



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 9, 2013

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-12-301) for alterations at 744 Berne Street– Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Roderick Cloud
1110 Cascade Circle

Facts: According to the Grant Park Inventory sheet this single family dwelling built in 1950 is considered contributing.

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.

- (2) Certificates of Appropriateness.
- (B) Type III Certificates of Appropriateness shall be required for:
 - 2. All major alterations and additions to an existing structure, with respect to any façade that faces a public street.

Per Section 16-20K.007:

- (1) *Development Controls.*
 - (A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - (B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.
 - (C) *Rear Yard:* Rear yard setback shall be seven feet.
 - (D) *Off-street parking and driveway requirements:*
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.
 - (2) *Architectural Standards.*
 - (A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity

of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural 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.).

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

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

11. Any facades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 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.

d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.

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

1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

In the Grant Park Historic District, only changes that face a public street are reviewed by the Commission. As this is a corner lot, Staff will make comments on the street facing facades.

According to the site plan submitted, this corner lot front 60' on Berne Street and has a depth of 160' on Eloise Street. In looking at the City cadastral map, the lot in question has slightly different lot dimensions. Staff would note that a permit will not be issued for projects when the site plan does not match the City cadastral map. Staff suggests the Applicant resolve the discrepancy with the Office of Planning subdivision staff before submitting for permitting.

The Applicant is proposing to renovate an existing addition on the rear deck with a new roof, siding and windows. As this is an alteration of an existing structure on the rear deck, Staff finds that setbacks, lot coverage and floor area ratio are not an issue in this case. The project does include the addition of rear steps. Per regulations, the side and rear yard setbacks for the stairs can be no less than 7'. Staff finds the proposed stairs meet the setback requirements.

In looking at the proposed alteration to the sun room, Staff finds the overall roof form, windows, materials and height are appropriate and meet the requirements. Staff does not have any concerns regarding the proposed alterations. The Applicant is proposing to retain, repair and repaint some of the existing damaged siding. Staff has no concerns regarding the repair of damaged siding. The Applicant is proposing to replace the roof shingles in-kind. Staff has no concerns regarding the replacement of roof shingles in-kind

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the application for a Type III Certificate of (CA3-12-301) for alterations at **744 Berne Street**– Property is zoned R-5/Grant Park Historic District (Subarea 1), with the following conditions:

1. Staff shall review and if appropriate, approve the final plans.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 9, 2012

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-12-303) for a special exception to install a 6ft. privacy fence/ wall in the half depth front yard at **428 Woodward Avenue**—Property is zoned R-5/Grant Park Historic District.

Applicant: Maura Mitzner
1107 Moreland Place

Facts: According to the Grant Park Inventory sheet this existing dwelling built in 1894 is considered contributing.

At the June 27, 2012 meeting, the Commission approved an application for a Type III Certificates of Appropriateness (CA3-12-114) for an addition, other renovations and site work at **428 Woodward Avenue**. As part of that application, a 6' privacy fence was approved in the half depth front yard. The Applicant received the appropriate permits for the renovations and the fence. Later the Applicant was informed that the fence was in violation as the regulations do not allow for 6' fences in the half depth front yard. Staff would note that the 6' privacy fence was approved in error. This current application is for a special exception to approve the existing fence.

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.

(2) Certificates of Appropriateness.

(B) Type III Certificates of Appropriateness shall be required for:

1. All new principal structures;

(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.

Per Section 16-20K.007:

(1) *Development Controls*.

(A) *Front Yards*: Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the

closest and no farther from the street than the farthest contributing structure of like use on that side of the block.

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

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

(D) Off-street parking and driveway requirements:

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

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

(2) *Architectural Standards.*

(A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural 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.*

14. Fences and walls, adjacent to a public street upon completion, shall be subject to the provisions of section 16-28.005(5) and the following limitations:

- a. Fences not exceeding four (4) feet in height may be erected in a front yard. Fences not exceeding six (6) feet in height may be erected in a half-depth front yard. Other than retaining walls, walls shall not be erected in a front yard or half-depth front yard.
- b. Fences and walls not exceeding six (6) feet in height may be erected in the side or rear yards.
- c. In a half-depth front yard, when a fence exceeds four (4) feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three (3) feet from a public street. Portions of retaining walls facing a public street and located in a required front yard or half-depth front yard shall be faced with brick, stone or masonry wall covered with a parge coat of stucco, such as Portland stucco cement.
- d. The finish side or front side of one-sided fences shall face the public street.

e. Special exceptions on greater height of walls or fences in required yards: The board of zoning adjustment may grant special exceptions in any district for greater heights only upon finding that:

1. Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the character of the neighborhood;
2. Such greater height is justified by requirements for security of persons or property in the area;
3. Such greater height is justified for topographic reasons; or
4. Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

This corner lot fronts 50' on Woodward Avenue and has a depth of 112.50' on Cherokee Avenue. The fence in question is located on the Cherokee Avenue elevation. The Applicant is requesting to retain a 6' privacy fence for reasons of privacy and security. In looking at the requirements for a special exception, it specifically allows for the granting of a special exception due to privacy and security as

long as it does not prevent the passage of light and air for adjoining properties and is not incompatible with the character of the neighborhood.

The property is located near several commercial establishments that have frontage on both Memorial and Cherokee. As indicated by the Applicant, there is a great deal of foot traffic from patrons of the commercial establishments. On a regular basis there is a lack of parking that would make on-street parking challenging for the homeowner. Staff finds the amount of foot traffic and the lack of on-street parking could potentially create a security issue. Given the existing house is located directly across the street from a large commercial establishment and a parking lot, Staff agrees that there would be little privacy for the back yard area.

The Applicant constructed the existing fence with approval by the Commission and the appropriate permits from the Office of Buildings. While the fence was approved in error, the Applicant still spent a significant amount of money to install the fence. While financial hardship is not one of the criteria for a special exception, Staff finds that there is a hardship placed on the Applicant as they installed the fence with the understanding that it met the regulations.

Notwithstanding the height, the overall material, location and design of the fence are appropriate. Staff finds the privacy fence does not prevent the passage of light and air to adjoining properties. Staff finds there are other examples of similar privacy fences in the district. Staff finds the Applicant has documented there are both security and privacy issues for this corner lot. Given the information we have at this time, Staff finds that it is appropriate to approve a special exception for the privacy fence for reasons of security and privacy.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the application for a Type III Certificate of (CA3-12-303) for a special exception to install a 6ft. privacy fence/ wall in the half depth front yard at **428 Woodward Avenue**—Property is zoned R-5/Grant Park Historic District.



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STAFF REPORT January 9, 2013

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-12-308) for a variance to allow less fenestration at the side walk level, interior parking within the first eight feet of the façade, alternative façade materials, and a rooftop addition that is greater than 25% of the roof area; and (CA3-12-307) for a second story addition and other renovations at **289 Peters Street** – Property is zoned Castleberry Hill Landmark District (Subarea 1).

Applicant: Maken Payne
289 Peters Street

Facts: The existing single story building has a basement and has a footprint that takes up the entire lot. According to the Castleberry Hill inventory sheets, this commercial building was built in 1910 and is considered contributing.

Analysis: The following code sections apply to this application:
Per Section 16-20N.006 of the Atlanta Land Development Code, as amended:
The following general regulations shall apply to all properties located within the proposed Castleberry Landmark District.

Section 16-20N.005. Certificates of Appropriateness.

4. Type III certificates of appropriateness shall be required for:

(b) All major alterations and additions to an existing principal structure, including all major alterations and additions to the roofs of principal structures.

Section 16-20N.006. 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:

(a) The historic character of a property shall be retained and preserved.

(b) The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.

(c) Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historic development, such as adding conjectural features or elements from other historic properties.

(d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

(e) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.

(f) Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.

- (g) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- (h) Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- (i) New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- (j) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (k) Contemporary design for new construction and for additions to existing properties shall not be discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy section 16-20N.007 or section 16-20N.008, as applicable.
- (l) The height of a structure shall be measured on the façade facing the public street and measurement shall be taken from the highest point of such grade to the top of the parapet wall.

2. Compatibility rule.

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

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

4. Financial hardship exemptions

- (a) These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations to a property owner's principal residence on the ground of economic hardship to the property owner.
- (b) The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.
- (c) The commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - i. The present income of the property owner(s) and those occupying the property.
 - ii. The age of the property owner.
 - iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought.
 - iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants and tax abatements.
 - v. The costs associated with adherence to these regulations.
 - vi. The degree of existing architectural significance and integrity of the structure; and
 - vii. The purpose and intent of this chapter.

(d) The commission shall consider these factors and shall grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.

5. Subdivisions of lots. The subdivision of any lot within this district shall be subject to review and approval by the commission. No subdivision of lots shall be approved by the director of the bureau of planning unless said matter has first been submitted to and approved by 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 a particular subarea or the district as a whole, may be reasonably situated and constructed upon such lots.

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.
- (c) Off-street or off-site parking located adjacent to public streets or sidewalks shall include landscape buffer strips along the public street or sidewalk. Landscape buffer strips shall be: a minimum of three (3) feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a minimum of twelve (12) feet in height at time of planting placed no further than twenty-five (25) feet on center. All landscape buffer strips shall be maintained in a slightly manner.
- (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) Sidewalk paving materials shall be continued across intervening driveways.
- (h) Entrances to garages that serve residential units shall be located in a side or rear yard.
- (i) All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards, to serve garages and parking areas.

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

(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 (3) feet above the public sidewalk, for a height no less than nine (9) feet above the sidewalk.

(d) Sidewalk level development without fenestration shall not exceed a maximum length of ten (10) feet of façade.

(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 (2 ½) feet and eight (8) feet above grade.

(f) Relationship of building to street.

i. The first eight (8) 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) Façade Materials. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the façades 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.

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% 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 10 (ten) feet in height above the parapet wall and shall be setback no less than 10 (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.

15. 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 of the property 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 setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.

Section 16-20N.007 - Specific Regulations for Historic Core, Subarea 1.

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

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

(a) The compatibility rule shall apply to the general façade organization, proportion, scale, and roof form of the principal structure.

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

(d) Fenestration.

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

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

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

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

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

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

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

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

(e) Facades.

i. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the façades 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.

ii. Covering of the original façade shall not be permitted.

iii. Painting of unpainted stone, terra cotta, and brick is prohibited.

iv. All cleaning of stone, terra cotta, and brick shall be done with low-pressure water and mild detergents.

v. All repairs to original mortar shall be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints shall be duplicated in width and in joint profile.

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.

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.

Variance Requests

Fenestration

The regulations require that 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 (3) feet above the public sidewalk, for a height no less than nine (9) feet above the sidewalk; and Sidewalk level development without fenestration shall not exceed a maximum length of ten (10) feet of façade.

According to the Applicant, a variance is needed because having fenestration that meets the regulations would create safety concerns. Specifically, the existing building will be used as both a residence and a business. The Applicant has concerns regarding protecting both personal items and expensive equipment associated with two different businesses.

It is clear from looking at the existing building that the original fenestration was removed before the districts designation and in-filled with siding and inappropriate windows. Staff would note that while the façade as currently configured does not meet the regulations, the Applicant is not required to renovate the façade to meet the regulations. While retaining the existing façade is not the best solution, it would eliminate the need for a variance.

In general, the point of the sidewalk level fenestration requirement is to have a first floor that appears to be a storefront and helps to activate the street. In looking at similar contributing buildings in the district, they are defined by either large storefront windows or multi-pane commercial windows that take up a great deal of the façade. While Staff understands the concerns regarding safety, there are many buildings in the district that house businesses and or residences that have been able to meet this requirement and provide a secure environment.

According to the Applicant, the garage door helps meet the fenestration requirement. Given the function and design of the proposed door, Staff finds the proposed garage door while an opening does not meet the fenestration requirement as described in the regulations. Staff finds there are solutions that would allow the Applicant to protect their property and meet the regulations. Staff is not convinced that the only solution is the design as proposed by the Applicant. Staff does not find that the variance requirements have been met as outlined in the variance addendum. Given the information we have at this time. Staff does not support the variance for fenestration. Staff recommends the variance from the fenestration requirement be removed from the request.

Parking

The use of the building was converted from commercial to residential and commercial. As such, parking is required for the residential portion. The regulations require entrances to garages that serve residential units to be located in a side or rear yard; and the first eight (8) feet of all building levels that have sidewalk level arterial street frontage not be used for parking or storage.

The Applicant is proposing to have parking and a garage door at the front of the building. The variance request for the garage door was not included in the original application. Staff discovered the need for this variance after an initial review. Since that time, the Applicant has submitted a variance request for the garage door and will be heard at the February 23rd meeting.

In looking at the City Cadastral map, Staff finds there is an alley behind the property that would allow for a garage entrance at the rear of the building. According to the Applicant, they have no access to alley. The Applicant has provided pictures that indicate that parts of the alley are blocked by private fences. Private fences are not allowed in alleys. The only way to get a fence permitted for an alley is if all property owners agreed to close the alley and legally take ownership of the alley. The properties would then need to be re-platted with the City of Atlanta to reflect that the alley no longer existed and each property would receive half of the alley.

Staff researched City records and found no evidence the alley has been closed and re-platted. As such, Staff finds the fences are there illegally. Staff finds the Applicant could legally have access to the alley and therefore to the rear of the property. The Applicant indicates that even if there was access to the alley, there is not enough of a turning radius to properly maneuver in and out. The existing alley is 12' in width. While it may difficult, Staff finds there is no documentation indicating that it is impossible to maneuver in and out.

Whenever there is an accessible alley, the preferred option is to use the alley to access of-street parking. Given the pictures provided, Staff acknowledges that even if the Applicant has legal right to

use the alley, it may be difficult to physically obtain the right to use the alley. Staff finds there is not enough information or documentation to show that the Applicant has no legal right to use the alley. Staff finds the Applicant has shown there is currently no physical access, however the Applicant has not shown that physical access could not be obtained. Staff finds the Applicant has not provided documentation that it is impossible to maneuver a car in and out of a rear parking area.

Given the information we have at this time, Staff cannot support the variance from the parking requirement. Staff recommends the Applicant provide additional documentation and information regarding legal and physical access to the alley and the concern regarding the turning radius.

Height

The regulations require that rooftop additions be no more than 10' higher than the existing parapet wall. In looking at the elevations of the proposed addition, the front of the addition is taller than the rear and the roof slopes back to the rear. It is only the front portion of the addition that violates the height requirement. According to the Applicant, the height is required in order to have a sloped roof that would prevent rain water from collecting. Staff finds there are other design solutions for the roof that would meet the height requirement and prevent rain water from collecting. Staff finds the Applicant has not shown why it is a hardship to use a different design solution. Given the information we have at this time, Staff cannot support this variance. Staff recommends the variance from the height requirement be removed from the request.

Rooftop Square Footage

The regulations require that an enclosed structure not exceed 25% of the total roof area. The Applicant is proposing to have a total roof area of 36.3% in order to accommodate additional living space. According to the Applicant, the size of the living space is needed because their loan is tied to the value of the property after renovation. According to the Applicant, the initial project submitted was a basement renovation that was not feasible due to the lack of egress. According to the Applicant, an addition with an area of 36.3% must be constructed in order to meet the terms of the loan. While Staff understands that there is an issue regarding the loan as it relates to the square footage, the variance criteria do not include a hardship based on loans or finances.

The Applicant points out that the addition is significantly recessed from the front of the building and will be difficult to see from the street. One of the concerns with the size of roof top additions was to make sure that the existing historic build remain the dominant feature. Given the location of the addition, Staff finds the existing historic building will remain the dominant feature. With that said, Staff finds the Applicant has not proven a hardship on the variance criteria. Given the information we have at this time, Staff cannot support the variance request. Staff recommends the variance from the square footage requirement be removed the request.

Alternative Materials

In the original application, the Applicant requested a variance from the requirement that metal or masonry be used as a façade material. In an updated package, the Applicant has indicated that metal will be used as a façade material instead of metal. As such, Staff finds a variance to allow alternative materials is no longer needed. Staff recommends the variance from the façade material requirement be removed from the request.

Renovations and Additions

Front Façade Changes

The first floor of the front façade is defined by vertical wood siding and two different types of windows. As mentioned in the variance portion, the original façade was removed and in-filled before the district's designation. The façade as currently configured does not meet the regulations. The Applicant is proposing to remove the existing siding and windows in order to install a new façade, windows, a new door and a garage door. As the existing façade is not original or historic, Staff has no concerns regarding the removal of the existing elements.

Staff would note that the current plans indicate wood siding, the Applicant has submitted updated information that the façade material will be metal. Additionally, Staff would note that the proposed garage door is the subject of a variance that will be heard at a future meeting.

As Staff does not support the variance regarding the reduction in fenestration, Staff finds the fenestration of the front façade needs to be redesigned. Specifically, the first floor façade needs to reflect the fenestration pattern of similar contributing buildings. Staff recommends the front façade be redesigned to include either storefront windows or multi-pane commercial windows that meet the regulations. Staff finds that using either metal or wood as a façade material for the first floor does not meet the regulations. Staff recommends that no wood or metal siding be used as a façade material on the first floor.

Addition

As previously mentioned, the Applicant is proposing a second story addition. As Staff does not support the variances from the height and square footage requirement, Staff recommends the addition meet the height requirement. Staff further recommends the addition meet the square footage requirement. The Applicant has indicated the addition will be metal. Staff finds the façade material of the addition meets the regulations. Staff recommends the Applicant submit updated elevations that indicate what type of metal will be used and how the addition will look.

Notwithstanding the concerns regarding height, square footage requirements and façade materials, Staff finds the overall design of the addition is appropriate. Staff does find the fenestration on the front of the addition is not consistent and compatible with the windows on similar buildings in the district. Staff recommends the windows on the addition meet the fenestration requirements. In this district, all facades are reviewed whether the elements are visible from the street or not. There were no elevations submitted for the rear of the addition. Staff recommends the Applicant submit an elevation of the rear façade.

Staff Recommendation: Based upon the following:

(a) The plans do not meet the regulations per Section 16-20N.006 (3) except as noted above

Staff recommends deferral of the Application for a Type III Certificate of Appropriateness (CA3-12-308) for a variance to allow less fenestration at the side walk level, interior parking within the first eight feet of the façade, attentive façade materials, and a rooftop addition that is greater than 25% of the roof area at **289 Peters Street** – Property is zoned Castleberry Hill Landmark District (Subarea 1), to allow the Applicant time to address the following concerns of Staff:

1. The variance from the fenestration requirement shall be removed from the request, per Section 16-20N.006;

2. The Applicant shall provide additional documentation and information regarding legal and physical access to the alley and the concern regarding the turning radius, per Section 16-20N.006;
3. The variance from the height requirement shall be removed from the request, per Section 16-20N.006;
4. The variance from the square footage requirement shall be removed from the request, per Section 16-20N.006;
5. The variance from the façade material requirement shall be removed from the request, per Section 16-20N.006; and
6. The Applicant shall submit appropriate copies of all additional information and documentation no later than 8 days before the meeting to which the application is deferred.

Staff Recommendation: Based upon the following:

- (a) The plans do not meet the regulations per Section 16-20N.006; except as noted above

Staff recommends deferral of the Application for a Type III Certificate of Appropriateness (CA3-12-307) for a second story addition and other renovations at **289 Peters Street** – Property is zoned Castleberry Hill Landmark District (Subarea 1), to allow the Applicant time to address the following concerns of Staff:

1. The front façade shall be redesigned to include either storefront windows or multi-pane commercial windows that meet the regulations, per Section 16-20N.007(1)(d);
2. No wood or metal siding shall be used as a façade material on the first floor, per Section 16-20N.007(1)(e)(i);
3. The addition shall meet the height requirement, per Section 16-20N.006(11)(c);
4. The addition shall meet the square footage requirement, per Section 16-20N.006(11)(b);
5. The Applicant shall submit updated elevations that indicate what type of metal will be used and how the addition will look;
6. The windows on the addition shall meet the fenestration requirements, per Section 16-20N.007(1)(d);
7. The Applicant shall submit an elevation of the rear façade; and
8. The Applicant shall submit appropriate copies of all updated plans no later than 8 days before the meeting to which the application is deferred.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 9, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-12-309) for renovations at **165 Walker Street**- Property is zoned Castleberry Hill Landmark District (Subarea 1).

Applicant: Russell New Urban Development, LLC
504 Fair Street

Facts: This lot has frontage on Walker Street, Haynes Street and Nelson Street. According to the Castleberry Hill inventory sheets, this commercial building was built in 1989 and is considered non-contributing.

Analysis: The following code sections apply to this application:

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

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

Section 16-20N.005. Certificates of Appropriateness.

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

Section 16-20N.006. 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:

- (a) The historic character of a property shall be retained and preserved.
- (b) The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
- (c) Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historic development, such as adding conjectural features or elements from other historic properties.
- (d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

- (e) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
- (f) Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
- (g) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- (h) Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- (i) New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- (j) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (k) Contemporary design for new construction and for additions to existing properties shall not be discouraged when such new construction and additions do not destroy significant historical, architectural, or cultural material, and such construction or additions satisfy section 16-20N.007 or section 16-20N.008, as applicable.
- (l) The height of a structure shall be measured on the façade facing the public street and measurement shall be taken from the highest point of such grade to the top of the parapet wall.

2. Compatibility rule.

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

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

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.

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 façade of the building determined by section 16-20N.006(1)(l).

(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 (6) feet.

(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 (3) feet above the public sidewalk, for a height no less than nine (9) feet above the sidewalk.

(g) Façade Materials. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the façades 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. facilities based on concerns regarding fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as are reasonably required to ameliorate any potential negative impacts of the proposed facility on adjoining property owners.

16. Additional notifications.

(b) Any time the provision 16-20.011(b) of this part is enforced in this district, the director of the commission shall notify the Castleberry Hill Neighborhood Association within ten days and a 30-day period for comment be allowed for the association.

(c) The director shall regularly send to the Castleberry Hill Neighborhood Association the agenda for each meeting of the commission in which there is any agenda item for property within the District.

Section 16-20N.007 - Specific Regulations for Historic Core, Subarea 1.

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

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

(a) The compatibility rule shall apply to the general façade organization, proportion, scale, and roof form of the principal structure.

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

(d) Fenestration.

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

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

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

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

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

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

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

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

Castleberry Hill Landmark District. The sign regulations for the Castleberry Hill Landmark District shall be the same as Section 16-28A.010(5) (C-1 Community Business District), provided that:

1. No general advertising signs shall be permitted in the Castleberry Hill Landmark District.

2. No sign shall be permitted within the district except after approval by the urban design commission of a certificate of appropriateness as specified in chapter 20 of this part.

3. The location of the sign, unless otherwise specified within this subsection (49), shall be subject to the approval of the urban design commission simultaneously with the request for a certificate of appropriateness.

4. Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.

5. Signs shall be located as follows:

i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.

ii. On or in display windows or upper façade windows.

iii. On or in the glazing of the doors.

iv. On the valance of awnings.

v. On the fascia or top edge of canopies.

vi. Projecting perpendicularly from the building.

8. The combined area of these permitted building business identification signs shall not exceed ten percent of the total area of the front wall of each said business establishment, and in no case shall any individual sign exceed 200 square feet.

Notwithstanding these provisions, every business establishment shall be entitled to at least 60 square feet total combined sign area.

9. No changing signs shall be permitted.

10. No internally illuminated signs shall be permitted.

C-1 (Community Business) District. The following signs shall be permitted in the C-1 (Community business) district:

a. *Number and Area of Building Business Identification Signs:* Wall signs, projecting signs, canopy signs, parapet wall signs, suspended signs, and marquee signs shall be permitted. A maximum of three (3) building business identification signs shall be permitted for each business establishment. The combined area of these permitted building business identification signs shall not exceed 10 percent of the total area of the wall of the front of each said business establishment, and in no case shall any individual sign exceed 200 square feet. Notwithstanding these provisions, every business establishment shall be entitled to at least 60 square feet total combined sign area.

b. *Building Signs on Corner Lots*: For corner lots, one (1) additional building business identification sign for the business establishment occupying the corner space shall be permitted, provided it is oriented toward the additional street frontage. The total area of said sign shall not exceed 10 percent of the total area of the wall of said building occupied by such business establishment and oriented toward the additional street frontage, or 60 square feet, whichever is less.

In looking at pictures submitted by the Applicant and survey pictures, the existing non-contributing building is faced in concrete on the Walker Street elevation and the side elevations. The rear elevation is aluminum. The Applicant is proposing to face a portion of the building with brick veneer, add windows and doors, install new signage and canopies, install bollards and some exterior painting. As this is a non-contributing building, Staff has no concerns regarding the destruction of historic fabric.

Fenestration

The Applicant is proposing to install a three panel aluminum window unit on the front and rear façade. Staff finds the materials, location, size, distance from the sidewalk and overall height of the proposed windows meet the regulations. Staff has concerns regarding the design of the windows. In looking at contributing commercial buildings in the district, the windows are mostly storefront windows with transom or multi-pane industrial windows. Staff recommends the proposed windows are either storefront windows with transoms or multi-pane commercial windows.

Façade Changes

The Applicant is proposing to face the corner portion of the building with brick and paint the rest of the existing concrete façade. Staff has no concerns with the installation of the brick façade. Staff finds the material meets the regulations and helps highlight the office area. Staff has no concerns regarding exterior painting for this building.

Signage and Canopy

The Applicant is proposing to install signage on the front and side façade of the building. Per regulations, a maximum of three signs is allowed. As this is a corner lot, an additional sign that faces the street is allowed. Staff would note that the proposed signage is not located on any corner of the lot. It is not clear how many signs are currently on the building. Staff recommends the Applicant clarify how many existing signs are on the building. Staff recommends there be no more than three signs on the building.

Per regulations the proposed signs shall be no more than 10% of the total wall area and each sign shall be no more than 200 sq. ft. Staff recommends the Applicant provide documentation that the proposed signage meets the wall percentage and individual sign percentage requirement. The plans indicate the proposed signs will be internally illuminated. Per regulations, internal illumination is not allowed. Staff recommends the proposed signs are not internally illuminated.

The Applicant is proposing to install aluminum canopy on the side of the building where the entrance is currently located. Staff finds the overall material, design and location of the canopy is appropriate. Staff has no concerns regarding the proposed canopy.

Bollards and Fencing

In comparing the rendering to the elevation there are some differences. Specifically, the rendering indicates fencing on the front façade and bollards on the side façade. The elevations indicate only bollards. Staff recommends the Applicant clarify whether there will be fencing installed as part of this

project. The Applicant is proposing to install bollards on the Walker Street elevation and the side elevation. In general Staff has no overall concerns regarding the installation of bollards. It is not clear what the function of the front façade bollard is. Staff suggests the Applicant clarify the function of the front façade bollard. As there is no site plan, it is not clear whether the bollard is located on the property or in the public right-of-way. Staff recommends the Applicant provide documentation the proposed bollards are not located in the public right-of way.

Staff Recommendation: Based upon the following:

(a) The plans meet the regulations per Section 16-20N.006; except as noted above

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-12-309) for renovations at **165 Walker Street**- Property is zoned Castleberry Hill Landmark District (Subarea 1), with the following conditions:

1. The proposed windows shall be either storefront windows with transoms or multi-pane commercial windows, per Section 16-20N.007(1)(a) and (d);
2. The Applicant shall clarify how many existing signs are on the building, per Section 16-20N
3. There shall be no more than three signs on the building, per Section 16-28A.010(5);
4. The Applicant shall provide documentation that the proposed signage meets the wall percentage and individual sign percentage requirement, per 16-28A.010(5);
5. The proposed signs shall not be internally illuminated, per Section 16-28A.010(5);
6. The Applicant shall clarify whether there will be fencing installed as part of this project;
7. The Applicant shall provide documentation the proposed bollards are not located in the public right-of way; and
8. Staff shall review and if appropriate, approve the final plans.



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

January 9, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-12-310) for window replacement and other renovations at **691 Catherine Street**- Property is zoned R4-A/Adair Park Historic District.

Applicant: David Swart
110 Andrew Drive, Stockbridge

Facts: According to the Adair Park Inventory this single family dwelling built in 1915 is considered a contributing structure.

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.
2. *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.

(k) *Ornaments:*

1. Architecturally significant ornaments, such as corner boards, cornice, brackets, downspouts, railings, columns, steps, doors and windows moldings, shall be retained.
2. Replacement ornaments shall be permitted only when originals cannot be rehabilitated.
3. Installation of new ornaments, where none previously existed, shall be permitted only when it is in accordance with the architectural style of the original structure.

In looking at pictures submitted by the Applicant, it appears the house has been damaged by fire. While some of the paperwork indicates the replacement of all windows, the Applicant has indicated that the scope of work only includes the replacement of two windows in the rear bedroom on the left side and one window in the bathroom towards the rear on the left side. In looking at pictures submitted by the Applicant, it is clear the windows are damaged. Staff does not have a concern regarding the proposed replacement of three windows. Staff recommends the replacement windows match the original windows in size, location, material and design.

The Applicant indicated that the siding would be repaired. It is not clear what the repairs consist of. Staff recommends the Applicant clarify the full scope of work for the siding repair. Staff recommends any siding repair or replacements meet the requirements.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for a Type II Certificate of (CA2-12-310) for window replacement and other renovations at **691 Catherine Street**- Property is zoned R4-A/Adair Park Historic District, with the following conditions:

1. The replacement windows shall match the original windows in size, location, material and design, per Section 16-20I.006(4)(b)(3);
2. The Applicant shall clarify the full scope of work for the siding repair, per Section 16-20I.006(4)(a)(4);
3. Any siding repair or replacements shall meet the requirements, per Section 16-20I.006(4)(a)(4); and
4. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 9, 2013

Agenda Item: Review and Comment (RC-12-311) for a read addition and alterations at **358 Irwin Street** - Property is zoned R-5/Martin Luther King Jr. Landmark District (Subarea 6).

Applicant: V. B. Head
5485 Skyview Drive

Facts: According to the Applicant, this building was constructed between 1922 and 1923. According to the neighborhood inventory, this building is considered contributing.

Analysis: The following code sections apply to this application:

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

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the 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 Districts:

b. To erect any new structure or to make an addition to any structure within a Landmark District.

Per Section 16-20C.003:

The following regulations shall apply to the entire Landmark District inclusive of all subareas. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

(1) Regulations shall be minimum standards which must be followed and shall be applied by the AUDC.

(2) The AUDC shall further adopt and maintain guidelines that shall extend the intent of these regulations, further define elements of architectural style, and shall further ensure the compatibility of future developments within this HC district.

(3) The power to hear, grant or deny variances and special exceptions from these regulations shall rest with the AUDC.

(4) Procedure for variance: Upon a determination by the AUDC that an application for renovation or new construction is in conflict with these regulations and/or the guidelines, the

AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (section 16-26.001). Notification shall include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.

(5) The compatibility rule: In general the intent of the regulations and guidelines structures and new construction are compatible with the design, scale and general character of the entire district, of each subarea, and of the immediately adjacent environment of a particular block. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question (roof form, architectural trim, building setback, etc.) shall match that which predominates on that block; or where quantifiable (i.e. building height, setback etc.), the average of all structures of like use in that block shall be adhered to. The rule shall apply as it is noted in these regulations and guidelines by reference to the "compatibility rule."

16-20C.009. Transitional Zone Subarea 6.

- (1) In accordance with section 16-20.004(b) of this part, the requirements of sector HC20C Martin Luther King, Jr. Landmark District for those properties identified on the attached map as being within the Transitional Zone (Subarea 6) shall serve to modify the requirements, regulations and procedures applying in the existing zoning districts or districts hereinafter created.

Properties identified as being within the Transitional Zone (Subarea 6) shall remain zoned in whichever district they are designated at the time of adoption of this chapter by action of the city council.

The existing district regulations as they now exist, or as they may be subsequently changed, are hereby modified so as to provide the following additional regulation for properties in this subarea.

- a. Any application for building permits, zoning amendments, special use permits, special exceptions and variances within Transitional Zone (Subarea 6) of sector HC20C, Martin Luther King, Jr. Landmark District, shall be submitted to the AUDC for review and report prior to any final action on such application.
 - b. General advertising signs shall not be permitted in the Transitional Zone (Subarea 6).
- (2) These regulations are intended to control the potential for adverse impact resulting from redevelopment in the periphery of the Landmark District. To this end the AUDC shall undertake a design review of all new construction and such other actions as are outlined in paragraph (1) above.

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.

This interior lot front 53' on Irwin Street and has a depth of 95' on its longest side. In looking at the City of Atlanta cadastral map, Staff finds there is a discrepancy between the site plan submitted by the Applicant and the lot dimensions indicated on the cadastral map. Staff suggests the Applicant resolve the lot discrepancy with the Office of Planning subdivision Staff before submitting for a permit.

As the existing building is located in Subarea 6 of the Martin Luther King Jr. Landmark District, a review and comment is required. As such, Staff will only make comment regarding the proposed addition using further standards.

The Applicant is proposing to a 208 sq. ft. two story addition to rear of the house to accommodate additional bathrooms and closets. Staff finds the addition is appropriately located to the rear of the home. Staff finds the overall height and massing of the proposed addition is consistent and compatible with the existing dwelling. While using brick as a building material is preferred, Staff would note that an existing addition at the rear of the house uses siding as a façade material. Further, Staff finds the difference in façade material is often one of the methods used to clearly differentiate the new addition from the existing historic building.

The Applicant is proposing to remove the existing windows on the rear of the house to accommodate interior door opening. Staff finds the removal of the windows is necessary to accommodate the new addition. The Applicant is proposing transoms instead of 1 over 1 windows. Staff finds transoms for the entire addition is not appropriate or compatible with the existing building. Staff finds that installing smaller scaled 1 over 1 windows is a more appropriate and compatible option.

The Applicant is proposing to renovate the existing rear addition by installing new siding and windows. In looking at pictures submitted by the Applicant, it is not clear what the existing addition looks like. Staff suggests the Applicant provide additional pictures of the existing addition. In looking at the proposed windows, there do not appear to be actual sills. Staff suggests any new windows on the existing addition have actual sills.

Staff recommends the Commission deliver its comments at the meeting.