



CITY OF ATLANTA

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TIM KEANE
Commissioner
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Director, Office of Planning

STAFF REPORT August 10, 2016

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-16-323) for a partial demolition, addition and renovations at **152 Savannah St.** Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline

Applicant: Kendall Wueste
465 Harold Avenue NE

Facts: This pre-1899 shotgun style home is considered contributing to the district.

Analysis: The following Code sections apply to this application:

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

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

- (1) *When required:*
 - a) To change the exterior appearance of any portion of a structure within the district;
 - b) To erect a new structure or to make an addition to any structure within the district;
 - c) To demolish or move any contributing structure, in whole or in part, within the district;
- (2) *Type required:*
 - a) When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition of a contributing building shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

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

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

- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility

rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."

- b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than ten percent than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (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. corner boards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 - 4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.
 - b) *Façades:*
 - 1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
 - 2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of 14 inches and a maximum of four feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
 - 3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
 - 4. Exterior doors visible from any public right-of-way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 - 5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.
 - 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 rights-of-way and is subject to approval by the commission.
3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
 4. Boxed gable returns are not permitted.
 5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right-of-way may use any roof covering that conforms to standard architectural specifications.
- e) *Porches:*
1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
 2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
 3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
 4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.
- f) *Site development, sidewalks and curbs:*
1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
 3. Curbing shall be granite; poured concrete shall not be used.
 4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.
- (14) Design standards for alterations and additions to contributing buildings. Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the historic architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:
- a) All repair work shall be match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - b) All replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - c) Alterations shall not introduce materials or building elements that do not reinforce the architectural character of the building and shall not destroy historic materials that characterize the property.
 - d) The height or width of any alteration or addition shall not exceed the height or width of the existing building.
 - e) Any alterations or additions shall be compatible with the massing, scale and architectural features of the property.

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 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.

Site Plan

This lot fronts 23' on Savannah Street and has a depth 82'. Per regulations, the side and rear yard setbacks shall be based on the compatibility rule. The proposed rear yard setback is 8.2'. The property offered as comparison by the Applicant is 160 Savannah St with a rear yard setback of 3', however this property cannot be used as a point of comparison as 160 Savannah St. is a cottage style structure. Additionally, the 3' rear yard setback of 160 Savannah St. is the result of an addition approved by the Commission in 2014. As such, Staff recommends the Applicant provide compatibility information for the proposed rear yard setback based on the contributing shotgun style homes on the block face.

The north side yard setbacks will conform to the setbacks of the existing contributing structure and therefore meet the setback requirement. The Applicant has not provided any compatibility information for the south side yard setback; therefore Staff cannot determine whether the side yard setback requirement has been met. Staff recommends the Applicant provide compatibility information for the proposed south side yard setback based on the contributing shotgun style homes on the block face. Per regulations the maximum floor area ratio (FAR) allowed is .50. Staff finds the FAR is .49 and therefore meets the FAR requirement.

Demolition of rear addition.

The Applicant has included one exterior shot of the rear addition which shows that the addition is likely not original to the structure. A copy of an undated Sanborn map shows the original structure without the currently existing rear addition.

Some rear additions on shotguns and other houses in the District are a distinctive and significant "addition" to the house and clearly show its evolution and uniqueness as a mill village housing type. However, an addition on the rear façade of a house with a dominant side-to-side main gable roof and substantial rear-facing gable does not increase the interpretability of the house beyond that an addition was made at some point in the past.

As such, the Staff finds that the demolition of the rear addition will not result in the loss of significant architectural features which would destroy the structure's historic interpretability or importance.

New Addition and alterations

The proposed addition is consistent and compatible with the existing dwelling. The architectural elements are simple and consistent with the style. While the preferred method of massing rear additions is to set them back from the original side facades (to create distinction between the original and new); the false corner board on the side elevations is an acceptable way to create this differentiation. This assumes the false corner board is located at the former rear corner of that side elevation.

The siding is indicated as wood lap siding. The material of the foundation is not indicated. Staff recommends the new foundation material match the existing. The material for the windows and doors are not indicated on the plans. Staff recommends the plans indicate window and door materials that meet the regulations. Staff finds the rear window configuration is typical of a rear Bedroom and will be difficult to see from the street. Staff does not have a concern about the rear window configuration

The plans indicate the existing accent windows on the non-original portion of the north side façade are proposed for replacement with a single accent window for the redesigned kitchen. The new window will match the design and lite division pattern of the original windows on the structure. Staff finds that the proposed change would be more compatible with the fenestration pattern and style than the existing windows and has no concerns with the proposed change. Staff would recommend the materials for the north side kitchen window be noted on the plans and that the window meet the district regulations.

The plans include the addition of three new skylights. Per the regulations skylights are required to be placed where least visible from the public right of way. Staff recommends the Applicant document the visibility of the proposed skylights from the public right of way.

The existing panel enclosing the foundation of the front porch is proposed for replacement with wood lattice. While Staff has no concerns with the installation of wood lattice between brick porch piers, the plans indicate horizontal bands being installed. Staff recommends the plans show wood lattice installed between the brick porch piers.

Chimney

The exterior elevations indicate the retention of the existing chimney. However, the floor plans state the intention to remove the chimney support in the Attic or to remove the chimney completely. Staff finds that the removal of a historic chimney is not an appropriate treatment of a historic element and recommends the existing chimney be retained. Staff further recommends the plans be internally consistent and note the retention of the existing chimney.

CA3-16-323:

Staff Recommendation: Based upon the following:

- 1) The plans meet the regulations with the exception of the elements noted above, per Sec. 16-20A.005 & Sec. 16-20A.006;

Staff recommends deferral of the Application for a Type III Certificates of Appropriateness (CA3-16-323) for a partial demolition, addition and renovations at **152 Savannah St.** with the following conditions:

1. The Applicant shall provide compatibility information for the proposed rear yard setback based on the contributing shotgun style homes on the block face, per Sec. 16-20A.006(9);
2. The Applicant shall provide compatibility information for the proposed south side yard setback based on the contributing shotgun style homes on the block face, per Sec. 16-20A.006(9);
3. The materials for the north side kitchen window shall be noted on the plans and that the window meet the district regulations, per Sec. 16-20A.006(13)(a)(3)(f);
4. The Applicant shall document the visibility of the proposed skylights from the public right of way, per Sec. 16-20A.006(13)(c)(2);
5. The plans shall show wood lattice installed between the brick porch piers, per Sec. 16-20A.006(13)(e)(1);
6. The existing chimney shall be retained, per Sec. 16-20.009;
7. The plans shall be internally consistent and note the retention of the existing chimney, per Sec. 16-20.009; and,
8. The applicant shall submit all new materials and requested information no less than 8 days before the scheduled meeting date.



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STAFF REPORT August 10, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-328) for a variance to increase the front yard setback from a maximum 43' (allowed) to 43.3' (proposed) at **772 Boulevard SE**. Property is zoned R-5/Grant Park Historic District (Subarea 1) / Beltline

Applicant: Monica Woods
67-A Boulevard Drive

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

On April 27, 2016 the Commission approved with conditions the application CA3-16-142 for alterations and a second story addition. None of the alterations to the side or rear facades of the house were subject to review by the Commission or the Staff as viewed as independent alterations as they don't affect a façade that faces a public street.

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

“The Applicant provide compatibility information detailing the allowable front yard setback range, per Sec. 16-20K.007(1)(A)”

Subsequent to the Commission's conditional approval of the design, the Applicant submitted final permit-ready plans, but was unable to comply with the condition related to the front yard setback. The existing structure sits outside of the allowable maximum setback for the block face determined by the Contributing structures on the block face. Therefore, the condition of the Commission's approval related to the front yard setback was not satisfied.

Before the Commission at this time is a request to increase the front yard setback from 43 feet established by the contributing structure located at 752 Boulevard to 43.3 feet to allow the second story addition as proposed. The actual site plan and design that was previously and conditionally approved by the Commission would not change. If the current variance were approved by the Commission the renovations and additions could be built as approved by the Commission.

Analysis: The following code sections apply to this application:
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

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

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

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

- (1) *Development Controls.*
 - a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
- (2) *Architectural Standards.*
 - A. *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural elements, enhances the architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

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

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

2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
 3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
 4. All front façades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
 5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
 6. The height of the principal structure shall not exceed 35 feet. (See section 16-28.022 for excluded portions of structures.)
 11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
 15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
- C. Design Standards and Criteria for Alterations and Additions to Non-contributing Structures. Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.

Per Section 16-26.003:

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

Generally speaking, the Staff concurs with the Applicant's variance argument. The existing structure has the furthest setback on the block face. As the structure is non-contributing its existing setback cannot be used in the compatibility rule comparison. If the front yard setback distance were complied with, the proposed second story addition would need to be placed closer to the street than the existing structure and would create an overhang of the second story addition and porch. The result would be a substantially different project than what was originally proposed by the Applicant and approved by the Commission.

The Staff would recommend approval of the variance request. However, it would also recommend no changes be made to the actual site plan, house footprint, front porch footprint, house design approved via CA3-16-142.

Variance (CA3-16-328):

Staff Recommendation: Based upon the following:

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

Staff recommends approval of an Application for a Type III Certificate of Appropriateness (CA3-16-328) for a variance to increase the front yard setback from a maximum 43' (allowed) to 43.3' (proposed) at **772 Boulevard SE**, with the following conditions:

1. No changes shall be made to the actual site plan, house footprint, front porch footprint, and house design approved via CA3-16-142; and
2. The Staff shall review and if appropriate approve the final plans and supporting documents for the proposed project.



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STAFF REPORT August 10, 2016

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-16-313) for the removal of a chimney at **678 Peoples St.** Property is zoned R-4A/West End Historic District / Beltline.

Applicant: Khaliah Johnson
2048 Lilac Lane, Decatur

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

At the March 9, 2016 meeting the Commission approved with conditions the application CA2-16-072 for alterations at this property.

Analysis: The following Code sections apply to this application:

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

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

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

should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

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

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

(6) *Chimneys:*

- (a) Chimneys shall match original materials, mortar, color and pattern whenever possible.
- (b) New chimneys shall be faced with brick or stucco.
- (c) Siding on chimneys is prohibited.
- (d) When any portion of a chimney is visible from a public street as a façade element, the chimney shall originate at grade.

The applicant is proposing to remove the existing chimney on the left side façade of the structure. As justification for the removal of the chimney, the Applicant has submitted pictures showing the chimney stack leaning inward. The Applicant has also stated that there is evidence of structural damage on the interior of the structure due to the shifting weight of the chimney.

The principal structure has two chimneys, one on each side façade. Both chimneys contain a stone base which extends from grade level to ¼ of the way up the second story. From this point to the roof line both chimneys are comprised of brick. Above the roof line however, the materials of the chimneys differ. The chimney stack on the right side facade is comprised of brick, while the chimney stack on the left side façade is a parge coat of stucco on a masonry base. The left side façade chimney stack has a slightly narrower width than the portion of the chimney below the roofline.

Based on this analysis, Staff finds that the left side façade chimney stack is not original to the structure and is likely a historic alteration. As such, Staff would support a request to replace the left side chimney stack with a chimney stack matching the materials, mortar, color, pattern, and design of the chimney on the right side façade. The current request by the Applicant, however, is to remove the left side façade chimney stack as opposed to replacing the chimney stack.

Staff finds that the wholesale removal of the left side façade chimney stack is not an appropriate treatment of a historic chimney. As such, Staff recommends the left side façade chimney be replaced in kind, or with a chimney matching the materials, mortar, color, pattern, and design of the original chimney on the right side façade.

CA3-16-313:

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the elements noted above, per Section 16-20G.006;

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-16-313) for the removal of a chimney at **678 Peeples St.** with the following conditions:

1. The left side façade chimney shall be replaced in kind, or with a chimney matching the materials, mortar, color, pattern, and design of the original chimney on the right side façade, Per Sec. 16-20G.006(6)(a); and,
2. Staff shall review and if appropriate, approve the final plans and documentation.



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TIM KEANE
Commissioner

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Director, Office of Planning

STAFF REPORT

August 10, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-313) for a new accessory structure, deck and site work at **688 Gillette Street** - Property is zoned R4-A/Adair Park Historic District.

Applicant: Brenda Swain-Chevalier
688 Gillette Avenue

Facts: According to the District inventory sheet, this single family dwelling is considered a contributing structure. The property is located on the southeast corner of Gillette Avenue and Tift Avenue. The property generally slopes down from front to back.

In 2015, an application was filed for the approval of a similar project. The 2015 project consisted of a flat-roofed, double garage to the rear of the house connected to the house via a new rear deck. The garage would also have a flat roof with a deck above it. A new driveway and turn out would be built off of Tift Avenue. Lastly, a privacy fence / wall would enclose the rear yard. That proposal was ultimately denied without prejudice due to a lack of new information / response from the then applicant.

Further, at that time the Staff advised the applicant and property owner that the wood privacy fence in the half depth front yard (which had been built by the previous property owner without a building permit) required a variance / special exception from the Board of Zoning Adjustment (BZA) to remain, as it did not meet the underlying zoning district's fence / wall requirements.

The proposal before the Commission at this time is the construction of a single-car width garage to the rear of the house, but connected to the house via a new rear deck. The garage would have an essentially a flat roof. A new driveway would be built off of Tift Avenue using an existing curb cut. Lastly, a privacy fence/wall would still enclose the rear yard. The Applicant has filed for a special exception with the Board of Zoning Adjustment (BZA) to allow the privacy fence / wall to remain in the half-depth front yard along Tift Avenue. That application is expected to be heard by the BZA in October, 2016.

Analysis: The following code sections apply to this application:

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

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

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

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

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

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

1. Certificates of Appropriateness: Certificates of appropriateness within this subarea shall be required as follows:
 - (a) When required:
 1. To change the exterior appearance of any portion of a structure within the subarea, when said change can be seen from the public right-of-way;
 2. To erect a new structure or to make an addition to any structure within the subarea, when said new structure or addition can be seen from the public right-of-way; and
 3. To demolish or move any contributing structure, in whole or in part, within the subarea.
 - (b) Type required:
 1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).
 2. Except with regard to Type I certificates, the procedures for determining the appropriate type of certificate required under subsection 16-20I.006(1)a. above shall be those specified in section 16-20.008 of the zoning code, provided, however, that a partial demolition shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
3. Lot Size: In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this chapter 20I shall apply to all subdivisions and aggregations of lots with regard to lot size, dimensions and configurations.
4. Architectural Standards:
 - (a) Building facades:
 1. All new construction shall conform to the existing building orientation (setbacks) by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main facade shall face the principal street whenever possible.
 2. At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distances from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
 3. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
 4. Siding repair or replacement shall match the original materials in scale and direction. Wood clapboard, if original is preferred; however, aluminum, masonite vinyl or other horizontal siding is permitted if window trim, cornerboards, and fascia/bargeboards are left in place or replaced with new material to match the original.
 5. Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
 6. No structure shall exceed that height established by the compatibility rule, with a permitted differential of ten (10) percent.
 - (b) Windows and Doors:
 1. Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
 2. Original window and door openings shall not be blocked or enclosed, in whole or in part.
 3. Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size with no more than a one-inch width or height difference from the original size.

4. Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
 5. New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
 6. The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a permitted differential of ten (10) percent.
 7. The scale, size, and proportion of all openings in new construction shall be established by the compatibility rule with a permitted differential of ten (10) percent.
 8. New windows or doors added to existing structures shall be located on sides or to the rear of buildings, rather than on the front.
- (f.) Roofs:
1. Roofing materials shall be of the same size, texture and materials as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
 2. Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
 3. The shape and pitch of roofs for new construction shall be subject to the compatibility rules.
 4. Decks, skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations are permitted on roofs of buildings provided they cannot be seen from the public right-of-way.
- (h.) Accessory structures: Accessory structures, such as carriage houses, smoke houses, greenhouses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, air conditioners and heating units, can be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structure. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the public right-of-way.
- (i) Fences: Fences shall be fabricated of brick, cast iron, wrought iron, stone and wood pickets. Fence lines shall follow the property line. Fences shall not obscure the front facade of the building. Chain link type of fencing shall be located to the rear of the lot and shall not extend beyond the front facade of the main structure into the front yard.
- (j) Walls: Concrete block may be used in retaining walls, but stone or brick facing material is required.
- (6) Off-Street Parking Requirements:
- a. Off-street parking shall not be permitted in the front yard.
 - b. Carports and garages shall be behind the rear of the main structure. If the main structure is located on a corner lot, the front yard setback for that side of the street shall apply to the construction of a carport or garage.

Sec. 16-28.008. - Required yards and open space, detailed limitations on occupancy.

- (5) Walls or fences in required yards; height limits: Fences, walls or hedges may occupy required yards as follows; provided, however, that such fence, wall or hedge shall be maintained in a safe and slightly condition and that no such walls or fences create substantial impediments to visibility as prohibiting at [section 16-28.008\(9\)](#). The height of a retaining wall shall be measured as the greatest vertical length from one side of finished grade to the top of said adjacent retaining wall unless specified below.
- (a) In the R-1 through R-5 districts, the following retaining walls and fences are permitted:
- (1) Within the required front and half-depth front yards:
 - (i) Where no retaining wall is constructed, fences not exceeding four feet in height may be erected.
 - (ii) Not more than two retaining walls with a maximum height of three feet each may be erected, provided however that the face of the upper wall shall be separated from the face of the lower wall by at least a minimum horizontal distance that is landscaped and equal in length to the height of the upper wall.
 - (iii) A fence not exceeding four feet is permitted at the top of one of the provided retaining walls.
 - (2) Within the required side and rear yards:
 - (i) Where no retaining wall is constructed, fences or walls not exceeding six feet in height may be erected or maintained.
 - (ii) Not more than two retaining walls with a maximum height of six feet each may be erected, provided however that the face of the upper wall shall be separated from the face of the lower wall by at least a minimum horizontal distance that is landscaped and equal in length to the height of the upper wall.
 - (iii) A fence not exceeding six feet is permitted at the top of one of the provided retaining walls.

Classification of the Garage Structure

Because the garage is only attached to the house via an un-covered deck, the Staff finds that it is not an addition but rather an accessory structure.

Accessory Structure

The District regulations only have a basic location-related requirement for accessory structures, including setbacks and location on the property. The accessory structure must be behind or to the side of the main structure, be within the buildable area of the lot (i.e. meet the setback requirements), not project beyond the front of the main structure, and be in the least visible location possible. Further, if it is visible, it must be screened with a fence and/or plant materials.

The proposed accessory structure is behind the main structure and does not project beyond the front of the main structure.

Regarding whether the accessory structure is within the buildable area of the lot, the rear and interior side yard setbacks are governed by the underlying R-4A zoning regulations. The interior side yard must be 7 ft. and the rear yard must be 15 ft., both of which are met by the accessory structure. (The setbacks of the deck and deck stairs are discussed below). The Tift Avenue setback is considered a half-depth front yard and would be subject to the compatibility rule in the District regulations. This rule would require that the Tift Street setback of the garage be based on the half-depth front yard setbacks of the other contributing buildings at this intersection. No information was provided about comparable half-depth front yard setbacks. The Staff would recommend the Applicant confirm compliance with the required half-depth front yard setback for the accessory structure.

The Staff finds that any location of the garage in the rear yard would be visible from Tift Avenue and no one location would be less visible than another. However, the regulations require that if it is visible it be screened by fence or plant material. It is not clear from the submitted materials if the accessory structure is screened with plant materials. Further, given the Staff has concerns about the type and location of the fence (discussed below); the Staff would recommend that the accessory structure be screened with evergreen plant material such that the accessory structure is minimally visible at the time of the plant screening.

Lastly, per the District regulations, the height of accessory structures must meet the compatibility rule. The Applicant has not provided any information regarding the other contributing accessory structures on the block. The Staff recommends the Applicant provide the heights of the other contributing accessory structures on the block and that the height of the proposed accessory structure meet the compatibility rule requirements.

Deck

While the Staff has recommended that decks be allowed in locations other than roof tops that does not eliminate the requirement that they not be seen from the public right of way. The Staff finds that the deck off the rear of the house (between the house and the accessory structure) will be visible from the public right of way. The Staff would recommend that the deck at the rear of the house be removed from the design proposal or the proposal is revised such that the deck is not visible from the public right of way.

Further, the decks are subject to the setback requirements, similar to the accessory structure. The Staff finds that the interior side yard setback of 7 ft. is met for the deck between the house and the accessory structure, including its associated stairs. It is not clear, however, if the Tift Avenue side of the deck meets the Tift Avenue setback requirements which would be determined the same way as the Tift Avenue setbacks for the accessory structure. The Staff would recommend the Applicant confirm that the Tift Avenue setback of the deck meets the District regulations.

Fence

In the photographs provided by the Applicant, the horizontal-slatted fence around the rear yard already exists. The Staff reviewed the permit history for this property back to 1999 and while there are several permits for alterations and repairs to the house itself, the Staff could not find a permit for any fencing. The underlying zoning regulations require that only fences are located in the front or half-depth front yard and be 4 ft. or less. In the rear or side yards, fences or walls can be 6 ft. or less. By City definition, a fence is considered to be more than 50% open, while a wall is considered to be less than 50% open. It would appear that the fence is actually a wall and more than 4 ft. tall, both of which are prohibited in the half-depth front yard.

The District has requirements related to materials, design, and general location, but the underlying R-4A zoning district controls the type of installation (fence vs. privacy fence / wall) and the height of the installation. As noted above, the Applicant has applied for a special exception to the BZA seeking approval to keep the 6 ft. tall privacy wall (vs. a 4 ft. tall fence) in the half-depth front yard.

While the fence does follow the property lines of the rear portion of the property, the Staff finds that the horizontal slats are not wood pickets.

Regardless of the Staff's concerns about the design, the Staff would recommend that the final decision by the Commission regarding the design of the fence / privacy wall be delayed until after the BZA decision on the type of installation (fence vs. privacy fence / wall) and the height of the fence.

Staff Recommendation: Based upon the following:

(a) Except as noted above, the plans do not meet the regulations per Section 16-20I.005 and 16-20I.006;

Staff recommends deferral of the Application for a Type III Certificate of Appropriateness (CA3-16-313) for a new accessory structure, deck and site work at **688 Gillette Street** - Property is zoned R4-A/Adair Park Historic District, to allow time for the Applicant to address the following concerns and comments:

1. The Applicant shall confirm compliance with the required half-depth front yard setback for the accessory structure, per Section 16-20I.006(4)(h);
2. The accessory structure shall be screened with evergreen plant material such that the accessory structure is minimally visible at the time of the plant screening, per Section 16-20I.006(4)(h);
3. The Applicant shall provide the heights of the other contributing accessory structures on the block and that the height of the proposed accessory structure shall meet the compatibility rule requirements, per Section 16-20I.006(3)(a)(6);
4. The deck at the rear of the house shall be removed from the design proposal or the proposal shall be revised such that the deck is not visible from the public right of way, per Section 16-20I.006(4)(f)(4);
5. The Applicant shall confirm that the Tift Avenue setback of the deck meets the District regulations, per Section 16-20I.006(4)(a)(2); and
6. The Applicant shall submit any revised information or documentation to the Staff at least eight (8) days prior to the Commission to which this application is deferred.



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STAFF REPORT August 10, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-317) for a variance to allow a roofing material that does not meet the District requirements at **2653 Baker Ridge Dr.** Property is zoned R-4/Collier Heights Historic District.

Applicant: Robert A. Chambers
2653 Baker Ridge Drive

Facts: This existing single family structure was constructed in 1978 and is considered contributing to the District.

This property previously received a Stop Work Order from the Office of Buildings Inspection Staff for installing a metal roof without a permit. The current application is for a variance to allow the retention of the non-compliant roofing.

Analysis: The following Code sections apply to this application:

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

The following general regulations shall apply to the Collier Heights Historic District.

- (2) *Certificates of appropriateness.* Certificates of appropriateness within this district shall be required as follows:
 - (c) The following work requires a certificate of appropriateness:
 - (i) To alter the front or side façades and front or side roof planes of a structure;
 - (vi) To request a variance or special exception from chapter 20Q; and
 - (d) Type required.
 - (vi) The following shall require a Type III certificates of appropriateness which shall be reviewed by the commission:
 - (e) Variances or special exceptions from this chapter 20Q.

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

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

- (6) *Roofs and roof features.*
 - (a) Replacement roofing shall be of the same texture and appearance as the existing.
 - (b) Rolled or membrane roofing is permitted only on flat roofs. Metal roofs are not permitted.

- (c) The shape and pitch of roofs for new principal structures and additions shall be subject to the compatibility rule.

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

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

The Applicant is requesting a variance to allow standing seam metal roofing to be installed on this structure. The Collier Heights Historic District regulations specifically prohibit the use of metal roofing on structures within the District.

In response to the variance criteria questions the Applicant has stated that the roof on the structure in question was damaged due to the failure of the previous shingle roof system. The Applicant further states that due to the existence of various ridgelines and roof slopes, shingles would not adequately prevent damage from occurring in the future. However, pitched roofs do not qualify as an extraordinary or exceptional condition of the lot. Further, Staff finds that a compliant roofing material would provide adequate protection from the elements if installed and maintained properly.

While not associated with any of the variance criteria, The Applicant has also provided a copy of a Court Summons for the Code violations resulting from failure to maintain the roof and a petition signed by neighbors.

Staff finds the variance criteria have not been met for this request.

CA3-16-276:

Staff Recommendation: Based upon the following:

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

Staff recommends denial of the Application for a Type III Certificate of Appropriateness (CA3-16-317) for a variance to allow a roofing material that does not meet the District requirements at **2653 Baker Ridge Dr.**



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TIM KEANE
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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 10, 2016

Agenda Item: Application for Type II Certificate of Appropriateness (CA3-16-326) for alterations at **625 Atwood Street** - Property is zoned R-4A/West End Historic District.

Applicant: Brenda Gibbons
2860 Church Street

Facts: According to the District inventory sheet, this single family dwelling was constructed in the 1920s and is contributing to the District. The interior lot is located on the west side of Atwood Street. In comparing the photographs and materials provided by the Applicant in this application to the original District inventory photograph and the District inventory photograph taken 2010, it appears that the front façade of the structure has changed, specifically the front porch gable face (new brackets) and the front porch header (continuous header cut back to create over-sized “brackets” from each porch column). The Staff was not able to find a record of a building permit being issued for this work.

Further, it appears that a fire occurred in the house, damaging the previously enclosed rear porch / mud room / laundry room and the left rear bedroom.

At this time, the Applicant is proposing the following component in their project:

1. Paint exterior of the house;
2. “Deck”;
3. Repair front porch and trim;
4. Install new roof shingles;
5. Replace gutters;
6. Replace damaged soffit and fascia at rear of house;
7. Repair windows / glass window panes;
8. Replace exterior front door;
9. Demo and completely rebuild, fire damaged, previously enclosed rear porch / mud room / laundry room on same footprint and using same foundation (no site work);
10. Repair and stain rear steps and landings;
11. Repair and replace fire damaged siding and shakes on rear of house to match existing; and
12. Repair concrete retaining wall.

Additional interior work is proposed as part of the project, but is not subject to review by the Commission.

Analysis: The following code sections apply to this application:

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

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

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

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

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

- (1) Generally: The following building elements and architectural features shall be considered when applying section 16-20.009 of this chapter to the West End Historic District: doors, windows, foundations, finished floor elevations, roofs, roof features, gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvres, walls, fences, and gates.
- (2) Building Façades:
 - (a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.
 - (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
 - (c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.
 - (d) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
- (3) Windows and Doors:
 - (a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
 - (b) Original window and door openings shall not be blocked or enclosed, in whole or in part.
 - (c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.
 - (d) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - (e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
 - (f) Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
 - (h) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule.
 - (i) The scale, size, proportion, and location of all openings in new construction shall be established by the compatibility rule.
 - (j) New windows or doors added to existing structures shall be located façades that don't face a public street.

- (k) New or replacement doors shall be made of wood and shall contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.
- (5) Foundations:
 - (a) Foundation materials, including infill materials, shall replicate the original materials in size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.
 - (b) New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials and style with adjacent and surrounding buildings.
 - (c) Slab on grade is not permitted.
 - (d) Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.
- (7) Roofs:
 - (a) Replacement roofing materials shall be of the same size, texture and material as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
 - (b) Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
 - (c) The use of synthetic roofing materials is permitted if not visibly distinguishable from the original as viewed from the public street.
 - (d) The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
- (8) Decks: Decks shall be constructed to the rear of the structure and shall not extend beyond the sides of the structure. Decks on the corner lots shall be screened with fencing or vegetation to reduce visibility from the public street.
- (9) Porches:
 - (a) Architecturally significant porches, including their component features, steps and stoops shall be retained.
 - (b) Replacement porches, steps and stoops shall match the original in size, style and materials. All front porch steps shall have closed risers and ends.
 - (c) Porches may be enclosed with screen wire or glass provided that the main characteristics of a front porch are maintained.
 - (d) New or replacement porches shall contain balustrades, columns and other features consistent with the architectural style of the house or other original porches in that block. The height of the top rail shall be no more than 33 inches above the finish porch floor, except as required by the City's building code.
- (16) Ornaments:
 - (a) Architecturally significant ornaments, such as corner boards, cornices, brackets, downspouts, railings, columns, steps, doors and window moldings, shall be retained.
 - (b) Replacement ornaments shall be permitted only when originals cannot be rehabilitated.
 - (c) Installation of new ornaments, where none previously existed, shall be permitted only when it is in accordance with the architectural style of the original structure.

Paint exterior of the house.

The Staff has no concerns about this component of the project. However, the Staff would recommend that no un-painted masonry surfaces be painted.

"Deck".

The project description does not provide any more information about this component. It could be that this is referring to the previously enclosed rear porch, that this appears to be covered with another component of the project. The Staff would recommend that the Applicant clarify the "deck" component of the project.

Repair front porch and trim.

It is not clear from the submitted materials what repairs need to be done and on which portions of the front porch and trim. Further, as noted above, the front porch gable face brackets and header have been altered without a building permit. The Staff would recommend the Applicant provide additional information and specifics about the repair work on the front porch and trim. The Staff would further recommend that the front porch gable face and front porch header be returned to their previous design and configuration as documented in the original District inventory photograph.

Install new roof shingles.

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

Replace gutters.

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

Replace damaged soffit and fascia at rear of house.

While the Staff has assumed that the soffit and fascia repair is limited to the rear of the house, the submitted materials do not necessarily confirm that conclusion. The Staff would recommend the Applicant provide more information and specifics about the replacement of the damaged soffit and fascia.

Repair windows / glass window panes.

It is not clear if the proposed work consists of just replacing the window glass or parts of the window sashes / frames. Given the fire damage and condition of the house, the Staff is concerned that once the project gets underway, the window work will become more involved than just replacing window glass leading to additional follow-up and reviews in the future. The Staff would recommend the Applicant provide more information and specifics about the window repair work, including a more detailed assessment of the condition of the windows.

Replace exterior front door.

Based on the submitted materials, the Staff finds that the front door is original to the house and in good condition. The Staff would recommend the front door be retained, and if necessary, repaired in-kind.

Demo and completely rebuild, fire damaged, previously enclosed rear porch / mud room / laundry room on same footprint and using same foundation (no site work).

Given the extensive previous fire damage and current condition of this portion of the house, the Staff has no concerns about its demolition and rebuilding. Further, the Staff finds that the demolition will not reduce the interpretability of the house given the previous alterations to this portion of the house. Lastly, it is likely that no portion of the rear addition will be visible from the public street given the proximity of the adjacent houses.

Repair and stain rear steps and landings.

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

Repair and replace fire damaged siding and shakes on rear of house to match existing.

The Staff has no concerns about this component of the project, as it is not visible from a public street and thus not subject to review by the Commission.

Repair concrete retaining wall.

It is not clear which concrete wall is proposed for repair and what the repairs will consist of. The Staff would recommend the Applicant provide more information and specifics about the concrete retaining wall repair.

Staff Recommendation: Based upon the following:

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

Staff recommends deferral of the application for an application for Type II Certificate of Appropriateness (CA3-16-326) for alterations at **625 Atwood Street** - Property is zoned R-4A/West End Historic District, so the Applicant has time to address the following comments and concerns:

1. No un-painted masonry surfaces be painted, per Section 16-20G.006(1);
2. The Applicant shall clarify the “deck” component of the project;
3. The Applicant shall provide additional information and specifics about the repair work on the front porch and trim;
4. The front porch gable face and front porch header shall be returned to their previous design and configuration as documented in the original District inventory photograph, per Section 16-20G.006 (1), (9), and (16);
5. The Applicant shall provide more information and specifics about the replacement of the damaged soffit and fascia;
6. The Applicant shall provide more information and specifics about the window repair work, including a more detailed assessment of the condition of the windows;
7. The front door shall be retained, and if necessary, repaired in-kind, per Section 16-20G.006(3)(a);
8. The Applicant shall provide more information and specifics about the concrete retaining wall repair, and
9. The Applicant shall submit revised plans and supporting documentation (including the required number of copies) at least eight (8) days prior to the Commission meeting to which this application is deferred.



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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT **August 10, 2016**

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4PH-16-329) for demolition of a single family house due to a threat to health and safety at **574 Holderness Street, SW** – Property is West end Historic District / R-4A / Beltline.

Applicant: Parton Property Solutions, Mark Hall
5590 Oakdale Road, Mableton

Facts: This duplex structure (formerly a single family house) is considered contributing to the District and according to the District inventory sheet was built in 1890-1940. It is a one-story house with a full width, integral front porch. The hipped roof contains one hipped roof dormer on the front roof plane. While somewhat unusual for the District, it does appear in the original District inventory photograph.

In February, 2016, the Staff approved limited repair work on the house including windows, front porch, new front door, re-roofing, and gutters. A building permit was issued for the same scope of work. In June, 2016, the Staff received complaints about additional work occurring at the house, including wholesale removal of the roof structure, complete removal of the interior of the house, removal of the rear wall of the house, and removal of front porch elements. It is the Staff's understanding that all of the removal elements and materials are not on site any more. The skin of the side and front walls of the house remain. Based on the extent of the demolition work at the house, the Staff determined that the Type IV Certificate of Appropriateness was the proper application to be submitted and reviewed by the Commission.

The current application is for a Type IV for a threat to public health and safety. Included in the submission was a narrative responding to the demolition criteria, photographs, and a set of plans showing the proposed build back on the site.

Analysis: The following code sections apply to this application:

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

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

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

Per Section 16-20.008

- (d) Type IV Demolitions: Demolition of a Landmark Building or Site, a building or site in a Landmark District or a contributing building or site in a Historic District, constitutes an irreplaceable loss to the quality and character of the City of Atlanta. Therefore, all demolitions of said specified buildings or sites shall require a type certificate of appropriateness. Said certificates shall be granted according to the following procedures and standards:
 - (1) Conditions: Type IV certificates of appropriateness shall be issued by the commission only when (1) or both of the following two (2) conditions have been established pursuant to the standards and criteria required below:
 - a. The demolition is required to alleviate a threat to public health and safety;
 - (2) Standards and criteria: The standards and criteria required to be shown in order to establish the existence of the conditions specified in subsection (d)(1) above shall be as follows:
 - a. Threats to public health and safety:
To prove the existence of a threat to public health and safety, the applicant must establish, and the commission must find, the following:
[See items #1-12 as outlined below and excerpted from Section 16-20.008(d)(2).]

Sec. 16-20C.004. General regulations

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

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

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

Staff Response to the Application Submitted

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

The Applicant provided an internal analysis of the problems with the house focusing on those that they found during their initial renovation work. They also noted that the problems they encountered, that in their opinion created a “threat to public health and safety”, have been rectified by the removal of the problematic component or situation. In their demolition work they addressed problems associated with water damage, a previous fire, and pest damage. They lastly noted that it is their intention to fully restore the house to its previous condition. In their submission, they included some photographs of the house in its current, demolished state which show remnants of the conditions they describe in their narrative.

The Staff finds that the analysis provided by the Applicant to date is not independent (it was conducted by Applicant) and does not include sufficient supporting information to conclude that a threat to public health and safety existed on the property prior to them demolishing almost the entire house.

As such, the Staff would recommend the Applicant provide an independent analysis and related supporting documentation that a major and imminent threat to public health and safety previously or currently exists on the property.

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

The Applicant notes in their response that “patching and repairing was not a safe and viable option” and “the extent of the damage uncovered was beyond repair” but does not provide any analysis or information supporting those conclusions. The Staff would recommend the Applicant provide supporting analysis and information for all potential alternatives to rectifying the threat to public health and safety.

3(b)(2). The annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

The Applicant noted in their response that it is “unaware” of any of these factors prior to their purchase of the property in February, 2016. It does not appear that they attempted to obtain the information from the previous owner or that such information might be available. The Staff would recommend the Applicant attempt to obtain from the previous owner annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service for the previous three (3) years and/or describe their unsuccessful efforts to do so.

4. Real estate taxes for the previous four (4) years and assessed value of the property according to the two (2) most recent assessed valuations.

While the Applicant provided the figures, no supporting information or documentation was provided. The Staff would recommend the Applicant document the real estate taxes and assessed valuations noted in the application materials.

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

The Applicant did not provide a fair market value prior to the designation. The Staff would recommend the Applicant provide information or a response about the fair market value of the property prior to its designation.

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

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

The Applicant noted that it consulted with two architects “with considerable rehabilitation experience” who recommended the course of action taken by the Applicant. The Applicant did not provide any reports or materials to document that consultation or the conclusions thereof.

The Staff would recommend the Applicant provide a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure on the property prior to its partial demolition and its suitability for rehabilitation.

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

The Applicant notes in their response that “patching and repairing was not a safe and viable option” and “the extent of the damage uncovered was beyond repair” but does not provide any analysis or information supporting those conclusions. It does note that the cost to “repair...the home back to original historic state is expected to be approximately \$110,000.” The Staff would consider this alternative to essentially be the demolition and rebuilding of the house, not its repair. The Applicant added that any additional cost to comply with the terms of the Commission’s decision would be above and beyond that dollar figure.

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

The Applicant provided the following values for the property:

At time of purchase	\$79,500
In its current condition of partial demolition	\$60,000
After renovation	\$300,000

Given the Staff considers the Applicants renovation alternative to really consist of demolition and rebuilding, the Staff would recommend the Applicant provide a valuation based on actual rehabilitation of the original structure without the current state of demolition and a valuation of a completely new house on the property (an alternative mentioned in a later response below).

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

The Applicant notes that they do not plan on demolishing the structure any more than its current state. However, given the Staff considers the work to date to essentially equal the

demolition of the house, the Staff would recommend the Applicant provide the testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

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

The Applicant noted that the cost to demolish what remains of the house and rebuild an equivalent house would be (taking into account the costs already incurred to date) about \$400,000, which they conclude would be more than the estimated value noted above for a “renovated” house.

The Applicant does not address the infeasibility of building an addition on the back of the house which given a potential increase in end value, might have off-set the potential increased costs of undertaking an actual rehabilitation project.

The Staff would recommend the Applicant provide an analysis of the costs and economic value of a rear addition in combination with an actual rehabilitation of the house. The Staff would further recommend the Applicant provide an analysis of potential transfer of development rights from the property.

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

According to the Applicant, no economic incentives “have been made available or are being pursued for this property.”

The Staff would not agree with this assessment given that the standard historic preservation property tax and/or income tax incentives would apply to this property, which is listed as a contributing property to the West End National Register Historic District. The Staff would recommend the Applicant provide an assessment of the economic incentives that could apply to the property / project.

Overall Comments

Based on the limited information, analysis and photographs provided by the Applicant, the Staff finds that the building in its current condition due to the partial demolition by the Applicant does need significant rehabilitation work, is potentially unsafe, and that the building could at some point collapse. It is clear that in its current condition due to partial demolition by the Applicant there are structural and building material issues. The Staff would also agree that if additional structural loads were placed on the house in its current condition due to the partial demolition by the Applicant such as high winds or vibrations, the compromised structure could collapse. The Staff finds that conditions and circumstances exist that could create an imminent and major threat to public health and safety.

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

Comment on Application Materials by the Office of Buildings

One of the requirements of the Type IV Certificate of Appropriateness process is for the Office of Buildings to comment on the application materials via a written report. The Staff has received the Office of Building report which notes that there has already been extensive demolition at the site and that that office would “accept” an application for demolition.

Staff Recommendation: Based upon the following:

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

Staff recommends deferral of the application for a Type IV Certificate of Appropriateness (CA4PH-16-329) for demolition of a single family house due to a threat to health and safety at **574 Holderness Street, SW** – Property is West end Historic District / R-4A / Beltline, to allow time for the Applicant to address the following concerns and comments:

1. The Applicant shall provide an independent analysis and related supporting documentation that a major and imminent threat to public health and safety previously or currently exists on the property, per Section 16-20.008;
2. The Applicant shall provide supporting analysis and information for all potential alternatives to rectifying the threat to public health and safety, per Section 16-20.008;
3. The Applicant shall attempt to obtain from the previous owner annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service for the previous three (3) years and/or describe their unsuccessful efforts to do so, per Section 16-20.008;
4. The Applicant shall document the real estate taxes and assessed valuations noted in the application materials, per Section 16-20.008;
5. The Applicant shall provide information or a response about the fair market value of the prior to its designation, per Section 16-20.008;
6. The Applicant shall provide a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure on the property prior to its partial demolition and its suitability for rehabilitation, per Section 16-20.008;
7. The Applicant shall provide a valuation based on actual rehabilitation of the original structure without the current state of demolition and a valuation of a completely new house on the property (an alternative mentioned in a later response below, per Section 16-20.008);
8. The Applicant shall provide the testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property, per Section 16-20.008;
9. The Applicant shall provide an analysis of the costs and economic value of a rear addition in combination with an actual rehabilitation of the house per Section 16-20.008;
10. The Applicant shall provide an analysis of potential transfer of development rights from the property per Section 16-20.008;
11. The Applicant shall provide an assessment of the economic incentives that could apply to the property / project; per Section 16-20.008; and
12. The Applicant shall submit the required materials (and the required number of copies) at least eight (8) days prior to the Commission meeting to which this application is deferred.



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Commissioner
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Director, Office of Planning

STAFF REPORT August 10, 2016

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-311) for an addition and alterations at **196 Berean Ave.** Property is zoned Cabbagetown Landmark District (Subarea 3) / Beltline.

Applicant: Tarver Siebert
75 Ponce De Leon Avenue

Facts: This pre-1911 shotgun style home is considered contributing to the district.

Analysis: The following Code sections apply to this application:

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

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

- (1) *When required:*
 - a) To change the exterior appearance of any portion of a structure within the district;
 - b) To erect a new structure or to make an addition to any structure within the district;
 - c) To demolish or move any contributing structure, in whole or in part, within the district;
- (2) *Type required:*
 - a) When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition of a contributing building shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

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

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

- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility

rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."

- b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than ten percent than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (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. corner boards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 - 4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.
 - b) *Façades:*
 - 1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
 - 2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of 14 inches and a maximum of four feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
 - 3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
 - 4. Exterior doors visible from any public right-of-way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 - 5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.
 - 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 rights-of-way and is subject to approval by the commission.
3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
 4. Boxed gable returns are not permitted.
 5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right-of-way may use any roof covering that conforms to standard architectural specifications.
- e) *Porches:*
1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
 2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
 3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
 4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.
- f) *Site development, sidewalks and curbs:*
1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
 3. Curbing shall be granite; poured concrete shall not be used.
 4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.
- (14) Design standards for alterations and additions to contributing buildings. Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the historic architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:
- a) All repair work shall be match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - b) All replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - c) Alterations shall not introduce materials or building elements that do not reinforce the architectural character of the building and shall not destroy historic materials that characterize the property.
 - d) The height or width of any alteration or addition shall not exceed the height or width of the existing building.
 - e) Any alterations or additions shall be compatible with the massing, scale and architectural features of the property.

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 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.

Plans

In looking at the plans, Staff finds that there is an inconsistency in the existing and proposed elevations with regards to a dormer on the north side façade. Staff finds that this dormer is an existing condition, and recommends the plans show the existing dormer on all existing elevations of the north side façade. Further, staff recommends that all existing and proposed side elevations show the full side facades.

Site Plan

This lot fronts 25' on Berean Ave. and has a depth 139.2'. Per regulations, the side and rear yard setbacks shall be based on the compatibility rule. The proposed north and south side yard setbacks will conform to the setbacks of the existing contributing structure and therefore meet the requirements. The proposed rear yard setback is 52' which falls within the allowable setback range based on the existing contributing structure and the contributing shotgun style structure at 176 Berean Ave (45'). Per regulations the maximum floor area ratio (FAR) allowed is .50. Staff finds the FAR is .38 and therefore meets the FAR requirement.

New Addition and alterations

The proposed addition will be placed to the rear of an existing gable addition. Stylistically speaking the proposed addition is consistent and compatible with the existing dwelling. The architectural elements are simple and consistent with the shotgun style. While the preferred method of massing rear additions is to set them back from the original side facades (to create distinction between the original and new), the offset placement of the new addition from the previous addition is an acceptable method of providing differentiation from the existing structure and the addition.

The proposed addition will contain a roof which is higher than the principal roof of the existing structure to create a "camelback" addition. The District regulations require additions to contributing structures to contain a roof with a height which matches or which is lower than the height of the existing structure. To propose otherwise would require a variance from the District regulations. As such, Staff recommends the roof of the proposed addition be lowered to match or be lower than the roof height of the existing structure.

The siding for the proposed addition is indicated as cementitious lap siding. Staff recommends that the cementitious lap siding on the proposed addition be smooth faced. The material for the windows and door on the proposed addition are not indicated on the plans. Staff recommends the plans indicate window and door materials for the proposed addition that meet the regulations. The plans include the addition of four new skylights on the north side facade. Per the regulations skylights are required to be placed where least visible from the public right of way. Staff recommends the Applicant document the visibility of the proposed skylights from the public right of way.

A screened rear porch is proposed for the rear façade. Staff finds that the simpler style and ornamentation of the proposed porch is appropriate for a rear porch in the district. As such, staff has no concerns with the proposed rear porch.

CA3-16-311:

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the elements noted above, per Sec. 16-20A.005 & Sec. 16-20A.006;

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-16-311) for an addition and alterations at **196 Berean Ave.**, with the following conditions:

1. The plans shall show the existing dormer on all existing elevations of the north side façade, per Sec. 16-20A.005(2)(a);
2. that all existing and proposed side elevations show the full side facades, per Sec. 16-20A.005(2)(a);
3. the roof of the proposed addition be lowered to match or be lower than the roof height of the existing structure, per Sec. 16-20A.006(14)(d);
4. the cementitious lap siding on the proposed addition shall be smooth faced per Sec. 16-20A.006(13)(b)(1);
5. The plans shall indicate window and door materials for the proposed addition that meet the regulations, per Sec. 16-20A.006(13)(a)(3)(f);
6. The Applicant shall document the visibility of the proposed skylights from the public right of way, per Sec. 16-20A.006(13)(c)(2);
7. Staff shall review and if appropriate, approve the final plans and 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.)

July 13, 2016

(Revised text shown in Arial.)

August 10, 2016

(Revised text shown in Cambria.)

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-257) for a variance to reduce the off-street parking space requirement from 1 space (required) to 0 spaces (proposed) and (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.

On June 14, 2016, the Applicant submitted a further revised proposed for the project, as well as variance request to reduce the required amount of on-site parking from 1 space to 0 spaces.

On August 2, 2016, the Applicant submitted a further revised design for the project, which is addressed 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.

Variance (CA3-16-257)

The District regulations require that a new house include at least 1 off-street parking space that meets the District regulations, including not being in the front yard. The current design of the project includes 3 ft. side yard setbacks which themselves would not allow for a driveway to be located along either side of the house. In their response to the variance criteria the Applicant noted the site was narrow, a driveway would reduce the buildable area of the lot, the lot is in an older neighborhood with narrow lots, and that on-street parking is common in the neighborhood.

While the Staff agrees with some of the Applicant's response to the variance criteria, it would note that a lot width of about 25 ft. is not too unusual for a District lot, particularly one in the western portion of the District in the Savannah Street area. At the same time, the Staff finds that the width of the proposed house is appropriate for the lot size, there is no alleyway behind the property, and the Staff is not aware of any easement access to the back of the property. If the variance were denied and a driveway that meet the District regulations were constructed, the driveway could only be about 7.5 ft. wide, assuming the house's width were reduced to the minimum width allowed by the District

regulations (14.4 ft. wide based on the compatibility rule) and the driveway was built next to the property line and the house itself. If more room were provided for a standard width driveway (9-10 ft. wide) a variance would be required from the District's minimum house width requirement.

In short, the Staff finds that in this case the options for the project are to either not have off-street parking or have a house width that doesn't meet the District regulations. Given the intent of the District regulations, the Staff finds that having a house that complies with as many of the District house design regulations is preferable to having 1 off-street parking space. As such, the Staff recommends support for the variance request.

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.

The compatibility rule chart notes that all height measurements were taken at the front of the house.

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.

Though the survey of the comparison houses has been included and updated with additional notes, no comparison elevation of the streetscape was provided with the revised submission. The Staff would retain its previous recommendation.

An elevation drawing of the streetscape has been included in the revised submission.

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 compatibility rule chart includes all of the house related measurements and differentiates between the south and north side yard setbacks. The front yard setback is unchanged from the previous submission and meets the District regulations. The rear yard setback is slightly smaller and as such is just outside the range of the rear yard setbacks. The side yard setbacks are 3 ft. and are within the respective ranges for the south and north sides. The Staff would recommend the rear yard setback be adjusted to meet the District regulations.

The rear yard setback has been slightly increased putting it within the range allowed by the compatibility rule.

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 revised site plan includes an FAR calculation documenting a FAR of .46 which is less than the .50 allowed by the District regulations.

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.

As noted above, a variance application has been submitted and per the Staff's recommendation of approval, the off-street parking requirement would be met.

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 revised submission includes a note regarding the new public sidewalk, but it does not meet the District regulations regarding the use of brick for the finish material. The Staff would retain its previous recommendation.

The revised submission does not include a note regarding the public sidewalk that meets the District regulations. The Staff would retain its previous recommendation.

The revised submission includes a brick paver walk to the public sidewalk.

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.

In the most recent submission, the overall massing of the house has been revised mainly through the use of the properly sloped roof pitch (see below) which lowers the eave line and thus increased the portion of the overall height that the roof form occupies. Though it still has concerns about the visual relationship between the proposed house and the comparable houses (thus the need for the scaled streetscape drawing), it appears that the proposed massing is compatible with the comparison houses on the block. Further, the Staff would note that the proposed house width (19 ft.) is within the range of house widths on the comparison houses.

The streetscape elevation drawing shows the proposed house fits within the massing pattern on the block face.

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

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.

In the most recent submission, the compatibility rule chart includes roof pitches, with the predominant one being 12:12 which is the roof pitch of the proposed house. It is still not clear that the roof eaves meet the District regulations. The Staff would retain the portion of the previous recommendation related to the roof eaves.

No additional information was included in the revised submission about the roof eaves. 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.

In the most recent submission, the compatibility rule chart notes that the roof height measurements were taken at the front. The proposed roof height is within the range of the comparison houses. However, the Staff is concerned because on the chart the house height is noted as 25.5 ft. while on the elevation is it noted as 24 ft. 9.5 in. The Staff would recommend the Applicant resolve the internal inconsistency of the house's height.

In the revised submission, the house height on the compatibility rule chart and on the elevation match (24 ft.), which meets the District regulations. This height is also reflected on the streetscape elevation, which depicts the height of the proposed house being between the heights of the two adjacent houses.

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.

In the most recent submission the compatibility rule chart includes house widths, which range from 14.4 ft. to 22.33 ft. The proposed house's width is 19 ft. which is within the allowable range.

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.

In the most recent submission the compatibility rule chart includes the height of the finish floor above the grade which range from 1 ft. to 1.5 ft. The proposed height is 1.83 ft., which is outside the allowable range. The Staff would recommend the height of the first floor above the grade be revised to meet the District regulations.

In the revised submission the height of the first floor above the grade has been revised to be 1.5 ft.. which meets the District regulations.

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.

The semi-enclosed space at the upper, back portion of the house has been removed in the design included in the most recent submission.

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 front door in the most recent submission is a four-light window over a two-part panel that is less than 50% glass and otherwise compatible with the overall form and style of the proposed house. It is not clear if it will be solid wood. The Staff would retain its previous recommendation.

In the revised submission, the door is now noted as wood and glass.

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.

In the revised submission, the windows appear to be slightly shorter, with a lower sill height. The trim and other fenestration elements are essentially unchanged from the previous submission. The Staff would retain its previous recommendation.

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.

In the most recent submission, the distance above the windows has been reduced mostly due to the use more steeply pitched roof. However, the Staff is still concerned about the front façade windows (the height of which has been reduced by increasing the sill to an incompatible height) and the size of the rest of the windows which appear to be slightly shorter than those found on the comparable houses. The later of these characteristics adds to the wall height above the windows on the side facades. The Staff would retain its previous recommendation.

With the changes to the window height and sill height, in the revised submission there is even more blank wall space above the windows than before. 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.

In the most recent submission, additional materials are specified on the plans (including the foundation) but not all are identified. The Staff would retain its previous recommendations.

In the revised submission, the all the exterior materials appear to be labeled and 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.

In the most recent submission, there are still several details of the front porch that are not specified. The Staff would retain its previous recommendation.

In the revised submission, the front porch elements are unchanged from the previous submission. The Staff would retain its previous recommendations.

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

Variance (CA3-16-257):

Staff Recommendation: Based upon the following:

1. Except as noted above, the Applicant has met the criteria for issuing a variance, per Section 16-26.003.

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-16-257) for a variance to reduce the off-street parking space requirement from 1 space (required) to 0 spaces (proposed) at **151 Savannah Street** - Property is zoned Cabbagetown Landmark District (Subarea 3)/Beltline.

Design Review (CA3-16-139):

Staff Recommendation: Based upon the following:

- (a) Except as noted above, the plans meet the regulations per Section 16-20A.006 and 16-20A.009.

Staff recommends approval 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, with the following conditions:

1. The sidewalk shall be replaced per the District regulations, including size, location, design, and materials, per Section 16-20A.006(13)(f);
2. The roof eaves shall meet the District regulations, per Section 16-20A.006(13)(c);
3. All the windows shall meet the District regulations, per Section 16-20A.008(13)(b);
4. The plans shall indicate an appropriate front stair material, per Section 16-20A.006(13)(e)(4);
5. The design and materials of the front porch shall meet the District regulations and shall include all necessary details and description; and
6. The Staff shall review, and if appropriate, approve the final plans and supporting documentation.



CITY OF ATLANTA

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT August 10, 2016

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-16-176) for window replacement at **684 Lawton Street**-Property is zoned R-4A/West End Historic District.

Applicant: Community Friendship, Inc.
85 Renaissance Parkway

Facts: According to the West End Survey, this existing house is contributing. In looking at the Fulton County tax records available online and documentation submitted by the Applicant, this house was constructed in 1990 and is therefore non-contributing.

In May, this application was deferred to allow the Applicant time to apply for a special use permit for a personal care home. Recently the Applicant submitted documentation of a special use permit issued in 1982. The Office of Buildings has confirmed the existing special use permit is valid for the current use of the building.

Analysis: The following code sections apply to this application:
Per Section 16-20G.005 of the Atlanta Land Development Code, as amended:
The following general regulations shall apply to the West End Historic District.

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

(2) *The Compatibility Rule:* The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), shall be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

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

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

(1) *Generally*: The following building elements and architectural features shall be considered when applying [section 16-20.009](#) of this chapter to the West End Historic District: doors, windows, foundations, finished floor elevations, roofs, roof features, gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvres, walls, fences, and gates.

(3) *Windows and Doors*:

- (a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
- (b) Original window and door openings shall not be blocked or enclosed, in whole or in part.
- (c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.
- (d) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- (e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
- (g) New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.

The Applicant is proposing to replace all of the existing windows. Staff would note that while the existing windows are original, they were only installed in 1990 and are therefore not historic. Per regulations, the original windows must be retained when feasible. While the narrative indicates some of the windows are inoperable, it is not clear why all windows must be replaced and cannot be repaired and retained. Staff recommends the Applicant provide documentation the existing windows cannot be repaired and retained.

In looking at the proposed replacement windows, Staff finds the new wood, double hung, simulated divided lite windows are more appropriate than the existing windows with interior muntins. Staff finds the proposed new windows will be a great improvement to the property. While Staff has questions about the condition of the existing windows, Staff has no concerns regarding the replacement windows.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-16-176) for window replacement at **684 Lawton Street**-Property is zoned R-4A/West End Historic District, with the following condition:

1. The Applicant shall submit documentation the original windows cannot be repaired and retained, per Section 16-20G.006(3)(c);



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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

May 25, 2016

Updated

July 13, 2016

(updated information in italics)

Agenda Item: Applications for Type III Certificates of Appropriateness (*CA3-16-284*) for a lot consolidation; (*CA3-16-283*) for a variance from the requirement that facades of principal buildings facing a public street are not setback from the property line and (*CA3-16-192*) for a new multifamily housing development at **186 and 210 Peters Street** – Property is zoned Castleberry Hill Landmark District (Subarea 1).

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

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

At the May 25, 2016 meeting, this application was deferred to allow the Applicant time to submit applications for a variance and a lot consolidation.

Analysis: The following code sections apply to this application:

Per Section 16-20N.004. Definitions.

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

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

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

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

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

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

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

(i) New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

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

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

2. *Compatibility rule.*

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

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

3. *Variances, special exceptions, and appeals.* Variance applications, applications for special exceptions, and appeals from these regulations shall be heard by the commission. The commission shall have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.

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

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

8. *Off-street and off-site parking.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Setbacks.

- i. The facades of principal buildings facing a public street shall not be setback from the property line.
- ii. Facades of a principal building adjacent to a side property line shall not be setback from the side property line, except under the following circumstances:
 - a. Facades with windows shall meet section 704.8 of the 2000 International Building Code, and shall not exceed six feet.
 - b. In the case of the installation of a driveway along a side property line, the façade shall be setback ten feet from the property line for one-way drives and 20 feet for two-way drives.
- iii. There shall be no rear yard setback requirements.

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

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

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

(f) Relationship of building to street.

- i. The first eight feet of all building levels that have sidewalk level arterial street frontage shall have a commercial, office, or residential use and shall not be used for parking or storage.
- ii. The primary pedestrian entrance to all uses and business establishments with sidewalk level street frontage shall:
 - a. Be visible from the street.
 - b. Be directly accessible, visible, and adjacent to the sidewalk, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.
 - c. Face and be visible to an arterial street when located adjacent to such arterial streets.
- iii. A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, shall contrast with their background, and shall be a minimum of four inches in height with a minimum stroke of 0.5 inch.

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

(h) Awnings and canopies.

- i. Original awnings and canopies shall be retained.
- iii. Awnings and canopies must have a minimum clearance of eight feet above the sidewalk level, and shall not encroach more than five feet over the public sidewalk.
- iv. Installation of new canopies, where none previously existed, shall be permitted only if they are compatible with the original structure.
- v. New awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.
- vi. New awnings shall be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
- vii. Multiple awnings on a single building shall be similar in shape and configuration.
- viii. Only that portion of the awning used for signage shall be illuminated.

10. *Exterior stairs and landings.*

- (a) Except for the primary pedestrian entrance to a unit or building, all exterior stairs and landings must be on the side or rear of the principle structure and substantially parallel to the structure.
- (b) Stair treads must be equal widths.
- (c) Exterior stairs and landings shall be constructed of metal or poured concrete.

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

- (a) All components of a structure or addition on the roof of a principal building visible from a public street shall be metal or masonry.
- (b) The enclosed floor area of a structure shall not exceed 25 percent of the total roof area, unless otherwise necessary to meet the minimum requirements for mechanical and elevator equipment, stairwells, elevator, and stair landings.
- (c) Enclosed structures shall not exceed ten feet in height above the parapet wall and shall be setback no less than ten feet from all street-fronting facades.
- (d) All components of a structure or addition on a roof of a principal building shall be set behind the parapet wall.

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

- (a) Lighting shall be provided throughout all parking facilities at a minimum of one-half foot candle of light.
- (b) Parking deck lighting fixtures may not be visible from any public street or park or from any private street.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Fenestration.

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

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

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

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

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

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

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

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

(e) Facades.

i. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the facades of the principal structure. Concrete block and other masonry materials may be used on

facades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any facade.

- (f) Lighting and storefront illumination.
 - i. Security, decorative, and other lighting shall minimize light spillage by providing cutoff luminaires that have a maximum 90-degree illumination. The commission may also require other elements to reduce light spillage.
 - ii. Any security, decorative, or other lighting luminaires shall be located a minimum height of eight feet above the sidewalk, drive, or pedestrian area.
- (g) Loading areas, loading dock entrances, and building mechanical and accessory features.
 - i. Commercial dumpsters shall not be visible from any public street. Residential dumpsters shall not be visible from: Walker Street, Nelson Street, or Peters Street. Notwithstanding the visibility requirements noted above, all dumpsters shall be concealed with walls six feet in height and constructed or faced with metal, brick, stone, architectural masonry, or hard coat stucco.
 - ii. Loading docks and loading areas shall not be permitted on the primary facade of a principal building.
 - iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.
 - iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible any public street.
- (h) Excluding the flare at the street, driveways shall not exceed ten feet in width for one-way drives or 20 feet in width for two-way drives. Loose stone or gravel is not permitted as a paving material.
- (i) Sidewalk regulations.
 - i. Hexagonal sidewalk pavers shall be retained.
 - ii. Hexagonal sidewalk pavers shall be used for any sidewalk repair or replacement on the public streets.
 - iii. Curbing shall be granite.
 - iv. New sidewalks shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be a minimum of seven feet wide and a maximum of 15 feet wide.
 - v. Street furniture: Street furniture to include, but is not limited to: street lights, seating, newspaper vending boxes, trash receptacles, official city and neighborhood signage, trees and shrubs and flower pots.
 - vi. Outdoor seating: Seating areas should be specifically defined and located as to not obstruct pedestrian access or motorist visibility.
 - vii. Umbrellas: Must have a minimum clearance of seven feet above the sidewalk level and located as to not obstruct pedestrian access or motorist visibility.
 - viii. Newspaper vending boxes: Should be located as to not obstruct pedestrian access or motorist visibility.
 - ix. Tree planting: When installed, all newly planted trees shall be a minimum of four inch caliper measured 36 inches above ground, and a minimum of ten feet in height. Trees shall be drought tolerant, limbed up to a minimum seven-foot height, and shall have a maximum mature height of 40 feet. Trees shall have a minimum planting area of 25 square feet. All plantings, planting replacement, and planting removal must be approved by the city arborist. The planting area shall be planted with evergreen ground cover such as mondo grass or liriop spicata.
 - x. Trash receptacles: Where installed, trash receptacles shall be a Victor Stanley Model S-42 or similar looking standard.
 - xi. Decorative pedestrian lights, where installed, shall be placed a maximum of 40 feet on center and spaced equal distance between any street trees along all streets. All said lights shall be Atlanta Type "C" as approved by the planning bureau.
- 2. Permitted principal uses and structures: A building or premises shall be used only for the following principle purposes:
 - (a) Multi-family dwellings, two-family dwellings, and single-family dwellings.
 - (b) Residential and nonresidential uses, as otherwise allowed below, on the same site, in which both of such uses are at least 20 percent of the total floor area, excluding accessory uses.
 - (c) Any of the following uses provided they do not exceed 2,000 square feet of floor area:
 - i. Retail establishments, including delicatessens, bakeries and catering establishments.
 - ii. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.
 - iii. Barber shops, beauty shops, and similar personal service establishments.
 - iv. Tailoring, custom dressmaking, millinery, and similar establishments.
 - v. Repair establishments for home appliances, bicycles, lawn mowers, shoes, clocks, and similar devices.
 - (d) Any of the following uses provided they do not exceed 5,000 square feet of public areas:
 - i. Eating and drinking establishments.
 - ii. Museums, galleries, auditoriums, libraries, and similar cultural facilities.
 - iii. Professional or service establishments, but not hiring halls.

(e) Structures and uses required for the operations of MARTA or public utility but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.
(f) Drive-thru and drive-in services, windows, and facilities are prohibited. Hiring halls are prohibited. Blood donor stations are prohibited. No wholesaling or jobbing shall be conducted from within the District. No use or manner of operation shall be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the residential character of this subarea.

3. Off-Street Parking Requirements

The following parking requirements shall apply to all uses:

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

Lot Consolidation

The Applicant submitted a lot consolidation with a site plan. A narrative to explain the proposed consolidation was not included. In looking at the proposed site plan, it appears the proposed lot includes two existing streets, the existing triangular lot on the corner of Peters Street and Castleberry Street, and the rear lots between Fair Street and Castleberry Street. Per regulations, a proposed consolidation shall result in lots that are so laid out that buildings that are compatible in design, proportion, scale, and general character of the subarea, and the district as a whole, may be reasonably situated and constructed upon such lots. Given the proposed new construction outlined in application (CA3-16-192), Staff finds the general lot consolidation requirement has been met.

While Staff has no general concerns regarding the proposed lot consolidation, Staff recommends the Applicant clarify whether the streets proposed to be consolidated have actually been abandoned by the City. There is a large section of the project that is indicated as a future phase. The future phase is only partially shown on the proposed lot consolidation plan. It is not clear whether the future phase is part of this application. Staff recommends the Applicant clarify how the portion of the project indicated as a future phase is or is not related to the proposed lot consolidation.

Variance Request

The Applicant is requesting a variance from the requirement that facades of principal buildings facing a public street are not setback from the property line. This variance is meant to specifically address the 100 building, 200 building and the lack of a building at the northern end of the property line. In looking at the variance justification, Staff finds that meeting the requirements would be a hardship, could potentially negatively impact the existing historic railing and viaduct and would not allow for appropriate sidewalks for portions of the project. As such, Staff does not have concerns with most of the proposed variance. The only portion of the variance that Staff finds does not meet the requirements is the front setback (Peters Street) of building 100. Staff finds that it is not a hardship to appropriately place the front portion of building 100 at the property line. Staff recommends the front façade of building 100 is not setback from the property line along Peters Street.

General Concerns

In looking at the site plans submitted, Staff finds the notations do not match what is shown on the drawings. For instance, there are several parts of the site plan indicated as “E”. The notation for “E”

indicates an existing brick structure. Staff finds there are not existing brick structures at all of these locations. The location of Haynes Street and how it relates to the proposed buildings appears to shift when comparing the conceptual master plan to the architectural site plan. To fully understand and properly review the project, it is important that all notes are accurate and that all plans are internally consistent. Staff recommends the Applicant submit accurate plans that are internally consistent.

In looking at updated plans, the plans appear to be internally consistent.

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

As recommended by Staff, the Applicant applied for a variance. As Staff supports the variance related to the triangular lot, Staff has no concerns regarding the placement of building 300 and the lack of a building at the corner.

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

As indicated in the variance section, Staff does not have a concern about the location of the building.

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

At the last Commission meeting, there was a recommendation that there be a metal or masonry element or gate between the buildings as opposed to eliminating the separation between buildings “B” and “C”. In looking at the revised elevations, the recommended element is indicated on the plans.

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

Staff retains its recommendation regarding the recessed portion of building “B”, now indicated on the plans as 100.

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

In looking at the updated elevations, Staff finds that the some of the details on the first floor of building 200 help break up some of the massing. This combined with the physical separation between the three buildings facing Peters Street help diminish the massing.

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

In looking at updated elevations, the main entrance for building 100 is still faces Castleberry Street instead of Peters Street and there does not appear to be a visible entrance for 300. Staff retains its recommendation.

Site

Off-Street Parking, Vehicle Access, and Loading Areas

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

As recommended by Staff, the Applicant provided information regarding the required and proposed parking spaces. Staff finds the parking requirement has been met.

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

As recommended by Staff, the garage spaces are indicated under building 400.

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

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

dumpsters and mechanical equipment are not indicated on the plans. Staff recommends the Applicant submit documentation the dumpster and mechanical equipment requirements will be met.

As recommended by Staff, the locations of the loading areas are indicated on the site plan. As recommended by Staff, the dumpsters are indicated on the plans as being on the inside of the building and not visible to the public street. The mechanical equipment is indicated on the roof and not visible from the public street.

Sidewalk and Tree Requirements

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

In updated plans, the proposal for the sidewalk is not detailed. Staff retains its recommendations regarding the sidewalk.

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

In updated plans, the change in topography and the relationship of the buildings to the viaduct and historic railing are clear.

Building Height, Roof Form and Building Elements

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

In the original analysis, Staff indicated the standard City method should be used. In looking at the regulations again, Staff finds the method of measurement is indicated in the general regulations. Specifically, the general regulations require the height of a structure be measured on the façade facing the public street and the measurement be taken from the highest point of such grade to the top of the parapet wall. In updated plans, the Applicant illustrates how the height was measured. Based on the updated plans, Staff finds the height requirements have been met.

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

In updated plans, the Applicant did not submit documentation regarding the predominate roof forms in the district. While the proposed roof design of building 200 is a vast improvement from the previous design and Staff is aware of buildings with similar roof forms, Staff retains its recommendations regarding documenting the roof form meets the compatibility rule. Further, Staff has concerns regarding the how the parapet is designed. While similar to other parapets in the district, Staff finds a more square design is more appropriate and better articulation is required.

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

While Staff finds the fenestration and façade arrangement is likely appropriate, it is not clear from the Applicant's submittal that the compatibility rule has been met. Staff retains its recommendations.

Building A (400)

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

The Applicant has submitted an application for abandonment. Once the street is abandoned, the requirement regarding the front setback of an elevation that faces a street would not apply.

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

As indicated above, the abandonment of Castleberry Street eliminates the requirement for a main entrance on that façade. Further the part of the project previously indicated as "J" is slated for future development and is not part of the scope of this project. Staff recommends the site plan eliminate any reference to the future phase of the project.

In looking at the updated plans, there appears to be bridges between the buildings. The details regarding the bridges are not clear. Staff wants to ensure the proposed bridges are appropriately designed. Staff recommends the proposed bridges are a simple metal industrial design. The design and details of the separation between the buildings is not clear. Staff recommends the Applicant submit a detailed elevation of the proposed separation elements between the buildings.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-16-284) for a lot consolidation at **186 and 210 Peters Street** – Property is zoned Castleberry Hill Landmark District (Subarea 1), with the following conditions:

1. The Applicant shall clarify whether the streets proposed to be consolidated have actually been abandoned by the City; and
2. The Applicant shall clarify how the portion of the project indicated as a future phase is or is not related to the proposed lot consolidation.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-16-283) for a variance from the requirement that facades of principal buildings facing a public street are not setback from the property line at **186 and 210 Peters Street** – Property is zoned Castleberry Hill Landmark District (Subarea 1), with the following condition:

1. The front façade of building 100 shall not be setback from the property line along Peters Street, per Section 16-20N.007(9)(b);

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-16-192) for a new multifamily housing development at **186 and 210 Peters Street** – Property is zoned Castleberry Hill Landmark District (Subarea 1), with the following conditions:

1. The Peters Street façade of building “100” shall not be setback from the property line, per Section 16-20N.007(9)(b);
2. The project shall include main entrances for all buildings facing Peters Street, per Section 16-20N.007(9)(f);
3. The Applicant shall clarify the sidewalk proposal for the development, per Section 16-20N.007(1)(i);
4. All new sidewalks shall meet the requirements, per Section 16-20N.007(1)(i);
5. The roof form shall be based on the compatibility rule, per Section 16-20N.007(1)(a);
6. The Applicant shall provide documentation the proposed fenestration and general façade organization meets the compatibility rule, per Section 16-20N.007(1)(a) and (d);
7. Any reference to the future development phase of the project shall be eliminated;
8. The proposed bridges shall be a simple metal industrial design;
9. The Applicant shall submit a detailed elevation of the proposed separation elements between the buildings; and
10. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

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MAYOR

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TIM KEANE
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT **August 10, 2016**

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-16-213) for alterations, an addition, and site work at **1715 South Ponce De Leon Avenue** – Property is zoned Druid Hills Landmark District.

Applicant: William Stephens
1145 Alta Avenue

Facts: According to the Druid Hills Inventory, this single family dwelling built in 1920 and is considered contributing.

At the November 29, 2010 Commission meeting, an application for a Type IV Certificate of Appropriateness (LD-10-179) to allow the demolition of a structure due to a public threat to health and safety was denied without prejudice.

In 2012, an Application for a Type IV Certificate of Appropriateness (CA4H-12-214) for the demolition to an existing structure due to a threat to public health and safety was denied without prejudice.

At the July 13, 2016 Commission meeting, applications for a Type IV Certificate of Appropriateness (CA4PH-16-235) for demolition of an accessory structure due to a threat to public health and safety and a Type III Certificates of Appropriateness (CA3-16-215) for a variance to allow a reduction at the public street (Clifton Road) from 50 feet (required) to 17 feet (proposed) were denied without prejudice.

At the July 13, 2016 Commission meeting, the application for a Type III Certificate of Appropriateness and (CA3-16-213) for alterations, an addition, and site work was deferred to allow the Applicant time to submit revised plans. The Staff report below is based on revised plans submitted on August 2, 2016.

Analysis: The following code sections apply to this application:

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

- (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 Codes 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 buildings and sites:
 - (b) To change the exterior appearance of any structure within any Landmark District;

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

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

(1) *General standards.* In the Druid Hills Landmark District, the Commission shall apply the following general standards only if the standards set forth elsewhere in this [chapter 20B](#) do not specifically address the application:

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

(2) *Certificates of appropriateness.*

- (a) Except as otherwise provided herein, the procedures for determining the correct type of certificate of appropriateness shall be those specified in [section 16-20.008](#) of the Zoning Ordinance.
- (b) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.

(c) No certificate of appropriateness shall be required for the removal of dead, dying, or hazardous tree as defined in the City of Atlanta Tree Ordinance or a tree with a diameter breast height of less than six inches.

(d) Type I certificates of appropriateness shall be reviewed and decided by the Director of the Commission and are required for the following:

(i) In-kind repair or replacement of roofing material, and in-kind repair of driveways, walkways, other similar paving, windows, and exterior doors.

(e) The following Type II certificates of appropriateness shall be reviewed and decided by the director of the commission and shall be required for new paving not visible from the public right of way, fences, walls, and retaining walls.

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

The Applicant is proposing various exterior changes including the replacement of all existing masonry, replacement of chimneys, installation of new windows and doors, re-opening of a previously existing front door opening and replacement and modification to the front facing gables. In looking at a 1989 picture submitted by the Applicant, Staff finds the proposed exterior alterations are consistent with the architecture of the house as it was in 1989. Further, Staff finds the window and door design are also consistent with the architecture of the house in 1989. Based on survey pictures and pictures submitted by the Applicant, it is clear the existing house has been altered. It is also clear that the house has been vacant for some time and is in a state of deterioration.

In general, Staff has no concerns with the proposed replacement of missing elements and the general design proposal to make the existing house more consistent with its historic architecture. While Staff finds the proposed elevations are appropriate, Staff has serious concerns regarding the replacement of existing original and historic elements. Specifically, the Applicant is proposing to replace all existing masonry, many existing decorative architectural features, and exterior chimneys. The narrative indicates the interior framing will be replaced and there will be structural upgrades. While Staff does not generally review interiors, Staff has concerns the combination of the replacement of all exterior masonry and the replacement of all the interior framing is a demolition.

At this time, there is not enough information to determine whether what is proposed will result in demolition. Staff recommends the Applicant provide documentation and clarification that will determine whether the proposed project will result in a demolition. If the project is actually a demolition, the Applicant shall submit a Type IV Certificate of Appropriateness application. The narrative indicates many elements such as the masonry, chimneys and decorative architectural features and beyond repair and must be replaced. There is no documentation currently submitted that indicates all of the above mentioned elements are beyond repair and must be replaced. Staff recommends the Applicant submit documentation that all original and historic elements that are proposed for replacement are beyond repair and require replacement. While Staff is extremely supportive of efforts

to repair, enhance and preserve the existing historic house, Staff wants to ensure the proposed alterations retain the original and historic elements when feasible.

Staff Recommendation: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20B.003;

Staff recommends deferral of the application for a Type IV Certificate of (CA3-16-213) for alterations, an addition, and site work at **1715 South Ponce De Leon Avenue** – Property is zoned Druid Hills Landmark District, to allow the Applicant time to address the following concerns of Staff:

1. The Applicant shall provide documentation and clarification that will determine whether the proposed projects will result in a demolition, per Section 16-20B.003;
2. If the project is actually a demolition, the Applicant shall submit a Type IV Certificate of Appropriateness application, per Section 16-20B.003;
3. The Applicant shall submit documentation that all original and historic elements that are proposed for replacement are beyond repair and require replacement, per Section 16-20B.003; and
4. The Applicant shall submit appropriate copies of all updated information and documentation, no later than 8 days before the meeting to which the application is deferred