



CITY OF ATLANTA

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MAYOR

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

May 25, 2016

Agenda Item: Review and Comment (RC-16-172) on application (V-16-101) for a variance to allow a reduction in the west side yard setback from 7' (required) to 5' (proposed) at **1048 Oglethorpe Avenue** - Property is zoned R-4A/ West End Historic District/ Beltline.

Applicant: Alice Johnson
1403 Emory Road

Facts: According to the West End Inventory, the existing house was built in 1925 and is considered contributing.

Analysis: The following code sections apply to this application:
Per Section 6-4043 of the Atlanta City Code:

- (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.

In April of this year, the Applicant submitted an application for a Type III Certificate of Appropriateness (CA3-16-130) for alterations and additions to an existing historic house. In the West End Historic District, the side yard setbacks are governed by the underlying zoning. As the proposed side yard setback does not meet the underlying zoning requirements, a variance through the Board of Zoning Adjustment (BZA) is required. The Type III application was deferred to the June 22nd Commission meeting to allow the Applicant to submit a variance application.

The Applicant is requesting a variance to reduce the west side yard setback from 7' to 5'. According to the Applicant, the lot does not meet the minimum requirements and therefore reduces the width of the lot by 33%. While the existing lot does not meet the minimum underlying zoning requirements, Staff finds the dimensions of the lot are typical of the neighborhood. In looking at the site plan, the existing shared driveway appears to end at a 30" Oak tree. The location of the existing tree does not allow the driveway to continue to the end of the lot. As currently designed, the new driveway would go around the tree and continue back to connect with the proposed garage. Staff agrees that moving the garage to meet the requirements would make maneuvering around the tree more difficult or might result in the removal of the existing tree.

Staff finds the Applicant has shown that denial of the variance does create a hardship. Staff finds off-street parking is allowed and supported by an existing shared driveway. Staff finds the reduction in the west side will be no closer to the property line than the existing house. Staff finds the proposed addition is appropriate and finds the proposed variance will not cause a significant detriment. Based on the information we have at this time, Staff does not have concerns regarding the proposed variance.

Staff recommends that a letter with the comments of the Staff and Commission be sent to the Applicant and appropriate City agencies.



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STAFF REPORT May 25, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-178) for alterations, an addition, and site work at **736 Peeples St.** Property is zoned R-4A / West End Historic District / Beltline.

Applicant: Jay Hope
736 Peeples St.

Facts: This existing single family residence was constructed in 1910 and is considered contributing to the District.

Analysis: The following code sections apply to this application:

Sec. 16-06A.007. - Minimum lot requirements.

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

- (1) Single-family detached dwellings and all other uses: Every lot shall have an area of not less than 7500 square feet and a frontage of not less than 50 feet.
- (2) If a lot has less area of width than herein required and was a lot of record on the effective date of this part, that lot shall be used only for a single-family dwelling.

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.
- (4) *Accessory structures:* Accessory structures, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- (5) *Maximum floor area within this district:*
 - a. For a lot which meets the minimum lot area requirement described in section 16-06A.007(1): 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. 16-20G.005. - General regulations.

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

- (1) *Certificates of Appropriateness*: Certificates of appropriateness within this district shall be required as follows:
 - (a) *When required*:
 - (i) To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the public right-of-way;
 - (ii) To erect a new structure or to make an addition to any structure within the district, when said addition can be seen from public right-of-way; and
 - (iii) To demolish or move any contributing structure, in whole or in part, within the district.
 - (b) *Type required*:
 - (vi) The following Type III Certificates of Appropriateness shall be reviewed by the commission and shall be required for:
 - b. Additions that are visible from a public street or park.
- (2) *The Compatibility Rule*: The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), shall be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

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

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

- (1) *Generally*: The following building elements and architectural features shall be considered when applying section 16-20.009 of this chapter to the West End Historic District: doors, windows, foundations, finished floor elevations, roofs, roof features, gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvres, walls, fences, and gates.
- (2) *Building Façades*:
 - (a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.
 - (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
 - (c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.
 - (d) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
 - (e) Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
 - (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.
- (5) *Foundations:*
- (a) Foundation materials, including infill materials, shall replicate the original materials in size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.
 - (b) New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials and style with adjacent and surrounding buildings.
 - (c) Slab on grade is not permitted.
 - (d) Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.
- (7) *Roofs:*
- (a) Replacement roofing materials shall be of the same size, texture and material as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
 - (b) Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
 - (c) The use of synthetic roofing materials is permitted if not visibly distinguishable from the original as viewed from the public street.
 - (d) The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
 - (e) Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are permitted on roofs of buildings provided they are not visible from any public right-of-way.
- (9) *Porches:*
- (a) Architecturally significant porches, including their component features, steps and stoops shall be retained.
 - (b) Replacement porches, steps and stoops shall match the original in size, style and materials. All front porch steps shall have closed risers and ends.
 - (c) Porches may be enclosed with screen wire or glass provided that the main characteristics of a front porch are maintained.
 - (d) New or replacement porches shall contain balustrades, columns and other features consistent with the architectural style of the house or other original porches in that block. The height of the top rail shall be no more than 33 inches above the finish porch floor, except as required by the City's building code.
- (12) *Paved Surfaces:*
- (a) The original layout, patterns and paving materials of sidewalks, driveways, alleyways, curbs and streets shall be retained. The design and material of new replacement paving materials shall be subject to the compatibility rule.
 - (b) The design and material of new paved surfaces areas, other than those specified in subsection (a) above, including driveways, walkways, and patios, or portions thereof, shall be subject to the compatibility rule.
 - (c) New driveways shall not exceed a width of ten feet not including the flare at the street.
- (13) *Off-Street Parking Requirements:*
- (a) Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - (b) Carports and garages shall be behind the rear of the main structure. If the main structure is located on a corner lot, the front yard setback for that side street shall apply to the construction of a carport or garage.
 - (c) The use of alleys for access to such parking is permitted. No variance is required for driveways accessed from an alley.
- (16) *Ornaments:*
- (a) Architecturally significant ornaments, such as corner boards, cornices, brackets, downspouts, railings, columns, steps, doors and window moldings, shall be retained.
 - (b) Replacement ornaments shall be permitted only when originals cannot be rehabilitated.
 - (c) Installation of new ornaments, where none previously existed, shall be permitted only when it is in accordance with the architectural style of the original structure.

Plans

Staff has concerns that the currently submitted plans are not accurate in their depiction of the existing conditions of the house including but not limited to the roof ridge lines, the existing spatial relationships between the fenestration on the side facades, size of the windows, and the proportions of the house. Additionally, the left and right side elevations are mislabeled in the submitted plans. Staff recommends the plans be redrawn to accurately reflect both the existing and proposed conditions of the structure, and that the elevations be properly labelled.

Addition

The Applicant is proposing a rear addition. The subject property has a lot area of 8875 sf. Per the R-4A regulations, the property has a maximum lot coverage of 55% of the net lot area, or 488.25 sf. The proposed structure with the addition and site improvements will total 3469 sf, or 39% of the net lot area. Staff finds that the lot coverage requirements have been met.

The R-4A regulations allow for a maximum floor area of 50% of the net lot area, or 4437.5 sf for this property. The site plan notes that the proposed structure will have a floor area of 36% of the net lot area, but no information is given to confirm this measurement. Staff recommends that a breakdown of the floor area ratio be noted on the site plans.

The Applicant has provided pictures which show the front façade, a portion of the left side façade, and the rear façade. From the pictures provided, Staff cannot accurately determine the appropriateness of the addition or the extent of any alterations. As such, Staff recommends the Applicant provide comprehensive photographic documentation which shows all 4 sides of the structure and the current site conditions.

The addition will be attached to a previous addition at the rear of the structure. The ridgeline of the proposed addition will meet the existing ridgeline of the existing primary roof. Staff recommends the Applicant revise the design of the addition to have a lower ridge line than the existing front roof plane.

The site plan shows the addition will be flush with the left side façade, and inset from the right side façade. From the pictures provided, Staff finds that the existing left side façade has an inset portion associated with the previous addition. Staff recommends the site plan be redrawn to show the existing conditions on the left side façade. While Staff has no general concerns with the addition being flush with the side facades of the previous additions, Staff recommends the new addition be distinguished by a false corner board.

The addition will be sided with horizontal lap siding of an undetermined material. Staff recommends the Applicant note the siding material on the plans.

The Applicant is proposing several sets of double grouped windows as well as side entry door on the addition. No information regarding the compatibility of the fenestration pattern has been received. Staff recommends the Applicant provide compatibility information for the proposed fenestration pattern on the addition.

The foundation material of the proposed addition is not specified on the received plans. Staff recommends the elevations note the material of the proposed foundation.

A rear porch will be placed to the rear of the proposed addition. Staff's comments will address those portions of the proposed porch which are visible from the public right of way. The proposed porch will contain columns and railings to match those found on the existing front porch of the structure. It will be 20 feet deep and inset from the rear corners of the proposed addition. Staff has no concerns with the proposed rear porch.

Alterations

The Applicant is proposing to replace 6 windows on the right side façade, relocate a side entry door on the right side façade, and relocate a double grouped window on the left side façade. No information regarding the need for the windows to be replaced has been received. Staff recommends the Applicant provide photographic documentation which details the need for the windows on the right side façade to be replaced. While the door and windows proposed for relocation are not original to the structure, Staff finds that they are historic. As such, Staff recommends the door and window on the side facades which are proposed for relocation be retained in their original openings.

Staff Recommendation: Based upon the following:

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

Staff recommends deferral of an Application for a Type III Certificate of Appropriateness (CA3-16-178) for alterations, an addition, and site work at **736 Peoples St.** Property is zoned R-4A / West End Historic District / Beltline, to allow the Applicant to address the following Staff concerns:

1. The plans shall be redrawn to accurately reflect both the existing and proposed conditions of the structure, and the elevations shall be properly labelled;
2. A breakdown of the floor area ratio shall be noted on the site plans;
3. The Applicant shall provide comprehensive photographic documentation which shows all 4 sides of the structure and the current site conditions;
4. The Applicant shall revise the design of the addition to have a lower ridge line than the existing front roof plane;
5. The site plan shall be redrawn to show the existing conditions on the left side façade;
6. The new addition shall be distinguished by a piece of vertical trim;
7. The Applicant shall note the siding material on the plans;
8. The Applicant shall provide compatibility information for the proposed fenestration pattern on the addition;
9. The elevations shall note the material of the proposed foundation;
10. The Applicant shall provide photographic documentation which details the need for the windows on the right side façade to be replaced
11. The door and window on the side facades which are proposed for relocation shall be retained in their original openings.
12. The Applicant shall submit any updated plans and documentation no more than 8 days before the scheduled meeting date.



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STAFF REPORT May 25, 2016

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-16-186) for a variance to allow an independent driveway which is not connected to a public street, and (CA3-16-185) for a new single family residence at **320 Cherokee Pl.** Property is zoned R-5 / Grant Park Historic District (Subarea 1).

Applicant: Adam Stillman
350 Sinclair Ave.

Facts: According to the District photographic inventory, this lot is currently vacant.

Analysis: The following code sections apply to this application:

Sec. 16-07.008. - Minimum yard requirements.

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

- (2) Side yard: There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet, except for zero-lot-line development where no side yard is required along the internal lot line.
- (3) Rear yard: There shall be a rear yard of not less than seven feet except for zero-lot-line units where the internal side or rear lot line may be reduced to zero feet.
- (5) Maximum floor area within this district:
 - b. For a single-family detached dwelling on a lot which does not meet the minimum lot area requirement described in section 16-07.007(2):
 1. The maximum floor area allowed shall not exceed the lesser of either: (i) 3,750 square feet of floor area; or (ii) a maximum floor area ratio of 0.65 of the net lot area unless otherwise permitted as stated in subpart 2 below;
 - (6) Maximum lot coverage: Maximum lot coverage within this district shall not exceed 55 percent of the net lot area.
 - (7) Location of structures in two-family dwellings: Any structure of lesser floor area in any two-family dwelling unit shall be located no nearer to any street frontage than the structure of greater floor area. Any dwelling structure with a street-fronting elevation shall provide a pedestrian entrance on that elevation.

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

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

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

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

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

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

(1) Development Controls.

(A) Front Yards: Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.

(B) Side Yards: Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.

(C) Rear Yard: Rear yard setback shall be seven feet.

(D) Off-street parking and driveway requirements:

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

2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.

(2) Architectural Standards.

(A) Statement of Intent. The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

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

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

1. Identified design elements of size, scale, massing and materials of new construction shall be substantially consistent with said identified design elements found in contributing structures of like use in the district as listed in subsection 16-20K.007(15)(c.).

2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.

3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.

4. All front façades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.

5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.

6. The height of the principal structure shall not exceed 35 feet. (See section 16-28.022 for excluded portions of structures.)

7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two entrance step risers each of which shall be no less than six inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.

8. Garages entrances are prohibited on the front façade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.

9. Decks, Balconies and Upper Level Terraces:

a. Decks shall be permitted only when located to the rear of the principal structure.

b. Decks shall be permitted at any level.

c. Balconies and upper level terraces shall be permitted.

10. Any portion of a chimney that is located on any façade that faces a public street shall originate at grade.

11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual

- window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.
 13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
 14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:
 - a. Fences not exceeding four feet in height may be erected in a front yard. Other than retaining walls, walls shall not be erected in a front yard or a half-depth front yard.
 - b. Fences and walls not exceeding six feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
 - d. The finish side or front side of one-sided fences shall face the public street.
 15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.
- (E) Site development, sidewalks and curbs:
1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 2. Repairs or replacement of existing brick sidewalks shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 3. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
 4. Sidewalks crossing driveways shall be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons shall not interfere with the visual field of the pedestrian path.
 5. Curbing shall be granite; poured concrete shall not be used. Curbing shall be at least six inches in height from street level.
 6. Historic materials such as brick, granite, and cobblestones shall be reused where possible.
 7. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district shall be a red brick color.

Variance:

The Applicant is requesting a variance to allow an independent driveway which is not directly connected to the public street. In their justification the Applicant cites the location of an alley along the west side of the property as an uncommon condition of the property. The use of such an alleyway for parking is preferable as the need for a new curb cut which would remove historic materials would be avoided. While there is no requirement for off street parking on this

property, the Grant Park Historic District regulations encourage the use of alleyways for off street parking if such a configuration is possible. As such, Staff finds that the conditions for granting this variance request have been met.

New Construction:

Site Plan

The proposed structure will be setback 11 feet on both the side property lines and 47 feet from the rear property lines as allowed by both the R-5 regulations and the Grant Park Historic District regulations. The proposed structure will be setback from Georgia Avenue 17 feet as measured from the closest corner of the front porch. The Grant Park Historic District regulations require the front yard setback to be based on either the compatibility rule or the previously existing contributing structure of like use. The Applicant has provided measurements of two neighboring contributing properties located at 296 Cherokee Place, which has a front yard setback of 16.3 feet, and 267 Cherokee Place, which has a front yard setback of 26.7 feet. Based on these measurements, the proposed setback appears to meet the compatibility rule. However, it is unclear from the plans whether the measurements of the two contributing structures were taken from the front porch or the front façade of the subject properties. Staff recommends the Applicant clarify the method used for measuring the two contributing structures used for compatibility comparison.

The subject property is a nonconforming lot with regards to its size. As such the R-5 regulations allow for a floor area ratio of 65% of the net lot area. The net lot area of the subject property is 6,499 sf. meaning that any principal structure built on the site has a maximum allowable floor area of 4224.35 sf. The proposed structure has a floor area of 2849 sf. which meets the R-5 floor area requirements. The R-5 lot coverage requirements allow for no more than 55% of impervious surface or 3574 sf. The proposed structure has a lot coverage of 2844 sf. or 43.8% of the net lot area. Staff finds the lot coverage requirements have been met.

As required, the site plans indicate a walkway leading from the front entrance to the sidewalk. The plans indicate an existing concrete sidewalk along the Georgia Avenue frontage. Staff recommends that any repairs to portions of the sidewalk damaged during construction meet the District regulations.

A rear drive is proposed leading from the alley on the west side of the property to a proposed accessory structure. Given Staff's support of the variance request, Staff has no concerns with the proposed driveway.

The Applicant is proposing new mechanical equipment placed to the side of the principal structure and screened with vegetation as required for such features if visible from the public street. Staff has no concerns with the proposed mechanical equipment.

Massing and Building Height

The proposed two story house is defined by a 6 in 12 hipped roof, a 6 in 12 hipped dormer, and a full width front porch. Per regulations, the maximum height allowed is 35'. The Grant Park

Historic District regulations do not specify how the height should be measured. As such, Staff finds the standard City measurement should be used. In looking at the front façade, Staff finds the height requirement has been met. While the overall height, massing and design of the proposed dwelling are larger than the historic homes on the block, Staff finds that the height, massing and design of the proposed dwelling to be similar of historic American Four Square homes in the District.

Building Facades

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

Windows and Doors

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

The Applicant is proposing to install 1 over 1, double hung windows on the front facade. Staff finds the design of the proposed windows to be appropriate. The Grant Park street facing facades to either be compatible with the fenestration pattern of contributing structures of like use in the District, or to be no less than 15% and no more than 40% of the wall surface. The wall surface of the front façade is approximately 1152 sf. The fenestration on the front façade is approximately 210 sf. or 18.2% of the front façade wall surface. Staff finds the fenestration requirements have been met.

Building Materials

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

Porch

Per regulations, the minimum allowed depth for the front porch is 7 feet. Staff finds that the proposed porch at its deepest point is 9 feet and therefore meets this requirement. The porch features boxed columns, railings, and corbels that are compatible with porches on structures with similar architectural features in the District. Staff finds the overall decorative details of the proposed front porch are consistent and compatible with the house style.

Accessory Structure

The Applicant is proposing an accessory structure to the rear of the principal structure and within the buildable area of the lot as defined by the R-5 zoning regulations. Staff has no concerns with the proposed accessory structure.

CA3-16-186:

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA3-16-186) for a variance to allow an independent driveway which is not connected to a public street at **320 Cherokee Pl.** Property is zoned R-5 / Grant Park Historic District (Subarea 1).

CA3-16-185:

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the approval of the Application for Type III Certificate of Appropriateness (CA3-16-185) for a new single family residence at **320 Cherokee Pl.** Property is zoned R-5 / Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall clarify the method used for measuring the two contributing structures used for compatibility comparison, per Sec. 16-20K.007(1)(A);
2. An appropriate material for the front door and windows shall be indicated on the plans per Sec. 16-20K.007(2)(B)(15); and,
3. 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

May 25, 2016

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-16-188) for a variance to allow a reduction in the rear yard setback from a minimum of 31'6" (required) to 17'7" (proposed); and (CA3-16-187) for alterations, additions and site work at **159 Pearl Street** – Property is zoned Cabbagetown Landmark District (Subarea 3).

Applicant: Adam Stillman
350 Sinclair Avenue

Facts: This single-family dwelling was built before 1911 and is considered contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20.007

- (a) *When Required, Generally:* In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
- (3) *Landmark Districts:*
- (a) To change the exterior appearance of any structure within any Landmark District;
 - (b) To erect any new structure or to make an addition to any structure within a Landmark District;
 - (c) To demolish or move any structure, in whole or in part, within a Landmark District; or

Per Section 16-20.009. 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.

Per Section 16-20A.005. Certificates of appropriateness.

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

(1) *When required:*

To change the exterior appearance of any portion of a structure within the district

(2) *Type required:*

- b) If the proposed alteration for minor façade alterations, fences, walls, accessory structures, decks, paving and satellite dishes meets the requirements of section 16-20A.006, section 16-20A.007, section 16-20A.008, section 16-20A.009, section 16-20A.010, and section 16-20A.011, as applicable, then the director of the commission shall issue the Type II Certificate

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.
- (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.

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.
- (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 facade 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.
 - b) Two-family dwellings existing at the time of the adoption of these regulations. Two-family dwellings, originally built as duplexes, shall be permitted even if the use has lapsed for more than a year.
 - c) Parks, playgrounds, and community buildings owned and operated by a government agency or Cabbagetown-based non-profit community organization.
- (4) *Permitted accessory uses and structures.* In addition to the uses and structures listed in 16-20A.006(16), the following are allowed, subject to limitations and requirements set forth herein or elsewhere in this part:
 - a) In-ground swimming pools and similar active recreation facilities subject to the following limitations. Such active recreation facilities in any yard, required or other, adjacent to a street shall require a special exception from the commission, which special exception shall be granted only upon finding that:
 1. The location will not be objectionable to occupants of neighboring property, or the neighborhood in general, by reason of noise, lights, or concentrations of persons or vehicular traffic, and the applicant shall contact the adjoining neighbors about the special exception and provide written letters to the commission from the adjoining neighbors regarding the propriety of the special exception.
 2. The area for such activity could not reasonably be located elsewhere on the lot.
 3. The commission may condition any special exception for such facilities based on concerns regarding visibility from public right of way, fencing, screening, or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.
- (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.

Variance Request

The Applicant is requesting a reduction in the rear yard setback from the required 31'6" to 17'7". In looking at the variance justification and an online map of the block face, it is clear the existing lot is significantly smaller than the other lots. The subject lot has the smallest rear yard setback and therefore any expansion of the existing house would require a variance. Staff finds that denial of a rear yard setback would be a hardship. Staff finds approval of the requested variance would not cause a significant detriment. Based on the information we have at this time, Staff has no concerns regarding the requested variance. Staff would note that a portion of the proposed porch is less than the requested 17'7" rear yard setback. Staff recommends the porch is eliminated from the project or the Applicant shall apply for a revised rear yard setback variance.

Setbacks and Site Plan

The lot in questions fronts 45' on Pearl Street and has a depth of 95' on Kirkwood Avenue. The half depth front yard and rear yard setbacks are based on the compatibility rule. The Applicant did not provide compatibility information regarding the half depth front yard. Staff recommends the Applicant provide documentation the half depth front yard setback meets the requirements. As indicated in the variance section, Staff has no concerns regarding the proposed rear yard setback.

The maximum floor area ratio (FAR) allowed is .50. The proposed FAR is .48 and therefore meets the requirements. Staff would note that lot coverage is not restricted in this subarea. The site plan indicates a new concrete driveway with 30" center strip. Staff finds the proposed driveway meets the design requirements. Per regulations, all residential parking shall extend no less than 20' behind the front façade of the house. Staff finds the proposed driveway is extended 20' past the existing side façade of the house and therefore meets the requirements.

The Applicant is proposing a new accessory structure. Per regulations, the setbacks are based on the compatibility rule. While Staff finds the rear yard setback meets the requirements, the Applicant did not submit information regarding the half depth front yard. Staff recommends the Applicant submit documentation the half depth front yard of the accessory structure meets the requirements.

The Applicant is proposing new HVAC equipment. While the equipment is appropriately screened, it is not clear whether the equipment meets the setback requirements. If the proposed equipment is taller than 30", Staff recommends the HVAC equipment meet the setback requirements. The Applicant is proposing a new 4' tall wood picket fence and gate along Kirkwood Avenue. Staff finds the design, material, height and location meet the requirements. Staff has no concerns regarding the proposed fence.

Alterations

On the front façade, the Applicant is proposing to remove the existing door opening and create a new door opening in a different location. Staff agrees that the location of the current door is not original. Staff finds the new location matches the original door location and is highly appropriate. Staff has no concerns regarding the location of the new door opening and the proposed new door. The Applicant is proposing to remove the existing asbestos and faux siding in order to retain, repair and replace in-kind the existing wood siding beneath. Staff has no concerns regarding the proposed siding proposal.

The Applicant is proposing a new dormer on the left elevation and new flat panel skylights on the rear elevation. Staff finds the proposed dormer does not engage the ridgeline, is behind the existing chimney and is appropriate in size and design. Staff has no concerns regarding the proposed dormer.

Staff finds the proposed skylights are appropriate in design and location. Staff has no concerns regarding the proposed skylights.

Rear Addition

The Applicant is proposing to demolish an existing rear porch and stair in order to construct a new addition. As pointed out by the Applicant, the Sanborn Map indicates a larger rear porch and a slightly different configuration at the rear. The existing addition is clearly not original and its demolition will not be a significant detriment to the existing historic house. Staff has no concerns regarding the proposed partial demolition.

In general, Staff finds the proposed design, massing, materials and fenestration meets the requirements and is consistent and compatible with the existing house. The proposed addition has a height that is lower than the existing house and is inset from the side facade. Staff finds the proposed addition allows for more living space while clearly delineating the new addition from the historic house. Staff has no general concerns regarding the proposed addition.

Staff Recommendation: 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 does create an unnecessary hardship;
- 3) There are conditions peculiar to this property;
- 4) Relief if granted would not cause a substantial detriment to the public good;

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-16-188) for a variance to allow a reduction in the rear yard setback from a minimum of 31'6" (required) to 17'7" (proposed) at **159 Pearl Street** – Property is zoned Cabbagetown Landmark District (Subarea 3), with the following conditions:

1. The porch shall be eliminated from the project or the Applicant shall apply for a revised rear yard setback variance.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations per Section 16-20A.006 (13) with the exception of the comments above;

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-16-187) for alterations, additions and site work at **159 Pearl Street** – Property is zoned Cabbagetown Landmark District (Subarea 3), with the following conditions:

1. The Applicant shall provide documentation the half depth front yard of the addition meets the requirements, per Section 16-20A.006(9);
2. The Applicant shall submit documentation the half depth front yard of the accessory structure meets the requirements, per Section 16-20A.006(9);
3. If the proposed equipment is taller than 30", the HVAC equipment shall meet the setback requirements, per Section 16-20A.006(9); and
4. Staff shall review and if appropriate, approve the final plans.



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TIME KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT May 25, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-191) for alterations and new construction at **771 Spring Street (Crum and Forster Building)** - Property is zoned SPI-16 (Subarea 1) / LBS (Landmark Building or Site).

Applicant: Portman Holdings
303 Peachtree Center

Facts: The property that includes the Crum and Forster Building and the Crum and Forster Building itself (built in 1926) were designated a Landmark Building / Site (LBS) in 2009, including about one-half of the block. Originally a longer dumbbell shape, the rear 2/3 of the building was demolished as part of a settlement of a lawsuit regarding the designation of the property and building in 2012. Subsequently, the original LBS designation was reduced to encompass a buffer of 12 ft. along the west and south sides of the reduced building and all of the property between the building and Spring Street and between the building and Armstead Street.

Comment [KSD1]: Our city designation I recall was in 2009.

The proposed work is part of a larger mixed-use project that would include offices, a high-tech computing / data center, retail and restaurant uses. The proposed work within the current LBS designation includes the following actions:

1. Demolition of the small remaining portion of the shaft and associated roof of the dumbbell shape at the rear (east) side of the building;
2. Construction of a three-story addition attached to the rear (east) façade of the building with the ground level open to a loading dock and the two upper levels clad in metal panels;
3. Raising the surrounding grade at the front (west) and right (south) sides of the building to allow for construction of a new plaza connected to the associated mixed-use project;
4. Replacement of the central front (west) door with one "similar to the original";
5. Replacement of the two ground level windows flanking the central front (west) door with double doors and a transom above; and
6. Replacement of the center ground level window on the south (right) façade with a double door and a transom above.

The project also includes extensive renovations to the interior spaces to accommodate the new use of the building. The Commission does not have purview of the interior renovations to this building.

Analysis: The following code sections apply to this application:

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

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

Section 16-20.009:

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, for purposes and objectives 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 regulations as are required in article D of chapter 4 or 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.

Demolition of the small remaining portion of the shaft and associated roof of the dumbbell shape at the rear (east) side of the building.

The Applicant has offered no rationale for the removal of the last remaining portion of the shaft of the building which indicates the buildings once larger shape / footprint. That portion of the building appears to be in good condition with intact exterior wall sections, exterior brick in good condition, intact tile roof system, and original windows that have been covered / secured for several years. Further, the proposed addition (commented on below) has the same size and shape (i.e. it vertical “face”) such that it would attach to the building in the same location as the existing remaining shaft portion of the building. The Staff finds that a new addition to the existing building could be added to the remaining portion of the shaft of the building.

The Staff further finds that this demolition would unnecessarily remove historic fabric and a substantive portion of the building and otherwise “destroy significant historical, architectural or cultural material.” Beyond the Staff’s concerns regarding the addition, the actual demolition the Staff would recommend the remaining portion of the shaft of the building be retained, repaired as necessary, and compatibility incorporated into the proposed addition.

Construction of a three-story addition attached to the rear (east) façade of the building with the ground level open to a loading dock and the two upper levels clad in metal panels.

Beyond the Staff’s concerns about the removal of remaining portion of the shaft of the building, the Staff finds that the proposed addition is not “compatible with the . . . material and character of the property” and existing building. While contemporary additions are permitted, they must have some relationship to and compatibility with the existing property and building. The Staff finds that an addition with solid metal panels over an exposed loading dock with a flat roof and no façade articulation does not possess such compatibility. Further, with the demolition of the remaining portion of the shaft of the building, the excavation for the loading dock means the foundation of the existing building would be exposed such that a new concrete block retaining wall would need to be built along the west edge of the loading dock to separate it from the building’s foundation. Lastly, the proposed addition’s solid sheathing material directly attached to the existing building does not create any visual separation or “space” between original building and the addition that a change in materials or a “hyphen” component would do.

The Staff would recommend the proposed addition’s materials, overall form, façade articulation, and fenestration be revised to be differentiated from but compatible with the original building.

Raising the surrounding grade at the front (west) and right (south) sides of the building to allow for construction of a new plaza connected to the associated mixed-use project.

The raising of the surrounding grade on the front and right sides of the building would eliminate four distinct features of the original building – the delineation of the foundation, the cast stone water table, the original steps and plaza up to the vestibule of the building and the lower portion of the cast stone window trim on three windows. While such a change might seem insignificant in relationship to the rest of the project, it would diminish the character of the building in several ways. First, it would eliminate the effect of the building sitting on top of the site versus being sunken into the site. Second, the building’s front and right façades would now have a different appearance than its north façade, the foundation of which would be left exposed. Third, the new plaza would eliminate the historic front stairs that create a direct relationship between the former lower plaza and open air vestibule. Fourth, the three-part vertical stacking of the building (base, shaft, and cap) would be eliminated with the covering over of the base component.

It also appears to the Staff that the presumed desired connection to the outdoor space could be achieved without the new raised plaza immediately adjacent to and touching the original building.

The Staff would recommend the current grade / ground level around the original building be maintained and plazas / hardscape be built that take into account the current grade / ground level and provide a connection to the rest of the project. -

Replacement of the central front (west) door with one “similar to the original”.

In the application materials, no specific information was included about the central front door, including its condition and whether it is original or historic to the structure. If the current door on

Comment [KSD2]: I am of the opinion that for the south façade instead of the raised plaza not touching entirely the raised plaza should connect *minimally* to the existing plaza and building in which to provide cross pedestrian access and thus synergy between the old and new.

the building is original or historic to the building and in good condition it should be retained and repaired in place. Further, it is not clear to the Staff what the design of the new door would be given the lack of information about the current door and it is not sure what “original” means to the Applicant (current vs. truly original).

The Staff would recommend the Applicant document the condition of the current central front door and whether it is historic or original to the building. The Staff would further recommend that if the central front door is historic or original to the building and in good condition, it be retained and repaired in kind and if it is not historic or original or in poor condition, it be replaced with a door similar to the historic or original door.

Replacement of the two ground level windows flanking the central front (west) door with double doors and a transom above.

While the replacement of windows with doors is somewhat preferable (from a historic preservation perspective) to complete removal of windows on a façade, it is not clear to the Staff the benefit of having three sets of double doors on the front façade of the building, given they all appear to access the same space and are within a few feet of each other. Further, the removal of the windows will destroy historic fabric and the proposed replacement design is too simple and plain, [thus](#) incompatible with the original building. The proposed transom window has not relation to the design or patterns of the existing window.

The Staff would recommend that the Applicant provide additional documentation supporting the need for the replacement of the two windows with two new double doors on the front façade and if such documentation supports their replacement, the proposed doors and transoms are re-designed to be compatible with the original building.

Replacement of the center ground level window on the south (right) façade with a double door and a transom above.

The Staff has the same concerns about this window replacement as it does with the replacement of the windows on the front façade. Further though, this window replacement would remove more significant historic fabric that is directly tied into the architectural fabric of the original building, specifically the highly articulated “in and out” brick pattern below the existing window (which is similar to the brick pattern around the windows) and the cast stone water table beneath the brick pattern. While the Staff understands that the Applicant is interested in connecting the south side of the building to the new plaza, the Staff is equally concerned about the loss of the historic fabric. Further, the proposed replacement door and transom window is too simple and plain, [thus](#) incompatible with the original building.

The Staff would recommend that the Applicant provide additional documentation supporting the need for the replacement of the window on the right (south) façade with a new double door and if such documentation supports their replacement, the proposed doors and transoms are re-designed to be compatible with the original building.

Further Comments

The Staff is also concerned that there are other components of the building that would appear to need attention that are not addressed in the application or submitted plans, including but not limited to the stucco finishes within the front vestibule, the other windows on the building (which are now covered with plywood), cleaning of the brick and cast stone, any repointing or other waterproofing

repairs, etc. The submitted materials have focused on the actual alterations to the building but do not include a proposal for the rehabilitation or compatible treatment to the rest of the building.

The Staff would recommend the proposal include details as to the treatment, repair, and/or rehabilitation of all exterior components of the original building and that such actions meet the LBS regulations.

Lastly, in addition to being a Landmark Building / Site, as noted above, the property is also in the SPI-16, Subarea 1 zoning district. The Staff would recommend that if any changes in the scope of work are necessitated by any SPI-related review, those changes be reviewed, and if appropriate, approved by Staff.

Staff Recommendation: Based upon the following:

- (1) The proposed alterations and new construction do not meet the requirements, per Section 16-20.009.

Staff recommends deferral of an application for a Type III Certificate of Appropriateness (CA3-16-191) for alterations and new construction at **771 Spring Street (Crum and Forster Building)** - Property is zoned SPI-16 (Subarea 1) / LBS (Landmark Building or Site), to allow time for the Applicant to address the following comments / concerns:

1. The remaining portion of the shaft of the building shall be retained, repaired as necessary, and compatibility incorporated into the proposed addition, per Section 16-20.009;
2. The proposed addition's materials, overall form, façade articulation, and fenestration shall be revised to be differentiated from but compatible with the original building, per Section 16-20.009;
3. The current grade / ground level around the original building shall be maintained and plazas / hardscape shall be built that take into account the current grade / ground level **and provide a connection to the rest of the project.** -per Section 16-20.009;
4. The Applicant shall document the condition of the current central front door and whether it is historic or original to the building, per Section 16-20.009;
5. If the central front door is historic or original to the building and in good condition, it shall be retained and repaired in kind and if it is not historic or original or in poor condition, it shall be replaced with a door similar to the historic or original door, per Section 16-20.009;
6. The Applicant shall provide additional documentation supporting the need for the replacement of the two windows with two new double doors on the front façade and the one window with one double door on the right (south) façade, and if such documentation supports their replacement, the proposed doors and transoms shall re-designed to be compatible with the original building, per Section 16-20.009;
7. The proposal shall include details as to the treatment, repair, and/or rehabilitation of all exterior components of the original building and that such actions shall meet the LBS regulations, per Section 16-20.009;
8. If any changes in the scope of work are necessitated by any SPI-related review, those changes shall be reviewed, and if appropriate, approved by Staff; and
9. The Applicant shall provide revised materials and plans (including the required number of copies) at least eight (8) days prior to the Commission to which this application is deferred.

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT May 25, 2016

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-16-167) for alterations at **439 Larchmont Dr.** Property is zoned R-4 / Collier Heights Historic District.

Applicant: Dk Thomas Custom Homes, Inc.
3460 Enon Rd., College Park

Facts: This existing single family residential structure was constructed in 1962 and is considered contributing to the District.

Analysis: The following code sections apply to this application:

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

The following general regulations shall apply to the Collier Heights 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 Collier Heights Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20Q do not specifically address the application including but not limited to multi-family residential, institutional, commercial and mixed use structures:
 - 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. Distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall not be removed.
 - 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 materials.
 - 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.

(2) *Certificates of appropriateness.* Certificates of appropriateness within this district shall be required as follows:

- (c) The following work requires a certificate of appropriateness:
 - (i) To alter the front or side façades and front or side roof planes of a structure;

- (ii) To alter the rear façade or rear roof plane of a structure that is located on a corner lot, as defined by section 16-28.007(3);
- (d) Type required.
 - (i) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Code of Ordinances.
 - (v) The following shall require a Type II certificates of appropriateness which shall be reviewed by the commission:
 - (a) To alter a principal structure, except as noted in section I6-20Q.005 (2)(d)(iv);
- (3) *The compatibility rule.* 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, or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (i.e. roof form, architectural trim, façade material, window type and material, 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, setbacks, 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 on that block face."
 - (a) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - (b) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
 - (c) When no structure exists on a block face that would qualify as a comparable structure under the compatibility rule, the comparisons shall be made to a qualifying structure(s) on the block, and if no such structure exists on the block, the comparison shall be made to a qualifying structure(s) on an adjacent block face or block, and if no such structure exists on an adjacent block face or block, the comparison shall be made to a qualifying structure(s) located in the district.

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

In addition to the general regulations set forth in section 16-20Q.005, and any other applicable regulations, the following regulations shall apply to all properties in the District:

- (2) *Windows and doors.*
 - (a) Original or historic windows and exterior doors shall be retained.
 - (b) Replacement windows or exterior doors shall be permitted only when the original or historic windows and exterior doors cannot be rehabilitated.
 - (c) If original or historic windows or exterior doors cannot be rehabilitated, replacement windows and doors shall match the original or historic in light design, function, materials, shape, and size.
 - (d) Replacement windows and doors for non-original or non-historic windows and doors shall be compatible with the architectural style of the structure or shall be subject to the compatibility rule.
 - (e) On existing principal structures, new doors and windows in new openings, when permitted, shall be compatible in scale, size, proportion, placement and style to existing windows and doors.
 - (f) On the front and side façades of new principal structures and additions, the ratio of openings to solid; the scale, size, proportion, and location of all openings; and the design, light patterns, and material of windows and doors shall be established by the compatibility rule.
- (6) *Roofs and roof features.*
 - (a) Replacement roofing shall be of the same texture and appearance as the existing.
 - (b) Rolled or membrane roofing is permitted only on flat roofs. Metal roofs are not permitted.
 - (c) The shape and pitch of roofs for new principal structures and additions shall be subject to the compatibility rule.
- (7) *Skylights.*
 - (a) Skylights shall be placed on the rear roof plane of either the principal or accessory structure.
 - (b) If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding "bubble" skylights are prohibited.

The Applicant is proposing to replace the windows on the structure in-kind as to material but not necessarily as to design and size. At this time no information establishing the need for replacement and the inability of the windows to be repaired has been received, as required by the District regulations. As such, Staff recommends the Applicant submit photographic documentation detailing the need for the windows to be replaced. If the need for the windows to be replaced is established from the photographic documentation, Staff recommends the windows be replaced with windows matching the original in light design, function, materials, shape, and

size. If the need for the windows to be replaced cannot be established, Staff recommends the windows be retained and repaired.

On the front façade, the Applicant is proposing to remove two windows and enclose the openings with brick. The Applicant is also proposing to similarly remove and enclose a window opening on the left side façade. Staff finds that the removal of the original windows is not an appropriate treatment of historic materials. As such, Staff recommends the windows proposed for removal on the front and side facades be retained.

The Applicant is proposing to replace the existing roofing with in-kind materials that match the color of the existing roof. Staff has no concerns with the proposed roof replacement. On the front roof plane, the Applicant is proposing to install a flat 24 inch by 36 inch skylight. The elevations show an existing skylight, but the District photographic inventory does not show a skylight on the front roof plane. Per the District regulations, skylights may only be placed on the rear roof plane of any principal structure. As such, Staff recommends the Skylight be placed on the rear roof plane. As the skylight would be visible from the public street even on the rear roof plane, Staff recommends the skylight be tinted to match the color of the surrounding roofing material.

Staff Recommendation: Based upon the following:

- a) The proposed work meets the District regulations per Section 16-20Q.006

CA2-16-167

Application for a Type II Certificate of Appropriateness (CA2-16-167) for alterations at **439 Larchmont Dr.** Property is zoned R-4 / Collier Heights Historic District with the following conditions:

1. The Applicant shall submit photographic documentation detailing the need for the windows to be replaced, per Sec. 16-20Q.006(2)(b);
2. If the need for the windows to be replaced is established from the photographic documentation, the windows shall be replaced with windows matching the original in light design, function, materials, shape, and size, per Sec. 16-20Q.006(2)(c);
3. If the need for the windows to be replaced cannot be established, the windows shall be retained and repaired, per Sec. 16-20Q.006(2)(a);
4. The windows proposed for removal on the front and side facades shall be retained, per Sec. 16-20Q.006(2)(a);
5. The Skylight shall be placed on the rear roof plane, per Sec. 16-20Q.006(7)(a);
6. The skylight shall be tinted to match the color of the surrounding roofing material, per Sec. 16-20Q.006(7)(a); 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 May 25, 2016

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-16-173) for alterations and window replacement at **845 Rose Cir.** Property is zoned R-4A / West End Historic District / Beltline.

Applicant: Clarence Martin, Jr.
845 Rose Circle

Facts: This existing single family residential structure was constructed between 1924 and 1925 and is considered contributing to the District.

Analysis: The following code sections apply to this application:

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

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

(1) *Certificates of Appropriateness:* Certificates of appropriateness within this district shall be required as follows:

(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."

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.
- (7) *Roofs:*
 - (a) Replacement roofing materials shall be of the same size, texture and material as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
 - (b) Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
 - (c) The use of synthetic roofing materials is permitted if not visibly distinguishable from the original as viewed from the public street.
 - (d) The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
 - (e) Skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations, are permitted on roofs of buildings provided they are not visible from any public right-of-way.
- (8) *Decks:* Decks shall be constructed to the rear of the structure and shall not extend beyond the sides of the structure. Decks on the corner lots shall be screened with fencing or vegetation to reduce visibility from the public street.
- (9) *Porches:*
 - (a) Architecturally significant porches, including their component features, steps and stoops shall be retained.
 - (b) Replacement porches, steps and stoops shall match the original in size, style and materials. All front porch steps shall have closed risers and ends.
 - (c) Porches may be enclosed with screen wire or glass provided that the main characteristics of a front porch are maintained.

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

The Applicant is proposing to replace the existing windows with new vinyl windows. At this time, Staff has not received documentation regarding the need for the windows to be replaced as opposed to being repaired. One picture provided by the Applicant, shows a window with glazing missing, but the lite divisions and the window frame appear in good condition. Staff finds that the use of vinyl as a replacement material is not appropriate for use on a historic structure. As such, Staff recommends the Applicant submit photographic documentation detailing the need for the windows to be replaced. If the need for the windows to be replaced is established from the photographic documentation, Staff recommends the windows be replaced with windows matching the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. If the need for the windows to be replaced cannot be established, Staff recommends the windows be retained and repaired.

On the front sides and rear facades, the Applicant is proposing to replace portions of the existing Masonite siding in-kind. From the pictures provided, some areas on the structure may require significant siding replacement but there is no indication which façade this effects or the total extent of proposed replacement. Staff finds that Masonite siding is not an appropriate siding material in the District, but as an existing condition the Applicant may repair or replace small portions of the non-compliant siding. However, if all siding on the structure is proposed for replacement, then the replacement siding material must be one of the approved replacement materials specified in the District regulations. Staff recommends the Applicant clarify the amount of siding proposed for replacement, as well as specific locations of the siding proposed for replacement. If all siding on the structure is proposed for replacement, Staff recommends the siding be replaced with a material that meets the District regulations.

On the front porch, the Applicant is proposing to replace the non-historic railing with new railing. The elevation provided by the applicant shows a railing containing balusters with ornamental caps. Staff finds that the addition of ornamental caps is not appropriate for use on a historic porch of this type. Staff recommends the proposed railing be consistent with either the architectural style of the house or other original porches on the block.

Staff Recommendation: Based upon the following:

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

CA2-16-054

Staff recommends approval of an Application for a Type II Certificate of Appropriateness (CA2-16-173) for alterations and window replacement at **845 Rose Cir.** Property is zoned R-4A / West End Historic District / Beltline with the following conditions:

1. The Applicant shall submit photographic documentation detailing the need for the windows to be replaced, per Sec. 16-20G.006(3)(c);
2. If the need for the windows to be replaced is established from the photographic documentation, the windows shall be replaced with windows matching the original in

style, materials, shape and size, with no more than a one-inch width or height difference from the original size, per Sec. 16-20G.006(3)(c);

3. If the need for the windows to be replaced cannot be established, the windows shall be retained and repaired, per Sec. 16-20G.006(3)(a);
4. The Applicant shall clarify the amount of siding proposed for replacement, as well as specific locations of the siding proposed for replacement, per Sec. 16-20G.006(2)(d);
5. If all siding on the structure is proposed for replacement, the siding shall be replaced with a material that meets the District regulations, per Sec. 16-20G.006(2)(d);
6. The proposed railing shall be consistent with either the architectural style of the house or other original porches on the block, per Sec. 16-20G.006(9)(d); and,
7. Staff shall review and if appropriate, approve the final plans and documentation.



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STAFF REPORT

May 25, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-181) for a special exception to allow an 8 to 10 foot high privacy fence/wall in the half depth front yard where otherwise a 4 foot high fence is permitted, and to allow an 8 to 10 foot high privacy fence/wall in the rear yard, where otherwise a 6 foot high privacy fence/wall is permitted; and (CA3-16-180) for an addition and site work at **752 Dixie Avenue** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline.

Applicant: Ute Banse
1077 Alta Avenue

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

Analysis: The following code sections apply to this application:

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

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

Section 16-20L.005 General Regulations.

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

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

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

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

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

- 1. **Design Standards and other criteria for construction of and for additions to one- and two-family residential structures.**
 - f. The Compatibility Rule shall apply to the form and pitch of the primary roof of the principal structure.
 - g. The Compatibility Rule shall apply to the height, scale, and massing of the principal structure. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)
 - h. Height of the first floor of the front façade above grade shall be subject to the Compatibility Rule. The first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than 7 inches in height. Slab-on-grade construction is not permitted.
 - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
 - i. The style of the individual window.

- (1) Windows in the front façade shall be predominantly vertical in proportion.
 - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
 - ii. The size and shape of individual window openings.
 - iii. The overall pattern of fenestration as it relates to the building façade.
 - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
 - q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - v. The size and type of doors.
 - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - viii. Visible foundation materials.
 - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
2. *Setback requirements:*
- b. *New additions to existing structures:* The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.

Special Exception Request

The Applicant requesting a special exception to allow an 8’-10’ tall wall in the half depth front yard where a 4’ tall fence is allowed and an 8’-10’ tall wall in the rear yard where a 6’ wall is allowed. The lot in question is located on the corner of Dixie Avenue and Waddell Street. The lot in question is located directly across the street from Krog Street Market. In looking at pictures submitted by the Applicant, this is clearly a very busy area with heavy vehicular and pedestrian traffic. Staff finds the Applicant has shown that an exception is necessary due to reasons of privacy. Staff finds the having a wall instead of a fence is appropriate. Staff finds that having a taller fence/wall than allowed is also appropriate. While Staff acknowledges there is a change in the topography, Staff has concerns with having a wall against the sidewalk that will be 10’ at its tallest point. Staff recommends the proposed wall is 6’-8’ in height in the half depth front yard and along the rear property line.

Site

According to the site plan submitted, the lot in question fronts 42.50’ on Dixie Avenue and has a depth of 177.47’ on Waddell Street. Per regulations, the front and side yard setbacks shall be no closer to the property line than the existing house. Staff finds the proposed front and side yard setbacks meet the requirements. Per regulations, the rear yard setback is based on the compatibility rule. The rear yard setbacks on the block face range from 54’ to 95’. The proposed rear yard setback is 75’ and therefore meets the requirements.

Per regulations, the floor area ratio (FAR) can be no more than .50. The proposed FAR is .41 and therefore meets the requirements. Per regulations, the maximum lot coverage allowed is 55%. The proposed lot coverage is 44% and therefore meets the requirements.

The Applicant is proposing to remove an existing concrete driveway towards the rear of the property. It is not clear whether the curb cut will be removed as well. Staff recommends the Applicant clarify

whether the existing curb cut will be removed. The Applicant is proposing a new curb cut, driveway, parking pad and patio at the rear of the addition. Staff finds the proposed curb cut, driveway, parking pad and patio meet the requirements.

Additions

The Applicant is proposing to demolish an existing rear deck and stairs to accommodate a new rear addition. Staff finds the existing deck and stairs are not historic and therefore Staff has no concerns regarding the proposed partial demolition.

In general, Staff finds the proposed design, massing and materials meet the requirements and is consistent and compatible with the existing house. The proposed addition has a height that is lower than the existing house and is inset from the side facade. Staff finds the proposed addition allows for more living space while clearly delineating the new addition from the historic house.

While Staff has no general concerns regarding the addition, Staff has questions regarding the fenestration. The proposed fenestration is clearly compatible with the existing historic house, however the regulations require the fenestration to meet the compatibility rule. Staff recommends the Applicant provide documentation the proposed fenestration meets the compatibility rule. The Applicant is proposing cementitious lap siding with an exposure to match the existing. While Staff has no concerns regarding the material or the exposure, Staff suggests the siding is indicated as smooth cementitious siding.

Staff Recommendation: Based upon the following:

(a) The special exception request meets the requirements, with the exceptions noted above;

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-16-181) for a special exception to allow an 8 to 10 foot high privacy fence/wall in the half depth front yard where otherwise a 4 foot high fence is permitted, and to allow an 8 to 10 foot high privacy fence/wall in the rear yard, where otherwise a 6 foot high privacy fence/wall is permitted at **752 Dixie Avenue** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline, with the following condition:

1. The proposed wall shall be 6'-8' in height in the half depth front yard and along the rear property line.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-15-406) for alterations and an addition at **1079 Colquitt Avenue** - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The Applicant shall clarify whether the existing curb cut will be removed;
2. The Applicant shall provide documentation the proposed fenestration meets the compatibility rule, per Section 16-20L.006(1)(n); and
3. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

May 25, 2016

Agenda Item: Review and Comment (RC-16-182) on an update to the 2008 Zoo Atlanta Master Plan at **800 Cherokee Avenue (Grant Park)**.

Applicant: Atlanta- Fulton County Zoo, Inc.
800 Cherokee Avenue

Facts: In 2009, the Commission issued a letter with comments on (RC-09-039) on a master plan for Zoo Atlanta. This current application is for an update to the previously reviewed 2008 master plan.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (5) The commission shall review the proposed location and design of buildings, bridges, viaducts, elevated ways, streets, highways, gates, fences, railings, lamp standards, and other structure or fixtures to be erected or placed on land belonging to the city, or on any private or public property which extends over or upon any property or right-of-way owned or controlled by the city.

In 2009, Staff found the 2008 master plan was, “As a whole, the Master Plan is a comprehensive, well-prepared, and easily comprehended document that is the culmination of a typical internal and external planning process that was inclusive and well managed.” As this is a revision to a previously reviewed master plan, Staff finds that concentration on the elements of the plan that is different than the original proposal is appropriate.

Configuration and Pathways

One of the most noticeable physical changes from the original plan is the configuration of the exhibits. While the entryway complex, existing reptile complex, the hospital and services are generally in the same location, the other exhibits have been expanded, moved, consolidated or reconfigured. The entryway has also been expanded to include an orientation plaza. As a whole, the zoo has expanded from 36.4 acres and 5 climate controlled areas to 41.3 acres and 8 climate controlled areas. In general, Staff does not have concerns regarding the expansion and configuration changes.

In comparing the 2008 site plan to the 2016 site plan, it appears the configuration of the pathways has changed. In the previous review, Staff had concerns regarding the hierarchy of pathways. Specifically, there was a concern regarding longer walking times and oaths that lead to dead ends and require visitors to backtrack unnecessarily. Staff suggests the Applicant clarify how the new pathway system addresses Staff's original concerns.

In the original review, Staff had concerns regarding the materials used for the vertical and horizontal elements. Specifically, Staff commented that the emphasis of the design and materials should be on elements such as lights, signage and benches. Staff further commented that the horizontal elements, such as hardscape, paving and plazas should be simple and common materials that are easily maintained and replaced. Staff suggests the Applicant clarify the strategy that will be used for the horizontal and vertical elements for the path.

Parking

In the previous review, Staff raised concerns regarding parking within the surrounding neighborhood. At that time, Staff suggested the Applicant work with the Office of Planning regarding traffic and parking issues. In the updated document, there is an indication of a parking and mobility solution. It is not clear what the parking and mobility solution is. While the narrative indicates that a comprehensive traffic and transportation is underway, Staff suggests the Applicant clarify what the parking and mobility solution is.

Historic Resources and Tree Canopy

The narrative indicates the new entry plaza will be located where the historic entry was originally located. Staff suggests the Applicant clarify whether any portions of the historic entry is extant. If the historic entry is extant, Staff suggests the Applicant clarify how it will be retained and used as part of the entry or as part of interpretive element of the history of the zoo.

As indicated in the previous review, Staff is concerned about the loss of this mature landscaping and that unless replanting is done with substantial (and expense) large specimens, will take decades to replace. Staff suggests the Applicant clarify what the plan is regarding replacement of the tree canopy.

Design Concepts

As with most master plans, the proposed individual project will require an additional review and comment by the Commission. While Staff appreciates how the architecture of the buildings are meant to reflect different continents and cultures, Staff has concerns that the renderings appear like a caricature or like a building you might see in a theme park. Staff finds there is a way to design buildings that reflect different continents and cultures while being more modern. While not necessarily required as part of the master plan discussion, Staff suggests the Applicant keep the architectural comments in mind when moving to the design phase for the proposed new buildings.

Conclusions

In general, Staff finds the updated master plan is an extremely informative and well organized document. The updated phasing information gives a clear idea of how much the projects will cost and the timeline for design and construction. While Staff has questions regarding the specific differences between the 2008 and 2016 plan, Staff finds the revised plan is a great resource and helps clearly articulate how Zoo Atlanta will move forward in the coming decades.

Staff Recommendation: Staff recommends Commission deliver its comments at the meeting.



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STAFF REPORT

May 25, 2016

Agenda Item: Application for a Type II Certificates of Appropriateness (CA2-16-183) for new signage at **200 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4).

Applicant: **200 Edgewood Associates, LLC**
1075 Peachtree Street, Suite 3650

Facts: The mixed-use project where the signs will be located was approved by the Commission in 2015 and involves several properties, including three that have existing, contributing buildings on them: 20 Jessie Hill, Jr. Drive (YMCA Boys Branch Building), 10 Jessie Hill, Jr. Drive (Hill Haverty Building), and 206 Edgewood Avenue (Edgewood Haverty Building). The approved project consists of the following components:

1. A new, 6-story multi-family building above a underground parking deck with commercial uses at the sidewalk level;
2. Demolition of the rear portion of 206 Edgewood Avenue and renovation of the remaining portion into leasable / usable space;
3. Demolition of the rear portion of 20 Jessie Hill, Jr. Drive and renovation of the remaining portion into leasable / usable space;
4. Renovation of 10 Jessie Hill, Jr. Drive into a loading dock area; and
5. General streetscape improvements.

The project is nearing completion and as such the Applicant has proposed signage for the project that will include a sign located on top of the entrance canopy on the new 6-story building and a sign indicating the location of the parking, also on the new 6-story building.

Analysis: The following code sections apply to this application:

Section 16-20C.004 General Regulations

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:
 - 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.
3. Certificates of appropriateness.
- a. General provisions.
 - i. The procedures for determining the correct type of certificate of appropriateness shall be those specified in section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - iii. No certificate of appropriateness shall be required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials.
 - iv. No certificates of appropriateness shall be required for demolition or moving of non-contributing structures.
 - b. Type II certificates of appropriateness.
 - ii. Type II certificates reviewed by the commission. All required Type II certificates of appropriateness not listed above shall be reviewed by the commission. In addition, the following shall be reviewed by the commission as a Type II certificate of appropriateness:
 - (1) Alterations to any façade of any principal structure; and

Section 16-28A.010

- (27) M.L. King, Jr. Landmark District. The following signs shall be permitted in the M.L. King, Jr. landmark district:
- a. General Regulations: Notwithstanding any other individual district standards, all signs within the M.L. King, Jr. landmark district are subject to the following general regulations:
 - (1.) No billboard signs shall be permitted in the M.L. King, Jr. landmark district.
 - (2.) No freestanding signs shall be permitted in the M.L. King, Jr. landmark district.
 - (3.) No monument signs shall be permitted in the M.L. King, Jr. landmark district.
 - (4.) No LSVD signs shall be permitted in the M.L. King, Jr. landmark district.
 - (5.) No sign shall be permitted within the M.L. King, Jr. landmark district except after approval by the ur
 - (6.) Signs provided for contributing structures shall be designed in a manner that is compatible with the design, materials, and general character of signage from the time period of historical significance for the structure.
 - (7.) Signs provided for non-contributing structures shall be designed in a manner that is compatible with the design, materials, and general character of signage from the time period of historical significance for the district.
 - f. Edgewood Avenue and Auburn Commercial District (Subarea 4): The sign regulations for the Edgewood Avenue and Auburn Avenue Commercial District (Subarea 4) shall be the same as the regulations for the SPI-1 (Central core) district, provided that:
 - (1.) No individual sign shall exceed 100 square feet in sign area.
 - (2.) No projecting sign shall exceed eight square feet in sign area.
 - (3.) Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.
 - (4.) Sign shall be located as follows:
 - i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.
 - ii. On or in display windows or upper facade windows.
 - iii. On or in the glazing of the doors.
 - iv. On the valance of awnings.
 - v. On the fascia or top edge of canopies.
 - vi. Projecting perpendicularly from the building.
 - (5.) Changing signs shall be prohibited.

(12) SPI-1 Downtown District.

- a. General Regulations: Signs within SPI-1 Downtown District are subject to the regulations set forth in this section (12). For purposes of this section (12), "street" means public streets and private streets, as well as associated public right-of-way including public right-of-way accessible only to pedestrians.
- b. Building Signs:
 - 1. Type: Wall signs, projecting signs, canopy signs, parapet wall signs, suspended signs, and marquee signs shall be permitted. Only one of the signs may be either suspended or projecting along each street frontage per business establishment, provided that corner business establishments may have two

projecting signs limited to one projecting sign per street frontage. Wrap signs, as defined herein, shall be permitted within the time, manner and place limitations contained in (12)l. herein.

2. Number:
 - (a) Sidewalk-Level Business Establishments: A maximum of three signs shall be allowed for each business establishment on the sidewalk-level of a building. For the purposes of this section (12), "sidewalk level" shall be as defined by Section 16-18A.005(3) except where additional signage is authorized on a monument sign or multi-tenant sign.
 - (c) Corner Business Establishments: One additional sign shall be allowed for each business establishment occupying corner space that faces two streets and is located on the sidewalk-level or second-level, provided such sign is oriented toward the additional street.
 3. Area: Where a business establishment is permitted to have signs, the following regulations shall apply:
 - (a) Sidewalk-Level and Second-Level Business Establishments: The combined area of the signs except for that signage on monument signs or multi-tenant signs if allowed shall not exceed ten percent of the total area of the walls of the business establishment that face the street but at least 60 square feet of combined sign area is allowed for each business establishment.
 - (b) Corner Business Establishments: The area of the additional sign authorized by subsection (12)b.2.(c) shall not exceed ten percent of the total area of the walls of such business establishment that face the additional street, or 60 square feet, whichever is less and this calculation shall exclude that signage on monument signs or multi-tenant signs if allowed.
 - (c) No individual sign shall exceed 200 square feet except for wrap signs as provided for in (12)l.
 4. Height: The height limitation set forth in Section 16-28A.007(m) may be exceeded as follows:
 - (a) Subject to subsection (12)b.4.(a) above; no portion of a sign for a sidewalk-level business establishment shall be located more than 40 feet in height above the elevation of the nearest sidewalk clear zone.
 - (c) Notwithstanding the permission for increased height in SPI-1, no portion of any sign shall extend above the top of the building upon which it is located.
- g. Signs Extending Over Right-of-Way: Signs extending or projecting over any property line onto sidewalk or street right-of-way shall be subject to all other provisions of this chapter, of Part 16, and of any other applicable requirements of the Code of Ordinances of the City of Atlanta governing such signs.

The Applicant is proposing two new signs on the building; a canopy sign above the main entrance to the apartments and a projecting sign above the entrance to the parking garage area.

Both types of signs (canopy and projecting) are permitted by the SPI-1 and District regulations. The total number of signs proposed for this business establishment (apartments) is less than the total allowed (three signs).

The size of each sign (12 sq. ft. for the canopy sign and less than 4 sq. ft. for the projecting parking entrance sign) is less than the maximum amount allowed for each sign by the District regulations (100 sq. ft.) and the SPI-1 regulations (200 sq. ft.). Further, the projecting parking entrance sign is less than the maximum allowed for projecting signs by the District regulations (8 sq. ft.). Together, the size of both signs is less than the overall maximum amount allowed for all signs for a given business establishment (60 sq. ft.).

Both signs correspond to the portion of the building where the business establishment (apartments) will be located. Both signs are less than 40 ft. above the adjacent sidewalk and do not project above the parapet of the building.

As to their design and materials, the Staff finds that the canopy sign meets the District regulations as it is "designed in a manner that is compatible with the design, materials, and general character of signage from the time period of historical significance for the district." In particular it is very similar to an historic sign on one of the historic building in the project; the Walden Building on Jesse Hill, Jr. Drive.

The Staff further finds that it is compatible with the proposed architecture and materials of the new building.

However, the Staff does have concerns about the lighting on the sign, which is noted as “internally light (halo)” on the plans. The District regulations require that such signs be “compatible with the design, materials, and general character of signage from the time period of historical significance for the district.” The Staff finds that even though there are a few legal, internally light signs in the District they correspond to the time period of the specific building on which they are located. The overall district’s general character includes mostly non-internally light signage. The Staff would recommend that the lighting technique of the canopy sign be revised to meet the District regulations.

The Staff finds that the overall design of the of the projecting parking lot entrance sign is meets the District regulations, but does have concerns about the materials (no information was provided about the “white background”) and lighting technique (internally light). The Staff is concerned that the white background will be some type of plexiglass or similar, non-compatible material. The Staff would recommend the material of the projecting parking lot entrance sign be revised to meet the District regulations.

While the Staff understands that this sign will be located on a new building, as noted above the District regulations require that such signs be “compatible with the design, materials, and general character of signage from the time period of historical significance for the district.” The Staff finds that even though there are a few legal, internally light signs in the District they correspond to the time period of the specific building on which they are located. The overall district’s general character includes mostly non-internally light signage. The Staff would recommend the lighting technique of the projecting parking lot entrance sign be revised to meet the District regulations.

Lastly, the Staff would recommend the Applicant clarify if either sign will be projecting into the right-of-way and if so that such signs will meet all City requirements for such an encroachment.

Staff Recommendations: Based upon the following:

1. The signs’ general type, number, size, location, materials, and design meet the District regulations, except as noted above, per Section 16-28A.010 (27).

Staff recommends approval of an application for a Type II Certificates of Appropriateness (CA2-16-183) for new signage at **200 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4), with the following conditions:

1. The lighting technique of the canopy sign shall be revised to meet the District regulations, per Section 16-28A.010(27)(a)(7);
2. The material and lighting technique of the projecting parking lot entrance sign shall be revised to meet the District regulations, per Section 16-28A.010(27)(a)(7);
3. The Applicant shall clarify if either sign will be projecting into the right-of-way and if so that such signs will meet all City requirements for such an encroachment, per Section 16-28A.010(12)(g); and
4. The Staff shall review, and if appropriate approve, the final design documents and supporting materials.



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Director, Office of Planning

STAFF REPORT

May 25, 2016

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-16-192) for a new multifamily housing development at **186 and 210 Peters Street** – Property is zoned Castleberry Hill Landmark District (Subarea 1).

Applicant: Peters Street Holdings, LLC
2964 Peachtree Road, Suite #360

Facts: In 2007 the Commission reviewed applications for a new mixed use development, lot consolidation and variance. In 2008, the Commission reviewed applications for a revision to plans and a special exception. This current application is for a new multi-family residential project.

Analysis: The following code sections apply to this application:

Per Section 16-20N.004. Definitions.

For the purposes of interpreting this chapter 20N, the following definitions shall apply:

1. "*District*" means the Castleberry Hill Landmark District, as shown on the official zoning map adopted herewith entitled the "Castleberry Hill Landmark District."
2. "*Fenestration*" means the arrangement, proportion, and design of windows and doors in a building.
3. "*Principal structure*" means the main structure on a property, exclusive of any detached accessory structures.
4. "*Public street*" means publicly dedicated streets and specifically excludes alleys in the District.
5. "*Additions to the roof of a principal structure*" means any enclosed space that does not meet the definition set out in section 16-28.022(1).
6. "*Arterial street*" means main artery through neighborhood (Peters, Nelson, Walker, Whitehall, McDaniel, Spring, Mitchell and Fair streets; and Northside, M. L. King, Jr. and Centennial Olympic Park drives.)

Per Section 16-20N.006. Certificates of appropriateness.

4. Type III certificates of appropriateness shall be required for:
 - (a) Construction of all new principal structures;

Per Section 16-20N.007. General Regulations.

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

1. In the District, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20N do not specifically address the application or any portion of the application:
 - (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.

(k) Contemporary design for new construction and for additions to existing properties shall not be discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy section 16-20N.007 or section 16-20N.008, as applicable.

(l) The height of a structure shall be measured on the facade facing the public street and measurement shall be taken from the highest point of such grade to the top of the parapet wall.

2. *Compatibility rule.*

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

(b) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."

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.

6. *Aggregation of lots.* No lots shall be aggregated except upon approval of the commission. Applications shall be made to the commission. The commission shall find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the subarea, and the district as a whole, may be reasonably situated and constructed upon such lots.

7. *Tree preservation and replacement.* The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.

8. Off-street and off-site parking.

(a) All new construction, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential uses, or any change in use shall include the required off-street parking.

(b) The number of required off-street parking spaces is set out in each subarea.

(d) Use of shared driveways and/or alleys is encouraged. Required driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the commission.

(e) Curb cuts and driveways are not permitted on any arterial street when reasonable access may be provided from a side or rear street or from an alley.

(f) 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.

(g) No circular drives shall be located between any principal building and any public street.

(h) One curb cut is permitted for each development. Developments with more than one public street frontage or more than 300 feet of public street frontage may have two curb cuts.

(i) No drop-off lanes are permitted along public streets, except as required by educational and religious facilities.

(j) Sidewalk paving materials shall be continued across intervening driveways.

(k) Entrances to garages that serve residential units shall be located in a side or rear yard.

(l) All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards, to serve garages and parking areas.

(m) Parking deck facades shall conceal automobiles from visibility from any public street, or private drive or street that is open to the general public, and shall have the appearance of a horizontal storied building.

(n) Parking decks along the arterial street frontage shall have:

- i. Ground floor storefronts; or
- ii. Ground floor residential uses.

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

(a) The distance above the sidewalk grade of the first floor of the building shall be subject to the compatibility rule. This requirement shall only apply to the facade of the building determined by subsection 16-20N.006(1)(I).

(b) Setbacks.

i. The facades of principal buildings facing a public street shall not be setback from the property line.

ii. Facades of a principal building adjacent to a side property line shall not be setback from the side property line, except under the following circumstances:

a. Facades with windows shall meet section 704.8 of the 2000 International Building Code, and shall not exceed six feet.

b. In the case of the installation of a driveway along a side property line, the facade shall be setback ten feet from the property line for one-way drives and 20 feet for two-way drives.

iii. There shall be no rear yard setback requirements.

(c) All street-fronting sidewalk level development shall provide fenestration for a minimum of 60 percent of the length of the frontage, beginning at a point not more than three feet above the public sidewalk, for a height no less than nine feet above the sidewalk.

(d) Sidewalk level development without fenestration shall not exceed a maximum length of ten feet of facade.

(e) Nothing may be erected, placed, planted, or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade.

(f) Relationship of building to street.

i. The first eight feet of all building levels that have sidewalk level arterial street frontage shall have a commercial, office, or residential use and shall not be used for parking or storage.

ii. The primary pedestrian entrance to all uses and business establishments with sidewalk level street frontage shall:

a. Be visible from the street.

b. Be directly accessible, visible, and adjacent to the sidewalk, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.

c. Face and be visible to an arterial street when located adjacent to such arterial streets.

iii. A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, shall contrast with their background, and shall be a minimum of four inches in height with a minimum stroke of 0.5 inch.

(g) Facade materials. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the facades of the principle structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Aluminum siding and vinyl siding are not permitted on any facade.

(h) Awnings and canopies.

i. Original awnings and canopies shall be retained.

iii. Awnings and canopies must have a minimum clearance of eight feet above the sidewalk level, and shall not encroach more than five feet over the public sidewalk.

iv. Installation of new canopies, where none previously existed, shall be permitted only if they are compatible with the original structure.

v. New awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.

vi. New awnings shall be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.

vii. Multiple awnings on a single building shall be similar in shape and configuration.

viii. Only that portion of the awning used for signage shall be illuminated.

10. *Exterior stairs and landings.*

(a) Except for the primary pedestrian entrance to a unit or building, all exterior stairs and landings must be on the side or rear of the principle structure and substantially parallel to the structure.

(b) Stair treads must be equal widths.

(c) Exterior stairs and landings shall be constructed of metal or poured concrete.

11. *Structures on the roofs of principal buildings.*

(a) All components of a structure or addition on the roof of a principal building visible from a public street shall be metal or masonry.

(b) The enclosed floor area of a structure shall not exceed 25 percent of the total roof area, unless otherwise necessary to meet the minimum requirements for mechanical and elevator equipment, stairwells, elevator, and stair landings.

(c) Enclosed structures shall not exceed ten feet in height above the parapet wall and shall be setback no less than ten feet from all street-fronting facades.

(d) All components of a structure or addition on a roof of a principal building shall be set behind the parapet wall.

12. *Lighting, security, and maintenance requirements for parking structures and surface parking lots.*

(a) Lighting shall be provided throughout all parking facilities at a minimum of one-half foot candle of light.

(b) Parking deck lighting fixtures may not be visible from any public street or park or from any private street.

(c) Parking facilities shall be maintained in a clean, safe, and sanitary condition. Parking spaces and driving lanes shall be clearly defined and maintained.

13. *Fences, walls, and retaining walls.*

(a) Fences shall be no more than ten feet high.

(b) Fences between the principal building and the public street shall be constructed of metal, brick, stone, ornamental iron or metal, or architectural masonry.

(c) Fences to the rear or side of the principal building shall be constructed of metal, brick stone, ornamental iron or metal, architectural masonry, chain link, or wood.

(d) Walls shall not be permitted between the principal building and the public street. Walls shall be no more than ten feet high. Walls, including retaining walls, shall be constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.

(e) Retaining walls adjacent to a public street or sidewalk shall not exceed four feet in height, unless required by existing site topography.

(f) Adjacent to a public street or sidewalk, the total height of any combination of fencing, wall and/or retaining wall shall not exceed ten feet.

14. Permitted accessory uses and structures. The uses and structures that are customarily incidental and subordinate to permitted uses and structures are authorized, subject to the following restrictions:

(a) Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises and such merchandise shall occupy no more than 25 percent of the total floor area on the premises.

(b) No storage shall be provided in any portion of a structure adjacent to any public sidewalk, public park, or plaza.

(c) No off-premises storage of merchandise shall be permitted in this subarea either as a principal or accessory use.

(d) No accessory structure shall be constructed until construction of the principal structure has actually begun, and no accessory structure shall be used or occupied until the principal structure is completed and in use.

(e) Accessory structures shall be placed behind the principal structure within the buildable area of the lot.

(f) Accessory structures shall not cover more than 25 percent of the rear yard.

(g) Accessory structures shall not exceed twenty-five (25) feet in height or the height of the principal structure, whichever is less.

(h) Shall be located in the least visible location within the permissible area.

(i) May require screening with the appropriate plant or fence materials.

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

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

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

(a) The compatibility rule shall apply to the height, scale, and massing of the principal structure. In no case shall the height of a principal structure exceed 40 feet.

(b) The height of a principal structure shall be 40 feet. Properties with first floor retail space exceeding 12 feet in height shall have a ten percent height bonus, allowing for a maximum height not to exceed 44 feet. With the exception of properties north and east of Mangum Street that front Nelson Street, shall have a ten-foot height bonus, allowing for a maximum height not to exceed 50 feet.

(c) All building elements shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements, including but not limited to their: design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:

(d) Fenestration.

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

a. The style and material of the individual window or door.

b. The size and shape of individual window and door openings.

c. The overall pattern of fenestration as it relates to the building facade.

d. The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.

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

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

iv. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.

(e) Facades.

i. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the facades of the principal structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any facade.

(f) Lighting and storefront illumination.

i. Security, decorative, and other lighting shall minimize light spillage by providing cutoff luminaires that have a maximum 90-degree illumination. The commission may also require other elements to reduce light spillage.

ii. Any security, decorative, or other lighting luminaires shall be located a minimum height of eight feet above the sidewalk, drive, or pedestrian area.

(g) Loading areas, loading dock entrances, and building mechanical and accessory features.

- i. Commercial dumpsters shall not be visible from any public street. Residential dumpsters shall not be visible from: Walker Street, Nelson Street, or Peters Street. Notwithstanding the visibility requirements noted above, all dumpsters shall be concealed with walls six feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.
 - ii. Loading docks and loading areas shall not be permitted on the primary facade of a principal building.
 - iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.
 - iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible any public street.
- (h) Excluding the flare at the street, driveways shall not exceed ten feet in width for one-way drives or 20 feet in width for two-way drives. Loose stone or gravel is not permitted as a paving material.
- (i) Sidewalk regulations.
 - i. Hexagonal sidewalk pavers shall be retained.
 - ii. Hexagonal sidewalk pavers shall be used for any sidewalk repair or replacement on the public streets.
 - iii. Curbing shall be granite.
 - iv. New sidewalks 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 a minimum of seven feet wide and a maximum of 15 feet wide.
 - v. Street furniture: Street furniture to include, but is not limited to: street lights, seating, newspaper vending boxes, trash receptacles, official city and neighborhood signage, trees and shrubs and flower pots.
 - vi. Outdoor seating: Seating areas should be specifically defined and located as to not obstruct pedestrian access or motorist visibility.
 - vii. Umbrellas: Must have a minimum clearance of seven feet above the sidewalk level and located as to not obstruct pedestrian access or motorist visibility.
 - viii. Newspaper vending boxes: Should be located as to not obstruct pedestrian access or motorist visibility.
 - ix. Tree planting: When installed, all newly planted trees shall be a minimum of four inch caliper measured 36 inches above ground, and a minimum of ten feet in height. Trees shall be drought tolerant, limbed up to a minimum seven-foot height, and shall have a maximum mature height of 40 feet. Trees shall have a minimum planting area of 25 square feet. All plantings, planting replacement, and planting removal must be approved by the city arborist. The planting area shall be planted with evergreen ground cover such as mondo grass or liriiope spicata.
 - x. Trash receptacles: Where installed, trash receptacles shall be a Victor Stanley Model S-42 or similar looking standard.
 - xi. Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and spaced equal distance between any street trees along all streets. All said lights shall be Atlanta Type "C" as approved by the planning bureau.
- 2. Permitted principal uses and structures: A building or premises shall be used only for the following principle purposes:
 - (a) Multi-family dwellings, two-family dwellings, and single-family dwellings.
 - (b) Residential and nonresidential uses, as otherwise allowed below, on the same site, in which both of such uses are at least 20 percent of the total floor area, excluding accessory uses.
 - (c) Any of the following uses provided they do not exceed 2,000 square feet of floor area:
 - i. Retail establishments, including delicatessens, bakeries and catering establishments.
 - ii. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.
 - iii. Barber shops, beauty shops, and similar personal service establishments.
 - iv. Tailoring, custom dressmaking, millinery, and similar establishments.
 - v. Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks, and similar devices.
 - (d) Any of the following uses provided they do not exceed 5,000 square feet of public areas:
 - i. Eating and drinking establishments.
 - ii. Museums, galleries, auditoriums, libraries, and similar cultural facilities.
 - iii. Professional or service establishments, but not hiring halls.
 - (e) Structures and uses required for the operations of MARTA or public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.
 - (f) Drive-thru and drive-in services, windows, and facilities are prohibited. Hiring halls are prohibited. Blood donor stations are prohibited. No wholesaling or jobbing shall be conducted from within the District. No use or manner of operation shall be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the residential character of this subarea.
- 3. Off-Street Parking Requirements

The following parking requirements shall apply to all uses:

- (a) Off-street parking shall not be permitted between the principal building and the public street.
- (b) Off-street parking may be located in a rear or side yard.
- (c) All dwellings: Off-street parking requirements shall be as follows: See section 16-08.007, Table I, for applicable ratios according to the appropriate floor area ratio.
- (d) All other uses: No off-street parking is required.

General Concerns

In looking at the site plans submitted, Staff finds the notations do not match what is shown on the drawings. For instance, there are several parts of the site plan indicated as “E”. The notation for “E” indicates an existing brick structure. Staff finds there are not existing brick structures at all of these locations. The location of Haynes Street and how it relates to the proposed buildings appears to shift when comparing the conceptual master plan to the architectural site plan. To fully understand and properly review the project, it is important that all notes are accurate and that all plans are internally consistent. Staff recommends the Applicant submit accurate plans that are internally consistent.

Per regulations, the building facades that face a public street must not be setback from the property line. The facades in the side yard must not be setback from the property line unless providing a driveway or windows. In looking at the site plan, there does not appear to be a building proposed at the triangular portion of the lot at the end of the development. While the notes indicate this section is an existing brick structure, Staff finds this notation is likely incorrect. Staff recommends the Applicant clarify the proposal for the triangular portion of the property labeled “E”. Staff recommends the triangular portion of the property indicate a new building that meets the requirements or the Applicant should apply for a variance.

In looking at Building “B” at the corner of Peters and Castleberry Street, a portion of the Peters Street façade is recessed. Staff finds this design does not meet the requirement related to having facades that are not setback from the property line. Staff recommends the Peters Street façade of building “B” is not setback from the property line.

In Castleberry Hill, the front and side yard setbacks are usually set a 0’. The proposed project features three separate buildings on Peters Street that are separated by pedestrian walkways. Staff finds the proposed configuration of the buildings facing Peters Street is not typical of the neighborhood. Staff is not concerned with the separation between building “C” and “D” because the separation appears to be a continuation of Haynes Street. Staff is concerned with the separation between buildings “B” and “C”. Staff recommends there be no separation between buildings “B” and “C”.

In looking at Building “B” at the corner of Peters and Castleberry Street, a portion of the Peters Street façade is recessed. Staff finds this design does not meet the requirement related to having facades that are not setback from the property line. Staff recommends the Peters Street façade of building “B” is not setback from the property line.

Staff has concerns with the size of the individual buildings. Most buildings have the short end facing the main street. In this project, two of the buildings will have the long side facing the street. As most buildings have 0’ setbacks, Staff finds a way to diminish the massing is to make the buildings appear to be two buildings. This can be accomplished with changes in materials, fenestration or parapet design. Staff recommends each building be designed to appear like two buildings with 0’ side yard setbacks.

Per regulations, a front entrance shall be visible and facing the arterial street. Staff has concerns regarding the lack of entryways on Peters Street. In looking at building “D”, it is not clear where the entrance is. In looking at building “C” there is a main entrance on Peters, however Staff finds additional door would be appropriate. In looking at building “B”, the entrance faces Castleberry Street as opposed to Peters Street. Staff recommends the project include main entrances for all buildings facing Peters Street.

Site

Off-Street Parking, Vehicle Access, and Loading Areas

All new construction providing residential dwellings are required to provide off-street parking. All other uses are not required to provide parking. The required number of residential parking spaces is based upon the applicable ratios in the Land Use Intensity table in the Zoning Code. As the plans do not indicate the total square footage proposed, Staff cannot determine the minimum parking requirement and whether the requirement has been met. Staff recommends the Applicant provide documentation the parking requirement has been met.

There does not appear to be any new curb cuts along Peters Street and access to off-street parking is through driveways connecting to Castleberry Street. The notations on the plans indicate garage parking spaces, however it is not clear where the garage will be located. Staff recommends the Applicant clarify the location of the proposed garage.

The site plan indicates on-street parking on Peters Street. It is not clear whether the on-street parking spaces are extant or proposed. If the on-street parking is proposed, Staff would note the proposed parking is subject to approval by the Department of Public Works, Traffic and Transportation Division.

The notations on the site plan indicate two loading areas, however it is not clear where the loading areas are located. Staff recommends the Applicant clarify where the loading areas will be located. Per regulations, there are specific requirements regarding dumpsters and mechanical equipment. The dumpsters and mechanical equipment are not indicated on the plans. Staff recommends the Applicant submit documentation the dumpster and mechanical equipment requirements will be met.

Sidewalk and Tree Requirements

Given the height and size of the proposed buildings, Staff finds it is important to have appropriate pedestrian access around the development. While sidewalks are indicated on Peters Street, it is not clear whether sidewalks are proposed for Castleberry Street. Staff recommends the Applicant clarify the sidewalk proposal for the development. Staff recommends all new sidewalks meet the requirements.

In looking at the site plan and elevations, it is not clear how the property will relate to the existing historic railing and the change in topography between the building and the viaduct. Staff recommends the Applicant clarify how the change in topography will be dealt with and how the building will relate the existing historic railing.

Building Height, Roof Form and Building Elements

Per regulations, the maximum building height is 40’. As the regulations do not indicate how height should be measured, Staff finds the standard City method of measurement should be used. Staff recommends the Applicant provide documentation the project meets the height requirement. Staff would note that each group of buildings would need to be measured separately.

One of the defining features of most building in the district is a flat roof with a parapet. While the design of the parapet can vary greatly, the predominate form is a flat roof. Staff has concerns as several of the buildings feature have pitched roofs and incompatible roof forms. As the roof form is based on the compatibility rule, Staff recommends the roof form is based on the compatibility rule.

Per regulations the fenestration and overall façade organization is based on the compatibility rule. Many of the examples provide as points of comparison are non-contributing and therefore cannot be used. Staff recommends the Applicant provide documentation the proposed fenestration and general façade organization meets the compatibility rule.

Building A (400)

Building” A” is located off of Castleberry Street. As indicated in a previous section, the regulations require the front and side facades of a building not be setback from the property lines. The proposed building does not appear to meet the setback requirements. Staff recommends building “A” meet the setback requirements.

While the building faces Castleberry Street, the main entrance is not articulated. Staff recommends the front façade of building “A” has a well articulated main entry. In looking at the site plan, Castleberry Street has designated parking spaces at the end of it. Staff finds the street should not end into a parking lot. It is also not clear how this portion will relate to the future development indicated on the master plan as “J”. It is not clear whether this portion of the project will serve as an entrance to the future development or will be physically separate. Staff recommends the Applicant clarify the relationship between building “A” and the future development indicated as “J”.

Staff Recommendation: Based upon the following:

- a) The plans meet the requirements with exceptions noted in the above analysis, per Section 16-20N.007 and Section 16-20N.008;

Staff recommends deferral of the Application for a Type III Certificate of (CA3-16-192) for a new multifamily housing development at **186 and 210 Peters Street** – Property is zoned Castleberry Hill Landmark District (Subarea 1), to allow the Applicant time to address the following concerns of Staff:

1. The Applicant shall submit accurate plans that are internally consistent;
2. The triangular portion of the property shall indicate a new building that meets the requirements or the Applicant should apply for a variance, per Section 16-20N.007(9)(b);
3. The Peters Street façade of building “B” shall not be setback from the property line, per Section 16-20N.007(9)(b);
4. There shall be no separation between buildings “B” and “C”, per Section 16-20N.006(1);
5. The Peters Street façade of building “B” shall not be setback from the property line, per Section 16-20N.007(9)(b);
6. Each building shall be designed to appear like two buildings with 0’ side yard setbacks, per Section 16-20N.006(1);
7. The project shall include main entrances for all buildings facing Peters Street, per Section 16-20N.007(9)(f);
8. The Applicant shall provide documentation the parking requirement has been met, per Section 16-20N.007(8);
9. The Applicant shall clarify the location of the proposed garage;

10. The Applicant shall clarify where the loading areas will be located, per Section 16-20N.007(1)(g);
11. The Applicant shall submit documentation the dumpster and mechanical equipment requirements will be met, per Section 16-20N.007(1)(g);
12. The Applicant shall clarify the sidewalk proposal for the development, per Section 16-20N.007(1)(i);
13. All new sidewalks shall meet the requirements, per Section 16-20N.007(1)(i);
14. The Applicant shall clarify how the change in topography will be dealt with and how the building will relate the existing historic railing, per Section 16-20N.006(1);
15. The Applicant shall provide documentation the project meets the height requirement, per Section 16-20N.007(1)(b);
16. The roof form shall be based on the compatibility rule, per Section 16-20N.007(1)(a);
17. The Applicant shall provide documentation the proposed fenestration and general façade organization meets the compatibility rule, per Section 16-20N.007(1)(a) and (d);
18. Staff recommends building “A” meet the setback requirements, per Section 16-20N.007(9)(b);
19. The front façade of building “A” shall have a well articulated main entry, per Section 16-20N.007(9)(f);
20. The Applicant shall clarify the relationship between building “A” and the future development indicated as “J”; and
21. The Applicant shall submit appropriate copies of updated information and plans no later than eight days before the deferred meeting.



CITY OF ATLANTA

KASIM REED
MAYOR

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

May 25, 2016

Agenda Item: Application for Type II Certificate of Appropriateness (CA3-16-139) for alterations and revisions to plans at **177 Berean Avenue** - Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline.

Applicant: Richard Danner
99 Druid Circle

Facts: The Commission approved a single-family house on a vacant lot in 2004 (LD-04-252), with revisions approved by the Staff in 2005 (LD-05-085). The proposed house has a shot gun form, with a stepped-up height in the rear third or so of the house length. There is a small parking area to the side of the house (made of ribbons strips), with a small patio at the end of the driveway. The architecture and ornamentation is based on two shotguns on the block face.

In 2014 and again in 2015, the Staff reviewed and approved further revisions from that 2004 / 2005 plan. Certificates of appropriateness do not expire and given the Landmark District regulations had not changed since 2004/2005 in a way that would have affected the project, the project was able to go forward under the 2004/2005 approval authority. It this time, the Applicant is proposing a further revision to the plans which the Staff finds is substantial enough to warrant a review by the Commission.

The Applicant is proposing to change the run of the front porch stairs. As previously approved the stair went directly from the middle of the front porch to the back of the public sidewalk. In the revised design, the stairs leave the front porch from the left side through a new, projecting landing and then continue down across the front of the front porch to a small landing at grade with one step down to the public sidewalk.

What is before the Commission at this time is the revision to the front porch stairs. All other aspects of the project have previously been approved by the Commission or by the Staff.

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.
- (6) The compatibility rule.
 - i. 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."
 - ii. For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - iii. 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.
 - iv. 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:
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.
 - b) Facades:
 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.
 - 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:
 4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.

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.

- (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.

Compatibility Rule Analysis and Front Yard Setback

This block of Berean Avenue 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 13 contributing houses, two of which are shotguns (#139 and #141) and one is a double shotgun (#187-189). It is these 3 houses that are to be used as points of comparison.

As the revised front porch design would include a new landing / stair run that would project beyond the main front porch of the house, that new component of the design would need to meet the front yard setback requirements as determined by the compatibility rule. The compatibility rule requires that the front setback of the revised design be within the range of front yard setbacks (measured the same way) of the three contributing shotgun houses on the block face. No information was provided by the Applicant regarding this issue.

The Staff would recommend the Applicant document that the revised design meets the front yard setback requirements as determined by the compatibility rule.

Design Considerations

The District regulations require that in beyond meeting the setback requirements, “no portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.” No information was provided by the Applicant addressing this issue. The Staff would recommend the Applicant document that the no portion of the revised design is closer to a public sidewalk than any portion of any contributing building of like use on the block face.

The Staff is also concerned that the new front porch stair configuration does not meet the District regulations as 2 of the 3 contributing houses used for the compatibility rule comparison (which applies to the configuration of front porches and front porch stairs) have stairs directly from the front porch to the public sidewalk (running perpendicularly to the public sidewalk). Only the double shotgun house has stairs that run parallel to the public sidewalk. The Staff would recommend the front porch stair design be reconfigured to be very similar to the predominant front porch stair configuration of the two shot guns houses on the block face per the compatibility rule.

The Staff would lastly note that if any of the concerns noted above cannot be adequately addressed by the Applicant through documentation or design changes, the Applicant would have to seek a variance from the District regulation they cannot meet.

Staff Recommendation: Based upon the following:

- (a) The proposal does 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 II Certificate of Appropriateness (CA3-16-139) for alterations and revisions to plans at **177 Berean Avenue** - 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 Applicant shall document that the revised design meets the front yard setback requirements as determined by the compatibility rule, per Section 16-20A.006(9);
2. The Applicant shall document that the no portion of the revised design is closer to a public sidewalk than any portion of any contributing building of like use on the block face, per Section 16-20A.00(6);
3. The front porch stair design shall be reconfigured to be very similar to the predominant front porch stair configuration of the two shot guns houses on the block face per the compatibility rule, per Section 16-20A.006(13)(a)(3)(g), (5)(b), and (e)(1); and
4. The Applicant shall submit any revised materials (including the required number of copies) at least eight (8) days prior to the Commission meeting to which this application is deferred.

**SCRIPT FOR SECOND PUBLIC HEARING
FOR THE
TYPE IV CERTIFICATE OF APPROPRIATENESS APPLICATION:**

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

(Commission Secretary reads item into record.)

Chair: The Commission this afternoon will be reconvening the public hearing started on AUGUST 12, 2105 regarding the application of JACQUE EDMONDS for a Type IV Certificates of Appropriateness to DEMOLISH the building at 670MCDONALD STREET, located in the GRANT PARK HISTORIC DISTRICT.

The Applicant had the burden of showing the DEMOLITION of the building is required to rectify a condition of unreasonable economic return and the Applicant has the present intent and financial ability to replace the landmark building with a replacement building in accordance with the standards and criteria set out in Section 16-20.008, Subsection d.

At the APRIL 13, 2016 meeting the Applicant presented their application and the public was given an opportunity to speak on the application. In addition, the Commission established the Economic Review Panel, created a deadline of APRIL 21, 2016 for any additional materials to be submitted for consideration by the Economic Review Panel and set the date for the reconvening of the public hearing to MAY 11, 2016, which was deferred until TODAY.

Unlike cases that do not involve the Economic Review Panel, there was no staff recommendation, but all of the materials received by APRIL 21, 2016 (including a transcript of the APRIL 13, 2016 public hearing) were transmitted to the Economic Review Panel. The procedures that will govern this application requires that the Applicant select its representative to the Economic Review Panel, and the Commission select its representative, and those two persons will in turn select a third. For this application, the Economic Review Panel consisted of RANDY PIMSLER, DAN HANLON, AND SHEENA BIRD. The appointees are real estate and redevelopment experts knowledgeable in real estate economics in general, and more specifically, in the economics of renovation, redevelopment and other aspects of rehabilitation.

The Economic Review Panel, having reviewed all of the information noted above, prepared a written report of their findings with regard to the criteria set out in Section 16-20.008, Subsection d of the City's Historic Preservation Ordinance for demolition based on Applicant's position that such demolition is required to rectify a condition of unreasonable economic return. On MAY 19, 2016, the Atlanta Urban Design Commission Staff received that written report from the Economic Review Panel and provided that report to the Commission for final action by the Commission at today's reconvening of the public hearing for the application, as required by the City's Historic Preservation Ordinance.

For today's hearing, I would recommend that the Economic Review Panel have 10 minutes in which to present their written report and findings. Following the Economic Review Panel's presentation, as is the case with all other Commission applications, the Applicant and all those in favor of the application will have 10 minutes to present and all those opposed to the application will also have 10 minutes to present.

As was noted during the opening remarks, additional time can be granted by the Commission at their discretion if asked for at the beginning of each presentation period. In addition, any remaining time left from the 10 minutes allotted to the Applicant and those in favor of the application can be reserved for rebuttal of the opposition comments by the Applicant and those in favor of the application. Lastly, the Commission's Rules of Procedure allows 2 minutes for the Applicant to respond to the Commission's Executive Session comments and questions prior to the Commission making a motion on the application.

Chair: Is there a motion to adopt the 10 minute presentation time frame for the Economic Review Panel?

Commission Member: I move to adopt the 10 minute presentation time frame for the Economic Review Panel noted by the Commission Chair.

(Motion seconded by Commission Member.)

Chair: It has been moved and seconded to accept the 10 minute presentation time for the Economic Review Panel.

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

(Vote taken by Commission on motion.)

First, we will hear from the Economic Review Panel.

As the Economic Review Panel, do you need any additional time to make your presentation?

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

Chair: After we hear from the Economic Review Panel, we will then hear from the Applicant and those in support of the application. Economic Review Panel, please go ahead.

(Presentation by the Economic Review Panel within time frame allotted by the Commission.)

Chair: Next we will hear from the Applicant and those in support of the application.

As the Applicant or someone in support of the application, do you need any additional time to make your presentation?

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

Chair: After we hear from the Applicant and those in support of the application, we will then hear from those opposed to the application. Applicant, please go ahead.

(Presentation by the Applicant and those in support of the application within time frame allotted by the Commission.)

Chair: The Applicant and those in favor of the Application have ____ minutes for rebuttal.

Chair: Next we will hear from those in opposition to application. Is there anyone here that would like to speak in opposition to this application? Please come forward.

As someone in opposition to the application, do you need any additional time to make your presentations?

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

Those in opposition, please go ahead.

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

Chair: Is there any rebuttal by the Applicant and those in favor of the Application? If so, please come forward. You have ____ minutes for rebuttal.

Chair: This concludes the presentation of the Economic Review Panel's findings and the public comment period for this application. At this time, the Commission will now enter Executive Session. At the end of this Executive Session, the Commission can take one of the following actions related to this application:

1. Adopt the Economic Review Panel's report and DENY the application to DEMOLISH the building.
2. Find that the Economic Review Panel acted arbitrarily and/or that their decision was based on an erroneous finding of material fact and APPROVE the application to DEMOLISH the building. This action takes a $\frac{3}{4}$ majority action by the Commission to pass.
3. Find that the Economic Review Panel acted arbitrarily and/or that their decision was based on an erroneous finding of material fact and APPROVE the application to DEMOLISH the building WITH CONDITIONS. This action takes a $\frac{3}{4}$ majority action by the Commission to pass.

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

*(Questions or comments from **Commission members.**)*

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

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

Chair: Hearing no more questions or comments from Commission members, per the Commission's Rule of Procedure, does the Applicant have any response to the Commission members' questions and comments prior to motions on the application? Your response is limited to 2 minutes.

*(**Applicant** has two minutes to respond to the Commission members' questions and comments.)*

Chair: Are there any motions from Commission members to take action on the Economic Review Panel report and the application itself?

Possible Urban Design Commission Motions:

1. Deny the Demolition (Each motion requires a simple majority vote to pass.)

First Motion: "I move to adopt the final report of the Economic Review Panel received by the Atlanta Urban Design Commission Staff on MAY 19, 2016 which was prepared by the Economic Review Panel for Application CA4ER-16-087 for the building at 670 MCDONALD STREET."

Second Motion: "Based on the aforementioned adoption of the final report of the Economic Review Panel for Application CA4ER-16-087 and all evidence, materials and documentation submitted to the Commission for Application CA4ER-16-087, and all testimony presented to the Commission at the APRIL 13, 2016 and today's public hearing for Application CA4ER-16-087, I move to find that the Applicant has NOT presented sufficient evidence that the standards and criteria set forth in subsection Section 16-20.008(d)(2)(b) are satisfied."

Third Motion: "Based on the adoption of the foregoing motions, I move to DENY Application CA4ER-16-087 for the DEMOLITION of the building at 670 MCDONALD STREET to rectify a condition of unreasonable economic return."

2. Approve the Demolition (Each motion requires a ¾ majority vote to pass.)

First Motion: “I move to find that the Economic Review Panel convened for CA4ER-16-087 for the building at 670 MCDONALD SSTRET acted arbitrarily and/or that their decision was based on an erroneous finding of material fact, as evidenced by the following findings and conclusions:

- 1.
 - 2.
- Etc.”

...and that these findings and conclusions are based on those standards and criteria set forth in Subsections (d)(2)(b)(i-ii).

Second Motion: “I move to APPROVE Application CA4ER-16-087 for the demolition of a building at 670 MCDONALD STREET to rectify a condition of unreasonable economic return in that the CONTRIBUTING BUILDING TO THE HISTORIC DISTRIT is incapable of earning a reasonable economic return AND the applicant has the present intent and the secured financial ability to replace the CONTRIBUTING BUILDING TO THE HISTOIC DISTRICT with a replacement building.”

3. Approve the Demolition with conditions (Each motion requires a ¾ majority vote.)

First Motion: “I move to find that the Economic Review Panel convened for CA4ER-16-087 for the building at 670 MCDONALD SSTRET acted arbitrarily and/or that their decision was based on an erroneous finding of material fact, as evidenced by the following findings and conclusions:

- 4.
 - 5.
- Etc.”

...and that these findings and conclusions are based on those standards and criteria set forth in Subsections (d)(2)(b)(i-ii).

Second Motion: “I move to APPROVE Application CA4ER-16-087 for the demolition of a building at 670 MCDONALD STREET to rectify a condition of unreasonable economic return in that the CONTRIBUTING BUILDING TO THE HISTORIC DISTRIT is incapable of earning a reasonable economic return AND the applicant has the present intent and the secured financial ability to replace the CONTRIBUTING BUILDING TO THE HISTOIC DISTRICT with a replacement building, with the following conditions:”

- 1.
 - 2.
- Etc.”



CITY OF ATLANTA

KASIM REED
MAYOR

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

April 27, 2016

REVISED

May 25, 2016

(Revised text shown in italic.)

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.

On April 27th, the Commission deferred this application to allow time for the Applicant to respond to the concerns and comments of the Staff. On May 17th the Applicant submitted revised plans and it is these revised plans that are addressed 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.

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.

The revised site plan includes the same front yard setback. The Staff would retain its previous recommendation.

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.

The revised plans include lot coverage percentages for the other houses on the block face. However, it is not clear if those calculations (and the calculation for the subject lot) include the footprint of all features that might exist on the property, including the house, walks, patios, decks, etc. For example, the calculations for 511 A and B note the structure is about 50% of the lot size and the lot coverage is 50% of the of the lot size even though there are walkways and porches that are not shown on the plat. The Staff would retain its previous recommendation.

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.

The revised site plan includes notes addressing both of these concerns.

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.

There are no notations on the revised site plan. The Staff would retain its previous recommendation.

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.

The revised plans do not include any information about the compatibility of the roof form or pitch. The Staff would retain its previous recommendation.

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.

The revised plans do not include any information about the compatibility of the first floor height though do include a note requesting the first floor height be verified to match the adjacent property. This note is not sufficient to meet the District regulations. The first floor height of the house next door needs to be measured, noted on the plans, and the design of the subject house revised accordingly as needed. The Staff would retain its previous recommendation.

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.

The front door has been relocated to the right side of the façade.

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.

Single windows have been added to the side elevations, but the Staff still has concerns about the fenestration patterns. On the right side, the window has been added in the very back corner of the façade still leaving a large expanse of blank wall. On the left side, a window has been added to the front portion of the elevation, but at a slightly lower header height as the other double hung window on the elevation. Further, a set of three almost square windows has been added at the rear of the elevation. The added fenestration does not remedy the lack of compatibility of the fenestration on the side elevations. The Staff would recommend the fenestration on the side elevations meeting the District regulations.

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 revised plans include a note that the window trim will be the same size as the adjacent house.

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.

The revised plans indicate the use of 10 in x 10 in. painted pressure treated columns. While the size of the columns is now appropriate, the Staff is concerned about the use of 10 in. square pressure treated lumber, which the Staff finds that even when painted will still have the appearance of raw wood, often associated with deck construction. The Staff has similar concerns about the use of pressure treated wood for the front porch railing. The Staff would recommend the front porch columns and railing consist of finish wood with a design, size, and proportions that 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.

No information was provided about the front porch depth. The Staff would retain its previous recommendation.

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.

In the revised plans, the front door is still more than 50% glass, the front porch foundation is still brick piers, the front porch stairs are still wood, and the cementitious siding is not noted as smooth. The Staff would retain its previous recommendation.

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. 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);
4. The roof form and pitch shall meet the compatibility rule, per Section 16-20C.008(2)(b);
5. The first floor height shall meet the compatibility rule, per Section 16-20C.008(1)(a);
6. *The fenestration on the side elevations shall meet the District regulations, per Section 16-20C.008(1)(b)(i);*
7. *The front porch columns and railing shall consist of finish wood with a design, size, and proportions that meet the District regulations, per Section 16-20C.008(2)(b)(ii);*
8. The pitch of the front porch roof shall meet the District regulations, per Section 16-20C.008(2)(b)(ii);
9. The front porch depth shall meet the requirements, per Section 16-20C.008(2)(b);
10. All material details shall be indicated on the plans and shall meet the requirements, per Section 16-20C.008(1)(a); and
11. Appropriate copies of all updated plans and information shall be submitted at least 8 days before the meeting to which this application is deferred.



CITY OF ATLANTA

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MAYOR

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

May 11, 2016

Updated May 25, 2016

(Updated text in Bold Italics)

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-166) for a variance to allow a reduction in the west side yard setback from a minimum of 3 feet (required) to 2 feet (proposed) for an accessory structure at **1089 Austin Ave.** Property is zoned R-5 / Inman Park Historic District (Subarea 1)

Applicant: Sean Cash
2308 – 5 Lawrenceville Highway, Decatur

Facts: This existing single family residence was constructed in 1912 and is considered contributing to the District.

Analysis: The following code sections apply to this application:

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

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

2. Certificates of appropriateness.

d. Type III certificates of appropriateness shall be reviewed by the commission and shall be required for:

v. Variances and special exceptions.

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:

6. *Permitted accessory uses and structures:* These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:
 - f. The following regulations shall apply to all permitted accessory uses and structures:
 - iv. Accessory structures shall be placed behind the principal structure; side and rear setbacks shall not be less than three feet.

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

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

The Applicant is requesting a variance to allow an accessory structure to be placed 2 feet from the west side property line. In their justification the Applicant states that the narrow width of the driveway requires a significant portion of the area to the rear of the principal structure to be used for a vehicle turnaround area. The need for a larger turnaround area requires the shed to be placed in the proposed location. While not related to the variance criteria, the Applicant also states that the current placement of the shed would allow for screening of the principal structure from the adjacent community center.

Staff is not convinced that the movement of the shed to the east 1 foot to comply with the 3 foot side yard setback requirement would prohibit the Applicant from having a sufficient turnaround area. Additionally, the Applicant has only responded to one of the variance criteria in their application. At this time Staff recommends the Applicant explore alternate placement methods and provide documentation that compliance with the 3 foot side yard setback for the accessory structure creates a hardship.

The Applicant has submitted photographs of the site and a variance justification which provides an argument based on the variance criteria. In the justification, the Applicant details that there are no pre-existing site conditions which require the accessory structure to be placed 1 foot closer to the side lot line. The accessory structure in question was installed as part of a permitted renovation of the property which was reviewed by the Commission in 2013 under application (CA3-14-278). During the installation, the accessory structure was installed 1 foot closer to the property line than was approved or permitted. The Applicant goes on to detail that the hardship presented by adherence to the Zoning Ordinance would be that the existing structure would have to be demolished and rebuilt entirely in order to comply with the required setbacks.

Staff finds that the Applicant's justification does not meet the variance criteria as no hardship other than the demolition and reconstruction of the accessory structure has been presented, and the size, shape and topography of the lot do not prevent a compliant accessory structure from being constructed.

(CA3-16-166):

Staff Recommendation: Based upon the following:

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

Staff recommends *denial* of the Application for a Type III Certificate of Appropriateness (CA3-16-166) for a variance to allow a reduction in the west side yard setback from a minimum of 3 feet (required) to 2 feet (proposed) for an accessory structure at **1089 Austin Ave.** Property is zoned R-5 / Inman Park Historic District (Subarea 1).