



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
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**TIM KEANE**  
Commissioner  
**CHARLETTA WILSON JACKS**  
Director, Office of Planning

## STAFF REPORT May 25, 2016

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-16-197) for a new single family house at **780 Woodson St.** Property is zoned R-5 / Grant Park Historic District (Subarea 1).

**Applicant:** Michael Dryden  
398 Grant Park Pl.

**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.

## Site Plan

The proposed structure will be setback 8 feet from the north side property line, and 25 feet from the rear property line as allowed by both the R-5 regulations and the Grant Park Historic District regulations. The proposed structure will be setback from Woodson St. 14 feet as measured from the closest corner of the front porch, and 7 feet from Little St. as measured from the closest point of the proposed structure. The Grant Park Historic District regulations require the front and half

depth front yard setback to be based on either the compatibility rule or the previously existing contributing structure of like use. For the front yard setback the Applicant has provided measurements of two neighboring contributing properties located at 746 Woodson St., which has a front yard setback of 23 feet, and 756 Woodson St., which has a front yard setback of 13 feet. Based on these measurements, the proposed front yard 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.

For the half depth front yard setback the Applicant has provided measurements of a neighboring contributing property located at 779 Hill St., a property located to the rear of the lot with an identical configuration, which has a half depth front yard setback of 7 feet along Little Street. Based on this measurement, Staff finds that the proposed half depth front yard setback meets the compatibility rule.

The subject property is a nonconforming lot with regards to its size and frontage. As such the R-5 regulations allow for a floor area ratio of 65% of the net lot area. The net lot area of the subject property is 4,306 sf. meaning that any principal structure built on the site has a maximum allowable floor area of 2,799 sf. The proposed structure has a floor area of 2,280 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 2,368 sf. The lot coverage of the proposed structure is 2,055 sf. Staff finds the lot coverage requirements have been met.

As required, the site plans indicate a walkway leading from the front entrance to the proposed sidewalk. A rear driveway will be installed with a curb cut off little street. Per the regulations, the driveway extends 20 feet past the side façade of the structure. From the pictures provided, a side walk does not appear to exist on either the Little Street or Woodson St. frontages. The Applicant is proposing a new concrete sidewalk along these frontages. A new 3 foot high brick retaining wall is proposed in the front and half depth front yards. Staff has no concerns with these project elements.

### **Massing and Building Height**

The proposed two story house is defined by a 6 in 12 hipped roof and a two story half 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 majority of historic homes on the block, Staff finds the regulations have been met.

## **Building Facades**

The Commission reviews the facades that face a public street. This is a corner lot, therefore Staff will comment on the front and south side façades.

## **Windows and Doors**

A single front door is parallel to and facing Woodson St. as required. From the drawings the front door will have a glass panel  $\frac{3}{4}$  the length of the door with lite divisions matching the patterns of the windows.

The Applicant is proposing to install 4 over 1, double hung windows on the front and south side facades, as well as several  $\frac{1}{2}$  size accent windows on the south side façade. Staff finds the design of the proposed 4 over 1 windows to be appropriate, but has concerns regarding the Compatibility of the proposed  $\frac{1}{2}$  size accent windows on the south side facades. Staff recommends the Applicant submit compatibility information on the design of the proposed clerestory windows on the south side façade, and that all fenestration on the south side façade meet the District regulations.

The Grant Park District regulations require the fenestration on 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 726 sf. The fenestration on the front façade is approximately 155 sf. or 21% of the front façade wall surface. Staff finds the fenestration requirements for the front façade have been met.

The wall surface of the south side façade is approximately 800 sf. The fenestration on the south side façade is approximately 53 sf. or 6.6% of the south side façade wall surface. As such, Staff recommends the south side façade fenestration be increased to at least 15% but no more than 40% of the total wall area, or that the Applicant submit information detailing the compatibility of the fenestration on the south side façade.

## **Building Materials**

On the front façade the proposed materials include horizontal sooth cementitious lap siding, wood corner boards and trim, wood doors, wood columns, wood porch stairs, wood porch railing and a stucco foundation. The front porch foundation appears to be wood piers. Staff finds that wood piers are not appropriate for use as a porch foundation in the Grant Park Historic District. Staff recommends an appropriate front porch foundation material be indicated on the plans.

The plans indicate a chimney sided with a cementitious lap siding. As the regulations specifically state that lap siding shall not be used on chimneys, Staff recommends the chimney be faced with an appropriate material.

## **Porch**

Per regulations, the minimum allowed depth for the front porch is 7 feet. Staff finds that the proposed porch at its thinnest point is 8 feet and therefore meets this requirement. The porch features columns and railings which are comparable to similar porches in the District. Per the regulations, the porch also includes wood stairs which have closed risers and ends. Apart from

Staff's concerns regarding the front porch foundation, Staff finds the overall decorative details of the proposed front porch are consistent and compatible with the house style.

**CA3-16-197:**

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

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

**Staff recommends** approval of the Application for a Type III Certificate of Appropriateness (CA3-16-197) for a new single family house at **780 Woodson St.** 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. The Applicant shall submit compatibility information on the design of the proposed clerestory windows on the south side façade, and all fenestration on the south side façade shall meet the District regulations, per Sec. 16-20K.007(B)(2)(11);
3. The south side façade fenestration shall be increased to at least 15% but no more than 40% of the total wall area, or the Applicant shall submit information detailing the compatibility of the fenestration on the south side façade, per Sec. 16-20K.007(2)(B)(11);
4. An appropriate front porch foundation material shall be indicated on the plans, per Sec. 16-20K.007(2)(B)(15);
5. The chimney shall be faced with an appropriate material, per Sec. 16-20K.007(2)(B)(15)(e); and,
6. Staff shall review and if appropriate, approve the final plans and documentation.



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Director, Office of Planning

## STAFF REPORT January 13, 2016

**Agenda Item:** Application for a Type II Certificate of Appropriateness (CA2-16-198) for alterations at **312 Cherokee Pl.** Property is zoned R-5 / Grant Park Historic District (Subarea 1).

**Applicant:** James Morrison  
312 Cherokee Pl.

**Facts:** This existing single family structure was built in 1910 and is considered contributing to the Grant Park Historic District.

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

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

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

(2) Certificates of Appropriateness.

(B) Type II Certificates of Appropriateness shall be required for: Minor alterations to those façades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.

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

(2) Architectural Standards.

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

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.

c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.

(D) Design Criteria for Alterations and Additions to Contributing Structures. Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:

1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or

2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

The proposed work consists of removing and replacing the non-original Masonite siding with cementitious lap siding. Of the two criteria allowed for the review of alterations to contributing structures, Staff finds the second criteria to be most appropriate. As cementitious siding such as the material proposed by the Applicant would replace non-historic siding, and as cementitious siding is an appropriate siding material as detailed by the District regulations, Staff has no general concerns with the proposed alteration. However, Staff recommends that the replacement siding be a smooth faced cementitious siding product.

The Applicant is also proposing to replace wood trim which is damaged due to either rot or the proposed siding replacement. Staff recommends any replacement of trim be done in-kind.

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

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

**Staff recommends** approval of the Application for a Type II Certificate of Appropriateness (CA2-16-198) for alterations at **312 Cherokee Pl.** Property is zoned R-5 / Grant Park Historic District (Subarea 1), with the following conditions:

1. The replacement siding shall be a smooth faced cementitious siding product, per Sec. 16-20K.007(B)(15);
2. Any replacement of trim shall be done in-kind, per Sec. 16-20K.007(B)(15); and,
3. Staff shall review and if appropriate, approve the final plans and documentation.





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Director, Office of Planning

## STAFF REPORT June 8, 2016

**Agenda Item:** Application for a Type II Certificate of Appropriateness (CA2-16-208) for window replacement at **355 Hopkins St.** Property is zoned R-4A / West End Historic District / Beltline.

Applicant: Jennifer Stuart  
10800 Jones Bridge Rd.

**Facts:** This existing single family residence was constructed in 1924-1925 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:
  - (b) Type required:
    - (v) The following Type II Certificates of Appropriateness shall be review by the commission and shall be required for any of the following to the extent they are visible from a public street:
      - a. Alterations to any façade of any principal structure; and
      - b. All site work, except as noted in Section 16-20G.005(b)(4).

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

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

- (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.

The Applicant is proposing the replacement of all existing windows on the structure. Pictures of 4 existing windows have been provided, and show those windows to be in various stages of deterioration and missing sashes or glazing. However, Staff finds that the provided pictures are not sufficient to establish the need for all windows on the structure to be replaced. With regards to the proposed replacement windows Staff finds the material and design to be appropriate for use on this structure. As such, Staff recommends the Applicant submit comprehensive photographic documentation detailing the location of the windows and the need for the windows to be replaced. If the need for the windows to be replaced is established from the comprehensive photographic documentation, Staff recommends those 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 any windows to be replaced cannot be established, Staff recommends those windows be retained and repaired.

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

- a) The project meets the regulations per Section 16-20G.006;

**CA2-16-208**

Staff recommends approval of an Application for a Type II Certificate of Appropriateness (CA2-16-208) for window replacement at **355 Hopkins St.** Property is zoned R-4A / West End Historic District / Beltline.

1. The Applicant shall submit comprehensive photographic documentation detailing the location of the windows and 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 comprehensive photographic documentation, those 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 any windows to be replaced cannot be established, those windows shall be retained and repaired, per Sec. 16-20G.006(3)(a);
4. Staff shall review and if appropriate, approve the final plans and documentation.



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

**STAFF REPORT**  
**June 8, 2016**

**Agenda Item:** Applications for Type III Certificates of Appropriateness (CA3-16-210) for alterations and dormers additions at **1190 Mansfield Avenue** – Property is zoned SPI 7 (Subarea 3).

**Applicant:** David Pearce  
1190 Mansfield Avenue

**Facts:** The subject property fronts about 40 feet on the north side of Mansfield Avenue 110 feet from the northeast corner of Moreland Avenue. The property is zoned SPI-7, Subarea 3 (Candler Park Special Public Interest), which is Chapter 18G of the Zoning Ordinance. Subarea 3 of SPI-7 anticipated new construction of townhouses or multifamily projects, as in the case just to the west of the subject property along Moreland Avenue. However, the subject property contains a historic, two-story house and has never been vacant since the creation of the SPI-7 regulations. As such the Subarea 3 regulations are not well aligned with the circumstances of the subject property. The property is generally rectangular and about 78 feet deep.

The project before the Commission consists of the following components:

1. Remove an existing non-historic rear deck structure;
2. Build a slightly larger rear two-story rear porch (with the bottom level screened-in);
3. Add dormers to the front and side roof plans;
4. Re-roof the entire house.

All components of the project are subject to review by the Commission.

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

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

(3) Subarea 3: Property located to the east of Moreland Avenue, between Druid Place and Mansfield Avenue.

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

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

- (1) The provisions set forth in sections 16-18.005, 16-18.006 and 16-18.007 relating to requirements for special administrative permits shall not apply to the SPI-7 Candler Park District.

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

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

- (1) The specific regulations for the residential subareas shall consist of section 16-18G.006 through section 16-18G.0013.
- (2) No building permit shall be issued by the bureau of buildings within the SPI-7 Candler Park District without the prior approval and issuance of a certificate of compliance from the Atlanta Urban Design Commission (AUDC).

The purpose of this requirement is to assist the bureau of buildings with review of proposed permits for consistency with the requirements of sections 16-18G.006 through 16-18G.013 of this chapter. In addition to all materials otherwise required by the bureau of buildings, applications for building permits in these subareas shall include: a site plan at a minimum scale of one inch, equals 20 feet; typical building sections and exterior elevations at a minimum scale of one-fourth inch equals one foot; and outline specifications for all exterior building and landscaping materials. Larger scale drawings at appropriate scale shall be required of significant details when necessary for adequate review. Following transmittal of a complete application from the bureau of buildings to the AUDC, the AUDC shall review said application for consistency with the criteria and standards set forth in sections 16-18G.006 through 16-18G.013. The burden is on the applicant to demonstrate said consistency. If the application is consistent with said criteria and standards, it shall be approved and the AUDC shall issue a certificate of compliance certifying said compliance. The AUDC shall have the authority to impose conditions on said certificates as appropriate. If the application is not consistent with said criteria and standards, it shall be denied. Immediately following said action, the AUDC shall transmit the application together with its denial or approval to the bureau of buildings. The bureau of buildings shall then review the application for compliance with all remaining applicable provisions of this chapter and other applicable ordinances. No building permit shall be issued for any application that has not received the required certificate of compliance. Appeals from the final decision of the director may be taken pursuant to the provisions of section 16-30.010 to the board of zoning adjustment.

- (5) The City of Atlanta Tree Ordinance shall apply.

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

- (2) Subarea 3: A building or premise shall be used for two-family, multi-family attached dwellings, supportive housing, or an urban garden.

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

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

- (1) Front yards:
  - d. Subarea 3: 20 feet. The front yard shall be the yard adjacent to Moreland Avenue.
- (2) Side yards:
  - b. Subarea 3: 7 feet, with the exception of the side yards adjacent to Druid Place and Mansfield Avenue which shall be a minimum width of ten feet.
- (3) Rear yards: 7 feet. In Subarea 3 the rear yard shall be considered to be the yard adjacent to the adjoining single-family district.
- (5) Maximum floor area ratio: The residential, or dwelling, floor area ratio shall not exceed 0.50.

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

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

- (1) Definitions. For the purposes of interpreting this code section, the following definitions shall apply:
  - a. Neighborhood means the Candler Park Neighborhood as it exists on the official neighborhood map of the City of Atlanta.
  - b. Substantially proportional means that the element in question, such as roof pitch, scale, mass, or height, is sufficiently proportional to that found in the chosen architectural style to allow a trained observer to identify the new construction as originating from said architectural style.
  - c. Substantially characteristic means that the material in question, such as brickwork, stonework, or roofing material, reflects visual qualities that are sufficiently characteristic of those found in the chosen architectural style to allow a trained observer to confirm that the new construction is consistent with said architectural style.

- (2) Statement of intent. The council finds that the following established residential architectural styles currently exist in the neighborhood and contribute to its unique character: Late Victorian; Transitional style of bungalow between late Victorian and Craftsman; Bungalows with Greek Revival, Tudor or Craftsman detailing; American Four Square; and Queen Anne. These residential structures generally exhibit the following significant characteristics: small rectangular shaped lots; houses which are generally situated near the front centers of these lots and stand back a uniform distance from the streets; and, due to the hilly topography, many houses with low retaining walls at the sidewalk and with steps which lead up from the sidewalk. The purpose of the following regulations is to set forth basic, minimum standards of architectural design and construction that are consistent with these existing historic styles of residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of the regulations to limit the design of new housing to replication of existing structures, but rather to foster residential design that incorporates the historic architectural elements and materials that are specific to the neighborhood in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these existing architectural styles while simultaneously encouraging consistent, creative designs that are more than a mere aggregation of random historic elements, through the use of specific standards and criteria. In addition, these regulations are intended to integrate the aesthetic and physical characteristics of new construction and landscape in this area into the existing neighborhood and public park areas in a meaningful way so as to restore and promote the public health, safety and welfare of the community.
- (3) Standards and criteria. The following standards and criteria shall apply to all new construction in the residential subareas:
- a. All new construction on each vacant lot shall be representative of a single architectural style chosen from those styles set forth in subsection (2) above.
  - d. The form and pitch of the roof of new construction shall be substantially proportional to the chosen architectural style.
  - e. The height, scale and massing of new construction shall be substantially proportional to the chosen architectural style. In no case shall the height of a structure exceed 35 feet. (See section 16-28.022 for excluded portions of structures.)
  - h. Decks shall be located to the rear of a principal structure and shall not be visible from the public right-of-way.
  - k. The following aspects of fenestration, if visible from the public right-of-way upon completion, shall be substantially proportional to the chosen architectural style:
    1. The style of the individual window.
    2. The size and shape of the individual window opening.
    3. The overall pattern of fenestration as it relates to the building façade.
    4. Generally, fenestration shall be double hung.
  - m. The following building materials and design elements of new construction, if visible from the public right-of-way upon completion, shall be substantially characteristic of the chosen architectural style, and shall apply in addition to all other applicable regulations:
    1. The dimensions of the exposed face of lap siding and wood shingles.
    5. The dimensions and placing of architectural ornamentation and trim. This is not intended to require the exact reproduction of existing molding profiles.
    7. The materials and pattern of roofing.
    8. Visible foundation materials. Foundations shall constitute a distinct building element and shall contrast with the primary façade siding material.

### Setback Determination

The Staff finds that while the description of the setbacks doesn't necessarily match the circumstances of the subject property, the normal application of the setbacks as listed for Subarea 3 is rationale and would apply to the subject property. As such, the Staff finds the front yard setback would be 20 feet, the side yard setback 7 feet, and the rear yard setback 7 feet.

### Remove an existing non-historic rear deck structure.

The Staff has no concerns about this component of the project as this is a non-historic feature of the property.

Build a slightly larger rear two-story rear porch (with the bottom level screened-in).

The proposed porch meets the setback requirements for the side (7 feet) and rear (7 feet) yards. From a design perspective, the Staff finds the rear porch is compatible with and substantially characteristic of the Queen Anne style and form of the existing house and meets the District regulations. The columns, though with the same detailing, will be single columns, not the double, two-part columns found on the front porch. The railings will be simple, square pickets not the diamond pattern found on the front porch. The roof will be a shallow hipped roof, similar to the main hipped roof form. All of the materials will be wood.

Add dormers to the front and side roof plans.

Even though they will not be creating habitable space, the proposed dormers as new substantive elements of the house and must meet the applicable setback requirements. In this case, the dormers meet the front (20 feet), side (7 feet), and rear (7 feet) yard requirements. From a design perspective, while the addition of three dormers would cause concern by the Staff under different circumstances, in this case the Staff finds that the three dormers are compatible with and substantially characteristic of the Queen Anne style and form of the existing house and meet the District regulations. The Queen Anne style and form is known for having eclectic roof forms with various shapes and projections included within the same roof system. In this case, the dormers would add small gable forms to a hipped roof system that already has multiple components of various sizes.

The windows will be similar to the existing windows on the house, but serve in an accent function. The use of shingles will introduce a new sheathing material / pattern to the house, but that is appropriate for a Queen Anne style and form house.

The only concern the Staff has with the dormer additions is their potential effect on the FAR for the property. The Applicant noted in their narrative included in the submission that there will be no fixed stairs to the attic level, despite the creation of the additional storage space by the dormers. The City has a specific method for determining whether attic space is included in the FAR calculation. The Staff would recommend the Applicant confirm that the proposed attic space will not be included in a new FAR calculation taking into account the dormer additions.

Re-roof the entire house.

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

**Based on the following:**

- a) The proposed project meets the District regulations, per Section 16-18G.006, 16-28G.007, 16-18G.009, and 16-18G.011.

Staff recommends approval of the application for Type III Certificates of Appropriateness (CA3-16-210) for alterations and dormers additions at **1190 Mansfield Avenue** – Property is zoned SPI 7 (Subarea 3).

1. The Applicant shall confirm that the proposed attic space will not be included in a new FAR calculation taking into account the dormer additions; and
2. The Staff shall review, and if appropriate approve, the final plans, specifications, and supporting documentation.



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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**TIM KEANE**  
Commissioner

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

## STAFF REPORT

April 27, 2016

**REVISED**

June 8, 2016

*(Revised text shown in italic.)*

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

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

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

*On June 1, 2016, the Applicant submitted a revised proposal for the project which is taken into account in this revised Staff Report.*

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

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

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

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

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

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

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (3) Applications. Materials necessary for complete review of an application shall be submitted with the application as set forth by the director. In addition, a scaled site plan showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements shall be submitted for all Type III Certificate of Appropriateness applications. For new construction of a principal building, the application shall also include a scaled drawing showing all front yard setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.

- (4) Additional notification. The applicant shall be given contact information for interested Cabbagetown community organizations and shall be directed to provide the organization with a copy of the submitted application and attachments within three (3) days of submission to the commission.
- (5) Cabbagetown design guidelines. The commission shall adopt and maintain guidelines, referred to herein as the Cabbagetown Design Guidelines. These guidelines shall: further the intent of these regulations; further define elements of architectural style and applicability; provide important additional detailed information regarding the construction and renovation of historic buildings; and be used as a guide to ensure the compatibility of future development in the Cabbagetown Landmark District.
- (6) The compatibility rule.
  - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
  - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
  - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
  - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) Minimum lot requirements. There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
  - a) General criteria:
    1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
    2. The general façade organization and proportions shall be subject to the compatibility rule.
    3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
      - a. roofs, chimneys, and roofing materials;
      - b. siding;
      - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
      - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
      - e. doors and door transoms;
      - f. windows and window transoms;
      - g. porches, including supports, columns, balustrades, steps, and roofs; and
      - h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
    4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.
  - b) Facades:
    1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
    2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
    3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.



4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
  5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.
- c) Roofs:
1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
  2. Skylight and solar panels are not permitted on the front façade of any structure. “Bubble type” skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.
  3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
  4. Boxed gable returns are not permitted.
  5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.
- e) Porches:
1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
  2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
  3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
  4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.
- f) Site development, sidewalks and curbs:
1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
  2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
  3. Curbing shall be granite; poured concrete shall not be used.
  4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.
- (17) Grading and landscaping.
- a) Grading shall not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure.
  - b) New grades shall meet existing topography in a smooth transition.
  - c) Approval of an application for a certificate of appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties. The commission may require that plant materials in a landscape plan reflect the character of the Cabbagetown Landmark District.
- (19) Off-street and off-site parking.
- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
  - b) The number of required parking spaces is set out in each subarea.
  - c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
  - d) Off-street parking shall not be located or authorized between the principal building and the street.
  - e) Off-street parking may be located in a rear or side yard.
  - f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
  - j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.
  - k) Use of shared driveways and/or alleys is encouraged.
  - l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

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

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

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

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

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

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

*The revised submission includes a graphic / chart that shows the house heights of the 6 comparison houses which were measured “from the top of the roof line to the lowest point adjacent to the existing house”. It is not clear if this occurred on the front façade of the existing houses (vs. the sides), as required by the District regulations. Typical that measurement is taken at the median grade. Given*

*that some of the lots slope down on this side of Savannah Street, the Staff is concerned that this measurement technique would aggregate the heights of the building. Given the proposed house is measured at the front façade, this would allow for a taller house than what would otherwise be permitted. The Staff would recommend the Applicant confirm that the building height measurements were taken at the front façade.*

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

*No revised comparison elevation was provided with the revised submission. The Staff would retain its previous recommendation.*

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

*The overhang and/or the discrepancy between the floor plans has been eliminated.*

### **Setbacks and Site Plan**

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

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

*The revised submission did not include any clarifications to the compatibility rule chart. The Staff would retain its previous recommendation.*

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

*The house has been redesigned by essentially eliminating a normal second floor from the house. In the revised proposal, the back half of what would be the second floor is now a semi-enclosed, “covered porch”, and attic space. No new FAR calculations were included. The Staff finds the revised second level unusual (design concerns will be noted below) and given there is a fixed stair to that level the attic space could be counted within the FAR calculation given the apparent head height within the space. The Staff would recommend an FAR calculation be provided and that calculation reflect the City’s standard criteria for what is or is not included in residential FAR.*

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

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

*The off-street parking has been removed from the proposal and the Applicant within their design narrative requested a variance from this requirement. However, no variance application, variance criteria response, or fee was submitted in support of that statement. The Staff would recommend that a complete and accurate variance application be provided for the off-street parking reduction request or a District compliant off-street parking space be provided.*

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

*The revised submission does not address any of these concerns. The Staff would retain all of its previous recommendations.*

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

### **Massing and Building Height**

Per regulations, the architectural style of the new house must be represented on a comparable house on the block face. As noted above, the forms/styles seen on the block face that are points of comparison are Shotguns. While two of the Shotguns have small projections at the rear of their side elevations (likely an enclosed porch) and two of the Shotguns have larger side projections (one of which is a more contemporary alteration), none of them have an offset that extends to a second story and is covered under the main roof. The projections listed above are small, incidental components of the massing. The comparable Shotguns have a linear massing with a side projection. The proposed house has a two story massing that takes the projection fully into the second story.

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

*In the revised submission, the massing has been simplified to create a single, rectangular box with a simple front-to-back gable roof. While the overall shape of the house is now similar to the other shotguns on the block face, the internal vertical proportions are still not compatible. In the other shotguns on the block face, the massing of the roof takes up a substantial part of the overall massing of the house. On the revised design, the roof massing is significantly less giving the design a stretched or vertically elongated proportion. The Staff finds that the massing and form of the proposed house is not similar with the comparable houses. The Staff would retain its previous recommendation.*

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

*The revised submission does not include any new information about the comparison roof pitches and the Staff finds that the roof pitch in the revised design does not meet the District regulations. Further, the shallower roof pitch allows more “usable” height to be created within the overall height limitation which in turn supports the vertical elongation of the house. The Staff would retain its previous recommendation.*

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

*As noted above, the Staff still has concerns about the height measurements. The Staff would retain its previous recommendation.*

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

*In the revised submission, no house widths were listed. The Staff would retain its previous recommendation.*

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

*In the revised submission, no first floor height information was provided. The Staff would retain its previous recommendation.*

*Apart from the concerns about the massing, height, and proportions of the house, the most unusual feature of the revised design is the semi-enclosed outdoor living space on the second level. This space is covered by the main front to back gable and its sides are created by bringing the side façade walls up without any articulation essentially creating a box with an open end at the rear of the house. Even taking into account the fact that the rear façade of many houses are substantially changed (and the Commission has provide some flexibility on such changes); the Staff is concerned that the presence on*



*the rear façade of such a large, opening would be incompatible with the District. The Staff further finds that “enclosing” this space with screen wire or windows will not eliminate the lack of compatibility. The Staff would recommend the semi-enclosed living space on the second level be eliminated from the proposal.*

### **Building Facades**

In Landmark Districts, the Commission reviews all facades.

### **Windows and Doors**

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

*In the revised submission, the front door is the same design and material. The Staff would retain its previous recommendation.*

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

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

*In the revised design, the windows appear to have the same proportions and indeterminate trim. Further, given the elongation of the vertical proportions of the house and swallow roof creating unusually large side façade walls, there is still excess wall space above the side façade windows. The Staff would retain its previous recommendation.*

There are no skylights proposed on the house.

*No skylights are included in the revised design either.*

### **Building Materials**

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

*The revised submission includes additional details about the materials, though some are still not identified and others (like the brick veneer) do not meet the District regulations. The Staff would retain all of its previous recommendations. The Staff would further add that all exterior materials shall meet the District regulations.*

### **Porch**

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

*The revised submission includes many of the same characteristics and features of the front porch. The Staff would retain its previous recommendation.*

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

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

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

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

1. *The Applicant shall confirm that the building height measurements were taken at the front façade, per Section 16-20A.006(3);*
2. *The Applicant shall provide a scaled drawing showing all front yard setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure, per Section 16-20A.006(3);*
3. *The compatibility rule chart shall specify which side yard setbacks are for which sides of the houses, per Section 16-20A.006(6);*
4. *An FAR calculation shall be provided and that calculation shall reflect the City's standard criteria for what is or is not included in residential FAR, per Section 16-20-20A.009(8);*
5. *A complete and accurate variance application be provided for the off-street parking reduction request or a District compliant off-street parking space be provided, per Section 16-20A.006(19) and .009(14);*
6. *The semi-enclosed living space on the second level be eliminated from the proposal, per Section 16-20A;*
7. *The sidewalk shall be replaced per the District regulations, including size, location, design, and materials, per Section 16-20A.006(13)(f);*
8. *A walkway from the front porch to the public sidewalk that meets all of the District regulations shall be indicated on the site plan, per Section 16-20A.006 (13)(F)(4);*
9. *The massing of the proposed house shall be significantly re-designed to be very similar to the comparable houses on the block face, per Section 16-20A.009(7);*
10. *The roof pitch shall be accurately shown and meet the District regulations and the roof eaves shall meet the District regulations, per Section 16-20A.006(13 c);*

11. The Applicant shall document compliance with the District's height regulations, per Section 16-20A.009(7);
12. The house width shall meet the District regulations, per Section 16-20A.009(7);
13. The Applicant shall provide documentation the proposed first floor height meets the District regulations, per Section 16-20A.008(13)(b)(2);
14. The front door shall be redesigned to meet the District regulations and be compatible with the style / form of the proposed house, per Section 16-20A.006(13)(a)(3) and (b)
15. All the windows shall meet the District regulations, per Section 16-20A.008(13)(b);
16. All trim shall be indicated as wood, per Section 16-20A.008(13)(b)(1);
17. The brick veneer on the foundation shall be constructed of standard, full size bricks, per Section 16-20A.006(13)(a)(3);
18. The plans shall indicate an appropriate front stair material, per Section 16-20A.006(13)(e)(4);
19. All exterior materials shall meet the District regulations, per Section 16-20A;
20. The design and materials of the front porch shall meet the District regulations and shall include all necessary details and description; and
21. The Applicant shall submit all revised plans and supporting documentation (including all required copies) at least eight (8) days prior the meeting to which this application was deferred.





# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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**TIM KEANE**  
Commissioner

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

## STAFF REPORT

May 25, 2016

*Updated*

June 8, 2016

*(updated information in italics)*

**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 **14'4"** (*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.

*At the May 25<sup>th</sup> meeting, this application was deferred to allow the Applicant time to submit a revised variance request.*

**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.

(16) *Accessory structures and uses.* Accessory structures and uses that are customarily incidental and subordinate to permitted principal uses and structures are allowed. These include the following, subject to limitations and requirements set forth herein or elsewhere in this part:

(a) Carriage houses, tool and garden sheds, greenhouses, private garages and similar structures shall be unattached, located to the rear of the principal building within the buildable area of the lot, and shall not project beyond the front of the principal building. In addition, they shall be located in the least visible location within permissible areas. The commission may require screening with appropriate plant or fence materials if said structure is visible from the public right-of-way;

(b) Satellite dishes, devices for the generation of energy, such as solar panels, shall be attached to a building and shall not be visible from any public right-of-way;

(c) Home occupations; and

(d) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

**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.

***As recommended, the Applicant submitted a variance request. Based on the information submitted in the original variance application, Staff has no concerns regarding the variance request.***

### **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.

***At the June 8<sup>th</sup> meeting, the Applicant submitted documentation that the proposed half depth front yard for the addition meets the requirements.***

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 has not submitted any additional information regarding the setbacks of accessory structures. At the meeting, there was discussion regarding the language for accessory structures. Specifically, the regulations say the following in regards to the allowed location of accessory structures, “ shall be unattached , located to the rear of the principal building within the buildable area of the lot, and shall not project beyond the front of the principal building.” Similar language regarding the buildable area of the lot also exists in other districts and residential underlying zoning categories. Staff finds the reference to the buildable area of the lot refers to the setback requirement. Staff checked with the Office of Buildings in regards to how “buildable area of the lot” is interpreted in underlying zoning categories and their Staff came to the same conclusion. As all setbacks are based on other contributing buildings of like use, Staff retains its recommendation regarding requiring documentation the setback requirements are met.***

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.

***At the meeting, there was discussion regarding whether the proposed HVAC equipment is categorized as an accessory structure. In speaking with the Office of Buildings Staff, any HVAC equipment over 30” is considered an accessory structure. Further, in underlying zoning categories, Applicants have been required to get a variance from the Board of Zoning Adjustment when proposed HVAC equipment did not meet the requirements. Staff retains its recommendation regarding the proposed HVAC unit.***

### **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 14'4" (proposed) at **159 Pearl Street** – Property is zoned Cabbagetown Landmark District (Subarea 3).

**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 submit documentation the half depth front yard of the accessory structure meets the requirements, per Section 16-20A.006(9);
2. If the proposed equipment is taller than 30", the HVAC equipment shall meet the setback requirements, per Section 16-20A.006(9); 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

*REVISED*

June 8, 2016

*(Revised text shown in italic.)*

**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.



*On June 2, 2016 the Applicant submitted a revised proposal that is almost the same as what was previously approved by the Commission, with the exception of the length of the run of the stairs and the proposed stairs are now wood.*

**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.

*The revised stair runs to almost the back of the public sidewalk. The Staff would retain its previous recommendation regarding the front yard setback.*

### **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 revised stair runs to almost the back of the public sidewalk. The Staff would retain its previous recommendation regarding the proximity of the stairs to the public sidewalk.*

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 overall front porch stair design is similar to other front porch stair configurations and designs of the two shotguns on the block in that it is now perpendicular to the public sidewalk. The Staff would note that the two other shotguns are on lots with less of a plateau / rise and thus have only a couple of steps to get down off of their front porches.*

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.

### **Other Comments**

*The Staff would add that the drawings submitted by the Applicant were somewhat difficult to read given how they were transmitted. Further, it appears that the treads and risers on the new proposed stair run are hand drawn and potentially not evenly spaced such that the stairs might not be able to be built as depicted in the graphics. Given the small tolerances for these stairs and these apparent graphic issues, the Staff would recommend the Applicant provide complete and accurate elevations showing the revised stair design.*

*Wood front porch stairs are permitted by the District regulations.*

*Lastly, the Staff is concerned that given the original elevations did not show the plateau that exists on the lot, the overall height of the house (25 ft.) and the height of the front porch floor off of the grade (2.5 ft.) could be different from what was shown on the previously approved plans. The Staff would recommend the Applicant document that the overall height of the house and the height of the front porch floor above the surrounding grade are the same as the previously approved plans.*

**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 Applicant shall provide complete and accurate elevations showing the revised stair design;*
4. *The Applicant shall document that the overall height of the house and the height of the front porch floor above the surrounding grade are the same as the previously approved plans;* and
5. 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.



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**TIM KEANE**  
Commissioner

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

## STAFF REPORT June 8, 2016

**Agenda Item:** Review and Comment (RC-16-204) for site work at **83 Brighton Road** - Property is zoned R-4/Brookwood Hills Conservation District.

**Applicant:** Michelle DeVaughn Jones  
83 Brighton

**Facts:** According to the Brookwood Hills Inventory, the single-family dwelling was built in 1930 and is considered contributing.

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

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

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

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

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

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

evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

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

Brookwood Hills Conservation District does not have specific architectural regulations similar to Atlanta's historic or landmark districts, therefore the Commission should refer to Further Standards listed in Chapter 20 of the zoning ordinance, which apply to all locally designated districts and properties. The Applicant is proposing level the existing front yard, install a stone retaining wall, install a stone curb and install a stone bench.

In looking at the other properties on Brighton Road, several of the properties have retaining walls of varying sizes and materials. With the exception of one property, all of the retaining walls generally outline the front and or side property lines. Staff is concerned that the proposed retaining wall and curb stone are located in the center of the yard and do not actually outline the whole yard as is typical on the block. Staff finds the proposal that will include a stone bench is more typical of a rear yard configuration. While the wall is indicated as having a low height and will range from 2' to 2.5', Staff finds the wall will be highly visible from the street. Staff finds the proposed front yard alterations are not compatible with other front yards on the block. Staff has concerns the proposed retaining wall in the center of the front yard may have a negative impact on the existing streetscape.

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



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**TIM KEANE**  
Commissioner

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

## STAFF REPORT June 8, 2016

**Agenda Item:** Review and Comment (RC-16-206) for demolition of an existing accessory structure and a new accessory structure at **11 Palisades Road** - Property is zoned R-4/ Brookwood Hills Conservation District.

**Applicant:** Keith Summerour  
11 Palisades Road

**Facts:** According to the Brookwood Hills Inventory, the single-family dwelling was built in 1920 and is considered contributing.

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

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

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

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

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

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



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

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

The Applicant is proposing to replace the existing concrete driveway, expand an existing wall and to install a new rear walkway, a bocce court and an above ground spa. Staff has no concerns regarding the above mentioned alterations and additions.

The Applicant is proposing to demolish an existing accessory structure in order to construct a new accessory structure. Staff looked at the Sanborn maps from 1925 and found the existence of a three car garage on the property. Staff finds it likely the existing accessory structure proposed for demolition is the same accessory structure indicated on the Sanborn map in 1925. While it is possible the existing accessory structure has been altered since its construction, Staff finds the accessory structure is likely historic. Staff finds that alterations and additions to the existing accessory structure would be a more appropriate proposal.

In looking at the proposed accessory structure, Staff initially had concerns regarding its size and how it would impact the existing historic house. In looking at the site plan, the proposed accessory structure is at the very rear of the lot and a significant distance from the house. The existing house is two stories, sits back from the street and up on a slight hill. As the proposed accessory structure is a single story and is appropriately located, Staff finds it will be difficult to see from the street and therefore will not have a negative impact on the streetscape. In looking at the design and material of the proposed accessory structure, Staff finds it will be clear it was built separately from the house and it will not be mistaken for a historic structure. While Staff finds that demolition of the existing accessory structure is not the best solution, Staff finds the new accessory structure is appropriate.

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



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**TIM KEANE**  
Commissioner

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

## STAFF REPORT June 8, 2016

**Agenda Item:** Review and Comment (RC-16-214) for site work at **54 Camden Road** - Property is zoned R-4/ Brookwood Hills Conservation District.

**Applicant:** Hannah Seaton  
1125 Old Ellis Road, Roswell

**Facts:** According to the Brookwood Hills Inventory, the single-family dwelling was built in 1927 and is considered contributing.

In 2006, the Commission reviewed and commented on (RC-06-054) on the renovation of a house 54 Camden Road. The proposed renovations included the following:

1. Replace the roof with a slate-imitation roof.
2. Replace the existing windows in the house (including the dining room windows) with new windows with the same light pattern.
3. Construct a bay window on the first floor of the front elevation in place of the existing triple windows and align the bay window with the triple windows above.
4. Create a new porch in front of the existing front door and entry way.
5. Unenclose the right side, front porch and install screening.
6. On the driveway side of the house, remove an existing door and move a window opening.
7. Replace rotten half-timbers, as needed, using the same size and design elements.
8. Construction a rear addition and attached garage, with various finishes.
9. Extent the concrete driveway to the new garage.

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

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

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

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

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part



6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

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

Brookwood Hills Conservation District does not have specific architectural regulations similar to Atlanta's historic or landmark districts, therefore the Commission should refer to Further Standards listed in Chapter 20 of the zoning ordinance, which apply to all locally designated districts and properties. The Applicant is proposing to remove the existing brick walkway and stairs that lead to the driveway in order to construct a new stone walkway and stairs that lead from the front door to the sidewalk. The proposal also includes the construction of a new stone retaining wall and piers.

In looking at the other properties on Camden Road, there is a mixture of homes that have walkways that lead to the sidewalk, walkways that lead to the driveway and walkways that lead to both. While the proposed walkway is not the original configuration, Staff finds that having a walkway from the front door to the sidewalk is appropriate. At the same time, Staff finds the existing walkway and stairs should be retained. Staff suggests the Applicant clarify whether there were any design solutions explored that would retain the existing walkway and stair.

In looking at the pictures of the street that we have available, there appear to very few retaining walls, walls or fences. Staff has concerns that adding a 3' retaining wall will have a negative impact on the current streetscape. As most properties appear to have plantings all the way to the street, including properties with a similar topography, Staff suggests the Applicant clarify whether there were design solutions explored that did not include the installation of a retaining wall and piers.

Staff has concerns with the use of stone. The existing house and site elements are all brick. In looking at the few walls on the street, brick as opposed to stone is used. Staff finds that brick is a more appropriate material. Staff suggests the project use brick instead of stone for all proposed site elements.

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



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

## STAFF REPORT

**April 13, 2016**

**REVISED**

**April 27, 2016**

*(Revised text shown in italic.)*

**REVISED**

**June 8, 2016**

**(Revised text shown in Arial.)**

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

**Applicant:** Carol Rasheed  
553 Irwin Street

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

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

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

On May 20<sup>th</sup> and May 23<sup>rd</sup>, the Applicant submitted revised design materials for consideration and it is these revised design materials that are taken into account in this revised Staff Report.

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

Sec. 16-20C.004. General regulations

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

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
  - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
  - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
  - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
  - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
  - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
  - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
  - a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
    - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
    - ii. Block face. One side of a block, located between two consecutive street intersections.
  - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
    - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
  - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
  - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
  - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
  - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
  - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
  - a. General Provisions.
    - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.

- ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
- c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
  - i. All new principal structures;
  - v. Variances, special exceptions and administrative appeals.
- 8. Variances, special exceptions and administrative appeals.
  - a. Variance applications and applications for special exceptions and administrative appeals from these regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in Section 16-26.001 through Section 16-26.006. The Commission shall have the authority to grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16.25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).
  - b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals shall be as provided for in Section 16-20.010.
- 9. Prohibited variances. Notwithstanding any provision in this chapter or part to the contrary, no variance from this chapter's maximum building height requirements shall be permitted or authorized by the Commission, Commission Staff or any other Board, official or entity.
- 10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).

Sec. 16-20C.005. - Permitted principal uses and structures.

- 1. Permitted principal uses and structures: The following permitted uses and restrictions apply to all Subareas within this District, except Subarea 5:
  - a. The permitted principal uses and special permit uses set forth in Table 1: Martin Luther King Jr. Landmark District Table of Uses shall be permitted only as listed within each Subarea within said table of uses and only in the manner so listed.
  - b. Permitted principal uses. A building or premises shall be used only for the principal uses indicated with a "P" in Table 1: Martin Luther King Jr. Landmark District Table of Uses, subject to further restrictions where noted.

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

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

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

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

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

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

- 1. The following Lot Controls and Building Heights provisions shall apply to Subareas 1 and 2.
  - a. Lot controls.
    - i. The compatibility rule shall apply for the purposes of determining permitted lot coverage.
  - b. Building heights.

- i. Within the portion of this Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the maximum height of any alteration, addition, or new construction shall be 32 feet.
- ii. Within the portion of this Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the maximum height of any alteration, addition, or new construction shall be 32 feet.
- iii. For all other areas, the height of any alteration, addition, or new construction shall be established through the compatibility rule.-

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

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

Sec. 16-20C.008. Design Standards.

1. The following Design Standards provisions shall apply to Subareas 1 through 4.
  - a. Building Compatibility.
    - i. All elements of new construction shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
    - ii. The compatibility rule shall apply to a principal structure's general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.
    - iii. Fiberglass roofs shall be prohibited.
  - b. Fenestration.
    - i. The compatibility rule shall apply to the following aspects of fenestration:
      - (1) The style and material of the individual window or door.
      - (2) The size and shape of individual window and door openings.
      - (3) The overall pattern of fenestration as it relates to the building façade.
      - (4) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
    - ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.
    - iii. Except as otherwise provided in 16-20C.008(2), if muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
2. The following Design Standards provisions shall apply to Subareas 1 through 2.
  - a. Windows and Doors.
    - i. Simulated divided light windows or plain sash windows shall be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.
    - ii. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung.
    - iii. Front doors facing and parallel to the street shall be provided.
    - iv. Front doors shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.

Sec. 16-20C.009. - Off-street parking, parking structures, driveways, driveways and curb cuts.

1. The following off-street parking regulations shall apply to Subareas 1 through 4.
  - b. Surface parking.
    - i. When utilized, off-street surface parking shall not be permitted to be located between a building and an adjacent street without an intervening building.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
  - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
  - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;

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

### **Variance Request**

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

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

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

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

In the revised designs submitted May 20<sup>th</sup> and May 23<sup>rd</sup>, the design of the rear deck area is slightly different. One design includes a set of stairs that allow access to a “pervious paving” walkway that goes around the outside edge of the property to connect to the driveway and other design does not include these stairs. Both design includes what the Staff considers to be “extra” deck space that is not required to provide proper ADA access.

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

*In the Applicant’s email, they note that the closest businesses that offer similar services are well outside the District. However, the Staff is aware of a personal service establishment along Boulevard thought it is not familiar with the specific services it offers and it could be in a small portion of*



*Subarea 4 located along Boulevard, which would mean that it is outside Subarea 2. As such, the proposed use would only be at the most the second such use in Subarea 2, if not the first.*

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

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

The Staff has discussed the proposed use (as described by the Applicant's business literature) with the Office of Building's Zoning Enforcement Staff and determined that the proposed business would be classified as a personal service establishment. The Staff has also determined that the square footage of the building dedicated to the personal service establishment would be substantially less than 2,000 sq. ft. (about 900 sq. ft.). The Staff has concluded that the proposed use (as classified by the City of Atlanta) and size of use is allowed by the District regulations.

The Staff would retain its previous recommendations regarding the side and are yard setback variance requests.

Regarding the variance increasing the lot coverage, it is not clear to the Staff that the "pervious paving" walkway is included in the lot coverage calculations (which is now calculated at 80%). Though the Staff understands that "credit" can be given for the pervious part of the pervious paving system, typically that is a percentage of what would otherwise be the standard lot coverage footprint of the element. As such, a percentage would still be counted against the lot coverage. Further, given the significant increase in lot coverage requested and that the rear deck can be accessed by non-handicapped people via the handicapped ramp, the Staff finds the walkway is not necessary. The Staff would recommend the "pervious paving" walkway be eliminated from the project and the lot coverage be limited to 80% or less.

### **Additions and Alterations**

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

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

Full front and rear elevations have been provided in the revised submission.

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

In the revised submission, the window in the second floor door is unchanged. The Staff would retain its previous recommendation.

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

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

In the revised submission, the exterior entry stairs have been revised in that they include full support posts to the ground and that the upper portion of the stair system is not cantilevered. The stairs themselves are essentially the same design as in previous versions. The Staff would still retain its previous concern about the exterior stairs even with the full support posts to the ground. Nor has there been any substantive information provided to the Staff regarding the need for the exterior stairs.

Assuming that the Applicant can provide documentation that the stairs are necessary to the operation of their business and the convenient use of their residence, the Staff finds that the only likely way to make the stairs meet the District regulations regarding design compatibility is to substantially re-design to create a covered stair well / side porch with a roof system, columns, finishes, detailing, materials, closers risers, etc. that would be compatible with the existing house and be consistent with other side porches in the District.

The Staff would retain its previous recommendation regarding the necessity for and design of the exterior stairs.

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

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

The fence is still shown on the revised site plan. The Staff would retain its previous recommendation.

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

**Staff Recommendations:** Based upon the following:

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

Staff recommends *approval* of an application for a Type III Certificate of Appropriateness (CA3-16-114) for variances to reduce the rear yard setback from 6' (required) to 0' (proposed); to reduce the west side yard setback from 3' (required) to 0' (proposed) and increase the lot coverage from 67% (allowed) to 95% (proposed) at **553 Irwin St.**-Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2) / Beltline, *with the following conditions:*

1. *The proposed design shall meet the side yard setback requirements, per Section 16-20C.007(2)(iii);*
2. *The deck at the rear of the house shall be substantially reduced in size to only the size required to provide handicapped access to the proposed business, per Section 16-20C.007(2)(iii); and*
3. *The "pervious paving" walkway shall be eliminated from the project and the lot coverage be limited to 80% or less, per Section 16-20C.006(1)(a)(i).*

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

**Staff Recommendations:** Based upon the following:

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

Staff recommends *approval* of an application for a Type II Certificate of Appropriateness (CA2-16-089) for alterations at **553 Irwin St.**-Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2) / Beltline, *with the following conditions:*

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



# CITY OF ATLANTA

**KASIM REED**  
MAYOR

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**TIM KEANE**  
Commissioner

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

## STAFF REPORT

**May 11, 2016**

*Updated June 8, 2016*

*(Updated text in Italics)*

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-16-164) for alterations, additions, and site work at **888 Edgewood Ave.** Property is zoned R-5 / Inman Park Historic District (Subarea 1) / Beltline.

Applicant: Vance B. Jones  
888 Edgewood Ave.

**Facts:** The existing single family residence was constructed in 1930 and is considered contributing to the District.

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

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

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

1. General criteria.

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

- vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
  - viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
  - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
  - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- d. Compatibility rule:
- i. The intent of the mayor and council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face; and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945.
  - ii. To further that intent and simultaneously permit flexibility in design, the regulations provide a compatibility rule which is as follows:
    - (a) Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure.
    - (b) Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.
- f. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
2. Certificates of appropriateness.
- a. Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - d. Type III certificates of appropriateness shall be reviewed by the commission and shall be required for:
    - ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a certificate of appropriateness in the subarea regulations.
  - e. Type IV certificates of appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.

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

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

- 1. Design standards and other criteria for construction of and for additions to one- and two-family residential structures.
  - a. No individual house design shall be substantially repeated on the same side of a street block.
  - b. An unpaved planting strip adjacent and parallel to the public street shall be provided. The compatibility rule shall apply to the dimensions and location of planting strips.
  - c. A sidewalk between the planting strip and the required front yard and parallel to the public street shall be provided. The compatibility rule shall apply to sidewalks. The sidewalk shall be the same

width as the sidewalk on abutting properties or it shall be the width required by law, whichever is greater. If no sidewalk exists in the block, the new sidewalk shall not be less than six-feet wide. If no sidewalk paving material predominates in the block, the sidewalk shall be constructed of the historically accurate material for that block, either hexagonal pavers, concrete inlaid with hexagonal imprint, or brick.

- d. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
- e. All front façades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the compatibility rule shall apply.
- f. The compatibility rule shall apply to the form and pitch of the primary roof of the principal structure.
- g. The compatibility rule shall apply to the height, scale, and massing of the principal structure, except as noted below. In no case shall the height of a structure exceed 35 feet. (See section 16-28.022 for excluded portions of structure.)
  - i. The height of additions shall not be subject to the compatibility rule, but shall be no higher than the existing structure.
  - ii. Notwithstanding the compatibility rule, any new roof ridge line shall be no higher than the highest roof ridge line of the existing structure.
- h. Height of the first floor of the front façade above grade shall be subject to the compatibility rule. The first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than seven inches in height. Slab-on-grade construction is not permitted.
- i. Front porches on principal structures shall be required. The compatibility rule shall apply to the design and size of said front porches, provided that such porches shall be a minimum of 12 feet wide or one-half of the width of the front façade, whichever is greater, and a minimum of eight feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to ten feet into the required front yard. All front porch steps shall have closed risers and ends.
- j. Decks are permitted only when located to the rear of the principal structure. Such decks shall be no wider than the width of the house and shall not project beyond the side façade of the existing house.
- k. The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street or park as a façade element, the chimney shall originate at grade.
- l. Fences and walls, excluding permitted retaining walls, visible from a public street or park upon completion, subject to the provisions of section 16-28.008(5) and the following limitations, may occupy required yards:
  - i. Fences not exceeding four feet in height may be erected in the front yard or half-depth front yard. Walls, excluding permitted retaining walls, are not permitted in the front yard or in other yards adjacent to public streets,
  - ii. Fences and walls not exceeding six feet in height may be erected in side or rear yards.
  - iii. Fences located in the required front yard adjacent to a street shall be constructed of brick, stone, metal vertical pickets or wood pickets. Chain link fencing is not permitted in front yards or in other yards adjacent to public streets.
- m. The compatibility rule shall apply to the height of portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, no single section of such retaining wall shall exceed four feet in height.
- n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
  - i. The style of the individual window.
    - (1) Windows in the front façade shall be predominantly vertical in proportion.
    - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
    - (3) Window and door casings widths and depths are subject to the compatibility rule.
  - ii. The size and shape of individual window openings.

- iii. The overall pattern of fenestration as it relates to the building façade.
- o. Mechanical equipment shall be located to the side and rear of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street or park.
- p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system ("EIFS"), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
- q. The compatibility rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
  - i. The dimensions of the exposed face of lap siding and wood shingles.
  - ii. The type of brick and pattern of brickwork.
  - iii. The type of stone and pattern of stonework.
  - iv. The material and texture of stucco.
  - v. The size and type of doors.
    - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
  - vi. The materials and pattern of roofing.
  - vii. Paving materials for walks and drives.
    - (1) Asphalt is not permitted.
  - viii. Visible foundation materials.
    - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
  - ix. Visible portions of chimneys.
    - (1) Chimneys shall be faced with masonry. Siding on chimneys is not permitted.
  - x. Skylights are permitted where not visible from a public street or park wherever possible. Protruding bubble skylights are prohibited.
- 2. Setback requirements:
  - a. New construction: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new construction: Front, side, and rear setbacks shall be subject to the compatibility rule.
  - b. New additions to existing structures: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.

**Alterations:**

The Applicant has submitted proposed elevations, but has not provided existing elevations. Staff recommends the Applicant comprehensive photographic documentation of the existing structure, existing elevations which accurately reflect the current conditions of the structure, and a detailed scope of work which lists all proposed alterations to the structure and the site.

*The Applicant has not provided comprehensive photographic documentation regarding the existing structure or an updated scope of work. However, the new drawings show no proposed changes to the front façade. As such Staff retains its recommendation regarding comprehensive photographic documentation, but withdraws its recommendation regarding existing elevations and an updated scope of work.*

In comparing the proposed elevations to the inventory photographs for the property, the project appears to include numerous alterations to the front façade of the structure. These alterations include:



- The addition of windows in both front façade gables;
- Removal the front gable vents;
- The addition of a false eve line in the front façade gables;
- Removal of the non-historic shutters;
- Replacement of the front porch columns;
- Removal of the front porch stairs;
- Removal the architectural roof brackets;
- Removal of the front porch railing;
- Removal of the awning over the front porch;
- Replacement of the siding in the front gables;
- The addition of architectural trim to the front façade;
- The addition of window trim; and,
- The addition of horizontal lap siding over the existing brick façades.

On the side facades, The Applicant is proposing the removal of existing windows and the addition of new windows, the addition of new window trim, and the installation of horizontal lap siding over the existing brick façades. As Staff cannot confirm the extent of the proposed alterations with the materials available at this time, Staff is concerned that alterations other than those listed may also be proposed. Additionally, given the lack of information available at this time Staff is unable to accurately review the proposed alterations.

*The Applicant has provided updated drawings which accurately show the existing conditions of the structure. From the drawings provided, Staff notes proposed alterations to the middle window on the right side façade, and the front porch columns.*

*The District photographic inventory shows a smaller window on this façade which is accommodating the existing bathroom. No information regarding the need for the window to be replaced with a larger window has been received. As this smaller window is likely original to the structure, Staff recommends the original window be retained and repaired in-kind as necessary.*

*The Applicant is proposing to replace the existing boxed columns on the front porch with tapered columns. No information regarding the need for the columns to be replaced has been received. As such, Staff recommends the front porch columns be retained and repaired in-kind as necessary.*

### **Additions**

The Applicant is proposing a rear addition to the structure. Per the R-5 District regulations the subject property can have a maximum lot coverage of no more than 55% of the net lot area. Lot coverage calculations are required to include all impervious surfaces on the site including pavement and accessory structures. The lot coverage listed on the site plan provided only notes the area of the principal structure. Staff Recommends the Applicant provide an updated site plan which shows the existing and proposed lot coverage for all impervious surfaces on the site.

*An updated site plan showing the existing and proposed lot coverage for all surfaces on the site has not been received. As such, Staff retains its recommendation.*

The subject property is non-conforming in regards to its frontage and area. As such, the R-5 regulations allow for a maximum floor area of 65% of the lot area, or 3,056 sf. The structure with the proposed additions is 1322 sf. Staff finds that the floor area requirements have been met.

The proposed addition will be setback from the west property line 7 feet, from the east property line 8 feet, and the rear property line 19 feet. For additions in the District, side yard setbacks are allowed to be no closer to the side yard lot lines than the existing contributing structure. Staff finds that the east side yard setback meets this requirement, but that the west side yard setback does not. As such, Staff recommends the west side yard setback be 10 feet. Rear yard setbacks are determined by the compatibility rule. No compatibility information has been received for the rear yard setback. Staff recommends the Applicant submit compatibility information for the proposed rear yard setback.

*An updated site plan showing the west side yard setback as 10 feet has not been received. As such, Staff retains its recommendation.*

A rear deck is proposed, but does not appear on the site plan. Staff recommends the proposed deck be shown on the site plan.

*An updated site plan showing the rear deck has not been received. As such, Staff retains its recommendation.*

The proposed addition will bump out from the west side façade and be capped with a side facing gable. Staff finds that the addition of a side gable will not be internally consistent with the architecture of the existing structure. Given this finding as well as the previous finding regarding the west side yard setback, Staff recommends the addition be flush with, or inset from, the west side façade of the structure. The proposed addition will be flush with the existing east side façade. No compatibility information for the proposed fenestration pattern on the addition has been received. Staff recommends the Applicant submit compatibility information for the fenestration on the side facades of the proposed addition. As the rear of the structure will not be visible from a public right of way or public park, Staff has no concerns regarding the design of the rear façade.

*The side gable is still present on the updated plans. Additionally, no compatibility information for the proposed fenestration pattern has been received. As such, Staff retains its recommendation.*

No materials are noted on the plans. Staff recommends the plans note all materials proposed for use in the project.

*The updated drawings do not include notations about the proposed materials. As such, Staff retains its recommendation.*

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

- (a) The plans do not meet the regulations, with the exceptions noted above, per Sec. 16-20L.005 and .006;

Staff recommends approval of an Application for a Type III Certificate of Appropriateness (CA3-16-164) for alterations, additions, and site work at **888 Edgewood Ave.** Property is zoned R-5 / Inman Park Historic District (Subarea 1) / Beltline, with the following conditions:

1. The Applicant shall provide comprehensive photographic documentation of the existing structure, Per Sec. 16-20L.005(2)(d);
2. The Applicant shall provide an updated site plan which shows the existing and proposed lot coverage for all impervious surfaces on the site;
3. The west side yard setback shall be 10 feet, Per Sec. 16-20L.006(2)(b);
4. The Applicant shall submit compatibility information for the proposed rear yard setback, Per Sec. 16-20L.006(2)(b);
5. The proposed deck shall be placed on the site plan, Per Sec. 16-20L.006(1)(j);
6. The Applicant shall submit compatibility information for the fenestration on the side façades of the proposed addition, Per Sec. 16-20L.006(1)(n)(ii);
7. The plans shall note all materials proposed for use in the project, Per Sec. 16-20L.006(1)(q); and,
8. Staff shall review and if appropriate, approve the final plans and documentation.



## CITY OF ATLANTA

**KASIM REED**  
MAYOR

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**TIME KEANE**  
Commissioner

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

### STAFF REPORT

May 25, 2016

*REVISED*

June 8, 2016

*(Revisions shown in italic.)*

**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 LBSD 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.

*On June 2, 2016, the Applicant provided a substantially revised scope of work for the project through a detailed narrative / letter and sectional drawing. In short, the revised scope of work would divide their Crum and Forster-related work into two phases. Phase 1 would still include the building of a loading dock / parking access ramp behind the building (to the west) that is part of the overall datacenter development and would also include the repair / restoration of the building using preservation approaches with no substantive design changes. The substantive work that was in the original proposal (changing windows and doors, adding doors, elevating the plaza on the front and south sides, etc.) would not be done at this time. In the future, the development team would bring forward design changes based on an actual tenant's business / programmatic needs vs. the development team speculating today on what might be needed for a future tenant. Those tenant specific changes would be Phase 2 and would be reviewed by the Commission under a separate application process.*

**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. its 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.

*It is the Staff’s understanding from the sectional drawing provided in the revised submission that this demolition will not occur. The Staff would recommend the Applicant confirm to the Staff that the length and height of the remaining portions of the shaft walls will be retained, stabilized, and repaired in-kind as necessary in connection with the construction of the loading dock / parking access portion of the overall project.*

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.

*In the revised submission, the only component of this portion of the project is the construction of the loading dock entrance. As noted in their narrative and sectional drawing, the Applicant proposes to stabilize and underpin the foundation of the Crum and Forster Building, retain the remaining portions of the shaft walls, and build the loading dock entrance. The Staff would recommend the Applicant provide to the Staff detailed engineering drawings which depict the underpinning and stabilization work.*

*From a design perspective, it is not clear if the loading dock entrance will have roof / ceiling or any wall faces that would be within the LBS designation area and how the southern end of the loading dock area would interact with the southeast corner of the Crum and Forster Building / LBS designation area. The Staff would recommend the Applicant provide to the Staff details regarding any new features associated with the loading dock / parking access or overall project within the LBS designation area and that such features meet the LBS standards.*

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. -

*It is the Staff's understanding that the grade around the Crum and Forster Building will not be raised nor any plazas built within the LBS designation area at this time. The Staff would recommend the Applicant confirm to the Staff that the grade around the Crum and Forster Building will not be raised nor any plazas built within the LBS designation area at this time.*

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 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.

**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.



*In the revised submission, the Applicant noted that the current central front door is not historic or original to the Crum and Forster Building and will be replaced with a front door with a design based on earlier photographs of the building. The Staff would recommend the Applicant provide to the Staff the photographic documentation of the earlier original or historic door and that the design and materials of the replacement central front door be based on that documentation.*

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.

*As this component of the project has been removed from the scope of work, the Staff does not have any concerns.*

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.

*As this component of the project has been removed from the scope of work, the Staff does not have any concerns.*

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.

*Taking into account the revised submission, the Staff would recommend that all of the action items detailed in the revised scope of work received by the Office of Planning on June 2, 2016 be added to the overall project scope of work (as revised by the conditions noted above) and be implemented concurrently with the other portions of the overall project.*

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.

*The Staff would retain this recommendation.*

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

*(1) Except as noted above, the revised scope of work and proposed alterations meet the requirements, per Section 16-20.009.*

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

- 1. The Applicant shall confirm to the Staff that the length and height of the remaining portions of the shaft walls will be retained, stabilized, and repaired in-kind as necessary in connection with the construction of the loading dock / parking access portion of the overall project, per Section 16-20.009;*
- 2. The Applicant shall provide to the Staff detailed engineering drawings which depict the underpinning and stabilization work, per Section 16-20.009;*
- 3. The Applicant shall provide to the Staff details regarding any new features associated with the loading dock / parking access or overall project within the LBS designation area and that such features meet the LBS standards, per Section 16-20.009;*
- 4. The Applicant shall confirm to the Staff that the grade around the Crum and Forster Building will not be raised nor any plazas built within the LBS designation area at this time, per Section 16-20.009;*
- 5. The Applicant shall provide to the Staff the photographic documentation of the earlier original or historic door and that the design and materials of the replacement central front door shall be based on that documentation, per Section 16-20.009;*
- 6. All of the action items detailed in the revised scope of work received by the Office of Planning on June 2, 2016 shall be added to the overall project scope of work (as revised by the conditions noted above) and shall be implemented concurrently with the other portions of the overall project, per Section 16-20.009;*
- 7. 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*
- 8. The Staff shall review, and if appropriate approve, the final plans, specifications, and supporting documentation.*