



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

**TIM KEANE**  
Commissioner

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

## STAFF REPORT April 27, 2016

**Agenda Item:** Application for Type III Certificates of Appropriateness (CA3-16-127) for a new single family house at **523 Irwin Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

**Applicant:** Jacquelynn Edmonds  
675 Ponce de Leon Avenue, Suite 8500

**Facts:** This is currently a vacant lot on the south side of Irwin Street, one lot west of Howell Street. The Applicant is proposing a one-story house with a full width front porch and rear deck. No driveway is proposed, but a rain garden is proposed in the rear corner of the lot.

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

Sec. 16-20C.004. General regulations

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

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.

## **Site**

According to the site plan submitted, this interior lot fronts 50.50 ft. on Irwin Street and has a depth of 99.6 to 100.0 ft. In comparing the proposed site plan with the City's plat map, the Staff finds that the site plan is very similar to the City's plat map with only a small potential discrepancy with the depth of the lot (i.e. the length of the east side property line). The Staff suggests the Applicant contact the Office of Buildings to determine whether resolution of this small lot discrepancy is required to get a building permit.

Per the District regulations, the front yard setback is 12 ft. The proposed setback (as measured to the front porch) is 10.5 ft., which does not meet the District regulations. The Staff would recommend the front yard setback as measured to the front porch be 12 ft. at its closest point.

Per the District regulations, the side yard setback is 3 ft. The proposed side yard setbacks are more than 7 ft., which meets the District regulations.

Per the District regulations, the rear yard setback is 6 ft. The proposed rear yard setback is substantially more than 6 ft., which meets the District regulations.

Per regulations, the maximum lot coverage allowed is based on the compatibility rule. The Applicant did not provide any lot coverage calculations for the block face to establish the range. The Staff would recommend the proposed lot coverage meet the compatibility rule.

Per regulations, a walkway from the front entryway to the sidewalk is required. The proposed site plan indicates a 6 ft. sidewalk from the existing site stairs to the public sidewalk. The Staff recommends the site plan indicate the material of the required walkway and that it meet the District regulations. It is possible the existing public sidewalk may be damaged during construction. The Staff recommends that if the public sidewalk is damaged or destroyed during construction, the public sidewalk be repaired or replaced as required by the regulations.

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

## **Massing and Building Height**

The proposed one-story house is defined by a rectangular massing (with an extension on the rear corner of the house), a 6 in 12 combination roof (gable in front and hipped in back), and a full width porch. The Staff would note that the roof form and pitch are subject to the compatibility rule. The overall height and

massing appears to be somewhat similar to the other houses on the south side of Irwin Street, but those houses are generally thinner than the proposed house, resulting in a steeper roof pitch. The Staff is also concerned about the combination roof form, which does not exist on the block face. The Staff would recommend that the roof form and pitch meet the compatibility rule.

Per the District 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. The Staff recommends the first floor height meets the compatibility rule.

Per the District regulations, the height is limited to 32 ft. The proposed height is well below that maximum.

### **Overall Design**

Per the District regulations the general façade arrangement, proportion and materials are all based on the compatibility rule. In looking at the contributing houses on the block face, the Staff finds the proportions of the house meet the requirements. The Staff finds the general façade arrangement does not meet the requirements. Specifically, the predominant façade arrangement is to have the main entry on the right side of the front elevation. The proposed design has the front door almost in the center of the front façade with two sets of single windows on each side. The Staff recommends the front door be located on the right side of the front elevation.

### **Fenestration**

Per the District regulations, the compatibility rule applies to the fenestration pattern. In comparing the proposed fenestration to the contributing houses on the block face, the Staff finds the overall fenestration pattern is generally consistent and compatible with the contributing houses on the block face. The header of the windows and doors are at the same height and the windows are single (vs. double or paired), double hung, have actual sills and no lower apron, and are full size. The only exception to this is one window on the left elevation which is proportionally reduced in size for a bathroom.

The Staff is concerned about the lack of fenestration on the rear portions of the side elevations. On the right side, over half of the length of the wall has no windows, while on the left about 1/3 of the length of the wall has no windows. The Staff would recommend that additional full size windows that meet the District regulations be added to the left and right side elevations.

It is not clear whether the window trim meets the requirements. The Staff would recommend the Applicant document that the window trim meets the requirements.

The material of the windows is indicated as wood, which meets the District regulations.

### **Porch**

In general, Staff finds the proposed porch and its architectural elements are similar to the houses on the block face, with basic square columns, railing, and pickets, and shallow (4:12) hipped roof. While the overall porch configuration is appropriate, the Staff has concerns regarding the proportions of the columns and the pitch of the roof. The columns appear much too thin for the size and scale of the front porch (which is wider than other house son the block face because the house is wider). The proposed roof would appear steeper than the most steeply pitch front porch roof on the block face. The Staff recommends the front porch columns are increased in size to be appropriately proportioned for the size and scale of the front porch. Further, the 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. The Staff also recommends the pitch of the front porch roof meet the District regulations.

Further, the porch depth is based on the compatibility rule. The Applicant did not provide any calculations for the porch depths on the block face. The Staff recommends the front porch depth meet the requirements.

### **Materials**

The materials on the plans are indicated as wood windows, wood front door, wood front porch stairs, cementitious siding, composition shingles, a stucco main foundation and a brick “pier” porch foundation. The Staff has concerns about several of the materials. The front door can’t have more than 50% glass, the porch foundation needs to be continuous to be similar to other front porch foundations on the block face, the front porch stairs need to be masonry, and the cementitious siding needs to be indicated as stone. The Staff recommends all material details are indicated on the plans and meet the requirements.

**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 the Application for Type III Certificates of Appropriateness (CA3-16-127) for a new single family house at **523 Irwin Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, to allow the Applicant time to address the following concerns of Staff:

1. The front yard setback as measured to the front porch shall be 12 ft. at its closest point, per Section 16-20C.007(2)(b)(iii);
2. The proposed lot coverage shall meet the compatibility rule, per Section 16-20C.006(1)(a)(i);
3. The site plan shall indicate the material of the required walkway and that it meet the District regulations, per Section 16-20C.008(2)(b)(vi);
4. If the public sidewalk is damaged or destroyed during construction, the public sidewalk shall be repaired or replaced as required by the regulations, per Section 16-20C.007(1)(a);
5. Any mechanical over 30” in height shall meet the setback requirement and shall be appropriately screened as required by the regulations, per Section 16-20C.008(1)(d)(iv);
6. The roof form and pitch shall meet the compatibility rule, per Section 16-20C.008(2)(b);
7. The first floor height shall meet the compatibility rule, per Section 16-20C.008(1)(a);
8. The front door shall be located on the right side of the front elevation, per Section 16-20C.008(1)(a)(ii);
9. Additional full size windows that meet the District regulations shall be added to the left and right side elevations, per Section 16-20C.008(1)(b)(i);
10. The Applicant shall document that the window trim meets the requirements, per Section 16-20C.008(1)(a)(ii);
11. The front porch columns shall be increased in size to be appropriately proportioned for the size and scale of the front porch, per Section 16-20C.008(2)(b)(ii);
12. 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);
13. The pitch of the front porch roof shall meet the District regulations, per Section 16-20C.008(2)(b)(ii);
14. The front porch depth shall meet the requirements, per Section 16-20C.008(2)(b);
15. All material details shall be indicated on the plans and shall meet the requirements, per Section 16-20C.008(1)(a); and
16. Appropriate copies of all updated plans and information shall be submitted at least 8 days before the meeting to which this application is deferred.





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**TIM KEANE**  
Commissioner

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

## STAFF REPORT April 27, 2016

**Agenda Item:** Application for a Review and Comment (RC-16-131) on window replacement at **35 Wakefield Dr.** Property is zoned R-4 / Brookwood Hills Conservation District /Beltline.

**Applicant:** Steve McClanahan  
3459 Orchard Circle, Decatur

**Facts:** According to the District Inventory, this single family residence was constructed in 1935 and was altered in 1976 and 1990. This structure is considered contributing to the District.

**Analysis:** The following code sections apply to this application:  
Per Section 16-20.007(b) of the Atlanta Land Development Code, as amended:

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

**Sec. 16-20.009. Same; further standards.**

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

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

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

Brookwood Hills Conservation District does not have specific architectural regulations similar to Atlanta's Historic or Landmark Districts, therefore the Commission should refer to "Further Standards" listed in Chapter 20 of the Zoning Ordinance, which normally apply to all locally designated districts and properties.

The Applicant is proposing to replace several sets of what appear to be original second story casement windows on the sides and rear of the structure with SDL and leaded glass casement windows. At this time, no information regarding the need for these windows to be replaced has been received. No change in the size or shape of the windows is proposed. Staff suggests the Applicant clarify the need for the windows to be replaced as opposed to repaired. Staff finds that the removal of the original casement windows would result in an irreversible loss of historic fabric. Staff suggests the Applicant consider options which would allow for the original casement windows to be repaired or otherwise rehabilitated and retained in place.

**Staff Recommendation:** The Staff recommends that the Commission send a letter with comments to the Applicant.



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

**TIM KEANE**  
Commissioner

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

## STAFF REPORT

April 27, 2016

**Agenda Item:** Application for a Review and Comment (RC-16-132) on the installation of light fixtures at **585 Candler Park Drive ME a.k.a. 1500 McLendon (Candler Park)**- Property is zoned R-4.

**Applicant:** Candler Park Conservancy/ Amy Irwin  
613 Terrace Avenue

**Facts:** The park is located in the Candler Park neighborhood in NPU N.

**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 the installation of two solar powered light fixtures that will be affixed to the stone columns at the entryway of the park. The previously existing light fixtures were stolen before 1980. Using historical pictures and similar light fixtures on another building, the proposed light fixtures were fabricated by a local artist. Maintenance of the light fixtures will be handled by the Candler Park Conservancy. Staff is in support of the project and finds the design is highly appropriate. There is an indication that a wash will be used to make the fixture appeared aged. Staff finds using the wash will give the impression that the light fixture is historic as opposed to new. Staff finds this might give a false sense of history. Staff suggests the proposed wash is not used on the light fixtures. It is not clear how the lights will be affixed to the columns, Staff suggests the lights are affixed in a way that causes the least amount of damage to the existing stone columns. If the Applicant proposes additional similar light fixtures in the park, Staff finds the Applicant will not require an additional review and comment.

Staff recommends the Commission deliver its comments at the meeting.



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MAYOR

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404-330-6145 – FAX: 404-658-7491

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

**TIM KEANE**  
Commissioner

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

## STAFF REPORT April 27, 2016

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-16-133) for alterations, additions and site work at **627 Gaskill Street** - Property is zoned Cabbagetown Landmark District (Subarea 3) / Beltline.

**Applicant:** Adam Stillman  
350 Sinclair Avenue

**Facts:** The property is located on the southwest corner of Gaskill Street and Berean Avenue, was built before 1920, and is considered contributing to the District. This side of Gaskill Street contains several examples of a unique building: a two-story duplex in which the second floor is lite by windows at the second floor level on the inside that are just below the eave on the outside.

The Applicant proposes to:

1. Construct a ribbon strip driveway in the rear yard;
2. Construct a concrete and gravel patio in the rear yard;
3. Install a 4 ft. tall picket fence around the rear yard (replacing the existing chain link fence);
4. Install HVAC equipment at the rear corner of the house;
5. Demolish the existing rear stairs and install a new rear porch / stoop and stairs;
6. Repair or selectively replace in-kind any damaged trim or siding;
7. Replace non-historic windows on the first and second floor of the front façade with a new, wood, double hung, true divided light windows;
8. Replace doors on the front façade with new doors;
9. Reglaze two windows on the first floor of the left elevation and one window on the first floor of the rear façade with tempered glass; and
10. Reconfigure the fenestration on the center of the rear elevation to include a new door location and replacement of an existing door with a new, wood, double hung, true divided light window.

**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.

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."
- (9) Minimum lot requirements. There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
  - a) General criteria:
    1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
    2. The general façade organization and proportions shall be subject to the compatibility rule.
    3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
      - a. roofs, chimneys, and roofing materials;
      - b. siding;
      - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
      - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
      - e. doors and door transoms;
      - f. windows and window transoms;
      - g. porches, including supports, columns, balustrades, steps, and roofs; and
      - h. foundation walls, foundation piers, and water tables.All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
  - b) Facades:
    1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
    2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.

3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
  4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
  5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.
- c) Roofs:
1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
  2. Skylight and solar panels are not permitted on the front façade of any structure. “Bubble type” skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.
  3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
  4. Boxed gable returns are not permitted.
  5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.
- e. Porches:
1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
  2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
  3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
  4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.
- f. Site development, sidewalks and curbs:
1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
  2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
  3. Curbing shall be granite; poured concrete shall not be used.
  4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.
- (14) Design standards for alterations and additions to contributing buildings. Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the historic architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:
- a) All repair work shall be match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.
  - b) All replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
  - c) Alterations shall not introduce materials or building elements that do not reinforce the architectural character of the building and shall not destroy historic materials that characterize the property.
  - d) The height or width of any alteration or addition shall not exceed the height or width of the existing building.
  - e) Any alterations or additions shall be compatible with the massing, scale and architectural features of the property.
- (16) Accessory structures and uses. Accessory structures and uses that are customarily incidental and subordinate to permitted principal uses and structures are allowed. These include the following, subject to limitations and requirements set forth herein or elsewhere in this part:
- (a) Carriage houses, tool and garden sheds, greenhouses, private garages and similar structures shall be unattached, located to the rear of the principal building within the buildable area of the lot, and shall not project beyond the front of the principal building. In addition, they shall be located in the least visible location within permissible areas. The commission may require screening with appropriate plant or fence materials if said structure is visible from the public right-of-way;

- (17) Grading and landscaping.
  - a) Grading shall not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure.
  - b) New grades shall meet existing topography in a smooth transition.
  - c) Approval of an application for a certificate of appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties. The commission may require that plant materials in a landscape plan reflect the character of the Cabbagetown Landmark District.
- (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.
- (19) Off-street and off-site parking.
  - a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
  - b) The number of required parking spaces is set out in each subarea.
  - d) Off-street parking shall not be located or authorized between the principal building and the street.
  - e) Off-street parking may be located in a rear or side yard.
  - f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
  - j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.
  - k) Use of shared driveways and/or alleys is encouraged.

Per Section 16-20A.009 (Shotgun and cottage housing - subarea 3), 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.

- 2. Cottage Housing. Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and façade features, and consistent structure massing.
- (3) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
  - a) Single-family detached dwellings.
- (12) Porches.
  - a) Decks shall be permitted on the side or rear of the house if not visible from the street.
  - b) Rear decks shall be no wider than the house.
  - c) Side and rear porches shall be permitted if appropriate to the house style.
- (13) Fencing and walls.
  - a) Walls are not permitted in a front yard, or a side yard adjacent to a public right-of-way.
  - c) Walls shall be constructed of wood.
- (14) Driveways and surface parking areas.
  - a) One parking space per dwelling unit shall be required for all new construction or changes in use.
  - b) Driveways shall not exceed ten feet in width and shall have a curb cut no more than ten feet, exclusive of flair.
  - c) At least one-third of any driveway or surface parking area shall be pervious.
  - d) Poured concrete paving for driveways shall consist of two ribbons for tire tracks separated by a planting strip.
  - e) Alternate paving materials may be approved upon review by the commission if such materials are pervious and do not detract from the historic character of the landmark district.



Construct a ribbon strip driveway in the rear yard.

The only concern the Staff has about the proposed driveway is that it does not project at least 20 ft. beyond the Berean Avenue façade of the house. The Berean Avenue façade of the house would be considered a front façade. The Staff would recommend the driveway extend at least 20 ft. beyond the Berean Avenue façade of the house.

Construct a concrete and gravel patio in the rear yard.

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

Install a 4 ft. tall picket fence around the rear yard (replacing the existing chain link fence).

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

Install HVAC equipment at the rear corner of the house.

The Staff finds that while the current location of the HVAC equipment generally meets the District regulations, it could be moved to the interior corner of the rear of the house, further reducing its visibility. The Staff would recommend the HVAC equipment be relocated to the interior rear corner of the house within the buildable area of the lot and be screened with evergreen shrubs.

Demolish the existing rear stairs and install a new rear porch / stoop and stairs.

The Staff has no concerns about the demolition of the existing rear stairs. The proposed height and width of the rear porch addition does not exceed the existing house, the resulting rear yard setback is within the range established by the compatibility rule, and the presence of the rear porch is appropriate for this style of house. The Staff has no concerns about the proposed rear porch.

Repair or selectively replace in-kind any damaged trim or siding.

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

Replace non-historic windows on the first and second floor of the front façade with a new, wood, double hung, true divided light windows.

It is not completely clear from the documentation provided by the Applicant that the windows to be replaced are non-historic. If they are non-historic, the Staff has no concerns about their replacement. The Staff would recommend the Applicant more thoroughly document the non-historic nature of the windows to be replaced and if they are original or historic to the house that they be repaired in-kind.

Replace the doors on the front façade with new doors.

It is not completely clear from the documentation provided by the Applicant that the doors to be replaced are non-historic. If they are non-historic, the Staff finds the proposed doors need to meet all of the District regulations. The Staff would recommend the Applicant more thoroughly document the non-historic nature of the front doors to be replaced and if they are original or historic to the house that they be repaired in-kind and if not, that the new doors meet all of the District regulations, including design and material.

Reglaze two windows on the first floor of the left elevation and one window on the first floor of the rear façade with tempered glass.

The Staff would recommend the Applicant provide a description of the reglazing technique and that this technique does not un-necessarily harm or damage the historic fabric of the window.

Reconfigure the fenestration on the center of the rear elevation to include a new door location and replacement of an existing door with a new, wood, double hung, true divided light window.

While this reconfiguration involves more substantive changes to the house than some of the other proposed work, the Staff does not have concerns about this component of the project given its location of the rear façade of the house and that the resulting design is compatible with the existing house.

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

1. Except as noted above, the proposed house meets the District regulations, per Section 16-20A.006 and 16-20A.009.

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-16-133) for alterations, additions and site work at **627 Gaskill Street** - Property is zoned Cabbagetown Landmark District (Subarea 3) / Beltline, with the following conditions:

1. The driveway shall extend at least 20 ft. beyond the Berean Avenue façade of the house, per Section 16-20A.006(19)(f);
2. The HVAC equipment shall be relocated to the interior rear corner of the house within the buildable area of the lot and shall be screened with evergreen shrubs, per Section 16-20A.006(16);
3. The Applicant shall more thoroughly document the non-historic nature of the windows to be replaced and if they are original or historic to the house that they shall be repaired in-kind, per Section 16-20A.006(14);
4. The Applicant more thoroughly document the non-historic nature of the front doors to be replaced and if they are original or historic to the house that they shall be repaired in-kind and if not, that the new doors shall meet all of the District regulations, including design and material, per Section 16-20A.006(13)(b)(4) and (14);
5. The Applicant shall provide a description of the reglazing technique and that this technique shall not un-necessarily harm or damage the historic fabric of the window, per Section 16-20A.006(14); and
6. The Staff shall review, and if appropriate approve the final plans and documentation.



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**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  
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**TIM KEANE**  
Commissioner

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

## STAFF REPORT April 27, 2016

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-16-135) for alterations and dormer additions at **209 Hale St.** Property is zoned R-5 / Inman Park Historic District (Subarea 1) / Beltline.

Applicant: Adam Stillman  
350 Sinclair Ave

**Facts:** The existing single family structure was constructed between 1903 and 1908 and is considered contributing to the District.

**Analysis:** The following code sections apply to this application:  
Sec. 16-07.008. - Minimum yard requirements.

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

(5) *Maximum floor area within this district:*

- a. For a single-family detached dwelling on a lot which meets the minimum lot area requirement described in section 16-07.007(2): The maximum floor area ratio shall not exceed 0.50 of the net lot area.
- b. For a single-family detached dwelling on a lot which does not meet the minimum lot area requirement described in section 16-07.007(2):
  1. The maximum floor area allowed shall not exceed the lesser of either: (i) 3,7.50 square feet of floor area; or (ii) a maximum floor area ratio of 0.65 of the net lot area unless otherwise permitted as stated in subpart 2 below;
  2. If the floor area ratio does not allow it least 1,800 square feet of floor area, a dwelling of such size may be built provided that all other provisions of this part shall apply unless relief from such provisions has been granted by the board of zoning adjustment.

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

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

1. General criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Code.
- b. In the Inman Park Historic District, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:

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

certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.

3. Variances, Special Exceptions, and Appeals.

Variance applications, applications for Special Exceptions, and appeals from these Regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in Chapter 26 of this Part 16. The Commission shall have the authority to grant or deny applications for Special Exceptions pursuant to the standards in Chapter 25. The Commission shall have the authority to grant or deny applications for appeal pursuant to the standards in Section 16-30.010 and the appeal provisions for said decision, set forth in Section 16-30.010(e), shall also apply to the Commission's decision.

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

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

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

- k. The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street or park as a façade element, the chimney shall originate at grade.
- l. Fences and walls, excluding permitted retaining walls, visible from a public street or park upon completion, subject to the provisions of section 16-28.008(5) and the following limitations, may occupy required yards:
  - i. Fences not exceeding four feet in height may be erected in the front yard or half-depth front yard. Walls, excluding permitted retaining walls, are not permitted in the front yard or in other yards adjacent to public streets,
  - ii. Fences and walls not exceeding six feet in height may be erected in side or rear yards.
  - iii. Fences located in the required front yard adjacent to a street shall be constructed of brick, stone, metal vertical pickets or wood pickets. Chain link fencing is not permitted in front yards or in other yards adjacent to public streets.
- m. The compatibility rule shall apply to the height of portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, no single section of such retaining wall shall exceed four feet in height.
- n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
  - i. The style of the individual window.
    - (1) Windows in the front façade shall be predominantly vertical in proportion.
    - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
    - (3) Window and door casings widths and depths are subject to the compatibility rule.
  - ii. The size and shape of individual window openings.
  - iii. The overall pattern of fenestration as it relates to the building façade.
- o. Mechanical equipment shall be located to the side and rear of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street or park.
- p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system ("EIFS"), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
- q. The compatibility rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
  - i. The dimensions of the exposed face of lap siding and wood shingles.
  - ii. The type of brick and pattern of brickwork.
  - iii. The type of stone and pattern of stonework.
  - iv. The material and texture of stucco.
  - v. The size and type of doors.
    - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
  - vi. The materials and pattern of roofing.
  - vii. Paving materials for walks and drives.
    - (1) Asphalt is not permitted.
  - viii. Visible foundation materials.
    - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
  - ix. Visible portions of chimneys.
    - (1) Chimneys shall be faced with masonry. Siding on chimneys is not permitted.
  - x. Skylights are permitted where not visible from a public street or park wherever possible. Protruding bubble skylights are prohibited.
- 2. Setback requirements:
  - a. New construction: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new construction: Front, side, and rear setbacks shall be subject to the compatibility rule.

- b. New additions to existing structures: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.
3. Off-street parking and driveways. In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses:
  - a. Off-street parking shall not be permitted between the principal structure and any public street.
  - b. Parking shall not be permitted on walkways that are located between the street and the façade of the principal structure.
  - c. The use of alleys for access to such parking is both permitted and encouraged. No variance is required for driveways coming off of an alley provided however that such driveways shall not extend past any façade which faces a public street.
  - d. Driveways shall not exceed a width of ten feet not including the flare at the street. Two-way driveways, where required for an allowed commercial or multi-family use, shall not exceed 24 feet not including the flare at the street.

The Applicant is proposing three second story dormer additions on the sides and rear of the structure. As the subject property is nonconforming in regards to its size the property is allowed to be developed to a total 65% of the net lot area. The subject property has a net lot area of 4978 sq. ft. meaning that the maximum floor area allowed for this property is 3,236 sq. ft. The structure with the proposed additions has a floor area of 2,382 sq. ft. Staff finds that the floor area requirement has been met for this property.

As the footprint of the existing structure is not changing, there will be no change in the lot coverage of the site.

Per the regulations, the side dormer additions have setbacks which are less than the setbacks of the existing structure. Per the regulations, the dormers have a ridge line lower than that of the principal structure. In the District, rear setbacks are determined by the compatibility rule. As the structure is considered contributing to the District and as the addition will conform to the rear setback of the existing structure Staff finds that the rear setback requirement has been met.

The roof forms of additions are subject to the compatibility rule and must be internally consistent with the architecture of the existing structure. The proposed gable dormers will have a roof pitch to match the pitch of the principal roof, and the eaves will match the “flare” shape of the eaves found on the principal structure. As such, Staff finds that the roof form requirements have been met.

Fenestration pattern and design are subject to the compatibility rule. The fenestration pattern and design of the new additions are patterned on the existing window and shutters on the front gable of the structure. As the existing structure is considered contributing to the District, Staff finds that this requirement has been met.

The west side gable addition will envelop the existing chimney on that side of the structure. Staff would prefer for the addition to be placed either in front of, or behind, the chimney to prevent damage to this original feature, but understands that the programming of the internal living space may not allow for such an arrangement. Staff recommends the Applicant clarify whether the dormer can be placed in front of or behind the chimney on the west side of the structure.

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

- (a) The plans meet the regulations per Sec. 16-20L.005 and .006;

Staff recommends Approval of an Application for a Type III Certificate of Appropriateness (CA3-16-135) for alterations and dormer additions at **209 Hale St.** Property is zoned R-5 / Inman Park Historic District (Subarea 1) / Beltline with the following condition:

1. the Applicant clarify whether the dormer can be placed in front of or behind the chimney on the west side of the structure; and,
2. Staff shall review and if appropriate, approve the final plans and documentation.





# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

**TIM KEANE**  
Commissioner

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

## STAFF REPORT

**April 14, 2016**

**Agenda Item:** Application for a Type IV Certificate of Appropriateness (CA4PH-16-136) for the demolition of a single family dwelling due to a threat to public health and safety at **1028 Lawton Avenue**- Property is zoned R-4A/ Oakland City Historic District.

**Applicant:** City of Atlanta Code Enforcement  
818 Pollard Boulevard, SW

**Facts:** According to the Oakland City Inventory, this single family dwelling was built in 1920 and is considered a contributing building.

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

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

The following general regulations shall apply to the Oakland City 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, like the one on Sparks, 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:

“Inspection of the interior and exterior of the structure indicates the availability of safe harbor for criminal activity. It is my opinion that homelessness in the area, the property remains an imminent threat to public safety”

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

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

**“No alternative sought is reasonable or cost effective due to the absence of responsive owners. Attempts to site the local party in interest has not been successful.”**

### **Documentation**

In the package submitted by the Applicant, there are several documents regarding the demolition request. There were notices sent to the owner on record on February 10, 2016 regarding the public hearing scheduled on February 25, 2016. Notices for the in-rem hearing were advertised on February 3, 2016 and February 10, 2016. On February 25, 2016, the In-Rem board approved the demolition of the property. In looking at the sign-in sheets for the meeting, there was no one present to speak in favor or opposition to the proposed demolition. A registered letter regarding the demolition decision was delivered to the owner on record sometime after the February 25<sup>th</sup> hearing.

In looking at survey pictures taken at the time of the districts designation, this existing dwelling appears to be occupied and in good condition. In looking at updated survey pictures taken in 2012, the existing dwelling appears to have overgrowth, trash and in need of some repairs. The Applicant submitted pictures taken in 2011 and 2016. In looking at the pictures submitted by the Applicant, the dwelling is now boarded and the interior appears to need numerous repairs. While the pictures clearly indicate repairs and some replacements are needed, the house appears largely intact and does not appear to require demolition.

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, including permit fees is \$30,984.63. The Office of Code Compliance estimates the building is 191% deteriorated based on the current value of the property versus how much it would cost to bring it into compliance. 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 detriment to the historic district.

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 to public health and safety can be rectified without demolition of the existing historic building. Staff finds the threat could be eliminated if the house were properly repaired and renovated.

### **Conclusions**

Staff understands that before the property ever goes through the In Rem process, there are several steps taken to contact the owner in order to get the problems corrected. Staff also understands that in this case and as with any others, it is sometimes difficult to find the owner. Even if the owner is found, it is not always possible to get them to correct the issues on the site.

Staff finds that while this property is currently a threat, it is not beyond repair. Staff finds the Applicant has not provided any reasonable alternatives for rectifying the threat. Staff finds demolishing the property destroys historic fabric and therefore harms the historic district. Given the In Rem process, it is clear that the City cannot repair, renovate or sell this property. Despite the fact the City cannot repair, renovate or sell the property, Staff finds at the very least the property could be

cleaned and closed. The Applicant has not provided any documentation that cleaning, closing and securing the property would not eliminate the threat. Given the information we have at this time, Staff cannot support the demolition of this property.

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

- a) The Applicant has not proven a public threat to health and safety, per Section 16-20.008;
- b) The Applicant has not proven there are no alternatives to rectifying the public threat to health and safety.

Staff recommends denial of the application for a Type IV Certificate of Appropriateness (CA4PH-16-136) for the demolition of a single family dwelling due to a threat to public health and safety at **1028 Lawton Avenue**- Property is zoned R-4A/ Oakland City Historic District.



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**TIM KEANE**  
Commissioner

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

## STAFF REPORT

**April 14, 2016**

**Agenda Item:** Application for a Type IV Certificate of Appropriateness (CA4PH-16-137) for the demolition of a single family dwelling due to a threat to public health and safety at **1021 Lawton Avenue**- Property is zoned R-4A/ Oakland City Historic District.

**Applicant:** City of Atlanta Code Enforcement  
818 Pollard Boulevard, SW

**Facts:** According to the Oakland City Inventory, this single family dwelling was built in 1920 and is considered a contributing building.

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

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

The following general regulations shall apply to the Oakland City 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, like the one on Sparks, 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:

“Inspection of the interior and exterior of the property in the past and previous cleaning and closing of the structure by the City of Atlanta Citywide contractors demonstrates the degree of the threat to the general public.”

## **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 has been cleaned and closed by Citywide contractors (boarded) previously (2010); No alternative is reasonable or cost effective. The out of state owner and parties in interest 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 owner on record on February 10, 2016 regarding the public hearing scheduled on February 25, 2016. Notices for the in-rem hearing were advertised on February 3, 2016 and February 10, 2016. On February 25, 2016, the In-Rem board approved the demolition of the property. In looking at the sign-in sheets for the meeting, there was no one present to speak in favor or opposition to the proposed demolition. A registered letter regarding the demolition decision was delivered to the owner on record sometime after the February 25<sup>th</sup> hearing.

In looking at survey pictures taken at the time of the districts designation, this existing dwelling appears to be occupied and in good condition. In looking at updated survey pictures taken in 2012, the existing dwelling is boarded and vacant. Despite its vacant status, the dwelling appears to be in good condition with some repairs needed. The Applicant submitted pictures taken in 2011 and 2016. In looking at the pictures submitted by the Applicant, the dwelling is still boarded and there is overgrowth on the lot. There is some further deterioration in comparison to the survey pictures taken in 2012. While the pictures clearly indicate repairs and some replacements are needed, the house appears largely intact and does not appear to require demolition.

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, including permit fees is \$3,261.55. The Office of Code Compliance estimates the building is 155.31% deteriorated based on the current value of the property versus how much it would cost to bring it into compliance. 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 detriment to the historic district.

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 to public health and safety can be rectified without demolition of the existing historic building. Staff finds the threat could be eliminated if the house were properly repaired and renovated.

### **Conclusions**

Staff understands that before the property ever goes through the In Rem process, there are several steps taken to contact the owner in order to get the problems corrected. Staff also understands that in this case and as with any others, it is sometimes difficult to find the owner. Even if the owner is found, it is not always possible to get them to correct the issues on the site.

Staff finds that while this property is certainly a current threat, it is not beyond repair. Staff finds the Applicant has not provided any reasonable alternatives for rectifying the threat. Staff finds demolishing the property destroys historic fabric and therefore harms the historic district. Given the In



Rem process, it is clear that the City cannot repair, renovate or sell this property. Despite the fact the City cannot repair, renovate or sell the property, Staff finds at the very least the property could be cleaned and closed. The Applicant has not provided any documentation that cleaning, closing and securing the property would not eliminate the threat. Given the information we have at this time, Staff cannot support the demolition of this property.

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

- a) The Applicant has not proven a public threat to health and safety, per Section 16-20.008;
- b) The Applicant has not proven there are no alternatives to rectifying the public threat to health and safety.

Staff recommends denial of the application for a Type IV Certificate of Appropriateness (CA4PH-16-137) for the demolition of a single family dwelling due to a threat to public health and safety at **1021 Lawton Avenue**- Property is zoned R-4A/ Oakland City Historic District.





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**TIM KEANE**  
Commissioner

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

## STAFF REPORT

April 27, 2016

**Agenda Item:** Application for a Review and Comment (RC-16-138) on site work at **384 Woodward Way a.k.a. 2205 Northside Drive N.W. (Memorial Park)** - Property is zoned R-3.

**Applicant:** Atlanta Memorial Park Conservancy C/O Catherine Spillman  
Po Box 11609

**Facts:** Memorial Park is a passive green space within the larger Atlanta Memorial Park located to the west of Northside Drive in NPU C.

**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.

The site of the proposed project is located in Memorial Park. Memorial Park is a passive green space located west of Northside Drive. Staff would note that Memorial Park is part of the larger Atlanta Memorial Park. The Applicant submitted a detailed package that includes a feasibility study and 50% construction documents. The feasibility study includes the issues and concerns with the park and various options for resolution. The last pages of the feasibility study are the findings and recommendations.

The Applicant is proposing to improve the existing 5300 linear feet of a compacted natural trail by installing an aggregate surface. In looking at the feasibility study, the durability of the surface is 5-7 years as opposed to porous concrete which will last for 15 years. Staff initially had a concern that while the aggregate is significantly cheaper, it would have to be replaced more often. However when looking at the maintenance cost and how much more the porous concrete is, the aggregate appears to be more appropriate. Staff finds the new surface for the trails will make it more useable and accessible. Staff has no concerns regarding the new surface for the trails.

The Applicant is proposing to improve 5200 linear feet of a dirt path along the roadway with a new concrete sidewalk. Staff finds that replacing the existing dirt path along the roadside with a concrete sidewalk is highly appropriate and needed. Staff finds the new sidewalk will be more useable, accessible and safer. Staff has no concerns regarding the installation of the new sidewalk.

The Applicant is proposing to replace existing eroded curb with a new concrete or concrete curb, depending on the location. Given the problems with erosion, Staff has no concerns regarding the replacement of the existing curb where needed.

The Applicant is proposing to add two footbridges and a boardwalk in low lying areas. Given the problems with flooding and the need for improved connectivity, Staff finds the proposed footbridges and boardwalks are appropriate. Staff has no concerns regarding the design and finds the reuse of the curbing removed in another part of the park is appropriate.

The Applicant is proposing to remove invasive species and install native plants as part of the stream buffer mitigation. Staff finds the proposed improvements are appropriate and needed in the park. Staff has no concerns regarding the removal of invasive species and the installation of native plantings.

In looking at the findings and recommendations in the feasibility study, there are recommendations for interpretive signage for the champion trees and repairs to the existing rubberized trail surface. It is not clear whether these recommendations will be implemented as part of the proposed project. Staff has no concerns regarding the proposed signs or repairs. Staff suggests the Applicant clarify whether the signage and repairs are proposed as part of the project.

One of the major issues discussed in the study is the flooding. The existing site is located in a flood plain and one of the pictures clearly indicates severe flooding. While there are several improvements proposed in this application, it was not clear whether there is a project that specifically addresses the flooding issue. Staff suggests the Applicant clarify whether there is a proposal to eliminate or reduce the flooding in the park.

In general Staff finds the information provided is detailed and informative. Staff finds the proposed project is highly appropriate and will be a great improvement for the park and the community.

Staff recommends the Commission deliver its comments at the meeting.



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
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404-330-6145 – FAX: 404-658-7491  
[www.atlantaga.gov](http://www.atlantaga.gov)

**TIM KEANE**  
Commissioner

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

## STAFF REPORT

April 27, 2016

**Agenda Item:** Application for Type III Certificate of Appropriateness (CA3-16-139) for a new single-family house at **151 Savannah Street** - Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline.

**Applicant:** Ben R. Darmer  
1877 Ardmore Road

**Facts:** This vacant lot is located on the west side of Savannah Street and is vacant. The lot is essentially flat and even with the sidewalk with a slight downward slope at the rear of the lot. The Applicant is proposing to build a 1.5 story shotgun-style house.

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

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

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

- (1) When required:
- (b) To erect a new structure or to make an addition to any structure within the district;

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

The following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

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

construction and renovation of historic buildings; and be used as a guide to ensure the compatibility of future development in the Cabbagetown Landmark District.

- (6) The compatibility rule.
  - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
  - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
  - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
  - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) Minimum lot requirements. There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
  - a) General criteria:
    1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
    2. The general façade organization and proportions shall be subject to the compatibility rule.
    3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
      - a. roofs, chimneys, and roofing materials;
      - b. siding;
      - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
      - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
      - e. doors and door transoms;
      - f. windows and window transoms;
      - g. porches, including supports, columns, balustrades, steps, and roofs; and
      - h. foundation walls, foundation piers, and water tables.All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
    4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.
  - b) Facades:
    1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
    2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
    3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
    4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
    5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.

- c) Roofs:
  1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
  2. Skylight and solar panels are not permitted on the front façade of any structure. “Bubble type” skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.
  3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
  4. Boxed gable returns are not permitted.
  5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.
- e) Porches:
  1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
  2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
  3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
  4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.
- f) Site development, sidewalks and curbs:
  1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
  2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
  3. Curbing shall be granite; poured concrete shall not be used.
  4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.

(17) Grading and landscaping.

- a) Grading shall not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure.
- b) New grades shall meet existing topography in a smooth transition.
- c) Approval of an application for a certificate of appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties. The commission may require that plant materials in a landscape plan reflect the character of the Cabbagetown Landmark District.

(19) Off-street and off-site parking.

- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
- b) The number of required parking spaces is set out in each subarea.
- c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
- d) Off-street parking shall not be located or authorized between the principal building and the street.
- e) Off-street parking may be located in a rear or side yard.
- f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
- j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.
- k) Use of shared driveways and/or alleys is encouraged.
- l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

Sec. 16-20A.009. Shotgun and cottage housing (subarea 3).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.



- (1) Shotgun Housing. Shotgun housing is a style typified by simple structures whose width is no more than that of one (1) room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms wide. This housing type is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.
- (3) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
  - a) Single-family detached dwellings.
- (6) Minimum lot requirements. In addition to the setback requirements in Section 16-20A.006(9), in no case shall any portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.
- (7) Maximum building height and width. The compatibility rule shall apply.
- (8) Floor area ratio. The floor area ratio shall not exceed 0.50.
- (9) Roofs.
  - a) Roofing materials shall be asphalt shingles or batten seamed metal.
  - b) Metal shingles are permitted if they are appropriate to the house style.
- (12) Porches.
  - a) Decks shall be permitted on the side or rear of the house if not visible from the street.
  - b) Rear decks shall be no wider than the house.
  - c) Side and rear porches shall be permitted if appropriate to the house style.
- (14) Driveways and surface parking areas.
  - a) One parking space per dwelling unit shall be required for all new construction or changes in use.
  - b) Driveways shall not exceed ten (10) feet in width and shall have a curb cut no more than ten (10) feet, exclusive of flair.
    - a) At least one-third of any driveway or surface parking area shall be pervious.
    - b) Poured concrete paving for driveways shall consist of two ribbons for tire tracks separated by a planting strip.
    - c) Alternate paving materials may be approved upon review by the commission if such materials are pervious and do not detract from the historic character of the landmark district.

### **Compatibility Rule Analysis and Documentation**

Savannah Street runs north-south between Tennelle and Picket Streets. For purposes of the compatibility rule, contributing buildings of the same form and style on the same block face are used in determining the architectural style, architectural elements, building proportions, and building setbacks among other components of the design. This particular block face contains 9 contributing houses, six of which are shotguns: #147 (aka #149), #153, #157, #159, #163, and #165 Savannah Street. It is these 6 houses that are to be used as points of comparison. The Applicant provided a lengthy chart of comparison properties, however most of them are either not classified as Shotgun houses or are non-contributing to the District.

Also, it is not clear to the Staff how the measurements were taken and if they are accurate. Given that the building height is a key consideration to the proposal, the Staff would recommend the heights of the 6 comparison contributing houses are certified by a registered surveyor and that the Applicant provide pertinent measurements and provide a description of the techniques used for taking the measurements of the 6 comparison contributing houses.

Further, the Staff is concerned that the comparison elevation of #147 (aka #149) does not show the house accurately or proportionally. In looking at the District inventory sheet, the house at #147 (aka #149) is not as thin (height to width ratio) as shown on the comparison elevation. This comparison elevation drawing is not complete either. The District regulations require that for new construction proposals the application include a scaled drawing showing all front yard setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure. The Staff would recommend the Applicant provide a scaled drawing showing all front yard setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.

Lastly, the main level floor plan indicates an overhanging second floor in the northeast corner of the house, but that does not appear on the upper level floor plan. The Staff would recommend the floor plans are internally consistent.

### **Setbacks and Site Plan**

According to the site plan submitted, this interior lot fronts just over 25 ft. on the west side of Savannah Street and has a depth of 78 – 80 ft. In looking at the City cadastral map, the site plan appears to be consistent with City's maps.

Notwithstanding the concerns over the compatibility rule comparisons and documentation noted above, the front, side and rear yard setbacks are based on the compatibility rule. Based on the information provided to date, the front yard setbacks on the block face range from 3 ft. to 5 ft. The proposed front yard setback is 5 ft. and therefore would meet the District regulations. Based on the information provided to date, the rear yard setbacks on the block face range from 12 ft. 6 in. to 25 ft. The proposed rear yard setback is 12 ft. 9 in. as measured to the closest point of the rear stair and therefore would meet the District regulations. The compatibility rule chart in the submission does not differentiate between the north and south side yard setbacks, so the Staff can't confirm if the proposed side yard setback meet the District regulations. The Staff would recommend the compatibility rule chart specify which side yard setbacks are for which sides of the houses.

The maximum floor area ratio (FAR) allowed is .50. The plans do not indicate a FAR. The Staff is concerned that the proposed house significantly exceeds the allowable FAR. The Staff estimates the lot is about 1,976 sq. ft. (not the 13,560 sq. ft. indicated on the survey). The Staff further estimates that the interior square footage of the house is about 1,836 sq. ft. or about a .92 FAR. The Staff recommends that the house be substantially re-designed to meet the FAR limitations on the property.

The Staff would note that lot coverage is not restricted in this subarea.

Per the District regulations, one off-street parking space is required. While the site plan indicates one off street parking space, there is not a design shown for it or the required curb cut. Further, the off-street parking space must extend 20 ft. beyond the front façade of the house. In this case, it is only about 10 ft. beyond the front façade of the house. Even taking away the "planter" it can only be about 14.5 ft. past the front of the house. Lastly, the parking space is not allowed to be between the principal building and the street. The Staff would recommend the project include an off-street parking space that meets all of the District regulations.

It is likely that the sidewalk will be destroyed in the process of building the home. In addition, the sidewalk should be brick on a concrete base and laid in a pattern to match existing on abutting properties. The Staff recommends that the sidewalk be replaced per the District regulations, including size, location, design, and materials. The regulations require a paved walkway (poured concrete or brick pavers) from the front sidewalk to the front entry of the house. There is no walkway indicated on the site plans. The Staff recommends a walkway from the front porch to the public sidewalk that meets all of the District regulations is indicated on the site plan.

The site plan does not indicate any grading or change in the lot topography. In looking at the elevations, the slight change in the existing grade is shown.

### **Massing and Building Height**

Per regulations, the architectural style of the new house must be represented on a comparable house on the block face. As noted above, the forms/styles seen on the block face that are points of comparison

are Shotguns. While two of the Shotguns have small projections at the rear of their side elevations (likely an enclosed porch) and two of the Shotguns have larger side projections (one of which is a more contemporary alteration), none of them have an offset that extends to a second story and is covered under the main roof. The projections listed above are small, incidental components of the massing. The comparable Shotguns have a linear massing with a side projection. The proposed house has a two story massing that takes the projection fully into the second story.

The Staff finds that the massing and form of the proposed house is not similar with the comparable houses. The Staff would recommend the massing of the proposed house be significantly re-designed to be very similar to the comparable houses on the block face.

Per the District regulations, the roof form, pitch and eave design/size are based on the compatibility rule. The Staff finds the roof form and pitch should be the same as #147 (aka #149) but both visually and as indicated on the comparison elevation, but it is not. The proposed house has a shallower roof pitch than the required 8:12 found on the comparable houses on the block face (again, this is using the data provided thus far). The Staff would recommend the roof pitch be accurately shown and meet the District regulations and the roof eaves meet the District regulations.

Per the District regulations, the overall height is based on the compatibility rule. Given the concerns about the comprehensiveness and accuracy of the measurements in the compatibility rule chart, the Staff would recommend the Applicant document compliance with the District's height regulations.

The widths of the houses are also based on the compatibility rule. The width of the houses on the block face was not provided. The Staff would recommend the house width meet the District regulations.

The first floor height is also based on the compatibility rule. The Applicant did not provide information regarding the first floor heights on the block face, though they did note that the proposed house's first floor height was 1.5 ft. The Staff recommends the Applicant provide documentation the proposed first floor height meets the District regulations.

### **Building Facades**

In Landmark Districts, the Commission reviews all facades.

### **Windows and Doors**

The front door is vertical wood panels with four (4) small glass lights in its upper portion. The Staff finds that the proposed door is not compatible with any historic or original doors on the comparable houses on the block face or anywhere in the District and is not consistent with the form / style of the proposed house. The Staff would recommend the front door be redesigned to meet the District regulations and be compatible with the style / form of the proposed house. The rear door is similar in design, but as this door is not visible from the public right-of-way, the Staff has no concerns regarding the rear door.

The proposed fenestration features aluminum-clad wood, double hung windows with 4 in. wide trim. The proposed light pattern is not found on the comparable houses on the block face. Further, it is not clear if the windows have the appropriate sills, trim and headers. Though the windows are vertical in proportion, the front façade windows do not appear to be the same size as the existing windows on the comparable houses on the block face - they appear elongated. Overall, the Staff finds the design and size of the proposed windows does not meet the District regulations. The Staff recommends all windows meet the District regulations.



The Staff would note that given the inappropriate massing and potentially height, there is significant additional wall space above the main floor windows. It is anticipated that this additional wall space will be removed from the design to comply with the Staff's concerns about massing and height.

There are no skylights proposed on the house.

### **Building Materials**

The siding material is indicated as smooth finish, 6 in. cementitious siding with trim of an unspecified material. The Staff recommends that all trim is indicated as wood. The foundation is indicated as painted brick veneer. The Staff would recommend the brick veneer on the foundation be constructed of standard, full size bricks. The roofing material is indicated as asphalt shingles, which meets the District regulations. The front porch stair material is not indicated on the plans. The Staff recommends the plans indicate an appropriate front stair material.

### **Porch**

The proposed full half width porch is 5 ft. in depth with 6 in. by 6 in. wood posts, simple brackets, standing seam metal roof with a 4:12 pitch, and no railing. It is not clear the material of the porch floor, ceiling, or vertical ends. The Staff is also concerned about the slope of the front porch roof, which is significantly more than the front porch roof slopes of the comparable houses on the block face. The Staff would recommend that the design and materials of the front porch meet the District regulations and include all necessary details and description.

The Staff considers the rear deck to actually be a stoop because it only includes the area needed to safety exit the rear door.

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

- (a) The plans do not meet the regulations per Section 16-20A.006 and 16-20A.009, with a few exceptions noted above.

Staff recommends deferral of the application for Type III Certificate of Appropriateness (CA3-16-139) for a new single-family house at **151 Savannah Street** - Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline, to allow time for the Applicant to address the following concerns and comments of the Staff:

1. The heights of the 6 comparison contributing houses shall be certified by a registered surveyor and that the Applicant shall provide pertinent measurements and shall provide a description of the techniques used for taking the measurements of the 6 comparison contributing houses, per Section 16-20A.006(3);
2. The Applicant shall provide a scaled drawing showing all front yard setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure, per Section 16-20A.006(3);
3. The floor plans shall be internally consistent;
4. The compatibility rule chart shall specify which side yard setbacks are for which sides of the houses; per Section 16-20A.006(6);
5. The house shall be substantially re-designed to meet the FAR limitations per Section 16-20-20A.009(8);
6. The project shall include an off-street parking space that meets all of the District regulations, per Section 16-20A.006(19) and .009(14);
7. The sidewalk shall be replaced per the District regulations, including size, location, design, and materials, per Section 16-20A.006(13)(f);

8. A walkway from the front porch to the public sidewalk that meets all of the District regulations shall be indicated on the site plan, per Section 16-20A.006 (13)(F)(4);
9. The massing of the proposed house shall be significantly re-designed to be very similar to the comparable houses on the block face, per Section 16-20A.009(7);
10. The roof pitch shall be accurately shown and meet the District regulations and the roof eaves shall meet the District regulations, per Section 16-20A.006(13)(c);
11. The Applicant shall document compliance with the District's height regulations, per Section 16-20A.009(7);
12. The house width shall meet the District regulations, per Section 16-20A.009(7);
13. The Applicant shall provide documentation the proposed first floor height meets the District regulations, per Section 16-20A.008(13)(b)(2);
14. The front door shall be redesigned to meet the District regulations and be compatible with the style / form of the proposed house, per Section 16-20A.006(13)(a)(3) and (b)
15. All the windows shall meet the District regulations, per Section 16-20A.008(13)(b);
16. All trim shall be indicated as wood, per Section 16-20A.008(13)(b)(1);
17. The brick veneer on the foundation shall be constructed of standard, full size bricks, per Section 16-20A.006(13)(a)(3);
18. The plans shall indicate an appropriate front stair material, per Section 16-20A.006(13)(e)(4);
19. The design and materials of the front porch shall meet the District regulations and shall include all necessary details and description; and
20. The Applicant shall submit all revised plans and supporting documentation (including all required copies) at least eight (8) days prior the meeting to which this application was deferred.



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

**TIM KEANE**  
Commissioner

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

## STAFF REPORT April 27, 2016

**Agenda Item:** Application for a Review and Comment (RC-16-140) on alterations and additions at **35 Huntington Rd.** Property is zoned R-4 / Brookwood Hills Conservation District / Beltline.

**Applicant:** Johnathan Hamilton – Dovetail Craftsman  
1095 Zonolite Rd. #104

**Facts:** This existing single family structure was built in 1950 and is considered contributing to the District.

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

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

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

### **Sec. 16-20.009. Same; further standards.**

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

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Brookwood Hills Conservation District does not have specific architectural regulations similar to Atlanta's Historic or Landmark Districts; therefore the Commission should refer to "Further Standards" listed in Chapter 20 of the Zoning Ordinance, which normally apply to all locally designated districts and properties.

Staff would note that while this structure was constructed after the majority of homes in the district, and has likely been altered since that time, this structure still retains much of its original character. Staff finds that the proposed additions and alterations would significantly and irreparably alter the character of the structure and result in a loss of historic fabric.

### **Addition**

The Applicant is proposing two additions to the existing structure. The first addition will convert an existing attached carport into a porte cochere style addition. The new addition will contain a roof form and pitch which matches those features found on the principal structure. However, the Staff has concerns with this addition as it will both create a new street facing façade and will significantly alter the massing of the property. Additionally, Staff can find no other examples of similar additions on this block face. Staff finds that the rear of the structure is an appropriate location for an addition with this massing. While Staff understands the proposed addition will create the living space needs on the second story, Staff suggests the Applicant an alternate placement of the proposed addition.

The second of the proposed additions is located on the rear of the structure. This addition will protrude from the side of the structure and will be visible from the street through the first floor of the porte cochere addition. Similar to the porte cochere addition, the proposed placement of the rear addition will create a new front facing façade and will be highly visible from the street. Staff finds that the internal programing of the project could still be met by having an addition which is either flush with or inset from the side façade. Staff suggests the Applicant consider alternate placements of this addition.

### **Alterations**

The Applicant is proposing to add gable trim, replace the existing second story windows, and add two new windows to the second story of the front façade. As the existing front façade is

simpler in its ornamentation, Staff finds that the proposed alterations will substantially alter the character of the structure. Further, Staff finds that the addition of the new windows would create a fenestration pattern which is not compatible with the existing structure with uneven spacing and little relationship to the first floor fenestration pattern. As such, Staff recommends the Applicant consider an alternate front façade design which maintains the simpler ornamentation of the existing structure.

The Applicant is proposing to remove an existing door and overhang on the right side façade. No information regarding the historic nature of the door or the need for the door and overhang to be removed have been received by Staff. Staff suggests the Applicant detail the historic nature of the door and overhang. If the door and overhang are original to the structure, or are otherwise historic in nature, Staff suggests they be retained.

On the left side façade, the existing second story window will be moved to accommodate the porte cochere addition. Given Staff's previous suggestions regarding the porte cochere addition, Staff suggests the Applicant explore design alternatives which allow for the retention of the existing window. Staff would note that the elevation and the floor plan showing the front-most window on the proposed right façade are not consistent. The elevations show the second story window being retained while the floor plans show the window being removed. Staff suggests the Applicant clarify whether this window will be retained.

On the rear façade of the structure, the Applicant is adding a window on the first floor, and replacing the existing sunroom window panel with rear entry doors. On the second story the applicant is proposing to remove a window and install two new windows matching those found on the side façades. Staff finds that the first floor sunroom panel windows are likely not original to the structure and has no general concerns with their replacement with doors as proposed. With regards to the second story window proposed for removal, no information regarding the historic nature of the window or its need for replacement has been received by Staff. As such, staff suggests the Applicant provide information detailing the historic nature of the window and its need for removal. If the window is original to the structure or otherwise historic in nature, Staff suggests the window be retained. While Staff understands that the proposed window additions are likely proposed to allow more light into the living space, Staff finds that the proposed pattern is inconsistent with the fenestration pattern of the existing rear façade. Staff suggests the Applicant consider alternate fenestration patterns and designs which would be more compatible with the rear façade of the structure.

Staff suggests the applicant consider redesigning the project in its entirety to be more compatible with the character, ornamentation, and massing of the existing structure.

**Staff Recommendation:** The Staff recommends that the Commission send a letter with comments to the Applicant.



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

**TIM KEANE**  
Commissioner

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

## STAFF REPORT April 27, 2016

**Agenda Item:** Review and Comment (RC-16-142) on a new pool and pool deck at **115 Palisades Road** - Property is zoned R-4/ Brookwood Hills Conservation District.

**Applicant:** Bruce and Elizabeth Wanamaker  
115 Palisades Road

**Facts:** According to the Brookwood Hills Inventory, the single-family dwelling was built in 1924 and is considered contributing. In 2012, the Commission commented on a previous project at this address that included a two-story side addition, a rear addition, demolition of a then existing accessory structure, and construction of a new two-story accessory structure.

Before the Commission at this time is the construction of a pool and pool deck in the rear yard.

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

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

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

Sec. 16-20.009. Same; further standards.

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

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

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

Brookwood Hills Conservation District does not have specific architectural regulations similar to the City's Historic or Landmark Districts, therefore the Commission should refer to "Further Standards" listed in Chapter 20 of the Zoning Ordinance, which apply to all locally designated districts and properties.

The proposed pool and pool deck will be located behind the two-story accessory structure and pea gravel patio / hardscape. The pool will be a rectangle running front-to-back, with the pool deck composed of stone set within the grass.

The Staff finds that the proposed pool and pool deck will have a limited if any effect on the historic character of the property. The proposed pool will be located a substantial distance from the original house and behind a recently building accessory structure. It does not appear that the pool or pool deck will be visible from the public street. It does not appear that any trees will be affected by the project. Lastly, the project would not appear to require significant grading in the rear yard though a small retaining wall will be required to the west of the pool deck due to an existing slope.

At the same time, it is not clear that when the project is finished, the lot coverage requirements will be met as a lot coverage calculation is not shown on the site plan. It is also not clear where the security / perimeter fencing required by the health department will be located on the property.

The Staff recommends the Commission send a letter with its comments to the Applicant.



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**TIM KEANE**  
Commissioner

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

## STAFF REPORT April 27, 2016

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-16-142) for alterations and a second story addition at **772 Boulevard NE**. Property is zoned R-5 / Grant Park Historic District (Subarea 1)/ Beltline.

**Applicant:** Monica Woods  
67 – A Boulevard Drive

**Facts:** This existing American Small House was constructed in 1950 and is considered non-contributing to the District. A second story gable dormer addition above the front stoop was added previously.

In the Grant Park Historic District, only changes that are on a façade that faces a public street are reviewed by the Commission.

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

Sec. 16-07.008. - Minimum yard requirements.

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

(5) *Maximum floor area within this district:*

a. For a single-family detached dwelling on a lot which meets the minimum lot area requirement described in section 16-07.007(2): The maximum floor area ratio shall not exceed 0.50 of the net lot area.

(6) *Maximum lot coverage:* Maximum lot coverage within this district shall not exceed 55 percent of the net lot area.

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:



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

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

(1) *Development Controls.*

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

(2) *Architectural Standards.*

- (A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood. The following residential architectural styles currently predominate in the neighborhood and contribute to its unique historic character; they are included here for reference only: American Four Square, Craftsman, English Vernacular Revival, Folk Victorian, Queen Anne, and Shotgun.

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

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

- b. Decks shall be permitted at any level.
  - c. Balconies and upper level terraces shall be permitted.
11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
  13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
  15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
    - a. Paving materials for walks and drives: Black asphalt is prohibited.
    - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
    - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
    - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
    - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
    - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.
- (C) *Design Standards and Criteria for Alterations and Additions to Non-contributing Structures.* Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.
- (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.

The method allowed by the regulations for reviewing alterations and additions to non-contributing structures are as follows: Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the

architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B). As the proposed alterations are not consistent with and do not reinforce the architecture of the existing structure, Staff will review the project using the applicable regulations for new construction.

### **Addition**

A second story addition is proposed for the structure. A porte cochere style addition is also proposed for the space above the existing carport. Per the regulations, the addition will conform to the existing side yard setbacks. The regulations state that the front yard setbacks for this property are determined by the compatibility rule. No compatibility information detailing the allowable front yard setback range has been received by Staff. As such, Staff recommends the Applicant provide compatibility information detailing the allowable front yard setback range.

Per regulations the height of the structure with the proposed addition is no more than 35 feet high.

The R-5 underlying zoning requires a total lot coverage of no more than 55% of the net lot area, and a total floor area of no more than 50% of the net lot area. The net lot area for this property is 9577 sq. ft. The proposed lot coverage for the principal structure with the proposed addition would be 2256 sq. ft. or 23.6% of the net lot area. Staff finds that the lot coverage requirements have been met. The proposed floor area for the principal structure with the proposed addition is not noted on the site plan or floor plans. Given the net lot area, the maximum allowable floor area for this property is 4788.5 sq. ft. Staff recommends the floor area of the proposed structure not exceed 4788.5 sq. ft.

The addition will be sided with both cementitious horizontal lap siding and brick.

The second story addition will be defined by an 8 in 12 pitched primary roof, matching the primary roof pitch of the existing principal structure. A gable with an 8 in 12 pitched roof will be added above the front entry way to create a second story front porch. Staff has no concerns with the proposed roof pitch.

### **Mechanical units**

The plans do not indicate HVAC units being installed. However the addition of new mechanical units would not be uncommon for a project such as the one proposed. The regulations require new HVAC units to be to the side and rear of the principal structure and screened with vegetation if visible from the public street. As such, Staff recommends any mechanical units be placed to the rear of the principal structure and screened from view with vegetation.

### **Front porch**

The Applicant is proposing to install a new 7' deep front porch running almost the entire length of the front façade in place of the currently existing stoop. A second story porch is also proposed for the front façade directly above the entryway and front door. Per the regulations, the front porch will have a brick foundation and will contain tapered columns, railings on both the first and second story porch, and steps with closed risers and ends on the main level porch. The materials of the proposed columns and railings on the first and second story porches are not

noted on the plans. Staff recommends that appropriate materials for the columns and railings be noted on the plans.

### **Fenestration**

The Applicant is proposing to replace all of the existing fenestration on the front façade of the structure with new windows and doors. Per the regulations, the fenestration on a street facing façade of a principal structure must be substantially consistent with the fenestration pattern of contributing structures of like use in the District, or be comprised of fenestration which totals at least 15% but no more than 40% of the front façade wall surface area. Staff finds that the wall surface of the front façade is approximately 2,083 sq. ft. and the proposed fenestration totals approximately 150 sq. ft. or 7% of the wall surface area. Staff recommends the plans be altered to include front façade fenestration which totals at least 15% (or 312 sq. ft.) of the wall surface area, or that the Applicant submit documentation showing that the fenestration pattern is consistent with contributing structures of like use in the District.

The materials for the proposed windows and doors are not noted on the plans. Staff recommends that appropriate materials for the proposed doors and windows be noted on the plans.

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

1) The plans meet the regulations, with the exceptions noted above, per Section 16-20K.007;

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-16-142) for alterations and a second story addition at **772 Boulevard NE**. Property is zoned R-5 / Grant Park Historic District (Subarea 1)/ Beltline with the following conditions:

1. The Applicant provide compatibility information detailing the allowable front yard setback range, per Sec. 16-20K.007(1)(A);
2. The floor area of the proposed structure shall not exceed 4788.5 sq. ft., per Sec. 16-07.008(5);
3. Any mechanical units shall be placed to the rear of the principal structure and screened from view with vegetation, per Sec. 16-20K.007(2)(B)(13);
4. Appropriate materials for the columns and railings shall be noted on the plan, per Sec. 16-20K.007(2)(B)(15);
5. The plans shall be altered to include front façade fenestration which totals at least 15% (or 312 sq. ft.) of the wall surface area, or the Applicant shall submit documentation showing that the fenestration pattern is consistent with contributing structures of like use in the District, per Sec. 16-20K.007(2)(B)(11);
6. Appropriate materials the proposed doors and windows shall be noted on the plans, per Sec. 16-20K.007(2)(B)(15); and,
7. Staff shall review and if appropriate, approve the final plans and documentation.



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**TIM KEANE**  
Commissioner

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

## STAFF REPORT April 27, 2016

**Agenda Item:** Application for a Review and Comment (RC-16-143) on site work at **68 Wakefield Dr.** Property is zoned R-4 Brookwood Hills Conservation District/ Beltline.

**Applicant:** Dianne Barfield  
PO Box 475, Morrow

**Facts:** According to the Brookwood Hills Inventory, the single-family dwelling was built in 1945 and is considered contributing to the District.

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

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

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

Sec. 16-20.009. Same; further standards.

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

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

- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Brookwood Hills Conservation District does not have specific architectural regulations similar to Atlanta's Historic or Landmark Districts; therefore the Commission should refer to "Further Standards" listed in Chapter 20 of the Zoning Ordinance, which normally apply to all locally designated districts and properties.

The Applicant is proposing several alterations to the existing paving and hardscapes on the property. The items proposed for removal include a gravel terrace on the west side of the existing garage, brick driveway borders on the west side of the existing driveway, a rear pond, a rear wall, and a concrete flume on the east side of the principal structure. Staff has no concerns with these proposed alterations.

The existing front walkway and site steps are proposed for replacement with an unspecified material. Staff suggests the Applicant consider replacing the walkway and steps in-kind. On the rear of the property, a new 80 sq. ft. pond is proposed to replace the larger pond. The new pond will tie into a new wall and a new terrace of unspecified materials will be installed. Staff has no general concerns with the proposed work, but suggests that the Applicant clarify the materials which will be used in the rear wall and hardscape areas. A new wall of an unspecified material and height are proposed for the front yard of the site. Staff suggests the Applicant clarify the height and materials of the proposed front yard wall. Lastly, the Applicant is proposing to resurface the existing driveway. Staff suggests the driveway be resurfaced in-kind.

**Staff Recommendation:** The Staff recommends that the Commission send a letter with comments to the Applicant.



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MAYOR

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<http://www.atlantaga.gov/Government/Planning.aspx>

**TIM KEANE**  
Commissioner

**CHARLETTA WILSON JACKS**  
DIRECTOR  
Office of Planning

**STAFF REPORT**  
**April 27, 2016**

**Agenda Item:** Application for a Review and Comment (RC-16-151) on the City of Atlanta Bike Share system at **various locations in the City of Atlanta** - Properties are zoned variously.

**Applicant:** Becky Katz, Chief Bicycle Officer, City of Atlanta  
55 Trinity Avenue

**Facts:** In the summer of 2016, the City of Atlanta will be launching a demonstration version of its bike sharing system. In this system, people will be able to check-out bikes at various “stations” in the City and return them to either the same station or different station in the system. All of the stations will have racks for securing the bikes, the ability to unlock the bike via an app, and an advertising / informational panel, while 20% will have payment kiosks associated with them. There are no real structures associated with the stations (no attendant booth, no shelter, no covering, no lighting) and the number of racks can expand and contract with demand. As shown in the application, the stations are generally linear in nature with the bikes racked in a row and the advertising / informational panel at one end.

While some of the stations will be located on private property through agreements with those owners, many are anticipated to be on City of Atlanta property or right of way. The system will be managed by a vendor under contract to the City.

The process for selecting station locations will include three (3) steps, with the first step (“suitability analysis”) including four (4) criteria.

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

Per Section 6-4043 of the Atlanta City Code:

- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

As a system, the Staff finds that this will provide significant benefits to City of Atlanta residents, businesses and visitors. To achieve the benefits, though, an essentially new system needs to be installed in the City of Atlanta. The design of the stations is generally uniform across the system and while focused on functionality, does incorporate a specific look to provide visual clues and appeal to the passerby, as well as build a “brand” for the entire system. The Staff would note that advertising

opportunities will be a part of the station design, but the Staff finds that they are generally restrained in nature and not unlike what currently exists with selected MARTA bus stops.

The Staff finds that the site selection considerations are appropriate and take into account many of the topics that would be of concern to the Commission and Staff. Further, the actual permitting of the stations will take into account a variety of right-of-way, ADA, sidewalk clear zone, and adjacency criteria. The Staff would add that with careful site selection, the site itself could minimize any potential negative visual effects and at the same time might even improve a given site by increasing its visual presence and attracting people to that location.

Given the proposed functionality, the basic nature of the station, and need for ease of access, the Staff finds that the stations should be an identifiable part of the public streetscape or such that they can be quickly accessed from the public streetscape. These are not a utilitarian facility that needs to be screened, otherwise hidden from view, or made to blend in with the surrounding context. Further, their clean, contemporary design will be appropriate for locations throughout the City regardless of the architectural context around them.

In conclusion, the Staff finds that with careful planning, the bike sharing network will add an important and exciting new component to the City's transportation system with no negative effects.

**Staff Recommendation:** The Staff recommends that the Commission confirm that it has delivered its comments to the Applicant at the Commission meeting regarding an Application for a Review and Comment (RC-16-151) on the City of Atlanta Bike Share system at **various locations in the City of Atlanta** - Properties are zoned variously.





## CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

**TIM KEANE**  
Commissioner

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

### **STAFF REPORT** **April 27, 2016**

**Agenda Item:** Review and Comment (RC-16-168) on renovations at Adams Park Pool at **1690 Delowe Drive (Adams Park)** - Property is zoned R-3.

**Applicant:** Mike Brown, Brown Construction

**Facts:** Adams Park is located in the Adams Park neighborhood. All of the proposed work will occur in the northern corner of the existing pool complex within the park.

The Applicant is proposing to infill / demolish an underutilized kiddie pool, install the spray / splash pad in its place, and construct an equipment room for the pad. The pad will be about 29 ft. across and more than 33 ft. long. The equipment building will be 25 ft. long and 18 ft. wide, with a stucco exterior and gable roof.

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

Per Section 6-6043(e):

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

The existing pool complex at Adams Park is a contemporary design such that the proposed simple stucco equipment building will be compatible. No additional green space or passive park space will be taken up with the project. The restrooms for the spray / splash pad will be provided by in the existing bath house in the pool complex.

Regarding the splash pad itself, the design documents include equipment drawings and details. However, the Staff did still have some questions about the spray / splash pad area:

- Will the spray / splash pad have areas for different ages or is it for all ages?
- Will it be a non-slip surface and will it be handicap accessible?
- Will there be any seating around the spray / splash pad?

At some spray / splash pads the Staff is familiar with, the water is on constantly or at certain times of day. Given the droughts the City has experienced in years past and its more recent sustainability initiatives the Staff is concerned about how much water will be used and for how long. Further, when it is too cold to have the water on, can the spray / splash pad used for something else?

Notwithstanding the comments above, the Staff supports the conversion of a kiddy pool into a spray / splash pad.

**Staff Recommendation:** The Staff recommends that the Commission confirm that it has delivered its comments to the Applicant at the Commission meeting regarding an application for a Review and Comment (RC-16-168) on renovations to Adams Park Pool at **1690 Delowe Drive (Adams Park)** - Property is zoned R-3.



**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**  
**February 24, 2016**  
**UPDATED**  
**April 27, 2016**  
*(Updated text shown in italic.)*

**Agenda Item:** Application for a Type III Certificate of Appropriateness / Certificate of Compliance (CA3-15-470) for construction of a new house at **627 Moreland Avenue, N.E.** – Property is zoned SPI-7 - Subarea 2 (Candler Park Special Public Interest District.)

**Applicant:** Tiara Crumby  
1004 Glen Ivy, Marietta

**Facts:** The existing vacant is located in Subarea 2C of the Candler Park SPI district.

*At the February 24, 2016 Commission meeting, the Commission deferred this application to allow time for the Applicant to address the concerns noted in the Staff Report. On April 19, 2016, the Applicant submitted revised elevations and roof plan which are the subject of this updated Staff Report.*

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

Per Section 16-18G.003 of the Atlanta Land Development Code, as amended:  
Boundaries of the District and subarea established.

- (2) Subarea 2: This subarea is comprised of three separate areas, defined as those properties which have a front yard on the following streets:
  - a. The west side of Page Avenue, the south side of Clifton Terrace, and the east side of Terrace Avenue;

Per Section 16-18G.004. General Regulations.

The following regulations shall apply to all properties located within the Candler Park Special Public Interest District, including all subareas of said district:

- (1) The provisions set forth in sections 16-18.005, 16-18.006 and 16-18.007 relating to requirements for special administrative permits shall not apply to the SPI-7 Candler Park District.
- (2) Any proposed amendment to this chapter shall be processed, considered and decided pursuant to the procedures and criteria contained in chapter 27 of this part. Prior to action by the zoning review board on any amendment affecting this district, said amendment shall first referred by the director of the bureau of planning to the Atlanta Urban Design Commission so as to provide an opportunity for review and written comment on said proposed amendment.

Per Section 16-18G.006. Residential subareas 2 and 3: specific regulations.

Subareas 2 and 3 together are identified as the residential subareas. In addition to the general regulations and provisions of this chapter, the following specific regulations shall apply to the residential subareas:

- (1) The specific regulations for the residential subareas shall consist of section 16-18G.006 through section 16-18G.0013.
- (2) No building permit shall be issued by the bureau of buildings within the SPI-7 Candler Park District without the prior approval and issuance of a certificate of compliance from the Atlanta Urban Design Commission (AUDC). The purpose of this requirement is to assist the bureau of buildings with review of proposed permits for consistency with the requirements of sections 16-18G.006 through 16-18G.013 of this chapter. In addition to all materials otherwise required by the bureau of buildings, applications for building permits in these subareas shall include: a site plan at a minimum scale of one inch, equals 20 feet; typical building sections and exterior elevations at a minimum scale of one-fourth inch equals one foot; and outline specifications for all exterior building and landscaping materials. Larger scale drawings at appropriate scale shall be required of significant details when necessary for adequate review. Following transmittal of a complete application from the bureau of buildings to the AUDC, the AUDC shall review said application for consistency with the criteria and standards set forth in sections 16-18G.006 through 16-18G.013. The burden is on the applicant to demonstrate said consistency. If the application is consistent with said criteria and standards, it shall be approved and the AUDC shall issue a certificate of compliance certifying said compliance. The AUDC shall have the authority to impose conditions on said certificates as appropriate. If the application is not consistent with said criteria and standards, it shall be denied. Immediately following said action, the AUDC shall transmit the application together with its denial or approval to the bureau of buildings. The bureau of buildings shall then review the application for compliance with all remaining applicable provisions of this chapter and other applicable ordinances. No building permit shall be issued for any application that has not received the required certificate of compliance. Appeals from the final decision of the director may be taken pursuant to the provisions of section 16-30.010 to the board of zoning adjustment.
- (5) The City of Atlanta Tree Ordinance shall apply.

Per Section 16-18G.007. Residential subareas 2 and 3: permitted principal uses and structures.

- (1) Subarea 2: A building or premise shall be used only for a single-family detached dwelling. In no case shall there be more than one main building and one main use on a lot.

Per Section 16-18G.008. Residential subareas 2 and 3: permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- (2) When a private garage is part of a principal structure, the vehicular entry door shall not be located on the front facade of the main building, and all vehicular access to the garage shall be from the rear or side of the principal structure. Garages, when detached from the main residential structure, shall be located to the rear of the main structure within the buildable area of the lot and, on corner lots, shall be subject to side yard setbacks.

Per Section 16-18G.009. Residential subareas 2 and 3: minimum yard requirements; maximum floor area ratio.

The following yard requirements shall apply to all permitted uses. Distances shall be construed as minimum requirements except where otherwise specifically indicated:

- (1) Front yards:
  - c. Subarea 2C: 42 feet minimum, 47 feet maximum.
- (2) Side yards:
  - a. Subarea 2: 7 feet.
- (3) Rear yards: 7 feet.
- (5) Maximum floor area ratio: The residential, or dwelling, floor area ratio shall not exceed 0.50.
- (6) Minimum lot size:
  - a. Subarea 2: Every lot shall have a minimum area of 7500 square feet and a minimum frontage of 50 feet.

Per Section 16-18G.010. Residential subareas 2 and 3: minimum off-street parking requirements.

In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses.

- (1) There shall be a minimum of two spaces per dwelling unit.
- (2) No parking shall be permitted in a required front yard or half-depth front yard or between a primary residence and a street.

Per Sec. 16-18G.011. Residential subareas 2 and 3: architectural requirements.

In addition to the regulations and provisions of this chapter, and except as otherwise specifically provided herein, the following architectural regulations shall apply.

- (1) Definitions. For the purposes of interpreting this code section, the following definitions shall apply;
  - a. Neighborhood means the Candler Park Neighborhood as it exists on the official neighborhood map of the City of Atlanta.
  - b. Substantially proportional means that the element in question, such as roof pitch, scale, mass, or height, is sufficiently proportional to that found in the chosen architectural style to allow a trained observer to identify the new construction as originating from said architectural style.
  - c. Substantially characteristic means that the material in question, such as brickwork, stonework, or roofing material, reflects visual qualities that are sufficiently characteristic of those found in the chosen architectural style to allow a trained observer to confirm that the new construction is consistent with said architectural style.
- (2) Statement of intent. The council finds that the following established residential architectural styles currently exist in the neighborhood and contribute to its unique character: Late Victorian; Transitional style of bungalow between late Victorian and Craftsman; Bungalows with Greek Revival, Tudor or Craftsman detailing; American Four Square; and Queen Anne. These residential structures generally exhibit the following significant characteristics: small rectangular shaped lots; houses which are generally situated near the front centers of these lots and stand back a uniform distance from the streets; and, due to the hilly topography, many houses with low retaining walls at the sidewalk and with steps which lead up from the sidewalk. The purpose of the following regulations is to set forth basic, minimum standards of architectural design and construction that are consistent with these existing historic styles of 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 the regulations to limit the design of new housing to replication of existing structures, but rather to foster residential design that incorporates the historic architectural elements and materials that are specific to the neighborhood in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these existing architectural styles while simultaneously encouraging consistent, creative designs that are more than a mere aggregation of random historic elements, through the use of specific standards and criteria. In addition, these regulations are intended to integrate the aesthetic and physical characteristics of new construction and landscape in this area into the existing neighborhood and public park areas in a meaningful way so as to restore and promote the public health, safety and welfare of the community.
- (3) Standards and criteria. The following standards and criteria shall apply to all new construction in the residential subareas:
  - a. All new construction on each vacant lot shall be representative of a single architectural style chosen from those styles set forth in subsection (2) above.
  - b. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
  - c. All front facades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street.
  - d. The form and pitch of the roof of new construction shall be substantially proportional to the chosen architectural style.
  - e. The height, scale and massing of new construction shall be substantially proportional to the chosen architectural style. In no case shall the height of a structure exceed 35 feet. (See section 16-28.022 for excluded portions of structures.)
  - f. The first floor of the principal structure shall be on foundations and elevated above grade a minimum of three entrance step risers, each of which shall be no less than seven inches in height.
  - g. Front porches on the principal structure shall be required. The design and size of said porch shall be substantially proportional to the chosen architectural style, provided that they shall be a minimum of 12 feet wide or one third the width of the front facade, whichever is greater, and a minimum of eight feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features typical of the chosen architectural style. Porches may be enclosed with screen wire or glass, provided that the main characteristics of the porch such as balustrades, columns or porch railings, and balusters are visible and maintained. Front porches may extend up to ten feet into the required front yard. All front porch steps shall have closed risers and ends.
  - h. Decks shall be located to the rear of a principal structure and shall not be visible from the public right-of-way.
  - i. When any portion of a chimney is visible as a facade element, the chimney shall originate at grade, and shall be faced with either brick or stone masonry.
  - j. Fences and walls, visible from the public right-of-way upon completion, subject to the provisions of section 16-28.008(5) and the following limitations, may occupy required yards:
    1. Fences and walls not exceeding six feet in height may be erected in side or rear yards.

2. All fences located in a required front yard or in a required yard adjacent to a street shall be constructed of brick, stone, ornamental iron, or wood pickets, in a manner which is substantially characteristic of the chosen architectural style.
  3. Visible portions of retaining walls located in a required front yard or in a required yard adjacent to the street shall be constructed of stone, brick or smooth stucco in a manner which is substantially characteristic of the chosen architectural style.
  4. If more than one retaining wall is otherwise authorized in the front yard setback, the combined height of said retaining walls should not exceed four feet.
- k. The following aspects of fenestration, if visible from the public right-of-way upon completion, shall be substantially proportional to the chosen architectural style:
1. The style of the individual window.
  2. The size and shape of the individual window opening.
  3. The overall pattern of fenestration as it relates to the building facade
  4. Generally, fenestration shall be double hung.
- l. Mechanical equipment shall be located to the side and rear of the principal structure and where possible, in the least visible location. Screening with appropriate plant or fence materials is required if the equipment is visible from the public right-of-way.
- m. The following building materials and design elements of new construction, if visible from the public right-of-way upon completion, shall be substantially characteristic of the chosen architectural style, and shall apply in addition to all other applicable regulations:
1. The dimensions of the exposed face of lap siding and wood shingles.
  2. The type of brick and pattern of brickwork.
  3. The type of stone and pattern of stone work.
  4. The material and texture of stucco.
  5. The dimensions and placing of architectural ornamentation and trim. This is not intended to require the exact reproduction of existing molding profiles.
  6. The size and type of doors.
  7. The materials and pattern of roofing.
  8. Visible foundation materials. Foundations shall constitute a distinct building element and shall contrast with the primary facade siding material.
  9. Visible portions of chimneys.
  10. Front porches, including materials, features, and steps.
- n. Roof-top equipment such as attic ventilators, and HVAC vents, skylights, solar panels, communication equipment, air conditioner units, or any service or utilities equipment, when otherwise permitted and authorized by this Part 16, shall not be visible from any public right-of-way, provided that ridge vents may be visible from the right-of-way.
- o. Service and utilities equipment including gas, water, electricity, telephone, furnaces, and air conditioning units, when otherwise permitted and authorized by this Part 16, shall not be located in a front yard or a half-depth front yard.
- p. Satellite receiving-only dish antennas shall not be authorized other than by special exception by the board of zoning adjustment pursuant to Section 16-28.008 (11).
- q. Exterior lighting systems shall be designed and installed so as to be directed towards the lot on which it is located and so that no direct light is cast upon adjoining property.
- r. Grading shall not excessively or unnecessarily alter the existing topography of the site. New grades shall meet existing topography in a smooth transition. Erosion shall be prevented and runoff kept to a minimum.
- s. Every effort shall be made to preserve existing trees. A certificate of compliance shall be required for the removal of any tree with a caliper at breast height of 12 inches or greater. Trees so removed shall be replaced with trees approved by the city arborist. Before any site preparation work shall begin, a tree plan shall be approved by the city arborist. This plan shall include:
1. Location of all existing trees with type and caliper indicated;
  2. Location of all existing trees to be saved indicated;
  3. Location of all proposed trees located with type and caliper indicated.

Sec. 16-18G.012. Subarea 2: additional regulations.

In addition to the architectural requirements in section 16-18G.011 above, all new construction in Subarea 2 shall comply with the following requirements:

- (1) No individual house design shall be substantially repeated on the same side of a street block.
- (2) A planting strip shall be provided adjacent and parallel to the street two feet in width, or in conformity with the width of the existing or pre-existing strip, whichever is greater, and shall remain unpaved.
- (3) A sidewalk not less than five feet in width shall be provided between the planting strip and the required front yard, parallel to the street. Sidewalks shall be paved with a hexagonal paver or stamped with a hexagonal design of a size consistent with the historic sidewalk paving pattern.
- (4) Fences not exceeding four feet in height may be erected in the front yard. Walls, other than necessary retaining walls, shall not be erected in the front yard.
- (5) Driveways within the front yard or half-depth front yard shall be a maximum of ten feet in width.
- (6) Zero lot line development is prohibited.

### Site Plan Analysis

This existing lot fronts 61' on Moreland Avenue has a depth of 150'. Per regulations, the front yard setback shall be a minimum of 42' and a maximum of 47'. The proposed front yard setback is 44' and therefore meets the requirements. Per regulations, the side and rear yard setbacks shall be no less 7'. Staff finds the side and rear yard setbacks are more than 7' and therefore meet the requirements.

Per regulations, the maximum floor area ratio (FAR) allowed is .50. According the site plan, the FAR is 19.07%. When comparing the square footage indicated on the site plan with the floor plan, there is a discrepancy. Staff recommends the Applicant provide documentation the FAR requirement has been met. Staff would note that lot coverage is not regulated in this subarea.

*In the revised submission, not FAR calculations were included. The Staff would retain its previous recommendation.*

Per regulations, a walkway from the entry to the sidewalk must be provided. Staff recommends the site plan indicate an appropriate walkway from the front entryway to the sidewalk. Per regulations, a sidewalk is required. The site plan does not indicate a sidewalk. In looking at pictures submitted by the Applicant, there is an existing sidewalk. Staff recommends the site plan indicate the existing sidewalk. As there is already a sidewalk, Staff finds the requirement for a planting strip does not apply.

*As there was no new site plan included in the revised submission, the Staff would retain its previous recommendation.*

Mechanical equipment, service and utilities equipment including gas, water, electricity, and cannot be visible from the public right-of-way. Staff recommends the Applicant clarify where the mechanical equipment, service equipment and utility equipment will be located. Staff recommends the location of all mechanical, service and utility equipment meets the requirements.

*As there was no new site plan included in the revised submission, the Staff would retain its previous recommendation.*

Per regulations, two parking spaces are required. Staff finds the required parking spaces are located in the attached garage at the rear of the house. There is a general requirement that all conforming lots that require parking have independent driveways that are connected to a public street. The Applicant is proposing one driveway to allow for shared parking with the adjacent property. As most variances in the district are reviewed and approved by the Urban Design Commission, Staff advised the Applicant to

apply for a variance to be heard by the UDC. After further review, Staff found the requirement in question requires review and approval by the Board of Zoning Adjustment (BZA) and a Review and Comment by the UDC. While Staff does not have concerns regarding the shared parking proposal, Staff suggests the Applicant submit a variance application to be heard by the BZA.

*Since the Commission meeting on February 24, 2016, the Staff has had extensive discussions with the Applicant and the Office of Buildings about the independent driveway issue and the status of Moreland Avenue as a State of Georgia route. As a result the Applicant has revised their project to include a separate driveway providing access to the garage at the rear of the house. The Staff would note that this driveway will share a curb cut with the driveway for the adjacent house and be adjacent to it, but will nonetheless meet the requirement for an independent driveway. The Staff would recommend the final site plan reflect an independent driveway connected to a public street for this property. The Staff would further recommend that there be a thin separation between this driveway and the adjacent driveway in the front yard and as far back into the property as reasonable.*

In looking at the site plan, there are several trees proposed for removal. Per regulations, the removal of any tree over twelve inches requires a certificate of compliance. Staff finds there are four trees proposed for removal that are more than twelve inches. Staff recommends the Applicant clarify the condition and species of the trees proposed for removal and what the proposed replacement trees are. Staff recommends the Applicant clarify whether there was any design solutions explored that included the retention of the trees.

*As there was no new site plan or tree related information included in the revised submission, the Staff would retain its previous recommendation.*

#### Building Height Analysis

Per the District regulations, the height of the structure is limited to 35 feet. The City's standard technique for measuring height is to measure from the average grade to the midpoint of the main roof form. Based on the elevations submitted, the proposed house meets the height requirements.

*The revised design is still below the 35 ft. height limitation as measured using the standards City technique.*

#### Architectural Analysis

In the District, a specific style allowed by the regulations must be selected for a new house. The following residential architectural styles are allowed: Late Victorian; Transitional style of bungalow between late Victorian and Craftsman; Bungalows with Greek Revival, Tudor or Craftsman detailing; American Four Square; and Queen Anne. The massing, roof form, architectural elements, materials, fenestration and doors, and all other aspects of the design must conform to the selected style. To assist in its assessment, the Staff consulted A Field Guide to American Houses, (1984), by Virginia McAlester, for definitions and specifications.

In looking at the roof pitch, roof form, massing, fenestration, building materials and architectural details, Staff finds the proposed house is a mixture of styles as opposed to one of the single architectural styles allowed by the regulations. Staff recommends the Applicant choose one of the allowable architectural styles and design a house with a roof pitch, roof form, massing, building materials, fenestration and architectural details that are consistent with the chosen style.



Staff has concerns with the length of the house. While many new houses are built to look like a new house with an addition, there is usually some delineation between the main house, the addition and the garage. While attached garages are allowed, Staff finds the house appears to be too large and too long. If the proposed length of the house is maintained, Staff recommends there be a clear delineation between the main house, the addition and the garage.

*In the revised submission, the design of the house has been revised to reflect an American Four Square with a symmetrical façade, hipped roof, front dormer, full width front porch, swallow hipped front porch roof, and simple front porch elements. There is a small projection on the right side of the house which is not uncommon in American Four Square houses. The Staff finds that in general the roof pitch, roof form, massing, fenestration, building materials, and architectural details are substantially proportional to and substantially characteristic of the American Four Square form / style.*

*The Staff does have some concerns, though. First, the Staff still has concerns about the length of the house. While American Four Squares are general rectangular boxes, they are not typically long boxes and often have an almost square overall footprint. In this case, the garage has been off-set on both sides, but the main portion of the house on the left elevation is one, continue wall and roof form. The Staff would recommend that the massing and form of the house be articulated to create the shorter length that is substantially characteristic of the American Four Square house form / style.*

*Second, the Staff is concerned that the trim work could be slightly undersized for the house, the windows have exterior aprons where only normally a sill would be found, and there is no header trim. The Staff would recommend the design include trim details and information documenting that the trim is substantially characteristic of the American Four Square form / style.*

*Third, it is not clear that all of the material will be substantially characteristic of the American Four Square form / style. For example, the Staff is concerned that the cementitious siding is not smooth face and its exposure (7 in.) is too wide for an American Four Square house. Further, no material is listed for the front porch columns, corner board, window trim, door trim, door, front porch railing, etc. The Staff would recommend that all the materials in the design are substantially characteristic of the American Four Square form / style.*

*Fourth, the Staff would recommend the windows have light divisions that are permanently affixed to the exterior of the glass.*

*Fifth, the Staff is concerned that there is a lack of windows on the left and right sides near the front façade that would create blank walls that would not be substantially consistent with the American Four Square form / style. The Staff would recommend that additional windows are added to the side facades that would create a fenestration pattern that is substantially proportional to the American Four Square form / style.*

Per regulations, no individual house design shall be substantially repeated on the same side of a street block within the District. Staff recommends the Applicant document the proposed house design is not substantially repeated on the same side of a street block within the District.

*Taking into account the companion Certificate of Appropriateness for the adjacent property, the Staff finds that this design will not be substantially repeated on the same side of the street block within the District.*

As required by the regulations, the house is built on a foundation and the first level is accessed by four front porch steps. The risers do not appear to be closed. Staff recommends the proposed front stairs have closed risers and ends. There appears to be no foundation walls on the sides of the porch. Staff recommends the elevations indicate appropriate foundation walls on the side of the porch.

*In the revised design the front porch stairs are closed with brick cheek walls and the front porch has a continuous foundation.*

**Based on the following:**

- a) The plans meet the regulations, with exceptions noted above, per Section 16-18G.006; and
- b) *No variance is required for the proposed driveway configuration.*

Staff recommends *approval* of the application for a Type III Certificate of Appropriateness / Certificate of Compliance (CA3-15-470) for construction of a new house at **627 Moreland Avenue, N.E.** – Property is zoned SPI-7 - Subarea 2 (Candler Park Special Public Interest District.), *with the following conditions:*

1. The Applicant shall provide documentation the FAR requirement has been met, per Section 16-18G.009(5);
2. The site plan shall indicate an appropriate walkway from the front entryway to the sidewalk, per Section 16-18G.011(3)(b);
3. The site plan shall indicate the existing sidewalk, per Section 16-18G.012(3);
4. The Applicant shall clarify where the mechanical equipment, service equipment and utility equipment will be located, per Section 16-18G.011(3)(n), (o), (p), and (q);
5. The location of all mechanical, service and utility equipment shall meet the requirements, per Section per Section 16-18G.011(3)(n), (o), (p), and (q);
6. *The final site plan shall reflect an independent driveway connected to a public street for this property, per Section 16-18G.010;*
7. *There shall be a thin separation between this driveway and the adjacent driveway in the front yard and as far back into the property as reasonable, per Section 16-18G.010;*
8. The Applicant shall clarify the condition and species of the trees proposed for removal and what the proposed replacement trees are, per Section 16-28G.011(3)(s);
9. The Applicant shall clarify whether there were any design solutions explored that included the retention of the trees, per Section 16-28G.011(3)(s);
10. *The massing and form of the house shall be articulated to create the shorter length that is substantially characteristic of the American Four Square house form / style, per Section 16-18G.011(3)(a);*
11. *The design shall include trim details and information documenting that the trim is substantially characteristic of the American Four Square form / style, per Section 16-18G.011(3)(m);*
12. *All the materials in the design shall be substantially characteristic of the American Four Square form / style, per Section 16-18G.011(3)(m);*
13. *The windows shall have light divisions that are permanently affixed to the exterior of the glass, per Section 16-18G.011(3)(m);*
14. *Additional windows shall be added to the side facades that would create a fenestration pattern that is substantially proportional to the American Four Square form / style, per Section 16-18G.011(3)(s); and*
15. *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**  
**February 24, 2016**  
**UPDATED**  
**April 27, 2016**  
*(Updated text shown in italic.)*

**Agenda Item:** Application for a Type III Certificate of Appropriateness / Certificate of Compliance (CA3-15-471) for construction of a new house at **621 Moreland Avenue, N.E.** – Property is zoned SPI-7 - Subarea 2 (Candler Park Special Public Interest District.)

**Applicant:** Tiara Crumby  
1004 Glen Ivy, Marietta

**Facts:** The existing vacant is located in Subarea 2C of the Candler Park SPI district.

*At the February 24, 2016 Commission meeting, the Commission deferred this application to allow time for the Applicant to address the concerns noted in the Staff Report. On April 19, 2016, the Applicant submitted revised elevations and roof plan which are the subject of this updated Staff Report.*

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

Per Section 16-18G.003 of the Atlanta Land Development Code, as amended:  
Boundaries of the District and subarea established.

- (2) Subarea 2: This subarea is comprised of three separate areas, defined as those properties which have a front yard on the following streets:
- a. The west side of Page Avenue, the south side of Clifton Terrace, and the east side of Terrace Avenue;

Per Section 16-18G.004. General Regulations.

The following regulations shall apply to all properties located within the Candler Park Special Public Interest District, including all subareas of said district:

- (1) The provisions set forth in sections 16-18.005, 16-18.006 and 16-18.007 relating to requirements for special administrative permits shall not apply to the SPI-7 Candler Park District.
- (2) Any proposed amendment to this chapter shall be processed, considered and decided pursuant to the procedures and criteria contained in chapter 27 of this part. Prior to action by the zoning review board on any amendment affecting this district, said amendment shall first referred by the director of the bureau of planning to the Atlanta Urban Design Commission so as to provide an opportunity for review and written comment on said proposed amendment.

Per Section 16-18G.006. Residential subareas 2 and 3: specific regulations.

Subareas 2 and 3 together are identified as the residential subareas. In addition to the general regulations and provisions of this chapter, the following specific regulations shall apply to the residential subareas:

- (1) The specific regulations for the residential subareas shall consist of section 16-18G.006 through section 16-18G.013.
- (2) No building permit shall be issued by the bureau of buildings within the SPI-7 Candler Park District without the prior approval and issuance of a certificate of compliance from the Atlanta Urban Design Commission (AUDC). The purpose of this requirement is to assist the bureau of buildings with review of proposed permits for consistency with the requirements of sections 16-18G.006 through 16-18G.013 of this chapter. In addition to all materials otherwise required by the bureau of buildings, applications for building permits in these subareas shall include: a site plan at a minimum scale of one inch, equals 20 feet; typical building sections and exterior elevations at a minimum scale of one-fourth inch equals one foot; and outline specifications for all exterior building and landscaping materials. Larger scale drawings at appropriate scale shall be required of significant details when necessary for adequate review. Following transmittal of a complete application from the bureau of buildings to the AUDC, the AUDC shall review said application for consistency with the criteria and standards set forth in sections 16-18G.006 through 16-18G.013. The burden is on the applicant to demonstrate said consistency. If the application is consistent with said criteria and standards, it shall be approved and the AUDC shall issue a certificate of compliance certifying said compliance. The AUDC shall have the authority to impose conditions on said certificates as appropriate. If the application is not consistent with said criteria and standards, it shall be denied. Immediately following said action, the AUDC shall transmit the application together with its denial or approval to the bureau of buildings. The bureau of buildings shall then review the application for compliance with all remaining applicable provisions of this chapter and other applicable ordinances. No building permit shall be issued for any application that has not received the required certificate of compliance. Appeals from the final decision of the director may be taken pursuant to the provisions of section 16-30.010 to the board of zoning adjustment.
- (5) The City of Atlanta Tree Ordinance shall apply.

Per Section 16-18G.007. Residential subareas 2 and 3: permitted principal uses and structures.

- (1) Subarea 2: A building or premise shall be used only for a single-family detached dwelling. In no case shall there be more than one main building and one main use on a lot.

Per Section 16-18G.008. Residential subareas 2 and 3: permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- (2) When a private garage is part of a principal structure, the vehicular entry door shall not be located on the front facade of the main building, and all vehicular access to the garage shall be from the rear or side of the principal structure. Garages, when detached from the main residential structure, shall be located to the rear of the main structure within the buildable area of the lot and, on corner lots, shall be subject to side yard setbacks.

Per Section 16-18G.009. Residential subareas 2 and 3: minimum yard requirements; maximum floor area ratio.

The following yard requirements shall apply to all permitted uses. Distances shall be construed as minimum requirements except where otherwise specifically indicated:

- (1) Front yards:
  - c. Subarea 2C: 42 feet minimum, 47 feet maximum.
- (2) Side yards:
  - a. Subarea 2: 7 feet.
- (3) Rear yards: 7 feet.
- (5) Maximum floor area ratio: The residential, or dwelling, floor area ratio shall not exceed 0.50.
- (6) Minimum lot size:
  - a. Subarea 2: Every lot shall have a minimum area of 7500 square feet and a minimum frontage of 50 feet.

Per Section 16-18G.010. Residential subareas 2 and 3: minimum off-street parking requirements.

In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses.

- (1) There shall be a minimum of two spaces per dwelling unit.
- (2) No parking shall be permitted in a required front yard or half-depth front yard or between a primary residence and a street.

Per Sec. 16-18G.011. Residential subareas 2 and 3: architectural requirements.

In addition to the regulations and provisions of this chapter, and except as otherwise specifically provided herein, the following architectural regulations shall apply.

- (1) Definitions. For the purposes of interpreting this code section, the following definitions shall apply:
  - a. Neighborhood means the Candler Park Neighborhood as it exists on the official neighborhood map of the City of Atlanta.
  - b. Substantially proportional means that the element in question, such as roof pitch, scale, mass, or height, is sufficiently proportional to that found in the chosen architectural style to allow a trained observer to identify the new construction as originating from said architectural style.
  - c. Substantially characteristic means that the material in question, such as brickwork, stonework, or roofing material, reflects visual qualities that are sufficiently characteristic of those found in the chosen architectural style to allow a trained observer to confirm that the new construction is consistent with said architectural style.
- (2) Statement of intent. The council finds that the following established residential architectural styles currently exist in the neighborhood and contribute to its unique character: Late Victorian; Transitional style of bungalow between late Victorian and Craftsman; Bungalows with Greek Revival, Tudor or Craftsman detailing; American Four Square; and Queen Anne. These residential structures generally exhibit the following significant characteristics: small rectangular shaped lots; houses which are generally situated near the front centers of these lots and stand back a uniform distance from the streets; and, due to the hilly topography, many houses with low retaining walls at the sidewalk and with steps which lead up from the sidewalk. The purpose of the following regulations is to set forth basic, minimum standards of architectural design and construction that are consistent with these existing historic styles of 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 the regulations to limit the design of new housing to replication of existing structures, but rather to foster residential design that incorporates the historic architectural elements and materials that are specific to the neighborhood in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these existing architectural styles while simultaneously encouraging consistent, creative designs that are more than a mere aggregation of random historic elements, through the use of specific standards and criteria. In addition, these regulations are intended to integrate the aesthetic and physical characteristics of new construction and landscape in this area into the existing neighborhood and public park areas in a meaningful way so as to restore and promote the public health, safety and welfare of the community.
- (3) Standards and criteria. The following standards and criteria shall apply to all new construction in the residential subareas:
  - a. All new construction on each vacant lot shall be representative of a single architectural style chosen from those styles set forth in subsection (2) above.
  - b. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
  - c. All front facades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street.
  - d. The form and pitch of the roof of new construction shall be substantially proportional to the chosen architectural style.
  - e. The height, scale and massing of new construction shall be substantially proportional to the chosen architectural style. In no case shall the height of a structure exceed 35 feet. (See section 16-28.022 for excluded portions of structures.)
  - f. The first floor of the principal structure shall be on foundations and elevated above grade a minimum of three entrance step risers, each of which shall be no less than seven inches in height.
  - g. Front porches on the principal structure shall be required. The design and size of said porch shall be substantially proportional to the chosen architectural style, provided that they shall be a minimum of 12 feet wide or one third the width of the front facade, whichever is greater, and a minimum of eight feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features typical of the chosen architectural style. Porches may be enclosed with screen wire or glass, provided that the main characteristics of the porch such as balustrades, columns or porch railings, and balusters are visible and maintained. Front porches may extend up to ten feet into the required front yard. All front porch steps shall have closed risers and ends.
  - h. Decks shall be located to the rear of a principal structure and shall not be visible from the public right-of-way.
  - i. When any portion of a chimney is visible as a facade element, the chimney shall originate at grade, and shall be faced with either brick or stone masonry.
  - j. Fences and walls, visible from the public right-of-way upon completion, subject to the provisions of section 16-28.008(5) and the following limitations, may occupy required yards:
    1. Fences and walls not exceeding six feet in height may be erected in side or rear yards.

2. All fences located in a required front yard or in a required yard adjacent to a street shall be constructed of brick, stone, ornamental iron, or wood pickets, in a manner which is substantially characteristic of the chosen architectural style.
  3. Visible portions of retaining walls located in a required front yard or in a required yard adjacent to the street shall be constructed of stone, brick or smooth stucco in a manner which is substantially characteristic of the chosen architectural style.
  4. If more than one retaining wall is otherwise authorized in the front yard setback, the combined height of said retaining walls should not exceed four feet.
- k. The following aspects of fenestration, if visible from the public right-of-way upon completion, shall be substantially proportional to the chosen architectural style:
1. The style of the individual window.
  2. The size and shape of the individual window opening.
  3. The overall pattern of fenestration as it relates to the building facade
  4. Generally, fenestration shall be double hung.
- l. Mechanical equipment shall be located to the side and rear of the principal structure and where possible, in the least visible location. Screening with appropriate plant or fence materials is required if the equipment is visible from the public right-of-way.
- m. The following building materials and design elements of new construction, if visible from the public right-of-way upon completion, shall be substantially characteristic of the chosen architectural style, and shall apply in addition to all other applicable regulations:
1. The dimensions of the exposed face of lap siding and wood shingles.
  2. The type of brick and pattern of brickwork.
  3. The type of stone and pattern of stone work.
  4. The material and texture of stucco.
  5. The dimensions and placing of architectural ornamentation and trim. This is not intended to require the exact reproduction of existing molding profiles.
  6. The size and type of doors.
  7. The materials and pattern of roofing.
  8. Visible foundation materials. Foundations shall constitute a distinct building element and shall contrast with the primary facade siding material.
  9. Visible portions of chimneys.
  10. Front porches, including materials, features, and steps.
- n. Roof-top equipment such as attic ventilators, and HVAC vents, skylights, solar panels, communication equipment, air conditioner units, or any service or utilities equipment, when otherwise permitted and authorized by this Part 16, shall not be visible from any public right-of-way, provided that ridge vents may be visible from the right-of-way.
- o. Service and utilities equipment including gas, water, electricity, telephone, furnaces, and air conditioning units, when otherwise permitted and authorized by this Part 16, shall not be located in a front yard or a half-depth front yard.
- p. Satellite receiving-only dish antennas shall not be authorized other than by special exception by the board of zoning adjustment pursuant to Section 16-28.008 (11).
- q. Exterior lighting systems shall be designed and installed so as to be directed towards the lot on which it is located and so that no direct light is cast upon adjoining property.
- r. Grading shall not excessively or unnecessarily alter the existing topography of the site. New grades shall meet existing topography in a smooth transition. Erosion shall be prevented and runoff kept to a minimum.
- s. Every effort shall be made to preserve existing trees. A certificate of compliance shall be required for the removal of any tree with a caliper at breast height of 12 inches or greater. Trees so removed shall be replaced with trees approved by the city arborist. Before any site preparation work shall begin, a tree plan shall be approved by the city arborist. This plan shall include:
1. Location of all existing trees with type and caliper indicated;
  2. Location of all existing trees to be saved indicated;
  3. Location of all proposed trees located with type and caliper indicated.

Sec. 16-18G.012. Subarea 2: additional regulations.

In addition to the architectural requirements in section 16-18G.011 above, all new construction in Subarea 2 shall comply with the following requirements:

- (1) No individual house design shall be substantially repeated on the same side of a street block.

- (2) A planting strip shall be provided adjacent and parallel to the street two feet in width, or in conformity with the width of the existing or pre-existing strip, whichever is greater, and shall remain unpaved.
- (3) A sidewalk not less than five feet in width shall be provided between the planting strip and the required front yard, parallel to the street. Sidewalks shall be paved with a hexagonal paver or stamped with a hexagonal design of a size consistent with the historic sidewalk paving pattern.
- (4) Fences not exceeding four feet in height may be erected in the front yard. Walls, other than necessary retaining walls, shall not be erected in the front yard.
- (5) Driveways within the front yard or half-depth front yard shall be a maximum of ten feet in width.
- (6) Zero lot line development is prohibited.

### Site Plan Analysis

This existing lot fronts 50' on Moreland Avenue has a depth of 150'. Per regulations, the front yard setback shall be a minimum of 42' and a maximum of 47'. The proposed front yard setback is 44' and therefore meets the requirements. Per regulations, the side and rear yard setbacks shall be no less 7'. Staff finds the side and rear yard setbacks are more than 7' and therefore meet the requirements.

Per regulations, the maximum floor area ratio (FAR) allowed is .50. According the site plan, the FAR is 23.55%. When comparing the square footage indicated on the site plan with the floor plan, there is a discrepancy. Staff recommends the Applicant provide documentation the FAR requirement has been met. Staff would note that lot coverage is not regulated in this subarea.

*As there was no new site plan included in the revised submission, the Staff would retain its previous recommendation.*

Per regulations, a walkway from the entry to the sidewalk must be provided. Staff recommends the site plan indicate an appropriate walkway from the front entryway to the sidewalk. Per regulations, a sidewalk is required. The site plan does not indicate a sidewalk. In looking at pictures submitted by the Applicant, there is an existing sidewalk. Staff recommends the site plan indicate the existing sidewalk. As there is already a sidewalk, Staff finds the requirement for a planting strip does not apply.

*As there was no new site plan included in the revised submission, the Staff would retain its previous recommendation.*

Mechanical equipment, service and utilities equipment including gas, water, electricity, and cannot be visible from the public right-of-way. Staff recommends the Applicant clarify where the mechanical equipment, service equipment and utility equipment will be located. Staff recommends the location of all mechanical, service and utility equipment meets the requirements.

*As there was no new site plan included in the revised submission, the Staff would retain its previous recommendation.*

Per regulations, two parking spaces are required. Staff finds the required parking spaces are located in the attached garage at the rear of the house. There is a general requirement that all conforming lots that require parking have independent driveways that are connected to a public street. The Applicant is proposing one driveway to allow for shared parking with the adjacent property. As most variances in the district are reviewed and approved by the Urban Design Commission, Staff advised the Applicant to apply for a variance to be heard by the UDC. After further review, Staff found the requirement in question requires review and approval by the Board of Zoning Adjustment (BZA) and a Review and Comment by the UDC. While Staff does not have concerns regarding the shared parking proposal, Staff suggests the Applicant submit a variance application to be heard by the BZA.

*Since the Commission meeting on February 24, 2016, the Staff has had extensive discussions with the Applicant and the Office of Buildings about the independent driveway issue and the status of Moreland Avenue as a State of Georgia route. As a result the Applicant has revised their project to include a separate driveway providing access to the garage at the rear of the house. The Staff would note that this driveway will share a curb cut with the driveway for the adjacent house and be adjacent to it, but will nonetheless meet the requirement for an independent driveway. The Staff would recommend the final site plan reflect an independent driveway connected to a public street for this property. The Staff would further recommend that there be a thin separation between this driveway and the adjacent driveway in the front yard and as far back into the property as reasonable.*

In looking at the site plan, there are several trees proposed for removal. Per regulations, the removal of any tree over twelve inches requires a certificate of compliance. Staff finds there is one proposed for removal that is more than twelve inches. Staff recommends the Applicant clarify the condition and species of the tree proposed for removal and what the proposed replacement tree is. Staff recommends the Applicant clarify whether there was any design solutions explored that included the retention of the tree.

*As there was no new site plan or tree related information included in the revised submission, the Staff would retain its previous recommendation.*

#### Building Height Analysis

Per the District regulations, the height of the structure is limited to 35 feet. The City's standard technique for measuring height is to measure from the average grade to the midpoint of the main roof form. Based on the elevations submitted, the proposed house meets the height requirements.

*The revised design is still below the 35 ft. height limitation as measured using the standards City technique.*

#### Architectural Analysis

In the District, a specific style allowed by the regulations must be selected for a new house. The following residential architectural styles are allowed: Late Victorian; Transitional style of bungalow between late Victorian and Craftsman; Bungalows with Greek Revival, Tudor or Craftsman detailing; American Four Square; and Queen Anne. The massing, roof form, architectural elements, materials, fenestration and doors, and all other aspects of the design must conform to the selected style. To assist in its assessment, the Staff consulted A Field Guide to American Houses, (1984), by Virginia McAlester, for definitions and specifications.

In looking at the roof pitch, roof form, massing, fenestration, building materials and architectural details, Staff finds the proposed house is a mixture of styles as opposed to one of the single architectural styles allowed by the regulations. Staff recommends the Applicant choose one of the allowable architectural styles and design a house with a roof pitch, roof form, massing, building materials, fenestration and architectural details that are consistent with the chosen style.

Staff has concerns with the length of the house. While many new houses are built to look like a new house with an addition, there is usually some delineation between the main house, the addition and the garage. While attached garages are allowed, Staff finds the house appears to be too large and too long. If the proposed length of the house is maintained, Staff recommends there be a clear delineation between the main house, the addition and the garage.



*In the revised submission, the design of the house has been revised to somewhat reflect a Queen Anne form / style, with a steeply pitched hipped roof, projecting front bay, full width front porch, swallow gabled front porch roof, accent gable on the front porch roof, and elaborate front porch elements. The Staff finds that in general the roof pitch, roof form, massing, fenestration, building materials, and architectural details are somewhat substantially proportional to and somewhat substantially characteristic of the Queen Anne form / style.*

*However, the Staff does have some substantial concerns. First, the Staff still has concerns about the length and overall mass of the house. Queen Anne houses are not generally rectangular boxes, but rather a collection of forms and shapes that often make an asymmetrical, very articulated form that includes projections, overhangs, off-sets, cantilevered portions, wings, multiple roofs and roof levels. In short, they are not typically long boxes. In this case, the garage has been off-set on one side but the main portion of the house is one continuous mass, walls and roof form. Lastly, the front façade is too symmetrical for the Queen Anne form / style. The Staff would recommend that the massing and form of the house be substantially more articulated to create a massing and form that is substantially characteristic of a Queen Anne house form / style and the front façade are more asymmetrical to be substantially characteristic of a Queen Anne house form / style.*

*Second, the Staff is concerned that in general the trim work is not appropriate to the house form / style and the windows have a brick mold-type treatment where normally flat trim and sills would be found. Further, the paired windows do not have the appropriate width trim between them and none of the windows have header trim. The Staff would recommend the design include trim details and information documenting that the trim is substantially characteristic of the Queen Anne form / style.*

*Third, it is not clear that all of the material will be substantially characteristic of the Queen Anne form / style. For example, the Staff is concerned that the cementitious siding is not smooth face and its exposure (7 in.) is too wide for an American Four Square house. Further, no material is listed for the front porch columns, corner board, window trim, door trim, door, front porch railing, etc. The Staff would recommend that all the materials in the design are substantially characteristic of the Queen Anne form / style.*

*Fourth, the Staff would recommend the windows have light divisions that are permanently affixed to the exterior of the glass.*

*Fifth, the Staff is concerned that there is a lack of windows on the left and right sides near the front façade that would create blank walls that would not be substantially consistent with the Queen Anne form / style. The Staff would recommend that additional windows are added to the side facades that would create a fenestration pattern that is substantially proportional to the American Four Square form / style.*

Per regulations, no individual house design shall be substantially repeated on the same side of a street block within the District. Staff recommends the Applicant document the proposed house design is not substantially repeated on the same side of a street block within the District.

*Taking into account the companion Certificate of Appropriateness for the adjacent property, the Staff finds that this design will not be substantially repeated on the same side of the street block within the District.*

Per regulations, the first floor shall be on a foundation and elevated above grade a minimum of three entrance risers. In looking at the elevations, the first floor requirement has not been met. Staff recommends the proposed first floor meet the requirements.

*In the revised submission, the first floor requirement has been met.*

**Based on the following:**

- a) The plans meet the regulations, with exceptions noted above, per Section 16-18G.006; and
- b) *No variance is required for the proposed driveway configuration.*

Staff recommends *approval* of the application for a Type III Certificate of Appropriateness / Certificate of Compliance (CA3-15-470) for construction of a new house at (CA3-15-471) for construction of a new house at **621 Moreland Avenue, N.E.** – Property is zoned SPI-7 - Subarea 2 (Candler Park Special Public Interest District.), *with the following conditions:*

1. The Applicant shall provide documentation the FAR requirement has been met, per Section 16-18G.009(5);
2. The site plan shall indicate an appropriate walkway from the front entryway to the sidewalk, per Section 16-18G.011(3)(b);
3. The site plan shall indicate the existing sidewalk, per Section 16-18G.012(3);
4. The Applicant shall clarify where the mechanical equipment, service equipment and utility equipment will be located, per Section 16-18G.011(3)(n), (o), (p), and (q);
5. The location of all mechanical, service and utility equipment shall meet the requirements, per Section per Section 16-18G.011(3)(n), (o), (p), and (q);
6. *The final site plan shall reflect an independent driveway connected to a public street for this property, per Section 16-18G.010;*
7. *There shall be a thin separation between this driveway and the adjacent driveway in the front yard and as far back into the property as reasonable, per Section 16-18G.010;*
8. The Applicant shall clarify the condition and species of the trees proposed for removal and what the proposed replacement trees are, per Section 16-28G.011(3)(s);
9. The Applicant shall clarify whether there were any design solutions explored that included the retention of the trees, per Section 16-28G.011(3)(s);
10. *The massing and form of the house shall be substantially more articulated to create a massing and form that is substantially characteristic of a Queen Anne house form / style and the front façade shall be more asymmetrical to be substantially characteristic of a Queen Anne house form / style, per Section 16-18G.011(3)(a);*
11. *The design shall include trim details and information documenting that the trim is substantially characteristic of the Queen Anne form / style, per Section 16-18G.011(3)(m);*
12. *All the materials in the design shall be substantially characteristic of the Queen Anne form / style, per Section 16-18G.011(3)(m);*
13. *The windows shall have light divisions that are permanently affixed to the exterior of the glass, per Section 16-18G.011(3)(m);*
14. *Additional windows shall be added to the side facades that would create a fenestration pattern that is substantially proportional to the Queen Anne form / style, per Section 16-18G.011(3)(s); and*
15. *The Staff shall review, and if appropriate, approve the final plans and supporting documentation.*



## CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

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

**TIM KEANE**  
Commissioner

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

### STAFF REPORT

April 27, 2016

**Agenda Item:** Review and Comment (RC-16-080) on rezoning legislation (Z-16-007) at **750 Glenwood Avenue** – Property is zoned C-1-C/Beltline/Historic Building Site (HBS – Atlanta Stockade).

**Applicant:** Nina Gentry  
25 Puritan Mill, 950 Lowery Boulevard

**Facts:** The Atlanta Stockade property was designated a Historic Building / Site (HBS) by the City of Atlanta in 1989. The site was originally developed in 1896 and used by the City of Atlanta as a jail, with various additions and renovations in 1905, 1910, and 1913-1916. The Stable and Blacksmith shop, which are within the current HBS designated area, are from this time period. The current jail building dates from 1904 when the original stockade was replaced with the current masonry building. In 1925, the Atlanta Public School system gained control of the property and used it for maintenance and repair functions until 1938, when it was used for storage until 1962. In 1983 the property was sold to a private owner and it has had various arts, community service, and community education functions since then. The former Grant Park School sits just to the west of the Stockade building, partially in the HBS designation.

The Applicant proposes to rezone the property from C-1-C to PD-MU (Planned Development Mixed-Use) and retain the HBS designation, though with an altered geography (see below). The C-1-C zoning designation dates from the property's conversion to a community service and outreach facility, and would not permit the type of development proposed by the current owner.

The rather unusual geography of the HBS designation is generally based on the property lines that existed at the time of the designation in 1989, but does not take into account the Grant Park School building, and would not reflect the proposed property configuration and development proposal envisioned by the current owner. As such, the rezoning to PD-MU will also incorporate a reconfiguration / reduction in the HBS designation to reflect the proposed property configuration, development proposal, and the buildings that are actually associated with the Atlanta Stockade property.

The Staff has been a part of the City of Atlanta team discussing the proposed project and rezoning proposal with the current owner.

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

Per Section 6-4043 of the Atlanta City Code:

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

The Staff finds that the proposed rezoning will not negatively affect the historic buildings and structures within the HBS designation, if:

1. There are conditions associated with the rezoning that reflect the Commission's standard role in reviewing demolitions, alterations, renovations, new construction, and site work related to HBS designated properties; and
2. The new HBS boundary line encompasses all of the historic buildings, structures, and spaces on the site and would include sufficient additional space around those buildings and structures to ensure compatible, adjacent development.

At this time, the Applicant has submitted a "Conceptual Site Plan" dated April 5, 2016 (received by the Office of Planning on April 5, 2016) which includes a proposed design for the property including partial demolition and outright demolition of buildings on the site, new construction, and numerous site features (roads, walks, drives, parking, etc.) typically found in a new mixed use development.

The Staff finds that the rezoning would have no negative affects to the historic buildings and structures within the HBS designation if several actions are taken in relationship to the rezoning and the current "Conceptual Site Plan" dated April 5, 2016.

#### Conditions to the Rezoning

The Staff would recommend that the rezoning incorporate the following conditions:

1. All development activity and physical changes to the buildings, structures, and site reflected on the "Conceptual Site Plan" within the final HBS boundary shall be subject to approval and/or comment by the Urban Design Commission, as required by Chapter 20 of the City of Atlanta Zoning Ordinance; and
2. Adoption of the "Conceptual Site Plan" by the City of Atlanta shall not nullify the normal role and responsibilities of the Urban Design Commission for development activity and physical changes within the HBS designation.

The Staff would add that any other conditions attached to the rezoning should not conflict with the recommended conditions above, be clear as to who is responsible for the review of that condition, and specify which component(s) of the development to which they apply.

#### Relocation of the HBS Boundary Line

When the entire property was designated as a HBS in 1989, the designation report described how the Atlanta Stockade and its associated buildings were historically, architecturally, and culturally significant and met the criteria for being designated HBS. The Staff would note that designating the entire property upon which a building / site is located is the standard practice for individual designations by the Commission. This practice provides both procedural and substantive benefits to the designation. First, it allows for the designation to align with already established and recognized property boundaries making the description of the designation equally recognizable. Second, and more importantly, designation of the entire property helps to protect the building / site located on the property from immediately adjacent, potentially incompatible development on the same property. While development could (and often does)

still occur on a designated property, all development requests would need to meet the design criteria that apply to individually designated buildings / sites in City's Historic Preservation Ordinance, which is Chapter 20 of the City of Atlanta Zoning Ordinance.

Since 1989, the Staff finds that the historic, architectural, or cultural significance of Atlanta Stockade and its associated buildings has not substantially changed or been diminished. The Atlanta Stockade and its associated buildings are generally intact, in good condition, and have been maintained by the owners. The Atlanta Stockade and its associated buildings maintain the architectural characteristics and features identified in 1989. Further, no new information or documentation has been brought forward since 1989 to indicate that it would not meet today the same criteria for which it was designated in 1989. Likewise, the remainder of the property has also not substantially changed physically since 1989.

As a result, the Staff finds that the Atlanta Stockade and its associated buildings, and the immediately surrounding portions of the property, embody all of the historic, architectural, or cultural characteristics which met the criteria that supported the designation of the entire property in 1989. Further, the Staff finds that the de-designation of the portion of the property that does not contain the Atlanta Stockade and its associated buildings, and its immediate surroundings would not, on its own, substantially diminish or reduce the historic, architectural, or cultural significance of the building / site for which the property was designated in 1989.

However, the Atlanta Stockade and its associated buildings are a complete historic, architectural and cultural statement and all four facades of the Atlanta Stockade and its associated buildings contain physical characteristics that contribute to its architectural significance, thus allowing it to meet the architectural criteria it did in 1989. As such, the Staff finds that the protection of the immediately surrounding portions of the property around the buildings (which in turn would be protect all four elevations from unsympathetic alterations) is necessary to maintain and retain the architectural characteristics for which the Atlanta Stockade and its associated buildings were designated in 1989. Lastly, the Staff would recommend that the new HBS boundary line follow a logical and rational path through the proposed development based on the final, "Conceptual Site Plan" adopted by the City through the rezoning process.

Based on the "Conceptual Site Plan" dated April 5, 2016, the proposed HBS boundary line (as viewed from north to south) is located immediately west of the Stockade building, turns east around the southwest corner of the Stockade building, turns south through the middle of a planned drive and then follows the middle of that same planned drive south to its connection with Glenwood Avenue. While the Staff generally agrees with this HBS boundary configuration, it would recommend several changes to the HBS boundary based on the currently proposed "Conceptual Site Plan" dated April 5, 2016:

1. Up to the extent of the existing HBS designation, move the boundary line to the west of the Atlanta Stockade building farther west to a logical location in the planned plaza to allow the Urban Design Commission to have purview over a larger portion of the development adjacent to, and within the front entrance view shed of, the Atlanta Stockade building;
2. Move the boundary line to the south of the Atlanta Stockade building farther south to the southern edge of the proposed sidewalk along the east-west segment of the proposed drive to allow the Urban Design Commission to have purview over a larger portion of the development adjacent to, and within the view shed of, the Atlanta Stockade building;
3. Move the boundary line to the west of the "Commons" space farther west to the western edge of the proposed sidewalk along the north-south segment of the proposed drive to allow the Urban Design Commission to have purview over a larger portion of the development between the Atlanta Stockade building and Blacksmith building; and

4. Move the boundary line to the south of the “Comm / Apts” building (the building that is west of the “Commons” space) farther north to the northern edge of the proposed sidewalk along the east-west segment of the proposed drive to allow the Urban Design Commission to have purview over a larger portion of the development adjacent to, and within the view shed of, the Blacksmith building.

The Staff would note that given the nature of the rezoning request, the relocation of the proposed HBS boundary line cannot incorporate any property that is not already part of the HBS designation – it can only remove property from the HBS designation.

The remainder of the property should be subject to the pertinent PD-MU and Beltline zoning district regulations and would not require any Urban Design Commission involvement.

#### Comments on the “Conceptual Site Plan”

Lastly, the Staff would recommend the following changes to the “Conceptual Site Plan” dated April 5, 2016:

1. To retain and enhance the visual connection between the Atlanta Stockade building and Blacksmith building, move the “Comm / Apts” building that is west of the Commons space further west; and
2. To reestablish the view and western orientation of the front of the Atlanta Stockade building, reduce the size of the building / structure to the north of the planned plaza and move the eastern portion of the “Condo” building to the south of the planned plaza further to the south.

#### Conclusions

The Staff understands and acknowledges that the “Conceptual Site Plan” is in fact a concept and that the exact location, sizes, and configuration of the new buildings and structures could change. At the same time, the Staff finds that the comments found in this Staff Report provide an outline of the concerns that the Staff has and ideas of how to improve the proposed development from the perspective of the historic buildings and structures on the property.

If the rezoning action takes into account the recommendations and comments in this Staff Report, the Staff finds that the proposed rezoning will be appropriate for the HBS designation and create an excellent opportunity to compatibly and sensitively revitalize an important part of the City’s history for several reasons:

1. The physical characteristics of the HBS designation would not change;
2. The architectural requirements found in the existing HBS regulations that apply to this property would not be altered;
3. The Commission’s role in reviewing development within the HBS boundary would not change;
4. The Commission’s ability to ensure that new construction, alterations, additions, site work, etc. will be compatible with the property as required by the historic preservation-related zoning regulations would not change.

**Staff Recommendation:** Staff recommends that a letter of support and Commission comments regarding Review and Comment (RC-16-080) on rezoning legislation (Z-16-007) at **750 Glenwood Avenue** – Property is zoned C-1-C/Beltline/Historic Building Site (HBS – Atlanta Stockade) be sent to the Secretary of the Zoning Review Board and appropriate City Staff.



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

**TIM KEANE**  
Commissioner

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

## STAFF REPORT

April 13, 2016

**REVISED**

April 27, 2016

*(Revised text shown in italic.)*

**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 9<sup>th</sup>, this application was deferred to allow the Applicant to submit an application for a variance.

*At the April 13<sup>th</sup> Commission meeting, the application was deferred to allow the Applicant to respond to the concerns and comments in the Staff Report and the Commission members at the meeting. Also at the April 13<sup>th</sup> Commission meeting the Applicant provided an updated design which is taken into consideration in this revised Staff Report.*

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

Sec. 16-20C.004. General regulations

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

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
  - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
  - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.



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

<b>TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES</b>	<b>SUBAREA 1 Auburn Ave Res</b>	<b>SUBAREA 2 Residential</b>	<b>SUBAREA 3 Institutional</b>	<b>SUBAREA 4 Auburn/Edgewood Commercial</b>
<b>NON-RESIDENTIAL USES</b>				
Auditoriums, museums, libraries, galleries and similar cultural facilities	X	P *	P	P
Bakeries and catering establishments	X	P *	X	P
Barber shops and beauty shops	X	P *	X	P
Bed and breakfast inns	X	P #	P	P
Churches, synagogues, temples, mosques, other places of worship	X	P ^	P	P

Eating and drinking establishments	X	P *	X	P
Grocery stores	X	P ^	X	P
Manufacturing, repairing not including automobiles or heavy machinery, compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and byproducts do not create adverse effects beyond the boundaries of the property	X	P *	X	P
Offices and studios	X	P *	P	P

Professional or personal service establishments but not hiring halls	X	P *	X	P
Retail establishments, including delicatessens	X	P *	X	P
Tailoring, custom dressmaking, millinery and similar establishments limited to not more than 5000 square feet in area	X	P *	X	P

<b>NOTES</b>				
# Bed and breakfast uses in Subarea 2 shall comply with the use restrictions of 16-20C.005(2)(b).				
@ Park-for-hire surface parking lots shall comply with the use restrictions of 16-20C.005(3)(c).				
% Roof antennas and similar uses shall comply with the use restrictions of 16-20C.005(3)(d).				
* Limited to location set forth in 16-20C. 005(2)(c) and further limited to a maximum size of 2,000 square feet for each individual use.				
^ Limited to location set forth in 16-20C. 005(2)(c) and further limited to a maximum size of 4,000 square feet for each individual use.				

- c. Irwin Street and Boulevard non-residential uses. The identified non-residential uses listed in Table 1: Martin Luther King Jr. Landmark District Table of Uses within Subarea 2 shall be authorized only when located within the Subarea 2 Limited Commercial Area as demarcated on Map Attachment "B" and provided they meet each of the following restrictions:
- i. Individual non-residential uses are limited to one such use per building, except that two or more non-residential uses may be located in a single building when the total floor area of the non-residential uses is 50 percent or less of all uses in the building.
  - ii. Individual non-residential uses shall be further limited as follows:
    - (1) Barber shops and beauty shops shall be limited to a total number of two such establishments within the entire Subarea 2. Manicure shops are prohibited as part of such uses.
    - (4) New construction within which such uses are located shall maintain the residential character and scale of the subarea as determined by the commission.

**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.

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.
  - b. Surface parking.
    - i. When utilized, off-street surface parking shall not be permitted to be located between a building and an adjacent street without an intervening building.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

- (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
- (c) Such conditions are peculiar to the particular piece of property involved; and
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

### **Variance 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.

*In the revised design received April 13<sup>th</sup>, the handicap ramp has been redesigned such that the side yard setback variance is no longer needed. The rear deck and stairs to the second floor of the house have the same design. The stairs to the second floor do not violate the setback requirements. While the Staff supports the new design in so much as it eliminates one of the variance requests, the Staff finds that the rear deck could also be reduced in size such that while a rear yard setback reduction to zero (0) ft. would still be required, the length along the rear property that would have the zero (0) ft. setback would be less. This change would also reduce the increase in the lot coverage.*

*The Applicant and Staff have also done some additional research about the proposed use. According to an email sent by the Applicant, she has a business license for a home occupation (beauty related work) at this location. The Applicant is proposing to open a regular business that would provide beauty services to women. While home occupations (which have specific limitation as to number of clients, square footage, etc.) are permitted in all zoning districts with single family houses, a regular business must be specifically permitted in the zoning category that applies to the property. In this case, the District regulations allow for select businesses (including beauty shops) along Irwin Street under certain conditions. The beauty shop must be less than 2,000 sq. ft. in size and there can only be two (2) such shops in all of Subarea 2. Further, manicure shops are excluded from this classification.*

*In the Applicant’s email, they note that the closest businesses that offer similar services are well outside the District. However, the Staff is aware of a personal service establishment along Boulevard thought it is not familiar with the specific services it offers and it could be in a small portion of Subarea 4 located along Boulevard, which would mean that it is outside Subarea 2. As such, the proposed use would only be at the most the second such use in Subarea 2, if not the first.*

*As the proposed use would be allowed at the property, the Staff understands that handicapped access would be required for this business. In the proposed design, this access is provided via the ramp on the side of the house and the deck at the back of the house. The Staff finds, however, that this access could still be provided with a substantially smaller deck at the back of the house. This would support the Staff's comments above about reducing the size of the deck to reduce the impact of the rear yard reduction. .*

*The Staff would recommend the Applicant document that the proposed use is defined by the City of Atlanta as a beauty shop and not a manicure shop. The Staff would also recommend that if the proposed use is classified as a beauty shop, the Applicant document compliance with all of the District use requirements for beauty shops. Further, the Staff would recommend the proposed design meet the side yard setback requirements. Lastly, the Staff would recommend that the deck at the rear of the house be substantially reduced in size to only the size required to provide handicapped access to the proposed business.*

### **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.

*In the revised design received April 13<sup>th</sup>, no additional elevations were included. The Staff would recommend that full front and rear elevations be provided for the proposal.*

*In the revised design received April 13<sup>th</sup>, the material and design of the door on the second floor is indicated (wood door in wood frame) and all of the other components of the design are indicated as wood. The Staff finds, though, that the small square window in the second floor door is not compatible with the existing house. Assuming it is retained in the proposal (see comments below), the Staff would recommend that the second floor door have a design that is compatible with the existing house.*

*While the Staff does not have concerns about the use of wood for these secondary components of the project, it is still concerned about the stairs themselves, why they are required (vs. using an internal stair to gain access to the second floor), and their visual effect on the character of the property. There are very few (if any) original or historic exterior stairs in the Subarea that are not a part of and contained within an original or historic two story porch. If they do exist, they are integrated into the design of the porch and do not project out from the overall massing / envelope of the house. Further, the Staff is not aware of any original or historic exterior landings / second floor porches that are cantilevered from the side of the building. As currently designed, the Staff finds the proposed exterior stairs and second floor landing are not compatible with the existing house and the Subarea, and do not meet the District regulations.*

*The Staff would recommend that the exterior stairs are either eliminated from the proposal or substantially re-designed to be compatible with and similar to other original or historic stairs in the District.*

An additional component of the property included in the revised plans received on April 13<sup>th</sup> is a wrought iron fence located just in front of the lower run of the exterior stairs. While the fence itself meets the District regulations, the Staff is concerned that this fence will functionally shorten the existing driveway and move the off street parking “space” forward and into the front yard. Surface parking is not permitted in the front yard. The Staff would add that there is already a fence along the front property line, including a gate at the end of the driveway.

The Staff would recommend the fence in front of the exterior stairs be eliminated from the proposal.

### **CA3-16-114 - Variances**

**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 would create an unnecessary hardship; and*
- 3) *Relief if granted would not cause a substantial detriment to the public good.*

Staff recommends *approval* 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, *with the following conditions:*

1. *The Applicant shall document that the proposed use is defined by the City of Atlanta as a beauty shop and not a manicure shop, per Section 16-20C.005(1)( c);*
2. *If the proposed use is classified as a beauty shop, the Applicant shall document compliance with all of the District use requirements for beauty shops, per Section 16-20C.005(1)( c);*
3. *The proposed design shall meet the side yard setback requirements, per Section 16-20C.007(2)(iii); and*
4. *The deck at the rear of the house shall be substantially reduced in size to only the size required to provide handicapped access to the proposed business, per Section 16-20C.007(2)(iii).*

### **CA3-16-089 – Design Components**

**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 *approval* 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, *with the following conditions:*

1. *Full front and rear elevations shall be provided for the proposal;*
2. *The second floor door shall have a design that is compatible with the existing house, per Section 16-20C.008(1)(a)(ii);*
3. *The exterior stairs shall either be eliminated from the proposal or shall be substantially re-designed to be compatible with and similar to other original or historic stairs in the District, per Section 16-20C.004(1) and 16-20C.008(1)(a)(ii);*
4. *The fence in front of the exterior stairs shall be eliminated from the proposal, per Section 16-20C.009(1)(b)(i); and*
5. *The Staff shall review, and if appropriate approve, the final design and supporting documentation.*



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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

**TIM KEANE**  
Commissioner

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

## STAFF REPORT

April 13, 2016

*Updated April 27 2016*

*(Updated text in Italics)*

**Agenda Item:** Application for Type III Certificate of Appropriateness (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/interrupted work.

*At the April 13, 2016 Commission meeting the Commission approved the variance request (CA3-16-116) 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.*

*The Commission then requested to see the drawings of the redesigned porch to ensure its compliance with the West End Historic District Regulations.*

**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.

### **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.

*After reviewing the photographs provided by the Applicant, Staff noted that the previously existing addition was differentiated from the original structure by vertical pieces of wood trim. As such, Staff recommends the rear addition use vertical wood trim to differentiate the existing structure and the 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.

*The Applicant has provided drawings which show the front deck as a front porch. The proposed porch contains a roof, columns, railings, and a foundation which are generally consistent with the original porches on the block. Staff does have concerns with three elements in the design of the front porch. Firstly, Staff is concerned with the proposed foundation material. The Applicant is proposing a painted CMU foundation for the porch. Staff finds that a painted CMU foundation is not appropriate for a porch and recommends the plans be changed to show a CMU foundation with a parge coat of stucco as the foundation material. Secondly, the pitch of the proposed porch roof is not noted on the plans. Staff recommends the Applicant note the pitch of the proposed porch roof on the plans. Finally, the front porch columns do not appear to be evenly spaced, nor do they evenly frame the front door. Further, the right side of the porch appears to be missing a column which appears in the same space on the left side of the porch. This gives the front porch an unorganized look which would be inconsistent with porches on the block. Staff recommends the front porch columns be evenly spaced and that a column be added to the right side of the porch.*

*Updated site plans detailing the side yard setbacks were not received by Staff. As the setback cannot be determined from the information available at this time, Staff retains its recommendation regarding the 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.

*The Applicant has submitted drawings which note the new windows matching the size, design, and materials of the original windows. Staff has no concerns with the proposed replacement windows.*

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.

*The updated plans do not show the existing siding being retained and repaired in-kind. Staff would retain its recommendation regarding the siding replacement.*

### **CA2-16-117**

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 plans shall be changed to show a CMU foundation with a parge coat of stucco as the foundation material, per Sec. 16-20G.006(9)(d);*
2. *The Applicant shall note the pitch of the proposed porch roof on the plans, per Sec. 16-20G.006(9)(d);*
3. *The front porch columns shall be evenly spaced and a column shall be added to the right side of the porch, per Sec. 16-20G.006(9)(d);*
4. The proposed porch shall conform to the 7 foot east side yard setback, Per Sec. 16-06A.008(2);
5. The existing siding shall be retained and any repairs shall be done in-kind, per Sec. 16-20G.006(2)(d);
6. Staff shall review and if appropriate, approve the final plans and documentation.



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**M. KASIM REED**  
MAYOR

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**TIM KEANE**  
Commissioner

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

## STAFF REPORT

April 13, 2016

*UPDATED*

April 27, 2016

*(Updated text shown in italic.)*

**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.

*At the April 13, 2016 Commission meeting the Commission deferred this application to allow time for the Applicant to address the concerns and comments of the Staff in the Staff Report. On April 19, 2016, the Applicant submitted revised plans that responded to the concerns and comments. It is these revised plans that are addressed in this updated Staff Report.*

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

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

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

- (1) General Standards. In the Druid Hills Landmark District, the Commission shall apply the following general standards only if the standards set forth elsewhere in this chapter 20B do not specifically address the application:
  - (a) A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
  - (b) The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
  - (c) Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
  - (d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
  - (e) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
  - (f) Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
  - (g) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
  - (h) Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
  - (i) New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
  - (j) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

- (2) Certificates of Appropriateness.
  - (a) Except as otherwise provided herein, the procedures for determining the correct type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Ordinance.
  - (b) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - (c) No certificate of appropriateness shall be required for the removal of dead, dying, or hazardous tree as defined in the City of Atlanta Tree Ordinance or a tree with a diameter breast height of less than six (6) inches.
  - (g) Type III certificates of appropriateness shall be reviewed and decided by the Commission and shall be required for:
    - i. All new principal structures.
    - ii. All additions to existing principal structures and accessory buildings, including decks.
    - iii. All new accessory structures.
- (3) Minimum off-street parking requirements:
  - a. Off-street parking spaces shall not be permitted in any front yard nor within 50 feet of the public right-of-way in any half-depth front yard, except for yards adjacent to Moreland Avenue, where a 60-foot limit shall apply. For the purpose of this regulation, the front yard shall be that area between the public right-of-way and the forward line of the principal structure.
  - b. No off-street parking shall be located within 20 feet of any lot line.
  - c. Number of off-street parking spaces required:
    1. For single-family, two-family, and multiple-family dwellings: Two (2) spaces for each dwelling unit.
- (4) Minimum landscape requirements: The overall quality of the landscaped area visible from public right-of-ways should be preserved as an integral part of the historic character of the District. Any major alteration to the landscape or topography visible from the public right-of-way in the District shall maintain the general landscaping scale and character reflected in the original development of Druid Hills in order to preserve the historic landscape character of the District. Any major alteration to the landscape or topography visible from the public right-of-way shall:
  - (a) follow the standards set forth in 16-20B.003(1);
  - (b) be consistent and compatible with the overall landscape plan and design on the property and block;
  - (c) maintain the spatial organization of an open space in front of the house, asymmetrical plantings on the sides of the principal structure and a rear tree canopy;
  - (d) not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure;
  - (e) ensure that any new grades shall meet the existing topography in a smooth transition;
  - (f) retain any existing historic circulation systems, including driveways, walkways and paths;
  - (g) ensure that any new circulation systems and substantial reconstruction of existing circulation systems is consistent and compatible with the existing circulation systems on the property and block with respect to layout, scale, materials, and topographic siting;
  - (h) ensure that any off-street parking be constructed of a material which will assure a surface resistant to erosion, have adequate access to a public street and have adequate circulation space; and
  - (i) comply with the provisions of the City of Atlanta Tree Ordinance with the following exceptions:
    - i. When the removal of trees is permitted by the Commission, each tree removed shall be replaced with a tree of an appropriate species having a minimum caliper of two and one half (2 ½) inches; and
    - ii. Taking into account the site density and tree spacing regulations of the City of Atlanta Tree Ordinance, any replacement trees and placement of said trees shall comply with (a)-(g) above.
    - (iii) Compliance with (i) above shall not eliminate any additional recompense or tree replacement that otherwise may be required by the City of Atlanta Tree Ordinance.
- (5) Minimum drainage controls: Structures shall be located so as to preserve the natural terrain of the district. Proper drainageways shall be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department of public works.
  - (a) No structure shall be permitted within any 100-year floodplain.
  - (b) No single-family structure shall be constructed on natural slopes greater than 25 percent.
  - (c) No structure other than single-family shall be permitted on slopes greater than 15 percent.
- (6) Minimum architectural controls: Any new construction, additions, renovations or alterations in the District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district and shall follow the standards set forth by Section 16-20B.003(1).
- (7) Fences, walls and retaining walls: Subject to the provisions of section 16-28.008(5) and the following limitations:
  - (a) Fences and walls are not permitted in the front yard, yards adjacent to public streets, or between any principal structure and a public street.
  - (b) Fences and walls not exceeding 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.

*No addition documentation or information was included in the revised submission regarding the variance criteria. The Staff would note that the completely new east side front porch stairs would meet the 11 ft. side yard setback that has been requested if the commission approves that variance request. The alterations and additions to the existing garage structure have been revised to eliminate the need for the side yard setback reduction for that component of the project but would increase the amount of the variance request for the reduction in the rear yard setback (see design commentary below).*

*Nonetheless, the Staff would retain its previous recommendation to complying with all of the variance criteria for the reduction in the rear yard setback (for the alterations and additions to the existing garage) and the east side yard setback (for the east side front porch stairs).*

### **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.

*In the revised submission, the Applicant calculated the proposed lot coverage at 8,522 sq. ft. Given the lot is 21, 780 sq. ft.; the lot coverage percentage would be about 39%. While this exceeds the limitation of 35%, it is a reduction from an existing and larger non-confirming percentage. As the new lot coverage reduces the level of non-conformity, the Staff finds that it complies with the District regulations and the City's standard assessment of levels of non-conformity.*

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 Staff has found that the front porch stairs and west side stairs will be rebuilt within their exiting footprint and as such would meet the setback requirements. As noted below, the Staff would still retain its design comments and concerns about the front porch stairs and west side stairs, as well as the addition to the accessory structure (see design commentary below).*



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.

*In the revised submission, the site plan now notes that there are no slopes over 15% on the site.*

### **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.

*In the revised submission, the Applicant refers to the previously submitted site condition photographs. The Staff would note that the existing condition photographs appear to show that the front walkway and front site stairs are in good condition and could be repaired. Further, these photographs do not provide information about the origin of the front walkway or front site stairs. Given the Staff had already reviews the previously submitted photographs and no additional information was provided, the Staff would retain its previous recommendation.*

#### **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.

*In the revised submission, the Applicant noted that the proposed walls would comply with the Staff’s concern. However, given that there are no site elevations provided, the Staff would retain its previous recommendation.*

#### **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.

*In the revised submission, the Applicant noted that the driveway curb will be a low granite wall that ties into the front retaining wall. However, given that there are no site elevations provided, the Staff would retain its previous recommendation.*

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.

*In the revised submission, the Applicant referred to photographs of fences similar to what they want to build. Given that these are essentially privacy fences (though only 5 ft. tall), the Staff would retain its previous concerns and recommend that the portions of the proposed fence forward most on the property shall be true picket fences (not privacy walls / fences) that are either wood or metal.*

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.

*In the revised submission, the Applicant refers to the previously submitted site condition photographs. The Staff would note that the existing condition photographs only show the portion of the driveway closest to the garage (which will be replaced for the new parking / turn around area) and appear to show that at least that portion of the driveway is in good condition and could be repaired. Further, these photographs do not provide information about the origin of the rest of the driveway. Given the Staff had already reviews the previously submitted photographs and no additional information was provided, the Staff would retain its previous recommendations.*

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.

*In the revised submission no additional analysis was provided that showed that the minimum amount of paving was being retained / installed along the property line for turning movements. In reviewing the site plan in the revised submission, it would appear that a portion of the forward part of the paved area in front of the garage could be removed and still provide enough space for someone backing out of the garage and/or the parking area closest to the lawn to turn around. The Staff would retain its previous recommendation.*

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.

*In the revised submission, the Applicant provide tree recompense calculations and showed that all seven (7) trees to be removed will be replaced with seven (7) new trees that meet 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.

*Apart from the relocation of the exterior stairs from the east side of the garage to the north side of the addition, no other components of the renovation have changed. The Staff would retain its previous recommendation.*

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.

*In the revised submission the addition to the accessory structure has a slightly smaller footprint (from about 12 ft. by 13 ft. to 12 ft. by 11 ft. 6 in.) and the exterior stairs on the east side of the accessory structure have been relocated to the north side of the addition such that the side yard setback variance would not apply to the work on the accessory structure anymore. The new location of the stairs*

*decreases the rear yard setback to about 19 ft. at its closest point, closer than the addition was in the previous design and less than the distance advertised in the variance request.*

*No other components of the addition have changed, including its two-story massing. The Staff would note that with the relocation of the stairs from the east side to the north side of the addition, the east side yard setback variance would only apply to the east side stairs of the front porch (see comments above).*

*Even with the slight reduction in size and the relocation of the exterior stairs, the Staff would retain its previous recommendation.*

*The Staff would further recommend that the addition to the accessory structure (including the relocated exterior stairs) align with the previously requested, though as yet not proven, variance reduction in the rear yard setback.*

### **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.

*In the revised submission, the Applicant noted the specific repairs that will be undertaken to the front façade and front porch columns. The Staff would recommend that all repairs to the front façade and front porch columns be done in kind with as much existing historic material retained as possible, including but not limited to the retention of all of the front porch columns.*

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.

*In the revised submission, the new balustrade / railing is noted as 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.

*In the revised submission, no additional information or documentation was included. The Staff would retain its previous recommendation.*

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.

*In the revised submission, the stairs on the east side of the front porch will be granite. The Staff has no concerns about this revised design.*

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.

*In the revised submission, the stairs on the west side of the front porch will be granite with bluestone treads. The Staff has no concerns about this revised design.*

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.

*In the revised submission, the dining room triple window is moved farther to the rear of the house (vs. being eliminated) and a single window on the first floor is still moved slightly farther to the rear. All of the other windows will be retained in repaired. The Staff does not have concerns about these revised window actions.*

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.

*The Staff would amend its previous recommendation to reference the windows on the east and west sides of 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.

*In the revised submission, the Applicant stated that the windows in the enclosed side porch were not original or historic, or have been modified. They did agree that the windows were older and noted that they will be incorporated into the new addition. No new documentation or photographs were provided to support their conclusions. The Staff would retain its previous recommendation.*

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.

*In the revised submission, the front dormer has been retained in the design and no information or documentation was provided to support the inclusion of this design element. The Staff would retain its previous recommendation.*

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.

*In the revised submission, the extension of the existing ridge line has been lowered about 1 ft., which in turn lowers the light atrium. Though that Staff has no concerns about this revised design, it would note that the front elevation was not changed to reflect the lower light atrium location (i.e. the light atrium still appears on the front elevation drawing).*

**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.

*In the revised submission, the configuration and design of the west side of the addition is unchanged. The Applicant noted that the proposed addition met the setback requirements (which it does) and that larger extensions had been permitted before, such as at 924 Springdale Road. The Staff would note that 924 Springdale Road is not located in the City of Atlanta. The District regulations require that a variety of criteria be addressed, both quantitative (setbacks), and qualitative (compatibility, retention of architectural features and form, ability to distinguish between original and added portions of a property, etc.). In this case, it is the architectural and qualitative criteria that have not been met. The Staff would retain its previous recommendation.*

### **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 the existing condition and origins of the front walk and stairs, and the rationale for its replacement, per Section 16-20B.003(4);
2. 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);
3. 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);
4. 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);
5. *The portions of the proposed fence forward most on the property shall be true picket fences (not privacy walls / fences) that are either wood or metal, per Section 16-20B.003(7);*
6. The Applicant shall document the existing condition and origins of the driveway and the rationale for its replacement, per Section 16-20B.003(4);
7. 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);
8. 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);
9. 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);
10. 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);
11. *The addition to the accessory structure (including the relocated exterior stairs) shall align with the previously requested, though as yet not proven, variance reduction in the rear yard setback;*

12. *All repairs to the front façade and front porch columns shall be done in kind with as much existing historic material retained as possible, including but not limited to the retention of all of the front porch columns, per Section 16-20B.003(6);*
13. 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);
14. The new windows on the *east and west sides* of the house shall be similar in design and material as the existing, original windows on the house, per Section 16-20B.003(6);
15. 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);
16. The front dormer shall be eliminated from the design, per Section 16-20B.003(6);
17. 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
18. 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.