materials as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
 2. Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
 3. The shape and pitch of roofs for new construction shall be subject to the compatibility rules.
- (g) Porches:
1. Architecturally significant porches, steps and stoops shall be retained.
 2. Replacement porches, steps and stoops shall match the original in size, style and materials.
 3. Porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
 4. Porches shall contain balustrades, columns and other features consistent with porches in that block.
- (i) Fences: Fences shall be fabricated of brick, cast iron, wrought iron, stone and wood pickets. Fence lines shall follow the property line. Fences shall not obscure the front façade of the building. Chain link type of fencing shall be located to the rear of the lot and shall not extend beyond the front façade of the main structure into the front yard.
- (j) Walls: Concrete block may be used in retaining walls, but stone or brick facing material is required.
- (k) Ornaments:
1. Architecturally significant ornaments, such as corner boards, cornice, brackets, downspouts, railings, columns, steps, doors and windows moldings, shall be retained.
 2. Replacement ornaments shall be permitted only when originals cannot be rehabilitated.
 3. 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.
5. Paved Surfaces:
- (a.) The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.
 - (b.) Resurfacing or new installation of paved areas, other than those specified in subsection 16-20I.006(5)a. above, including driveways, walkways, and patios, or portions thereof, shall match the color and materials of the original surface whenever possible.
6. Off-Street Parking Requirements:
- (a.) Off-street parking shall not be permitted in the front yard.
 - (b.) Carports and garages shall be behind the rear of the main structure. If the main structure is located on a corner lot, the front yard setback for that side of the street shall apply to the construction of a carport or garage.

Install a privacy fence along the rear property line and a portion of the side property lines.

The District regulations do have some requirements for fences in the rear and side yards but the underlying zoning (R-4A) governs the height (maximum of 6 ft.) and type (fence vs. wall, both of which are allowed in the rear and side yards.) The District regulations require that fences follow the property line. Wood pickets are an allowed material and design. A privacy fence is considered a wall even though it is built like a fence. The fence is not shown on the site plan and the design details are not described. The Staff would recommend the design and material details of the fence are included in the final plans and that they meet the District and R-4A regulations.

Replace the cementitious siding in the front gable with cedar shingles.

Given the non-contributing status of the house and its recent year of construction the Staff is not concerned about the loss of historic fabric. However, it does not find that cedar shingles are a common, original sheathing material in the District which is why the Staff normally recommends that they not be included in most new construction proposals. The Staff finds that this analysis would apply to renovations to new houses, as well. The Staff would recommend that the siding in the front gable be retained in place and repaired in-kind as necessary.

Construct a rear addition that includes a side-facing, double garage; three dormers; bonus room above; covered breezeway / porch, and an interior hallway above the breezeway / porch that connects the bonus room to the main house.

The Staff finds that the proposed addition meets the setback requirements of the R-4A regulations. The resulting lot coverage (including the driveway / parking court / turnaround area) is still less than the maximum allowed by the R-4A regulations. The Staff further finds that the addition's floor area would likely not make the property exceed the maximum allowed by the R-4A regulations, but no floor area ratio calculations were included in the submission. The Staff would recommend the Applicant confirm that the floor area ratio calculations meet the R-4A regulations.

Regarding the design of the proposed addition, the Staff generally finds that its overall shape, orientation, relationship to the existing house, position of the garage doors, and location on the property meets the District regulations. The Staff would note that the porch is built on a crawl space (like the rest of the house), but the garage is built on grade, which the Staff finds meets the District regulations. It does however, have two concerns: the size and design of the dormers, and the breezeway / porch between the garage and the main house.

The Staff finds that the dormer on the north elevation is too large and as it engages the main side façade line, changes the roof form of the addition to an incompatible gable / shed combination. The Staff finds the dormers on the south elevation are too thin and as they engage the main side façade line, change the roof form of the addition. Lastly, the Staff finds that the inclusion of the porch underneath the same roof form as the addition creates a "void" in the addition's massing that is not compatible with the existing massing of the house and most houses in the District. The Staff would note that if the dormers were on a rear facing roof plan and the porch was attached to the rear of the addition (and the addition was fully attached to the rear of the existing house), the addition would be similar to many other additions that were found to be compatible to the District.

The Staff would recommend the dormers and breezeway / porch be redesigned to be compatible with the house and similar houses in the District and to meet the District regulations.

Extend the existing driveway creating a parking court and turn around area for the garage.

Generally speaking, the Staff has no concerns about the extension of the driveway and the creation of a parking court / turn around area in the rear yard. The resulting lot coverage (including the addition's footprint) is still less than the maximum allowed by the R-4A regulations. The Staff would recommend, however, that the new driveway and parking court / turnaround area is concrete.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-16-123) for alterations and additions at **745 Pearce Street** - Property is zoned R4-A/Adair Park Historic District, with the following conditions:

1. The design and material details of the fence shall be included in the final plans and they shall meet the District and R-4A regulations, per Section 16-20I.006(4)(i);
2. The siding in the front gable shall be retained in place and shall be repaired in-kind as necessary, per Section 16-20I.006(4)(a)(3);
3. The Applicant shall confirm that the floor area ratio calculations meet the R-4A regulations;
4. The dormers and breezeway / porch be redesigned to be compatible with the house and similar houses in the District and to meet the District regulations, per Section 16-20I.006(4)(a)(5);
5. The new driveway and parking court / turnaround area is concrete, per Section 16-20I.006(6); and
6. The Staff shall review, and if appropriate approve, the final plans and supporting documentation.



KASIM REED
MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303
404-330-6145 – FAX: 404-658-7491
<http://www.atlantaga.gov/Government/Planning.aspx>

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
April 13, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3 16 126) for a special exception to allow a 8 ft. tall retaining wall with a fence in the front yard where a 4 ft. tall retaining wall / fence combination is permitted and in the side yard where a 6 ft. tall retaining wall / fence combination is permitted at **114 Tye St.** - Property is zoned Cabbagetown Landmark District (Subarea 3) / Beltline.

Applicant: Louise Arnold
114 Tye St

Facts: The property is located in the northern portion of the neighborhood on the east side of Tye Street just south of Wylie Street. The property is considered non-contributing to the District, having been built in the late 1980s. The property is generally rectangular in shape, with the short side facing Tye Street. To the north and south are single-family houses. The side and rear of the property to the south sits well below the subject project.

At some point this past fall, the 8 ft. retaining wall that retains the ground of the subject property above the property to the south collapsed. The previous retaining wall was made of railroad ties, pressure treated lumber and various masonry materials. The proposed retaining wall would be poured in place, reinforced concrete. Though not shown on the plans, the Staff assumes that given its height, a fence to replace the damaged chain link fence will need to be located along the top of the wall.

If the special exception for the height of the retaining wall / fence combination is approved by the Commission, the actual construction of the wall / fence combination would be reviewed by the Staff via a Type II Staff Review Certificate of Appropriateness application.

Analysis: The following code sections apply to this application:

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

- (1) When required:
 - b) To erect a new structure or to make an addition to any structure within the district;
- (2) Type required:
 - a) When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code.

Provided, however, that a partial demolition of a contributing building shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

- b) If the proposed alteration for minor façade alterations, fences, walls, accessory structures, decks, paving and satellite dishes meets the requirements of section 16-20A.006, section 16-20A.007, section 16-20A.008, section 16-20A.009, section 16-20A.010, and section 16-20A.011, as applicable, then the director of the commission shall issue the Type II certificate. If the proposed alteration does not meet said requirements, the director of the Atlanta urban design commission (the commission) shall deny the application. Appeals from any such decision of the director regarding the approval and/or denial of Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for Type I Certificates.

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

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (18) Fences and walls.
 - a) Fencing, walls, and retaining walls are subject to design review by the commission.
 - b) Fences shall not exceed four feet in the front or the half-depth yards.
 - c) Fences and walls shall not exceed six feet in the side or rear yards.
 - d) Fences shall be constructed of wood or chain link. Barbed wire and razor wire are prohibited.
 - e) Retaining walls. Retaining walls located adjacent to a public right-of-way shall have a maximum height of two feet from sidewalk grade and shall be faced with either stone, brick, or smooth stucco, whichever predominates on that block face. Stacked stone is not permitted. The combined height of a fence and retaining wall adjacent to a sidewalk shall not be greater than four feet from sidewalk grade. The combined height of a fence and retaining wall in a side or rear yard shall not exceed six feet. See section 16-29.001(25).

Sec. 16-20A.009. - Shotgun and Cottage Housing (Subarea 3).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the Shotgun and Cottage Housing Subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster

residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

(13) Fencing and walls.

- a) Walls are not permitted in a front yard, or a side yard adjacent to a public right-of-way.
- b) Variances for the height of walls or fences may be granted by the commission.
- c) Walls shall be constructed of wood.

Analysis of Relationship between District and Beltline Zoning Regulations

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

1. In addition to its design requirements, the District regulations also address more basic, “standard” zoning requirements, including: allowed uses (principal, accessory, special), transitional characteristics (uses, height planes, yards, and screening), density, setbacks, lot size, yard requirements, height, and the number of off-street parking spaces.
2. The Beltline Zoning Overlay District have requirements related to design, building articulation and fenestration, facades, design of parking, streetscapes, and site arrangement.
3. In some cases, the Beltline Zoning Overlay District has requirements that are stricter than the District regulations, and thus are the governing requirement for that topic.
4. The Beltline Zoning Overlay requirements will be addressed through a concurrent Beltline Special Administrative Permit (SAP) review process also administered by the Office of Planning.

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

Wall / Fence Review

The height of the proposed retaining wall is required given it is replacing a previous retaining wall of similar height. The existing difference between the grade of the subject property and the grade of the adjacent property to the south requires this height. A lower retaining wall that would meet the District regulations would not properly retain the existing ground and as a result would lead to erosion and disturbance of the front and sides yards of the subject property. As noted by the property owner, there is not enough horizontal distance to build a lower, District-regulation-compliant wall and grade the subject property to create a slope to make up the difference in the property’s grades. The Staff would add that given how the subject property and adjacent property are arranged, the retaining wall will have less visibility than a more traditional retaining wall in the front or side yard that faces the street. There are no District regulations regarding the materials of the retaining wall as it is not “adjacent to a public right of way”.

Given the 8 ft. height of the proposed retaining wall, a fence to prevent falls from the retaining wall would be required, just as there was before the previously existing wall collapsed. The property owner proposes to re-install the previously existing chain link fence. Chain link is a fence design / material allowed by the District regulations.

The Staff would recommend approval of the special exception for the height of the retaining wall and fence on top of it.

Special Exception (CA3-16-126)

Staff Recommendation: Based on the following:

- a) The proposed retaining wall meets the special exception meets the criteria for granting such requests, per Section 16-20A.0006(7).

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3 16 126) for a special exception to allow a 8 ft. tall retaining wall with a fence in the front yard where a 4 ft. tall retaining wall / fence combination is permitted and in the side yard where a 6 ft. tall retaining wall / fence combination is permitted at 114 Tye St., with the following condition:

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



CITY OF ATLANTA

KASIM REED
MAYOR

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

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

March 9, 2016

REVISED

APRIL 13, 2016

(Revised text shown in italic.)

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.

At the March 9, 2016 Commission meeting, this application was deferred to allow time for the Applicant to address the concerns and comments of the Staff and Commission. On April 12, 2016, the Applicant officially made all of the submitted materials from the previous application (CA4PH-14-266) part of the record for the subject application. As such, these added materials must be considered by the Staff and the Commission in their analysis. In comparing all the materials from the 2014 application to all of the materials already a part of the subject application, the Staff found that there were three substantive documents from 2014 that were not already a part of the subject application:

- *a set of existing condition photographs from 2014;*
- *graphics and plans (5 pages) from January 2015 that documented the deflection of the foundation and façade; and*
- *a report (3 pages) and photographs (9 pages) summarizing a site visit by the Staff in February, 2015. The analysis of these additional materials was taken into account in this revised Staff Report.*

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?

As noted above, one set of materials added from the 2014 application was documentation (5 pages of graphics and plans) prepared in January 2015 about the deflection of the foundation and façade above it. Using a plumb bob, seven sets of measurements were taken (four on the left side and three on the right side) from the soffit line to the ground and a profile was drawn reflecting the distance from the plumb bob of the various points of the foundation and façade.

In January, 2015 on the left side elevation, the greatest deflection of the foundation occurred in the middle of the house and subsequently the greatest "kick-out" of the façade occurred in that same location (Measurements B and C). While there still was some deflection and "kick-out" at the front (Measurement A) of the house, it was less. Of note, however was that the left rear corner of the house had no deflection in the foundation, but the façade above it appeared to be leaning to the right (Measurement D).

In January, 2015 on the right elevation, the middle portion showed some small amount of foundation deflection but no “kick-out” of the façade above it (Measurement F). The right rear corner showed the foundation deflection and the façade both leaning to the right (Measurement E). The front right corner (Measurement G) had little foundation reflection, but did show the façade leaning to the right. The Staff would note, however, that the above ground height of the foundation was less, likely resulting in less severe deflection and “kick-out” movement in general.

In January, 2015, measurements B and C would lead one to believe that the left side of the house was slightly separating from the right side of the house. This documentation would appear to correspond to the Applicant’s documentation of failing internal foundation piers and the front-to-back gap in the floor system visible on the hallway adjacent to the front room of the lower level of the house.

However, in January, 2015 the house as a whole did not appear to be “leaning” in a uniform, top-to-bottom fashion given the differences in all seven sets of measurements. Rather, the house could have been experiencing a “racking” movement with the sides of the house bowing out in the middle on the left, leaning to the right in the rear, and leaning to the right on the right front corner. It is not clear what was the cause vs. what was the symptom; the deflection of the foundation or the movement within the structural components of the house above the foundation.

As noted above, the Staff conducted a site visit with the Applicant and their engineer in February, 2015. The Applicant submitted a report and additional photographs as a follow up to that site visit on April, 2015. It is this report and photographs that have been added to the subject application.

This site visit consisted of an exterior inspection of all four elevations of the building, as well as a limited interior inspection in the first room and front portion of the hallway of the lower level unit. During the site visit by the Staff, no measurements or photographs were taken. The Staff did discuss their initial reaction with the Applicant at the conclusion of the site visit.

As a result of the site visit, the Staff found in February, 2015 that while there was significant deterioration of selected components of the building (including the walls, sills, and foundation), this deterioration was more limited and concentrated than had been expected by the Staff based on the materials submitted in the application package at that time. For example, the rear right hand corner post of the house did have significant water, insect, and termite damage, but the right side elevation as a whole did not. On the left side elevation, there were portions of the sill plate that were substantially deteriorated beyond repair, but there were also sections with little or no deterioration.

In conclusion, the Staff finds that while there has been substantial information provided about the movement and condition of the house as of February, 2015, it is not clear yet that the house has experienced a significant enough and uniform enough shift or widespread deterioration that would cause the house to collapse. Further, the Applicant has not provided any documentation or evidence that the house’s condition, various amounts of deflection, structural soundness, or overall suitability for renovation has changed since February, 2015. The Staff would retain its previous recommendation.

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.

The Applicant did not include information or a response about the fair market value of the property prior to the designation in 1989. The Staff would retain 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:

- 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?

As noted above, one set of materials added from the 2014 application was documentation (5 pages of graphics and plans) prepared in January 2015 about the deflection of the foundation and façade above it. Using a plumb bob, seven sets of measurements were taken (four on the left side and three on the right side) from the soffit line to the ground and a profile was drawn reflecting the distance from the plumb bob of the various points of the foundation and façade.

In January, 2015 on the left side elevation, the greatest deflection of the foundation occurred in the middle of the house and subsequently the greatest “kick-out” of the façade occurred in that same location (Measurements B and C). While there still was some deflection and “kick-out” at the front (Measurement A) of the house, it was less. Of note, however was that the left rear corner of the house had no deflection in the foundation, but the façade above it appeared to be leaning to the right (Measurement D).

In January, 2015 on the right elevation, the middle portion showed some small amount of foundation deflection but no “kick-out” of the façade above it (Measurement F). The right rear corner showed the foundation deflection and the façade both leaning to the right (Measurement E). The front right corner (Measurement G) had little foundation reflection, but did show the façade leaning to the right. The Staff would note, however, that the above ground height of the foundation was less, likely resulting in less severe deflection and “kick-out” movement in general.

In January, 2015, measurements B and C would lead one to believe that the left side of the house was slightly separating from the right side of the house. This documentation would appear to correspond to the Applicant’s documentation of failing internal foundation piers and the front-to-back gap in the floor system visible on the hallway adjacent to the front room of the lower level of the house.

However, in January, 2015 the house as a whole did not appear to be “leaning” in a uniform, top-to-bottom fashion given the differences in all seven sets of measurements. Rather, the house could have been experiencing a “racking” movement with the sides of the house bowing out in the middle on the left, leaning to the right in the rear, and leaning to the right on the right front corner. It is not clear what was the cause vs. what was the symptom; the deflection of the foundation or the movement within the structural components of the house above the foundation.

As noted above, the Staff conducted a site visit with the Applicant and their engineer in February, 2015. The Applicant submitted a report and additional photographs as a follow up to that site visit on April, 2015. It is this report and photographs that have been added to the subject application.

This site visit consisted of an exterior inspection of all four elevations of the building, as well as a limited interior inspection in the first room and front portion of the hallway of the lower level unit.

During the site visit by the Staff, no measurements or photographs were taken. The Staff did discuss their initial reaction with the Applicant at the conclusion of the site visit.

As a result of the site visit, the Staff found in February, 2015 that while there was significant deterioration of selected components of the building (including the walls, sills, and foundation), this deterioration was more limited and concentrated than had been expected by the Staff based on the materials submitted in the application package at that time. For example, the rear right hand corner post of the house did have significant water, insect, and termite damage, but the right side elevation as a whole did not. On the left side elevation, there were portions of the sill plate that were substantially deteriorated beyond repair, but there were also sections with little or no deterioration.

In conclusion, the Staff finds that while there has been substantial information provided about the movement and condition of the house as of February, 2015, it is not clear yet that the house has experienced a significant enough and uniform enough shift or widespread deterioration that would cause the house to collapse. Further, the Applicant has not provided any documentation or evidence that the house's condition, various amounts of deflection, structural soundness, or overall suitability for renovation has changed since February, 2015. The Staff would retain its previous recommendation.

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
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

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.

The Applicant did not include any current value information in the additional materials that it submitted for the subject application. The Staff would retain its previous recommendation.

- 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.

The Applicant did not include a current assessment of the economic feasibility of the rehabilitation or reuse of the existing structure by one of the professionals listed in the criteria in the additional materials that it submitted for the subject application. The Staff would retain its previous recommendation.

- 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.

The Applicant did not include an assessment of the economic incentives that could apply to the property / project in the additional materials that it submitted for the subject application. The Staff would retain its previous recommendation.

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.

Taking into account the three sets of additional substantive materials included in the subject application from the 2014 application, the Staff still 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 and a thorough assessment of the structural soundness of the structure and its suitability for rehabilitation.. Further, the Applicant did not provide a response to the Staff concerns about:

- *information or a response about the fair market value of the property prior to the designation in 1989;*
- *the value for the property in its current condition;*
- *an assessment of the economic feasibility of the rehabilitation or reuse of the existing structure by one of the professionals listed in the criteria; and*
- *economic incentives that could apply to the property / project.*

Given all of the information we have at this time for subject application, the Staff cannot support the complete demolition of the structure. The Staff would retain its previous recommendation for deferral of the application.

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

KASIM REED
MAYOR

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

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

March 23, 2016

Updated

April 13, 2016

(updated information in italics)

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-16-084) for a variance to decrease the front yard setback from 4'7" (minimum) to 3'3" (proposed); *a reduction in the rear yard setback from the 50'-60' range (required) to 10' (proposed); a reduction in the porch depth from 5'-6' range (required) to 4' (proposed); from the requirement that solar panels be located upon the rear facing roof planes; and from the façade arrangement requirement;* and (CA3-16-084) for a new single family house at **73 Bradley Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Frederic Dawson, Greenlaw Properties, LLC
PO Box 420598

Facts: This is currently a vacant lot. In 2012 the Commission reviewed applications for Type III Certificates of Appropriateness (CA3-12-281) for a variance to reduce the front yard setback from 8.9' (required) to .5' (proposed) and to increase the building height from 23' 11" (required) to 27' 11.5" (proposed); (CA3-12-264) for the construction of a new single family residence at 73 Bradley Street--Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, with the following conditions:

CA3-12-281

1. The front yard setback shall be 3'3"; and
2. The variance request for height shall be excluded from the variance approval.

CA3-12-264

1. The roof shall be hipped with a small decorative front facing gable, per Section 16-20.009(6);
2. Exposed rafter tails shall be added to the design, per Section 16-20.009(6);
3. All the windows shall be compatible with the architectural character of the district including proportion, location and size;
4. The windows shall feature appropriate trim, headers and actual sills that are compatible with the historic windows on the block, per Section 16-20.009(6);
5. The side elevations shall have an appropriate number of windows to eliminate the appearance of blank walls, per Section 16-20.009(6);

6. The window trim shall be a true 4”-6”, per Section 16-20.009(6);
7. The first floor porch feature a brick base and columns configuration that are similar in design and size as the porch elements at 105 Bradley Street per Section 16-20.009(6); and
8. Staff shall review and if appropriate, approve the final plans.

At the March 23rd Commission meeting, this application was deferred to allow the Applicant to apply for additional variances and to address the concerns of the Commission and Staff.

As the district requirements have been revised, a new review of the project is required.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

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

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

- c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
 - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
 - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
 - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
- a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - i. All new principal structures;
 - v. Variances, special exceptions and administrative appeals.
8. Variances, special exceptions and administrative appeals.
- a. Variance applications and applications for special exceptions and administrative appeals from these regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in Section 16-26.001 through Section 16-26.006. The Commission shall have the authority to grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16.25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).
 - b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals shall be as provided for in Section 16-20.010.
9. Prohibited variances. Notwithstanding any provision in this chapter or part to the contrary, no variance from this chapter's maximum building height requirements shall be permitted or authorized by the Commission, Commission Staff or any other Board, official or entity.
10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).
- Sec. 16-20C.005. Permitted Principal Uses and Structures.
1. Permitted Principal Uses and Structures: The following permitted uses and restrictions apply to all Subareas within this District, except Subarea 5:
- a. The permitted principal uses and special permit uses set forth in Table 1: Martin Luther King Jr. Landmark District Table of Uses shall be permitted only as listed within each Subarea within said table of uses and only in the manner so listed.
 - b. Permitted principal uses. A building or premises shall be used only for the principal uses indicated with a "P" in Table 1: Martin Luther King Jr. Landmark District Table of Uses, subject to further restrictions where noted.

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

2. The following additional Permitted Principal Use and Structures provisions shall apply to Subareas 1 and 2.
 - a. Previously-existing uses. Prohibited uses shall be permissible when granted a Certificate of Appropriateness by the Commission upon its finding that such use can be shown by archived evidence or sworn affidavit(s) to either previously or currently exist on the proposed site and that such use will be of an intensity and type that is no greater than that which previously or currently existed and otherwise meets the District regulations.
 - e. Active uses. Ground floor, sidewalk-level uses are further regulated in this district for the purposes of creating vibrant and pedestrian-oriented sidewalks and streets. Active uses, where provided, shall be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses designated in Table 1: Martin Luther King Jr. Landmark District Table of Uses, except that the following non-residential uses shall not be considered as active uses:
 - i. Drive-in and drive-through facilities.
 - ii. Parking and driveways.
 - iii. Accessory non-residential storage areas.

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

1. The following Lot Controls and Building Heights provisions shall apply to Subareas 1 and 2.
 - a. Lot controls.
 - i. The compatibility rule shall apply for the purposes of determining permitted lot coverage.
 - b. Building heights.
 - i. Within the portion of this Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the maximum height of any alteration, addition, or new construction shall be 32 feet.
 - ii. Within the portion of this Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the maximum height of any alteration, addition, or new construction shall be 32 feet.
 - iii. For all other areas, the height of any alteration, addition, or new construction shall be established through the compatibility rule.-

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.

- b. Yards. Notwithstanding the setback requirements of these Subareas, previously existing contributing structures may be reconstructed to their original footprints and setbacks upon a submittal of finding that such structural dimensions have been shown by archived evidence or sworn affidavit(s) to have previously existed on the proposed site, and as subsequently approved by the Commission.
 - c. Required Open Space.
 - i. Open Space shall be required only for multi-family uses. All other uses shall have no Open Space requirements.
2. The following additional Yards provisions shall apply to Subareas 1 and 2.
- b. Subarea 2.
 - i. Except as provided below, all front, side and rear yard setbacks shall be established through utilization of the compatibility rule. All new construction shall maintain a minimum of 10 feet for rear yard setbacks where the compatibility rule would permit a smaller rear yard setback, except as otherwise provided for accessory structures.
 - ii. Within the portion of Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the following development controls shall apply:
 - (1) Side yard: Three (3) feet.
 - (2) Front yard: Seven (7) feet.
 - (3) Rear yard: 25 feet.
 - iii. Within the portion of Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the following development controls shall apply:
 - (1) Side yard: Three (3) feet.
 - (2) Front yard: 12 feet.
 - (3) Rear yard: Six (6) feet.

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.
 - iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.
 - iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible from any public street.

- v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.
2. The following Design Standards provisions shall apply to Subareas 1 through 2.
- a. Windows and Doors.
 - i. Simulated divided light windows or plain sash windows shall be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.
 - ii. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung.
 - iii. Front doors facing and parallel to the street shall be provided.
 - iv. Front doors shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 - b. Front Yard Porches.
 - i. Front yard porches shall be provided.
 - ii. Front yard porches shall contain balustrades, columns, floor dimensions, height, roof pitch and overhangs as regulated by the compatibility rule.
 - iii. Decorative metal, resin, fiberglass and plastic columns are prohibited.
 - iv. Front yard porches are permitted to be enclosed with recessed screen wire when the primary characteristics of the porch are maintained.
 - v. Front yard porch steps shall be wood, brick or concrete. Metal steps are prohibited.
 - vi. A paved walkway from the front yard porch to the adjacent public sidewalk shall be required.
 - c. Siding and Foundations.
 - ii. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four (4) inch reveal and no more than a six (6) inch reveal.
 - iii. Foundations shall be permitted to utilize brick, stone, smooth stucco, and smooth finish concrete as foundation-facing materials.
 - iv. When provided, chimneys shall be faced in brick and shall originate at grade.

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

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

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

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

Variance Request

Front Yard Setback

The front yard setbacks of the contributing houses on the block range from 4'7" to 22'6". The Applicant is proposing a variance to allow a 3'3" front yard setback. Staff would note that the previously existing historic house (demolished in 2007), had a front yard setback of 3'3". As the lot is significantly smaller than the other lots on the block face, Staff finds that meeting all of the setback requirements is a hardship. Staff finds that matching the previously existing front yard setback does not create a significant detriment. Staff has no concerns regarding the proposed front yard setback.

Rear Yard Setback

The Applicant is requesting a variance from the requirement that the rear yard setback be within the 50' to 60' range. As the existing lot has a depth of 49.5', Staff finds meeting the rear yard setback requirement is not physically possible. Staff finds denial of the variance would make the lot unbuildable. Staff has no concerns regarding approval of the rear yard setback variance request.

Porch Depth

The Applicant is requesting a variance to allow a reduction in the porch depth from the 5'-6' range to 4'. In looking at the other lots on the block face, the depth of the subject lot is less than half of all of the other lots on the block face. Staff finds the size of the lot makes it difficult to meet the porch depth requirement. In this case, Staff finds that reducing the porch depth by 1' will not cause a significant detriment. Staff finds that meeting the porch depth requirement will be a hardship on the Applicant. Staff has no concerns regarding approval of the porch depth variance request.

Solar Panels

The Applicant is requesting a variance from the requirement that solar panels be located on the rear facing roof planes. The Applicant is proposing to place the solar panels on the south elevation. According to the Applicant, the solar panels cannot be placed where required by the regulations because there would be a loss in annual production by 17-20%. While Staff does not have a general concern regarding the installation of solar panels, Staff finds the panels should be in the least visible location when possible. By installing the solar panels on the side elevation, Staff finds the panels will likely be highly visible.

The Applicant has not submitted any specifications on the solar panels. Further, the solar panels are not indicated on the elevations or the roof plan. Without additional information regarding the specifications and an indication of how the panels will impact the elevations, Staff cannot support the variance at this time. Staff recommends the Applicant provide detailed specifications for the proposed solar panels. Staff recommends the Applicant provide an elevation and roof plan that indicate where the solar panels will be located. Staff recommends the Applicant provide documentation regarding the loss of annual production.

Facade Arrangement

The predominate façade arrangement is to have the main entry on the left side of the front elevation and centered on the stair. According to the Applicant, meeting the façade arrangement will cause an internal conflict with the stair. As this is new construction, Staff finds the internal layout can be modified so that the requirements are met. Staff does not find that meeting this requirement is a

hardship. Based on the information we have at this time, Staff cannot support the façade arrangement variance. Staff recommends the façade arrangement variance request is eliminated.

Site

According to the site plan submitted, this interior lot fronts 33' on Bradley Street and has a depth of 49.5'. In comparing the proposed site plan, Staff finds there is a discrepancy with the lot dimensions. Staff suggests the Applicant contact the Office of Buildings to determine whether resolution of the lot discrepancy is required to get a building permit.

Per regulations, the front yard setback is based on the compatibility rule. As mentioned in the variance section, Staff has no concerns regarding the proposed front yard setback. Per regulations, the side yard setbacks are based on the compatibility rule. According to the Applicant, the right side yard setbacks on the block face range from 1' to 2'. The proposed right yard setback is 6' and therefore does not meet the requirement. Staff recommends the right side yards setback meet the requirements or the Applicant shall submit a side yard setback variance request. The Applicant did not provide side yard setback calculations for the left side. Staff recommends the Applicant provide documentation the proposed left side yard setback meets the requirements or the Applicant shall apply for a variance.

In updated information submitted by the Applicant, the right side yard setback will 3' and therefore still does not meet the requirements. There is also a mention of a different range for the right yard setback, however there was no documentation submitted regarding what the updated range is based on. Staff recommends the Applicant submit an updated compatibility chart. Staff retains its recommendation regarding the side yard setbacks.

Per regulations, the rear yard setback is based on the compatibility rule and in no case shall be less than 10'. The Applicant did not provide calculations for the rear yard setbacks on the block face. Staff recommends the Applicant provide documentation the rear yard setback requirement has been met or the Applicant shall apply for a rear yard setback variance.

As indicated in the variance section, Staff has no concerns regarding the proposed rear yard setback.

Per regulations, the maximum lot coverage allowed is based on the compatibility rule. According to the Applicant, the lot coverage on the block face ranges from 38.3% to 76.5%. The proposed lot coverage is 54.9% and therefore meets the requirement.

Per regulations, a walkway from the front entryway to the sidewalk is required. Staff recommends the site plan indicate the required walkway. It is possible the existing sidewalk may be damaged during construction. If the sidewalk is damaged or destroyed during construction, Staff recommends the sidewalk be repaired or replaced as required by the regulations.

An updated site plan was not submitted. Staff retains its recommendations regarding the walkway and the sidewalk.

There is no notation on the plans regarding mechanical equipment. Staff recommends any mechanical over 30" in height meet the setback requirement. Staff recommends any exterior mechanical equipment be appropriately screened as required by the regulations. Staff would note that there are no parking requirements and no FAR (floor area ratio) requirements in this subarea.

Staff retains its recommendation regarding the mechanical equipment.

Massing and Building Height

The proposed two-story house is defined by a 6 in 12 hipped roof and a two-story full width porch. The overall height and massing appear to be similar to the existing contributing houses at 103 and 105 Bradley Street. Per regulations, the height is based on the compatibility rule. According to the Applicant, the heights of the houses on the block face range from 21' to 28'. The proposed house is 27.5' and therefore meets the requirements.

According to the proposed house will be 27'8" instead of 27.5'. The proposed height still meets the requirements.

Overall Design

Per regulations the general façade arrangement, proportion, roof pitch, roof form and materials are all based on the compatibility rule. In looking at the contributing houses on the block face, Staff finds the proportions, roof form and roof pitch meet the requirements. Staff finds the general façade arrangement does not meet the requirements. Specifically, the predominate façade arrangement is to have the main entry on the left side of the front elevation and centered on the stair. Staff recommends the first floor door is located on the left side of the front elevation. Staff does not have concerns regarding the location of the second floor door.

Staff retains its recommendation regarding the façade arrangement.

Fenestration

Per regulations, the compatibility rule applies to the fenestration pattern. In comparing the proposed fenestration to the survey pictures, Staff finds the overall fenestration pattern is consistent and compatible with the contributing houses on the block face. In looking at survey pictures, the top of the windows and doors are at the same height. It is not clear why the top of the windows on the front façade are significantly taller than the top of the door. Staff recommends the tops of the windows and doors on the front façade are the same height. It is not clear whether the window trim meets the requirements. Staff recommends the window trim meet the requirements.

Staff retains its recommendations regarding the fenestration and trim.

The material of the windows is indicated as vinyl. Per regulations, the materials for windows are based on the compatibility rule. Staff recommends the Applicant provide documentation that vinyl windows meet the requirements. On the right elevation there are two small square windows. Staff finds these windows are not appropriate. Staff recommends the small windows on the right elevation are revised to be full sized one over one double hung windows. Staff recommends all windows have actual sills and no lower apron.

Staff retains its recommendation regarding the fenestration.

Porch

In general, Staff finds the proposed porch and its architectural elements are similar to the house at 105 Bradley. While the overall porch configuration is appropriate, Staff has concerns regarding the proportions of the brick bases and columns. The columns appear much too thin and the brick bases appear too large. Staff recommends the columns and brick bases are appropriately proportioned. Staff recommends the plans indicate the railings will have a two-part top and bottom rail with balustrades that butt joint the top and bottom rail.

Staff retains its recommendations regarding the porch.

Per regulations, the first floor height is based on the compatibility rule. The Applicant did not provide information regarding the first floor heights on the block face. Staff recommends the Applicant provide documentation the proposed first floor height meets the requirements.

According to the Applicant, the first floor heights on the block face range from 28"-60". The proposed first floor height is 28" and therefore meets the requirements.

Per regulations, the porch depth is based on the compatibility rule. The Applicant did not provide any calculations for the porch depths on the block face. Staff recommends the Applicant provide documentation the proposed porch depth meets the requirements.

As indicated in the variance section, Staff has no concerns regarding the proposed porch depth.

Materials

The materials on the plans are indicated as vinyl windows, smooth cementitious siding with a 6" reveal, composition shingles and a brick veneer foundation and brick veneer bases. All of the material details are not indicated on the plans. Staff recommends all material details are indicated on the plans and meet the requirements.

Staff retains its recommendation regarding the material details.

Staff Recommendations: Based upon the following:

- 1) There are some extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography);
- 2) The application of the Zoning Ordinance of the City of Atlanta to this piece of property creates an unnecessary hardship; and
- 3) Relief if granted would not cause a substantial detriment to the public good;

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-16-084) for a variance to decrease the front yard setback from 4'7" (minimum) to 3'3" (proposed); ***a reduction in the rear yard setback from the 50'-60' range (required) to 10' (proposed); a reduction in the porch depth from 5'-6' range (required) to 4' (proposed); from the requirement that solar panels be located upon the rear facing roof planes; and from the façade arrangement requirement at 73 Bradley Street - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, with the following conditions:***

- 1. The Applicant shall provide detailed specifications for the proposed solar panels;***
- 2. The Applicant shall provide an elevation and roof plan that indicate where the solar panels will be located;***
- 3. The Applicant shall provide documentation regarding the loss of annual production; and***
- 4. The façade arrangement variance request shall be eliminated.***

Staff Recommendations: Based upon the following:

- a) The plan meet the regulations, with the exceptions noted in the above analysis, per Section 16-20C.005;

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-16-083) for a new single family house at **73 Bradley Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, with the following conditions:

1. The Applicant shall submit an updated compatibility chart;

2. The right side yards setback shall meet the requirements or the Applicant shall submit a side yard setback variance request, per Section 16-20C.007(2)(b)(i);
3. The Applicant shall provide documentation the proposed left side yard setback meets the requirements or the Applicant shall submit a side yard setback variance request, per Section 16-20C.007(2)(b)(i);
4. The site plan shall indicate the required walkway, per Section 16-20C.008(2)(b)(vi);
5. If the sidewalk is damaged or destroyed during construction, the sidewalk shall be repaired or replaced as required by the regulations, per Section 16-20C.007(1)(a);
6. Any mechanical over 30" in height shall meet the setback requirement, per Section 16-20C.008(1)(d)(iv);
7. Any exterior mechanical equipment shall be appropriately screened, per Section 16-20C.008(1)(d)(iv);
8. The first floor door shall located on the left side of the front elevation, per Section 16-20C.008(1)(a)(ii);
9. The tops of the windows and doors on the front façade shall the same height, per Section 16-20C.008(1)(b)(3);
10. All windows shall have actual sills and no lower apron, per Section 16-20C.008(1)(b)(i)(1);
11. All window trim shall meet the requirements, per Section 16-20C.008(1)(a)(ii);
12. The Applicant shall provide documentation that vinyl windows meet the requirements, per Section 16-20C.008(1)(b)(i);
13. The small windows on the right elevation shall be revised to be full sized one over one double hung windows, per Section 16-20C.008(1)(b)(i);
14. The columns and brick bases shall be appropriately proportioned, per Section 16-20C.008(2)(b)(ii);
15. The plans shall indicate the railings will have a two-part top and bottom rail with balustrades that butt joint the top and bottom rail, per Section 16-20C.008(2)(b)(ii);
16. All material details shall meet the requirements and be indicated on the plans, per Section 16-20C.008(1)(a); and
17. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

KASIM REED
MAYOR

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

TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 13, 2016

Agenda Item: Applications for a Type III Certificates of Appropriateness (CA3-16-114) for variances to reduce the rear yard setback from 6' (required) to 0' (proposed); to reduce the west side yard setback from 3' (required) to 0' (proposed) and increase the lot coverage from 67% (allowed) to 95% (proposed); and (CA2-16-089) for alterations at **553 Irwin St.**-Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2) / Beltline.

Applicant: Carol Rasheed
553 Irwin Street

Facts: According to the Fulton County tax assessor information available online, the structure was built in 2010. It is considered non-contributing.

On March 9th, this application was deferred to allow the Applicant to submit an application for a variance.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

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

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

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

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

grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16.25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).

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

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

1. The following Lot Controls and Building Heights provisions shall apply to Subareas 1 and 2.
 - a. Lot controls.
 - i. The compatibility rule shall apply for the purposes of determining permitted lot coverage.
 - b. Building heights.
 - i. Within the portion of this Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the maximum height of any alteration, addition, or new construction shall be 32 feet.
 - ii. Within the portion of this Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the maximum height of any alteration, addition, or new construction shall be 32 feet.
 - iii. For all other areas, the height of any alteration, addition, or new construction shall be established through the compatibility rule.-

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

2. The following additional Yards provisions shall apply to Subareas 1 and 2.
 - iii. Within the portion of Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the following development controls shall apply:
 - (1) Side yard: Three (3) feet.
 - (2) Front yard: 12 feet.
 - (3) Rear yard: Six (6) feet.

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.
2. The following Design Standards provisions shall apply to Subareas 1 through 2.
 - a. Windows and Doors.
 - i. Simulated divided light windows or plain sash windows shall be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.
 - ii. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung.
 - iii. Front doors facing and parallel to the street shall be provided.

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

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 Request

The Applicant is proposing a new door and exterior stair, an expanded rear deck and a new handicap accessible ramp. In order to build the project as designed variances are needed. Specifically, the Applicant is requesting a variance from the rear yard setback requirement, the side yard setback requirement and the lot coverage requirement. According to the Applicant, the lot is exceptionally small and denial of the variance would, “prevent or prohibit my livelihood”.

The existing lot fronts 44’ on Irwin and has a depth of 49’. While there are two other lots on the block face with the same configuration, Staff would agree that the size of the lot is small and limits the improvements that can be made. While the size of the lot is an issue, it is not clear how the expanded deck, new door and exterior stair and new handicap accessible ramp impact the livelihood of the Applicant. Staff would note that the Applicant is requesting 0’ setbacks and an increase in lot coverage that would essentially lead to the vast majority of the lot being covered.

Staff has concerns that the requested variances may cause a detriment. Staff recommends the Applicant clarify whether there is a design solution that would lessen the amount of the variance request. Staff recommends the Applicant provide information regarding why the new door and exterior stair, new ramp and expansion of the existing deck are required.

Additions and Alterations

In addition to the concerns raised in the variance section, Staff has concerns regarding the additions and alterations. In looking at the plans, the design and material details of the new door, expanded deck and ramp are not indicated. Further, the material details of the stairs are not indicated. As this is a non-contributing house, Staff has no concerns regarding impacts on historic fabric. Staff does find that the overall design and material details of all proposed alterations and additions should meet the requirements. Staff recommends the Applicant provide elevations that indicate the design and material details for the door, stairs, ramp and the deck.

Staff Recommendations: Based upon the following:

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography);
- 2) The application of the Zoning Ordinance of the City of Atlanta to this piece of property may create an unnecessary hardship; and
- 3) Relief if granted may cause a substantial detriment to the public good;

Staff recommends deferral of an Application for a Type III Certificate of Appropriateness (CA3-16-114) for variances to reduce the rear yard setback from 6’ (required) to 0’ (proposed); to reduce the

west side yard setback from 3' (required) to 0' (proposed) and increase the lot coverage from 67% (allowed) to 95% (proposed) at **553 Irwin St.**-Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2) / Beltline, to allow the Applicant to address the following concerns of Staff:

1. The Applicant shall clarify whether there is a design solution that would lessen the amount of the variance request; and
2. The Applicant shall provide information regarding why the new door and exterior stair, new ramp and expansion of the existing deck are required.

Staff Recommendations: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20C.005;

Staff recommends deferral of an Application for a Type II Certificate of Appropriateness (CA2-16-089) for alterations at **553 Irwin St.**-Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2) / Beltline, to allow the Applicant to address the following concerns of Staff:

1. The Applicant shall provide elevations that indicate the design and material details for the door, stairs, ramp and the deck; and
2. Appropriate copies of all updated plans and information shall be submitted no later than eight days before the deferred meeting.