



CITY OF ATLANTA

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STAFF REPORT

November 14, 2012

Updated

March 13, 2013

(updated information in arial)

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-12-260) **for variances to allow decrease in the half depth front yard from 22'(required) to 12' (proposed); an increase in the left side yard setback from 22' (required) to 24' (proposed); a decrease in the front yard setback from 20' (required) to 11' (proposed); an increase in the house width from 46' (required) to 48' (proposed) and an increase in the house height from 15' (required) to 25'9" (proposed);** to use another block face as a point of comparison under the compatibility rule and (CA3-12-259) for construction of a new residential duplex at 37 Waverly Way – Property is zoned R-5/Inman Park Historic District (Subarea 1).

Applicant: Steven Gaynair
84 26th Street

Facts: This lot is currently vacant. *This application has been deferred since November 28, 2012 to allow the applicant time to address to the concerns of Staff and the Commission.*

At the April 27th meeting, this application was deferred to allow for revised variances and to allow the Applicant time to address the concerns of Staff and the Commission.

Analysis: The following code sections apply to this application:

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

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

1. General Criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
- b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and

shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

- d. **Compatibility Rule:** The intent of the Mayor and Council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face, and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.

2. **Certificates of Appropriateness.**

- a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.

d. **Type III Certificates of Appropriateness shall be required for:**

- i. All new principal structures.

6. **Tree Preservation and Replacement.**

The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Section 158-26, shall apply to this District.

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

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

1. **Design Standards and other criteria for construction of and for additions to one- and two-family residential structures.**
- a. No individual house design shall be substantially repeated on the same side of a street block.
- b. An unpaved planting strip adjacent and parallel to the public street shall be provided. The Compatibility Rule shall apply to the dimensions and location of planting strips.
- c. A sidewalk between the planting strip and the required front yard and parallel to the public street shall be provided. The Compatibility Rule shall apply to sidewalks. The sidewalk shall be the same width as the sidewalk on abutting properties or it shall be the width required by law, whichever is greater. If no sidewalk exists in the block, the new sidewalk shall not be less than six feet wide. If no sidewalk paving material predominates in the block, the sidewalk shall be constructed of the historically accurate material for that block, either hexagonal pavers, concrete inlaid with hexagonal imprint, or brick.
- d. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
- e. All front facades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the Compatibility Rule shall apply.
- f. The Compatibility Rule shall apply to the form and pitch of the primary roof of the principal structure.
- g. The Compatibility Rule shall apply to the height, scale, and massing of the principal structure. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)
- h. Height of the first floor of the front façade above grade shall be subject to the Compatibility Rule. The first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than 7 inches in height. Slab-on-grade construction is not permitted.
- i. Front porches on principal structures shall be required. The Compatibility Rule shall apply to the design and size of said front porches, provided that such porches shall be a minimum of 12 feet wide or one-half of the width of the front façade, whichever is greater, and a minimum of 8 feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to 10 feet into the required front yard. All front porch steps shall have closed risers and ends.
- j. Decks are permitted only when located to the rear of the principal structure and such decks shall be no wider than the width of the house.

- k. The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street or park as a façade element, the chimney shall originate at grade.
- l. Fences and walls, excluding retaining walls, visible from a public street or park upon completion, subject to the provisions of Section 16-28.008(5) and the following limitations, may occupy required yards:
 - i. Fences not exceeding 4 feet in height may be erected in the front yard or half-depth front yard. Walls, excluding retaining walls, are not permitted in the front yard or in other yards adjacent to public streets.
 - ii. Fences and walls not exceeding 6 feet in height may be erected in side or rear yards.
 - iii. The Compatibility Rule shall apply to all fences located in a required front yard adjacent to a street. Such fences shall be constructed of brick, stone, ornamental iron, or wood pickets. Chain link fencing is not permitted in front yards or in other yards adjacent to public streets.
- m. The Compatibility Rule shall apply to portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The Compatibility Rule notwithstanding, no single section of such retaining wall shall exceed 4 feet in height.
- n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
 - i. The style of the individual window.
 - (1) Windows in the front façade shall be predominantly vertical in proportion.
 - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
 - ii. The size and shape of individual window openings.
 - iii. The overall pattern of fenestration as it relates to the building façade.
- o. Mechanical equipment shall be located to the side and rear of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street or park.
- p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
- q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - ii. The type of brick and pattern of brickwork.
 - iii. The type of stone and pattern of stonework.
 - iv. The material and texture of stucco.
 - v. The size and type of doors.
 - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - vii. Paving materials for walks and drives.
 - (1) Asphalt is not permitted.
 - viii. Visible foundation materials.
 - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
 - ix. Visible portions of chimneys.
 - (1) Chimneys shall be faced with masonry. Siding on chimneys is not permitted.
- 2. Minimum Yard Requirements. The following minimum yard requirements and maximum floor area ratio shall apply to all permitted uses of new construction and to additions to existing structures: Front, side, and rear setbacks shall be subject to the Compatibility Rule.
- 3. Off-street parking and driveways. In addition to the provisions of Section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses:
 - a. Off-street parking shall not be permitted between the principal structure and any public street.
 - b. Parking shall not be permitted on walkways that are located between the street and the façade of the principal structure.
 - c. The use of alleys for access to such parking is both permitted and encouraged. No variance is required for driveways coming off of an alley.
 - d. Driveways shall not exceed a width of 10 feet not including the flare at the street.
 - e. Side by side driveways are not permitted except upon approval of the Urban Design Commission.
- 4. Principal uses and structures:
 - a. Properties that have an underlying zoning designation of R-5 shall be used only for the following

principal purposes subject to the following provisions:

- i. Single-family detached dwelling.
- ii. Two-family dwelling, subject to the limitations and requirements set forth herein.
- iii. In no case shall there be more than one principal building and one principal use on a lot.
- iv. A lot shall not be used for more than two dwelling units.
- v. Floor area ratio shall not exceed 0.50.

Per Section 16-26.003:

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

Variance to use another Block Face for the Purposes of the Compatibility Rule

In looking at the subject block face, Staff finds the lot in question is significantly larger than the other lots. The block face is comprised of small one-story houses on small lots. As the subject property cannot be subdivided, anything built would require multiple variances. Staff finds it is appropriate to have larger houses on large lots. Given the unusual size of the lot, Staff finds it is appropriate to allow the use of another block face for the purposes of the compatibility rule.

According to the Applicant, 154 Hurt Street is to be used as a point of comparison. As such, Staff finds that the 154 Hurt Street block face should be used as a point of comparison in regards to the compatibility rule. The Applicant did not provide compatibility rule information for all of the contributing houses on the block face. Staff recommends the Applicant provide compatibility information for all of the contributing houses on the block face.

Staff looked at an online map of the block face and survey pictures. Staff finds the Hurt Street block face is comprised of both standard lots and large lots. The large lots have frontages that range from 90' to 112'. In particular, the corner lot at 192 Hurt Street is the largest lot, as is the case on the Waverly Way block face. As the Hurt Street block face has varied lot sizes and houses with various designs, widths, heights and setbacks, Staff finds this is an appropriate block face to use as a comparison.

In looking at the online map in general, Staff would note that there are both large houses on standard lots and large houses on large lots. Given the varied house setbacks, widths and heights, Staff finds it likely that many of the variance requests may not be needed. In comparing the corner lot on the block face and the adjacent corner lot, Staff finds it likely the half depth front yard variance will still be needed.

As mentioned previously, Staff does not have a concern regarding using another block face as a point of comparison. Since the last meeting, the Applicant has chosen The Elizabeth Street block face as a point of comparison. Specifically, the Applicant has chosen the section of Elizabeth Street between Waverly and Austin. The block face in question is three blocks from the subject lot. In general, Staff finds the block face has lots that vary in size and depth. The corner property is similar in shape and size as the subject property at 37 Waverly Way.

Staff finds the houses on the block face are all contributing and have a variety of design, massing and height. Staff has no concerns regarding the Elizabeth block face as a point of comparison.

House Width Variance

According to the Applicant, the maximum house width allowed is 34'. However, in looking at the documentation, Staff finds the 34' comes from a house on another block face and therefore cannot be used. Staff finds the maximum width allowed on the block face is 32'. The Applicant is proposing a house that has a width of 48'. As previously mentioned, the lot in question is significantly larger than the other lots on the block face. Staff finds that often larger houses are constructed on larger lots. As such, Staff finds that constructing a larger house on this lot could be appropriate.

While Staff can support a wider house on this lot, there needs to be an appropriate comparison. According to the Applicant, 909 Edgewood has a width much larger than the proposed house. As 909 Edgewood is a non-contributing house, Staff finds it is not an appropriate comparison. Staff finds the Applicant should provide documentation regarding the width of larger houses on similar lots. By having a comparison of other similar lots with large houses, Staff will be able to determine whether the proposed width is appropriate. Staff recommends the Applicant provide documentation that the proposed width is consistent and compatible with other large houses on similar lots.

Staff retains its recommendation. Given the updated information received, this variance could be eliminated.

The Applicant is requesting a variance to increase the house width from a maximum of 46' (allowed) to 48' (proposed). The widest house on the comparison block face is on the corner lot at 213 Elizabeth. In looking at the site plan, Staff has concerns as it appears the 48' width proposed, does not include the 8' porch on the side. Staff finds the total width of the house will actually be 56'.

Given the proposed design is largely based an existing historic house on a similar lot, Staff finds there is no hardship in having a width that matches this house. Further in looking at the block face the house will be located on, Staff finds the reduced width will make it more compatible with the smaller houses on the subject block face. Staff recommends the proposed house, including the proposed wrap around porch, be no wider than 46'. Staff recommends the width variance is eliminated from the proposal.

Variance for Half Depth Front Yard

The Applicant is requesting a variance to increase the half depth front yard from 10' (required) to 12' (proposed). Staff would note that there are no contributing corner properties on the block face. As such, the Applicant chose another block face with a contributing corner property. As the subject block face does not have a contributing corner lot, Staff does not have a concern with choosing a new block face. According to the Applicant, the comparison lot has a duplex with a similar scale and massing as the proposed. Staff would note however that the new comparison lot is much smaller than the subject lot. As such, Staff recommends the Applicant find a comparison lot that is similar in size to the subject lot.

The corner lot in question has a width of approximately 95'. In looking at the 1932 Sanborn Fire Insurance Map, this lot was originally two smaller lots. It is unknown when and why the lots were consolidated. Given the size of the lot, Staff finds it would be difficult to construct a house that met the half depth front yard requirements and the side yard setback requirements. Staff finds that an increase in the half depth front yard will not cause a significant detriment. Given the information we have at this time, Staff generally supports the half depth front yard variance, however as previously mentioned, Staff finds the Applicant should choose a more appropriate comparison lot.

As recommended by Staff, the Applicant has chosen a more appropriate block face as a point of comparison. Given the updated information received, a revised variance may be required.

The Applicant is requesting a decrease in the half depth front yard from 22' (required) to 12' (proposed). In looking at the site plan, it appears this variance is to accommodate 24' to access the garages on the left side of the house. While Staff finds that having access to the garages is necessary, Staff questions whether a full 24' is needed. Further, as Staff has recommended the house width be no wider than 46', Staff finds the house could be situated to meet the half depth front yard requirements. Staff recommends the half depth front yard variance is eliminated from the proposal.

Variance for the Left Side Yard Setback

The left side yard setbacks on the block face range from 30" to 3'. The Applicant is proposing to increase the left side yard setback to 24' in order to accommodate access to parking. Notwithstanding the proposed parking, Staff finds that meeting the left side yard setback would require the Applicant to increase the width of the house by an additional 21'. As the proposed house is already wider than allowed by the regulations, Staff finds that adding 21' of width is not appropriate in order to meet the setback requirement. Staff finds that requiring the Applicant to make the house bigger is a hardship. Given the information we have at this time, Staff supports the left side yard setback variance.

Staff retains its recommendation. Given the updated information received, this variance could be eliminated.

The Applicant is requesting to increase the left side yard setback from a maximum of 22' to 24'. As mentioned above, Staff questions whether 24' is needed to access the garages. Staff finds it likely project could have appropriate access to the garages and meet the left side yard setback requirement. Given the information we have at this time, Staff recommends the left side yard setback request is eliminated from the proposal.

Height Variance

According to the Applicant the heights of the contributing houses on the block face range from 14' to 15'. The Applicant is proposing to increase the allowable house height to 25' 9". As mentioned previously, Staff finds that allowing a larger scale house on a large lot could be appropriate. Staff would note the proposed height is smaller than the overall maximum height allowed of 35'. In looking at some of the other two-story houses in the district, Staff finds the proposed house height is likely similar to those houses. As we are requesting documentation regarding the width and half depth front yard of larger houses on similar lots, Staff finds it would be appropriate to look at the height in that

context as well. Staff recommends the Applicant provide documentation the proposed height is consistent and compatible with other similar contributing large house on similar lots.

Staff retains its recommendation. Given the updated information received, this variance could be eliminated.

According to the Applicant, the proposed house is 25' 9". In looking at the elevations, the Applicant measured to the front dormer as opposed to the peak of the roof. When measured from the grade indicated on the front of the elevations, the house appears to be slightly taller than the maximum 28' allowed by the compatibility rule. Staff finds the house should be no taller than the maximum height allowed by the compatibility rule. Staff recommends the height variance is eliminated from the proposal.

In comparing the elevations to the site plan, Staff has concerns regarding the overall height of the house. The proposed site plan does not indicate changes in the topography, however there is a full basement and garage. It is not clear whether the topography of the lot naturally accommodates a basement or whether excavation is proposed to create the garage and basement level.

Variance for the Front Yard Setback

The Applicant is requesting a front yard setback variance from 20'-30' (required) to 11'. According to the Applicant, an 11' front yard setback would make the existing house compatible with the block face the new house will be located on (Waverly Way). In looking at setbacks on Waverly Way block face, Staff finds it is appropriate to have a front yard setback that is similar to the other houses. Staff does not have concerns regarding the proposed front yard setback.

Site Plan

Setbacks

The lot in question fronts approximately 95' on Waverly Way and has a depth of 120' on Dekalb Avenue. The front yard setbacks on the comparison block face range from 8' to 18'. The proposed front yard setback is 10' at its closest point and therefore meets the setback requirement. Per regulations, the rear yard setbacks shall meet the compatibility rule. The Applicant did not provide compatibility information regarding the rear yard setback. Staff recommends the Applicant provide documentation the rear yard setback requirement has been met. As discussed in the variance portion. Staff is in support of the left side setback variance. Staff is also in support of the half depth front yard variance, however additional documentation has been requested.

As previously mentioned, Staff finds that additional documentation is needed to determine whether the project meets the setback requirements.

As mentioned in the variance portion above, Staff supports the front yard setback variance. Staff does not support the half depth front yard request. As such, Staff recommends the half depth front yard setback be 22'. Staff does not support the left side yard setback variance. As such, Staff recommends the left side yard

setback be no more than 22'. Lastly, the rear yard setbacks on the comparison block face range from 12' to 110'. The proposed rear yard setback is 49'5" and therefore meets the rear yard setback requirement.

Development Controls

The proposed house will be a duplex, which is an allowed use by the District regulations. The District regulations limit the floor area ratio to .50 of the net lot area. The Applicant did not provide information regarding the FAR. Staff recommends the Applicant provide documentation the FAR requirement has been met. Per regulations, the maximum lot coverage allowed is 55%. The Applicant did not provide information regarding the lot coverage. Staff recommends the Applicant provide documentation the lot coverage requirement has been met.

As recommended by Staff, the Applicant has indicated an FAR and lot coverage that meets the regulations. The Applicant did not provide details regarding how those ratios and percentages were calculated. Staff recommends the Applicant provide details regarding how the ratios and percentages were calculated.

Staff retains its recommendation regarding the FAR and lot coverage.

Site Work

In looking at the site plan, it is not clear whether there is an existing sidewalk or whether a new sidewalk is proposed. Staff recommends the Applicant clarify the proposal for the sidewalk. If a new sidewalk is proposed, Staff recommends the new sidewalk meet the regulations. Staff finds that an appropriate walkway is indicated as required by the regulations. The materials are not indicated. Staff recommends the plans indicate a walkway material that meets the regulations.

In an updated site plan, the sidewalk is indicated as existing. The walkway is indicated as brick. Staff has no concerns regarding the walkway material.

Per regulations, All front facades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the Compatibility Rule shall apply. As the front façade is not parallel to the street, Staff recommends the Applicant provide documentation the block has houses that are historically situated at an angle.

In looking at an online map of the Hurt Street block face, Staff finds there are examples of houses situated at an angle.

In looking at the new block face on Elizabeth Street, Staff finds there are houses situated at an angle. Staff would also note that the Waverly block face where the house will be located, have houses situated at an angle. Staff has no concerns regarding how the house will be situated.

It is not clear if there is any exterior mechanical equipment proposed for the site. Staff would note that mechanical equipment must be located within the buildable area of the lot and properly screened. Staff recommends the site plan indicate any proposed mechanical equipment.

There was no updated information. Staff retains its recommendation.

In looking at the site plan, the proposed mechanical equipment will be properly screened.

Per regulations, off street parking is required. The plans indicate several garages for parking, therefore the parking requirement has been met. Staff would note that parking is not allowed between the principal structure and the street. Staff finds that the parking pad on the side of the house is partially located past the front of the house. Staff recommends that any paved area for the driveway or parking be no wider than 10' between the front wall of the principal structure and the front property line.

As recommended by Staff, the parking pad is not located past the front façade of the proposed house.

As discussed in the variance portion, it is not clear whether there are significant changes in topography or whether there is proposed excavation on the lot. Staff recommends the Applicant provide information regarding the topography of the lot.

General Massing and Scale

The roof form and pitch are subject to the compatibility rule. According to the Applicant, there are both hips and gables on the block face. Further all of the pitches on the block face are 6 in 12. As such, Staff finds the roof pitch and form meet the regulations. The first floor height is subject to the compatibility rule. According to the Applicant, all of the first floor heights are 11". The proposed first floor height is 11" and therefore meets the regulations.

According to the Applicant there are both hips and gables on the comparison block face. Further, the pitches on the comparison block face are 6 in 12. As such, Staff finds the roof form and pitch meet the requirements. The first floor heights on the comparison block face range from 11' to 12'. The proposed first floor height is 11' and therefore meets the requirements

The height of the proposed house is subject to the compatibility rule. As previously mentioned, while Staff supports the construction of a taller house than is allowed by the compatibility rule, Staff finds additional documentation is required.

The houses on the block face have heights that range from 16' to 28'. As discussed in the variance portion, Staff finds the proposed house is taller than the Applicant is proposing and taller than what is allowed by the compatibility rule. Staff recommends the height of the proposed house be no taller than 28' as measured from average grade to the peak of the roof.

The width of the house is subject to the compatibility rule. As previously mentioned, while Staff supports the construction of a wider house than is allowed by the compatibility rule, Staff finds additional documentation is required.

As mentioned in the variance portion, Staff recommends the proposed house, including the wraparound porch, be no wider than 46'.

Architectural Elements and Materials

In updated elevations, the Applicant is basing the proposed design on a corner property at 213 Elizabeth Street. The existing two-story historic house is defined by a hipped roof, multiple dormers and a single-story wraparound porch. In general, Staff finds the proposed house is very similar to the comparison house at 213 Elizabeth.

Front Porch

The Applicant is proposing a wraparound porch that spans the entire front façade on both the Waverly Way and Dekalb Avenue elevations. The overall design and configuration of porches is subject to the compatibility rule. While the porch meets the depth and width requirements, Staff finds having a full width two-story porch on both Waverly and Dekalb is not at all consistent or compatible with the contributing houses on the block face. Staff finds the proposed porch design and configuration is likely not compatible with other contributing houses in the district. Staff recommends the front porch design be redesigned to be consistent and compatible with other similar houses in the district.

Staff finds the proposed front porch design is not at all consistent and compatible with any of the contributing houses on the Hurt Street block face. Staff recommends the front porch be redesigned to be consistent and compatible with the porches on the Hurt Street block face.

In updated elevation, the proposed house features a single-story wraparound porch that is consistent and compatible with the porch at 213 Elizabeth Street. Given the height of the foundation, a railing is not required to meet building code. As such, Staff recommends the porch railing be no taller than 30”.

Windows and Doors

Per regulations, the size and shape of the windows as well as the overall fenestration pattern are subject to the compatibility rule. The Applicant is proposing 4 over 1 windows with divided transoms. In looking at the windows of the contributing houses on the block face, Staff finds the overall design and fenestration pattern is not consistent and compatible with the other houses. Staff recommends the Applicant redesign the window design and the overall fenestration pattern to be consistent and compatible with the other houses on the block face.

In looking at the windows on the Hurt Street block face, Staff finds there are varied designs and patterns. Staff finds the proposed fenestration design and pattern is consistent and compatible with the block face.

In looking at the windows on the Elizabeth Street block face, Staff finds there are varied designs and patterns. Staff finds the proposed fenestration design and pattern is consistent and compatible with the block face.

Materials

The exterior materials will consist of: 6” and 8” cementitious siding, cementitious material for trim, corner boards and frieze boards, wood doors and columns, fiberglass shingles and a modular block retaining wall. Staff recommends all siding be indicated as smooth and be no more than 4”-6”. The window material is not indicated on the plans. Staff recommends the plans indicate an appropriate

material for the windows. Modular block is not allowed for retaining walls. Staff recommends the plans indicate an appropriate material for the retaining wall that meets the regulations. The foundation material is not indicated on the plans. Staff recommends the plans indicate an appropriate foundation material.

In updated plans, the windows are indicated as wood, the cementitious siding is indicated as smooth with a 4" reveal and the foundation material is indicated as brick veneer. Staff does not have a concern with the materials. According to the Applicant, most of the retaining wall will not be visible from a public street or park. The Applicant has not provided documentation or explanation regarding the visibility. Given the information we have at this time, Staff retains its recommendation.

General Design Comments

Staff has general concerns regarding the proposed design. As previously mentioned, Staff finds that having a larger house on a larger lot could be appropriate. Staff finds the proposed design is not consistent or compatible with the smaller contributing houses on the block face and is not consistent or compatible with some of the contributing larger houses in the district. Staff looked at some of the contributing duplexes in the district and found the design is not consistent or compatible with many of the contributing duplexes in the district. Staff did find some non-contributing houses that had similar elements as the proposed design.

Staff finds the proposed design should either be consistent and compatible with other contributing duplexes or consistent and compatible with other large houses on large lots. As such, Staff suggests this application be deferred to allow the Applicant time to redesign the project and provide documentation to support the new design.

In looking at updated plans, the overall design of the house has changed very little. Staff finds the overall design is not consistent or compatible with the Waverly block face or the Hurt Street block face. According to the Applicant, the proposed design is compatible with the existing contributing house at 154 Hurt. Staff does not agree that this design is at all consistent and compatible with the house at 154 Hurt Street.

Staff is willing to support many of the variances if needed, including using the Hurt Street block face to allow the Applicant greater flexibility. At the same time, Staff finds the overall architectural design must meet the regulations. Staff finds the Hurt Street block face has a large variety that includes both simple and high style architecture. Staff finds there is a way to propose a house that is compatible with the block face and accommodate the height, width and lay out the Applicant is requesting. Staff cannot support the proposed design. Staff recommends the overall house design is redesigned to be consistent and compatible with the contributing houses on the Hurt Street block face.

Staff Recommendation: Based upon the following:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
2. The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
3. Such conditions are peculiar to the particular piece of property involved; and
4. 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.

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-12-260) **for variances to allow decrease in the half depth front yard from 22'(required) to 12' (proposed); an increase in the left side yard setback from 22' (required) to 24' (proposed); a decrease in the front yard setback from 20' (required) to 11' (proposed); an increase in the house width from 46' (required) to 48' (proposed) and an increase in the house height from 15' (required) to 25'9" (proposed);** to use another block face as a point of comparison under the compatibility rule at 37 Waverly Way – Property is zoned R-5/Inman Park Historic District (Subarea 1), with the following conditions:

1. The width variance shall be eliminated from the proposal, per Section 16-20L.005(3);
2. The half depth front yard variance shall be eliminated from the proposal, per Section 16-20L.005(3);
3. The left side yard setback variance shall be eliminated from the proposal, per Section 16-20L.005(3); and
4. The height variance shall be eliminated from the proposal, per Section 16-20L.005(3).

Staff Recommendation: Based upon the following:

- 1) Except as noted above, the proposal meets the District regulations, per Section 16-20L.005 and 16-20L.006.

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-12-259) for construction of a new residential duplex at 37 Waverly Way – Property is zoned R-5/Inman Park Historic District (Subarea 1), with the following conditions:

1. The half depth front yard setback shall be 22', per Section 16-20L.006(2);
2. The left side yard setback shall be no more than 22', per Section 16-20L.006(2);
3. The Applicant shall provide details regarding the FAR calculations, per Section 16-20L.006(4)(v);
4. The Applicant shall provide details regarding the lot coverage calculations, per Section 16-07.008(6);
5. The Applicant shall provide information regarding the topography of the lot;
6. The height of the proposed house shall be no taller than 28' as measured from average grade to the peak of the roof, per Section 16-20L.006(1)(g);
7. The proposed house, including the proposed wraparound porch, shall be no wider than 46', per Section 16-20L.006(1)(g);
8. The porch railing shall be no taller than 30", per Section 16-20L.006(1)(i);
9. The plans shall indicate an appropriate retaining wall material that meets the regulations, per Section 16-10L.006(1)(m); and
10. 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 March 13, 2013

Agenda Item: Application for Type III Certificate of Appropriateness (CA3-13-017) for an addition to and rebuilding of an existing structure and other renovations at **690 Grady Place**-Property is zoned R-4A/West End Historic District.

Applicant: Michael Edey
556 John Wesley Dobbs

Facts: According to the West End Historic district inventory this dwelling is considered contributing. In looking at the Fulton County tax records available online, this dwelling was built in 1920.

At the February 27, 2013 meeting, this application was deferred to allow the Applicant time to submit accurate plans.

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:*

(i) Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. 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) as set forth in chapter 20 of this part 16.

(2) *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 height, 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 these regulations by reference to "compatibility rule."

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

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

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

(2) *Building Façades*:

(a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.

(b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.

(c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.

(d) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.

(e) Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.

(f) Height of the first floor of the front façade above grade shall be subject to the compatibility rule. Notwithstanding the compatibility rule, the first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than seven inches in height. Slab-on-grade construction is not permitted.

(g) No structure shall exceed that height established by the compatibility rule.

(3) *Windows and Doors*:

(a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.

(b) Original window and door openings shall not be blocked or enclosed, in whole or in part.

(c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.

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

(e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.

(f) Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.

(g) New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.

(h) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule.

(i) The scale, size, proportion, and location of all openings in new construction shall be established by the compatibility rule.

(j) New windows or doors added to existing structures shall be located façades that don't face a public street.

(k) New or replacement doors shall be made of wood and shall contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.

(4) *Storm Doors, Storm Windows, Shutters and Awnings:*

(a) Shutters shall not be added to the building if they were not a part of the original building.

(b) Shutters shall be operable or appear operable, and shall fit the size of the window.

(c) Replacement shutters shall match the original shutters in design, materials and configuration.

(d) Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.

(e) Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.

(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.

(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.

(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.

(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.

Site

The lot in question fronts 50' on Grady Place and has a depth of 150'. Per underlying zoning, the side yard shall be no less than 7' and the rear yard shall be no less than 15'. Staff finds the proposed side and rear yard setbacks meet the setback requirement.

Per underlying zoning, the maximum floor area ratio (FAR) allowed is .50. The maximum lot coverage allowed is 55%. Staff has concerns regarding the FAR and lot coverage calculations. The Applicant has indicated a new deck addition on the site plan, however Staff finds there will be a rear addition as well. In comparing the existing floor plans to the proposed floor plans, the house will be 20' longer when the project is finished. As the proposed deck is 10', Staff finds the actual house will be 10' longer.

In looking at the FAR calculations, the Applicant indicates the heated space for the house will not change. At this time it is not clear whether the site plan is incorrect or whether the floor plan is incorrect. Staff recommends the Applicant clarify whether there will be additional living space added to the existing dwelling. Staff recommends the floor plans, site plans and elevations be consistent with one another. Staff recommends the Applicant provide accurate FAR calculations. Staff recommends the Applicant provide accurate lot coverage calculations.

The Applicant is proposing to add a 540 sq. ft. driveway. Staff has no concerns regarding the installation of the driveway as it is located more than 20' past the front façade of the house. The materials for the proposed driveway are not indicated on the plans. Staff recommends the site plan indicate an appropriate driveway material.

Alterations

The existing house has a shingle façade. The Applicant is proposing to remove the existing shingles and install 6" wood siding. In looking at pictures submitted by the Applicant, Staff does not find the existing shingles are beyond repair and must be replaced. Staff recommends the existing shingles are retained and repaired. If replacement of the shingles is warranted, Staff recommends the shingles be replaced in-kind.

According to the notes on the plans, all of the existing windows and doors will be retained. Staff has concerns as the windows on the survey picture are decorative windows and the windows indicated on the plans are 1 over 1. Staff recommends the Applicant clarify the design and condition of the current windows.

Additions

The Applicant is proposing to install a new roof. In looking at pictures submitted by the Applicant, the roof is in severe disrepair and warrants replacement. The Applicant has indicated that the roof has already been removed. In looking at the City of Atlanta permitting system, Staff would note that no permit was obtained to remove the roof. In looking at survey pictures, Staff finds the proposed roof matches the previously existing roof. Staff recommends all of the existing rafter tails are retained and repaired when needed.

The Applicant is proposing to add small decorative gable dormers on the front and sides of the house. Staff would note that the historic house never had decorative gable dormers. While there are some houses on the block face that have decorative gable dormers or decorative gables, Staff finds that adding significant ornament when none existed would not be appropriate for this house. Staff recommends the decorative gable dormers be removed from the plans.

As previously mentioned, Staff finds the proposal includes both additional living space and a new deck. As the deck will not be visible from the street, Staff has no comments regarding the proposed deck. Staff has concerns regarding the proposed living space. In looking at the proposed elevations, there are no delineations between the existing historic structure and the addition. Staff recommends the new addition either be inset from the corners or an appropriate corner board be installed to clearly delineate the existing historic structure from the new addition.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA3-13-017) for an addition to and rebuilding of an existing structure and other renovations at **690 Grady Place**-Property is zoned R-4A/West End Historic District, with the following conditions:

1. The Applicant shall clarify whether there will be additional living space added to the existing dwelling.;
2. The floor plans, site plans and elevations shall be consistent with one another;
3. The Applicant shall provide accurate FAR calculations, per Section 16-06A.008(5);
4. The Applicant shall provide accurate lot coverage calculations, per Section 16-06A.008(6);
5. The site plan shall indicate an appropriate driveway material, per Section 16-20G.006(c);
6. The existing shingles shall retained and repaired, per Section 16-20G.006(d);
7. If replacement of the shingles is warranted, the shingles shall be replaced in-kind, per Section 16-20G.006(c);
8. The Applicant shall clarify the design and condition of the current windows;
9. All of the existing rafter tails shall be retained and repaired when needed, per Section 16-20.009;
10. The decorative gable dormers shall be removed from the plans, per Section 16-20.009;
11. The new addition shall either be inset from the corners or an appropriate corner board be installed to clearly delineate the existing historic structure from the new addition, per Section 16-20.009; and
12. Staff shall review and if appropriate, approve the final plans.



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Director, Office of Planning

STAFF REPORT March 13, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-12-031) for siding replacement at **827 Grant Street**- Property is zoned R-5/Grant Park Historic District.

Applicant: Taric Mirza
827 Grant Street SE

Facts: According to the Grant Park Inventory this dwelling built in 1985 is considered non-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 II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.

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

(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.

15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
- a. Paving materials for walks and drives: Black asphalt is prohibited.
 - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
 - c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
 - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
 - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
 - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.
- B. *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.

In the Grant Park Historic District, the Commission reviews alterations that face a public street. As this is an interior lot, Staff will only comment on the front façade.

The Applicant is proposing to replace the existing siding. As this is a non-contributing house, Staff finds the existing siding is not historic. As such, Staff does not have concerns regarding the destruction of historic materials. Staff has no concerns regarding the replacement of the existing siding.

The Applicant did not provide information regarding the new siding material. Staff recommends the Applicant submit details regarding the replacement siding. Staff further recommends any replacement siding meet the regulations. The Applicant did not submit a scope of work, therefore it is not clear whether any other work is proposed. Staff recommends the Applicant clarify if there is any other work proposed beyond the replacement of the existing siding.

Staff Recommendations: Based upon the following:

The plans minimally, with the exceptions noted above, meet the regulations per Section 16-20K.007(2)(D).

Staff recommends approval of the Applications for a Type (CA2-12-031) for siding replacement at **827 Grant Street**- Property is zoned R-5/Grant Park Historic District, with the following conditions:

1. The Applicant shall submit details regarding the replacement siding, per Section 16-20K.007(2)(a)(15)(c);
2. Any replacement siding shall meet the regulations, per Section 16-20K.007(2)(a)(15)(c);
3. The Applicant shall clarify if there is any other work proposed beyond the replacement of the existing siding, per Section 16-20K.007(2)(B); and
4. Staff shall review and if appropriate, approve the final plans.



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STAFF REPORT March 13, 2013

Agenda Item: Application for Type III Certificate of Appropriateness (CA2-13-032) for alterations to an accessory structure at **794 Springdale Road**– Property is zoned Druid Hills Historic District.

Applicant: Doug Bremner
794 Springdale Road

Facts: As noted by the Applicant, the accessory structure in question was originally a barn for the then larger “Boxwood” estate which was built in 1920. The District inventory sheet lists the date of construction for the house at 1912. At some point in the past, utilities were added to the barn and it was occupied. However, for some 20 years it has been unoccupied and recently suffered from some vandalism, according to the Applicant. The vandalism included “broken” windows. It appears that all of the windows and doors that previously existed in the barn have been removed leaving the rough openings, which have been boarded up.

The Applicant proposes to install new, wood windows, new wood doors, and replace a hay loft door with a window. Rotten windows sills, door thresholds, and window framing would be replaced as well. Lastly, the applicant proposes to remove the asbestos siding and replace them with wood shingle siding.

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;

Per Section 16-20B.003 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the entire district which includes both (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale/Oakdale/Lullwater.. Any proposed development shall require a certificate of appropriateness from the urban design commission and shall conform to the following regulations:

- (5) **Minimum architectural controls:** Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district.

Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995, Standards for Rehabilitation REHABILITATION IS DEFINED as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

1. A property will 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.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Sec. 16-20B.006. Springdale/Oakdale/Lullwater

The following regulations shall apply to any proposed development on any property located on Springdale Road, Oakdale Road, Lullwater Road or Lullwater Parkway:

- (2) Permitted accessory uses and structures. Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter.
- a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
 - b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
 - c. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
 - d. Home occupations.

The Commission reviews alterations to any structure within the district, whether or not said alterations can be seen from the public right-of-way.

Site Work

No site work is proposed as part of the application.

Windows and Doors

It is not clear from the application when the windows and doors were removed from the structure, the extent of the damage caused by the vandalism, or whether the removed windows still exist on site. The application does contain one grainy pre-vandalism photograph that shows the structure with the windows and doors in it. The windows appear to be double hung windows, with light divisions in each sash. The exterior trim that partially remains today appears to be the same trim that is shown in the pre-vandalism photograph.

The Staff would recommend that the Applicant confirm the status and condition of the windows that previously existed on the structure. The Staff would further recommend that if any previous windows from the structure exist and are on site, the Applicant document that they cannot be repaired, otherwise these salvaged windows shall be repaired in-kind and re-installed in the structure.

The Staff finds that the proposed multi-light window design would be similar to the only documented window light design for the structure. However, the cut sheet provided by the Applicant only shows a “wood double hung picture” window that would appear to fit a few or only one of the existing openings. The proposed window cut sheet does not provide information on the variety of sizes that would appear warranted by the existing openings on the structure. Further, the cut sheet specifies “brick mould” and simulated light divisions.

The close up photographs of the window openings don’t appear to have weight pockets for double hung windows and also do not show any stops or tracks associated with double hung or casement windows. The Staff would add that given the evolution of the building from a barn to some-type of occupied structure, the window that previously existed might have been replacement windows themselves.

The Staff would recommend that any new windows proposed for the structure fit within the existing openings of the structure taking into account standard allowances for rough openings, that any new trim match any remaining trim, and that the functionality of the windows be based on any physical evidence found on the structure.

Regarding the proposed doors, the Staff is concerned that the proposed design will be too similar to porch or patio doors found on principal structures and won’t reflect the secondary and more-utilitarian functionality of the accessory structure. The Staff would recommend that the doors at most contain glass in their upper halves.

Siding

While the Staff would agree that the asbestos siding is not an original feature of the structure, it might be possible to ascertain the original cladding material based on physical evidence behind the asbestos shingles. The Staff would recommend that the Applicant use physical evidence that might be able to be found underneath the asbestos siding to determine the original cladding material and such material shall be used for the new exterior treatment. If not such physical evidence exists and this can be documented to the Staff, the proposed wood shingles are an appropriate cladding material.

Staff Recommendation: Based upon the following:

- a) The alterations meet the regulations, with the exceptions noted in the above analysis, per Section 16-20B.003 and 16-20B.006.

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA2-13-032) for alterations to an accessory structure at **794 Springdale Road**– Property is zoned Druid Hills Historic District, with the following conditions:

1. The Applicant shall confirm the status and condition of the windows that previously existed on the structure, per Section 16-20B.003(5);

2. If any previous windows from the structure exist and are on site, the Applicant shall document that they cannot be repaired, otherwise these salvaged windows shall be repaired in-kind and re-installed in the structure per Section 16-20B.003(5);
3. Any new windows proposed for the structure shall fit within the existing openings of the structure taking into account standard allowances for rough openings, that any new trim shall match any remaining trim, and that the functionality of the windows shall be based on any physical evidence found on the structure, per Section 16-20B.003(5);
4. The doors shall at most contain glass in their upper halves, per Section 16-20B.003(5);
5. The Applicant shall use physical evidence that might be able to be found underneath the asbestos siding to determine the original cladding material and such material shall be used for the new exterior treatment, per Section 16-20B.003(5);
6. If not such physical evidence exists and this can be documented to the Staff, the proposed wood shingles shall be considered an appropriate cladding material, per Section 16-20B.003(5); and,
7. The Staff shall review and if appropriate, approve the final plans.



KASIM REED
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DIRECTOR
Office of Planning

STAFF REPORT
March 13, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-033 to consolidate the former right of way with 236 Boulevard at 236 Boulevard - Properties are zoned Cabbagetown Landmark District (Subarea 2).

Applicant: Monica Redonda
3216 Arbor Ridge

Facts: Some time ago, the applicant approached the Office of Planning regarding the installation of a fence along the Boulevard side of their property. In reviewing their proposal, the Staff determined that the plat of the property at 236 Boulevard provided by the Applicant did not match that which was shown on the City's plat / cadastral map. In particular, the City's plat / cadastral map showed that the western edge of 236 Boulevard was located about 10 ft. east of the western property line of 240 Boulevard and the property north of 236 Boulevard. In short, Boulevard appeared to be 10 ft. wider at 236 Boulevard than at the two properties on either side of 236 Boulevard.

After some discussion with the Applicant, the Staff learned that this 10 ft. strip of land was privately owned and had been the subject of a civil court case (Civil Action Case No. 2010CV181583), excerpts of which are attached to this Staff Report. After extensive discussions with the City's Department of Law about the civil action, the Staff shared the following conclusions with the Applicant:

1. The 10 ft. wide strip of land immediately west of 236 Boulevard (described as Tract #2 in Exhibit "A" of the Civil Action order) is private property and owned by the Applicant. The City's plat / cadastral map doesn't reflect Tract #2 as private property or any defined-property at all.
2. The City's plat / cadastral map does reflect Tract #1 (as described in Exhibit "A" of the Civil Action court order) as private property and the City's plat / cadastral map depicts it as described in Exhibit "A".
3. The City's permitting process requires that property upon which construction is proposed (including fencing) match the location, dimensions, and size shown in the City's plat / cadastral map before a permit is issued. As noted above, Tract #2 is not depicted on the City's plat / cadastral map.

4. Tract #2 should be consolidated with Tract #1 (also owned by the Applicant) and be reflected on the City's plat / cadastral map.
5. The consolidation of these two lots must be reviewed and approved by the Urban Design Commission via the Type III Certificate of Appropriateness application process and through the City's regular replating / consolidation process.

Once the consolidation of Tract #1 and Tract #2 have been approved by the Urban Design Commission and the consolidation has completed the City's regular replating / consolidation process, the proposed fence can be reviewed and approved by the Staff via the Type II Staff Review Certificate of Appropriateness application.

Also attached to this Staff Report are a copy of the City's plat / cadastral maps (with the Staff's hand written notations of Tract #1 and #2) and a copy of the City's GIS map.

Analysis:

The following code sections apply to this application:

Per Section 16-20.007

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

Per Section 16-20A.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;
 - d) To construct off-street or off-site parking; and
 - e) To erect a new building that replaces a non-contributing building, provided that the applicant, prior to the demolition of said non-contributing building, shall have complied with the requirements of section 16-20.007(c).
- (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.
 - b) If the proposed alteration for minor façade alterations, fences, walls, accessory structures, decks, paving and satellite dishes meets the requirements of section 16-20A.006, section 16-20A.007, section 16-20A.008, section 16-20A.009, section 16-20A.010, and section 16-20A.011, as applicable, then the director of the commission shall issue the Type II certificate. If the proposed alteration does not meet said requirements, the director of the Atlanta urban design commission (the commission) shall deny the 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.

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) *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."
- (12) Aggregation of lots. No lots shall be aggregated except upon approval of the commission. Applications shall be made to the commission, and the commission shall not approve any aggregation of lots unless the commission shall make a finding that the resulting lot or lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The commission shall further find that the resulting lot or lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, block, subarea, and the district as a whole, may be reasonably situated and constructed upon such lot or lots. The compatibility rule shall apply.

236 Boulevard has had little substantive change in its improvements for many years. The proposed consolidation would not change what has been considered to be the "property" by the property owner. Further, likely anybody who has looked at or gone by the property over the years as thought that it was all one property anyway, given that all the Boulevard-related improvements (travel lanes, curb, sidewalk, planting strip, roadway-related signage) don't indicate anything other than a typical right-of-way / private property relationship. In short, the lot consolidation would not add any property to what has already been considered to be 236 Boulevard to any interested party.

Further, the Staff finds that the proposed lot consolidation would not make more or less likely that a future development would meet the district and subarea regulations given that the site has been essentially considered one property in the past, is being discussed as one property currently, and the lot consolidation would not make a potential project site larger or smaller than it had already been considered to be by the property owner.

Further, the Staff finds that the resulting lot is compatible with the historic platting pattern of the Cabbagetown neighborhood, is so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, block, subarea, and the district as a whole, may be reasonably situated and constructed upon the resulting lot.

As noted above, the Applicant must still complete the standard City of Atlanta / Office of Planning lot consolidation process which applies to all properties in the City of Atlanta whether or not they are in a Historic or Landmark District.

Staff Recommendation: Based upon the following:

- (a) The proposed consolidation meets the regulations, per Section 16-20A.006(12).

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-13-033 to consolidate the former right of way with 236 Boulevard at 236 Boulevard - Properties are zoned Cabbagetown Landmark District (Subarea 2), with the following condition:

- 1) The Staff shall review, and if appropriate, approve the final site plan, plat, and lot consolidation documents.



CITY OF ATLANTA

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

March 13, 2013

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-13-034) for an addition at **343 Sinclair Avenue**-Property is zoned R-5/Inman Park Historic District (Subarea 1).

Applicant: David Warren
311 Pebblebrooke Trace, Canton

Facts: According to the Inman Park Inventory form of August 2000, this contributing dwelling was built in 1922 and is considered contributing.

Analysis: The following code sections apply to this application:

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

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

1. General Criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
- b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- d. **Compatibility Rule:** The intent of the Mayor and Council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face, and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like

contributing buildings or site layouts and shall be internally consistent with the historic design of the structure.

Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.

2. Certificates of Appropriateness.

a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.

d. Type III Certificates of Appropriateness shall be required for:

i. All new principal structures.

6. Tree Preservation and Replacement.

The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Section 158-26, shall apply to this District.

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

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

1. Design Standards and other criteria for construction of and for additions to one- and two-family residential structures.

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

b. An unpaved planting strip adjacent and parallel to the public street shall be provided. The Compatibility Rule shall apply to the dimensions and location of planting strips.

c. A sidewalk between the planting strip and the required front yard and parallel to the public street shall be provided. The Compatibility Rule shall apply to sidewalks. The sidewalk shall be the same width as the sidewalk on abutting properties or it shall be the width required by law, whichever is greater. If no sidewalk exists in the block, the new sidewalk shall not be less than six feet wide. If no sidewalk paving material predominates in the block, the sidewalk shall be constructed of the historically accurate material for that block, either hexagonal pavers, concrete inlaid with hexagonal imprint, or brick.

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

e. All front facades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the Compatibility Rule shall apply.

f. The Compatibility Rule shall apply to the form and pitch of the primary roof of the principal structure.

g. The Compatibility Rule shall apply to the height, scale, and massing of the principal structure. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)

h. Height of the first floor of the front façade above grade shall be subject to the Compatibility Rule. The first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than 7 inches in height. Slab-on-grade construction is not permitted.

i. Front porches on principal structures shall be required. The Compatibility Rule shall apply to the design and size of said front porches, provided that such porches shall be a minimum of 12 feet wide or one-half of the width of the front façade, whichever is greater, and a minimum of 8 feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to 10 feet into the required front yard. All front porch steps shall have closed risers and ends.

j. Decks are permitted only when located to the rear of the principal structure and such decks shall be no wider than the width of the house.

k. The use of chimneys with new principal structures is encouraged. When any portion of a chimney is visible from a public street or park as a façade element, the chimney shall originate at grade.

l. Fences and walls, excluding retaining walls, visible from a public street or park upon completion, subject to the provisions of Section 16-28.008(5) and the following limitations, may occupy required yards:

i. Fences not exceeding 4 feet in height may be erected in the front yard or half-depth front yard. Walls, excluding retaining walls, are not permitted in the front yard or in other yards adjacent to public streets.

ii. Fences and walls not exceeding 6 feet in height may be erected in side or rear yards.

iii. The Compatibility Rule shall apply to all fences located in a required front yard adjacent to a street. Such fences shall be constructed of brick, stone, ornamental iron, or wood pickets. Chain link fencing is not permitted in front yards or in other yards adjacent to public streets.

m. The Compatibility Rule shall apply to portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The Compatibility Rule notwithstanding, no single section of such retaining wall shall exceed 4 feet in height.

n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:

i. The style of the individual window.

(1) Windows in the front façade shall be predominantly vertical in proportion.

- (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- (3) Window and door casings widths and depths are subject to the Compatibility Rule.
 - ii. The size and shape of individual window openings.
 - iii. The overall pattern of fenestration as it relates to the building façade.
- o. Mechanical equipment shall be located to the side and rear of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street or park.
- p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
- q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - ii. The type of brick and pattern of brickwork.
 - iii. The type of stone and pattern of stonework.
 - iv. The material and texture of stucco.
 - v. The size and type of doors.
 - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - vii. Paving materials for walks and drives.
 - (1) Asphalt is not permitted.
 - viii. Visible foundation materials.
 - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
 - ix. Visible portions of chimneys.
 - (1) Chimneys shall be faced with masonry. Siding on chimneys is not permitted.
- 2. Minimum Yard Requirements. The following minimum yard requirements and maximum floor area ratio shall apply to all permitted uses of new construction and to additions to existing structures: Front, side, and rear setbacks shall be subject to the Compatibility Rule.
- 3. Off-street parking and driveways. In addition to the provisions of Section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses:
 - a. Off-street parking shall not be permitted between the principal structure and any public street.
 - b. Parking shall not be permitted on walkways that are located between the street and the façade of the principal structure.
 - c. The use of alleys for access to such parking is both permitted and encouraged. No variance is required for driveways coming off of an alley.
 - d. Driveways shall not exceed a width of 10 feet not including the flare at the street.
 - e. Side by side driveways are not permitted except upon approval of the Urban Design Commission.
- 4. Principal uses and structures:
 - a. Properties that have an underlying zoning designation of R-5 shall be used only for the following principal purposes subject to the following provisions:
 - i. Single-family detached dwelling.
 - ii. Two-family dwelling, subject to the limitations and requirements set forth herein.
 - iii. In no case shall there be more than one principal building and one principal use on a lot.
 - iv. A lot shall not be used for more than two dwelling units.
 - v. Floor area ratio shall not exceed 0.50.
 - vi.

Setbacks and Development Controls

According to the survey submitted, this interior lot fronts 44' on Sinclair Avenue and has a depth of 247' 5" on its longest side. In looking at the City of Atlanta cadastral map, the lot measurements are slightly different. Staff suggests the Applicant contact the Office of Planning subdivision Staff to resolve any lot discrepancies.

The side yard setback of the proposed addition is no closer than the existing contributing house. Staff finds the side yard setback of the proposed addition meets the requirements. Per regulations, the rear yard setback is based on the compatibility rule. The Applicant did not provide information regarding the rear yard setbacks of the other contributing houses on the block face. Staff recommends the Applicant provide documentation the rear yard setback has been met.

Per regulations, the maximum lot coverage allowed is 55%. The Applicant provided detailed information regarding the calculations. The proposed lot coverage is 51.2% and therefore meets the requirements. Per regulations, the maximum floor area ratio (FAR) allowed is .50. The Applicant did not provide any information regarding the FAR. Staff recommends the Applicant provide documentation the FAR requirements have been met.

Site Work and Parking

The Applicant is proposing to reduce the size of the existing driveway. Staff has no concerns regarding the reduction of the existing driveway. The Applicant is proposing walkways on the side and rear of the house. Staff has no concerns regarding the proposed walkways. The Applicant is proposing to install a driveway at the rear of the property with access from the alley. As the use of alleys to access rear parking is encouraged, Staff has no concerns regarding the proposed rear driveway.

The Applicant is proposing to demolish an existing garage and construct a new carport and storage area. Staff has no concerns regarding the demolition of the existing accessory structure. Per regulations, the setbacks for accessory structures shall be no less than 3'. Staff finds the setback requirement has been met. Per regulations, accessory structures shall not exceed 25' in height or the height of the principal structure, whichever is less. In measuring the drawings, the proposed carport will be 31' in height, making it taller than the existing house. Staff finds it likely that the wrong scale is indicated on the plans. Staff recommends the height of the carport meet the requirements. Notwithstanding the concerns regarding the height, Staff finds the overall materials and design of the carport meets the regulations.

Per regulations, proposed accessory structures shall take up no more than 25% of the rear yard. The Applicant has not provided any calculations regarding the rear yard percentage. Staff recommends the Applicant provide documentation the proposed accessory structure meets the rear yard percentage requirement. Per regulations, the accessory structure cannot have a floor area greater than 30% of the floor area of the principal structure. The Applicant did not provide any calculations regarding the floor area of the enclosed area of the carport. Staff recommends the Applicant provide documentation the accessory structure meets the floor area requirement.

Addition

The Applicant is proposing to demolish an existing deck and patio in order to construct a new addition and terrace. Staff has no concerns regarding the demolition of the deck and patio as it does not have a negative impact on the existing historic house. Staff finds the rear of the addition and the terrace will not be visible from a public street or park, therefore Staff will only make comments on the sides of the addition.

As the proposed addition is no taller than the existing house, Staff finds the height requirement has been met. Overall, Staff finds the design, massing, fenestration and siding material meets the regulations. The elevations do not include the material details for the roof, foundation or fenestration. Staff recommends all materials are indicated on the elevations and meet the requirements.

The proposed addition has the same height, setbacks, materials and fenestration pattern as the historic house. As such, Staff finds it will be difficult to tell the addition from the historic house. Staff suggests the addition either is slightly shorter than the existing house, slightly inset from the existing house or appropriate corner boards be used to help delineate the addition from the existing historic structure.

Staff Recommendation: Based upon the following:

1) Except as noted above, the proposal meets the District regulations, per Section 16-20L.005 and 16-20L.006.; and

Staff recommends approval of an application for a Type III Certificates of (CA3-13-034) for an addition at **343 Sinclair Avenue**-Property is zoned R-5/Inman Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall provide documentation the rear yard setback has been met, per Section 16-20L.006(2);
2. The Applicant shall provide documentation the FAR requirements have been met, per Section 16-20L.006(4)(v);
3. The height of the carport shall meet the requirements, per Section 16-20L.006(6)(f)(v);
4. The Applicant shall provide documentation the proposed accessory structure meets the rear yard percentage requirement, per Section 16-20L.006(6)(f)(iii);
5. The Applicant shall provide documentation the accessory structure meets the floor area requirement, per Section 16-20L.006(6)(f)(v);
6. All materials shall be indicated on the elevations and meet the requirements, per Section 16-20L.006(1)(n), (p) and (q); and
7. Staff shall review and if appropriate, approve the final plans.



KASIM REED
MAYOR

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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
March 13, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-035) for alterations at 1151 St. Louis Place - Property is zoned R-4/Atkins Park Historic District.

Applicant: Susan K. Radulovacki
1151 St. Louis Place

Facts: According to the Atkins Park Historic District Survey, this single family dwelling was built in 2007 just prior to the designation of the District. As such, it is considered non-contributing to the District.

The Applicant proposes to:

1. Replace the front door by widening the existing opening to accommodate a double front door;
2. Replace the grey stone “eyebrows” over the windows with brick jack arches;
3. Replace the slate trim on the front porch header with wood trim;
4. Replace front porch ceiling with beaded board ceiling;
5. Add bases and caps to the existing front porch columns and add two, similarly-trimmed columns at the far ends of the front porch;
6. Add a front porch railing on either side of the entry way area of the front porch; and
7. Add sconces to each side of the front entry.

Analysis: The following code sections apply to this application:

Per Section 16-200.006 of the Atlanta Land Development Code, as amended:

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

(1) Certificates of Appropriateness:

- (E) Type III certificates of appropriateness shall be required for:
(ii) All major alterations and additions to existing structures.

(7) 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, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire

block, or the district as a whole. Synthetic materials may be used if visually indistinguishable from the original materials. 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 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 block face."

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

Sec. 16-200.007. Specific Regulations.

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

(2) *Architectural Standards for Principal Structures.*

Architectural standards for principal structures shall apply to front facades, side facades, and half-depth front facades visible from core residential streets only.

(A) 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.

(H) Front entry.

(iii) The design and dimensions of front porches, front entries or terraces shall be consistent with the architectural style of the house.

(I) Windows and doors. Fenestration, if visible from a core residential street upon completion, shall meet the following requirements:

(i) The compatibility rule shall apply to the style, size, shape and overall pattern of fenestration.

(ii) Windows on the front façade shall be predominantly vertical.

(i) Exterior doors and door transoms shall be appropriate to the house style, regarding design, size, dimension, and location on the building.

(L) Ornamentation: Installation of architectural ornaments, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps, doors, half-timbering, and attic vents, where none previously existed shall be permitted and shall be subject to the compatibility rule.

Sec. 16-200.008. - Design standards and criteria for alterations and additions to non-contributing structures.

Alterations and additions to non-contributing buildings shall comply with one of the following:

(A) Alterations and additions shall be consistent with the architectural style of the existing building and the height or width of any alteration or addition shall not exceed the height or width of the existing building; or

(B) Alterations and additions shall be representative of a single architectural style chosen from those represented by contributing buildings on the block face where the existing non-contributing building is located, shall comply, as applicable, with Architectural Standards for Principal Structures., section 16-200.007(2).

The District regulations require the renovations to non-contributing structures either be consistent with the architectural style of the existing house or be representative of an architectural style of those represented in the District.

In general, the Staff finds that the proposed renovations are consistent with the architectural style of the existing house, which could be characterized as a very simple version of an English Vernacular or Tudor style home.

While double front doors are not common in the District, the proposed front door would be in keeping with the double door shown on the upper level terrace of the existing house.

In addition, the use of wood trim and columns for the front porch would be found on English Vernacular or Tudor style homes in the District.

Jack arches, of various designs, are a common component of all two-story brick houses, including some in the District.

Given that a metal railing exists on the upper level terrace, the Staff finds that installing a metal railing of the same design on the main front porch would be consistent with the architectural style of the house.

The Staff has no concerns about the replacement of the front porch ceiling or the proposed sconces.

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-13-035) for alterations at 1151 St. Louis Place - Property is zoned R-4/Atkins Park Historic District with the following condition:

1. The Staff shall review, and if appropriate approve, the final elevations, specifications, and architectural details.



KASIM REED
MAYOR

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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
March 13, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-036 for a roof top addition at 333 Nelson Street- Property is zoned Castleberry Hill Landmark District (Subarea 2).

Applicant: Robert Washington
1111 University Boulevard, Apt. 1417, Silvery Spring, MD

Facts: The proposed project is located in Subarea 2 of the Landmark District. In June 28, 2006, the Commission approved the construction of a new, mixed-use building with retail on the ground floor and a pool on the roof. The building wraps around a parking deck.

The Application before the Commission at this time is for a private roof top access structure and deck for one of the top floor units.

Analysis: The following Atlanta Land Development code sections apply to this application:

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.)

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.
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:
 - (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."
9. Design standards and other criteria for construction of, additions to, or alterations of principal buildings:
 - (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 habitable structure shall not exceed 25 percent of the roof area above occupied space, 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.

Section 16-20N.008 - Specific Regulations for Transitional Historic Areas, Subarea 2.

The following regulations shall apply to all properties located within this subarea:

1. The intent of the regulations for the Transitional Historic Areas, Subarea 2, is as follows:
 - (a) To encourage neighborhood-oriented development.
 - (b) To promote pedestrian safety and connectivity.
 - (c) To recognize that Centennial Olympic Park Drive is an important gateway to the Castleberry Hill Landmark District.
2. Maximum heights. The height of a principle structure shall be fifty (50 feet). Properties with first floor retail space exceeding twelve (12) feet in height shall have a ten percent (10%) height bonus, allowing for a maximum height not to exceed fifty-five (55) feet.
9. Roof lines. Roofs of new construction, additions, or alterations shall either be flat or pitched only if such pitched roofs are not visible from a public street due to parapet walls or other façade treatments.

Building Height

The maximum building height allowed by the Subarea regulations is 50 ft., as measured from the highest public right-of-way grade to the top of the parapet wall. In this case, the Nelson Street façade has the highest public right-of-way grade. If the first floor of the building is “retail space”, an additional 5 ft. of height is allowed. The proposed building is 55 ft. to the top of the parapet wall on the Nelson Street façade and the first floor level of the building is retail and restaurant uses.

Proposed Roof Top Additions

The District regulations also allow for enclosed structures above the 55 ft. height limitations, if they meet certain criteria. The building currently includes “penthouse” portions of the upper most units, as well as common areas for residents of the building. The proposed roof top addition that is the subject of this application consists of a stair access enclosure; a small, enclosed storage area; a covered patio area adjacent to the stair access structure and storage area, and a walkway to a wood neck area at the “nose” of the building.

Per the District regulations, “the enclosed floor area of a habitable [roof top] structure shall not exceed 25 percent of the roof area above occupied space”. However, the District regulations also provide an allowance for enclosed structure required to meet the “minimum requirements for mechanical and elevator equipment, stairwells, elevator, and stair landings.” The Staff finds that the stair access enclosure is only the minimum size required to access the roof and cover the stairs, and that the proposed storage area is not “habitable space”. As such, the proposed roof top addition falls within the roof top addition allowance.

The stair access enclosure, storage area, covered patio area, and walkway are all set back at least 10 ft. from all street fronting facades, and are less than 10 ft. above the parapet wall in height. The portions of these features that will possibly be visible from the public street are clad in metal. In fact, the only vertical structure that will not be metal is the railing of the deck at the “nose” of the building and it will be hidden by the parapet wall and further below, by the cornice of the building.

While the proposed roof top deck at the “nose” of the building is located right behind the parapet wall, it is not an “enclosed structure” and as such is not subject to the same 10 ft. step back distance.

Staff Recommendation: Based upon the following:

(a) The plans meet the regulations per Section 16-20N.006 and 16-20N.008; except as noted above

Staff recommends approval of the **Application for a Type III Certificate of Appropriateness (CA3-13-036) for a roof top addition** at 333 Nelson Street- Property is zoned Castleberry Hill Landmark District.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 13, 2013

Agenda Item: Review and Comment (RC-13-039) for an addition at **94 Brighton Road**- Property is zoned R-4/ Brookwood Hills Conservation District.

Applicant: Dianne Barfield
PO Box 475, Morrow

Facts: According to the Brookwood Hills Inventory, the single-family dwelling was built in 1925 and is considered contributing.

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

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

Sec. 16-20.009. Same; further standards.

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

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

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

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

The Applicant is proposing to add a 23 sq. ft. addition to the second floor to accommodate the addition of a bathroom and other interior renovations. In order to accommodate interior changes, the roof will be extended over the small addition, one existing 6 over 6 window will be replaced with a smaller 6 over 6 window and one additional window will be added. Staff finds the overall design, massing and materials are consistent and compatible with the existing house. Given the size and location of the proposed addition, Staff finds it likely it will not be seen from the street. Staff finds the proposed addition will have no negative impact on the streetscape. Staff finds the overall project will have very little negative impact on the historic fabric of the existing house. Staff has no concerns regarding the proposed addition.

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



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STAFF REPORT March 13, 2013

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-13-041) for a variance for a rear addition that is not consistent with and does not reinforce the historic architectural character of the entire existing contributing structure; and that is not compatible with the massing, size, scale and architectural features of the property at **528 Grant Street**– Property is zoned R-5/Grant Park Historic District.

Applicant: Shona Griffin
4000 Ferry Heights Drive

Facts: According to the Grant Park Inventory sheet this existing dwelling built in 1900 is considered contributing.

On December 3, 2012 a Type II Staff review (CA2S-12-302) was approved without conditions. The scope of the approval included repairs and alterations to the existing house. Also included was an attic build-out that did not face a public street and did not engage the ridgeline.

At the February, 13, 2012 meeting, an application for a Type III Certificate of Appropriateness (CA3-13-010) for an addition was approved with the following conditions:

1. The proposed ridgeline shall be no less than 1' below the existing ridgeline, per Section 16-20K.007(2)(D);
2. The Applicant shall provide pictures and documentation regarding the street facing facades 16-20K.007(2)(D);
3. The Applicant shall clarify whether the previously approved alterations have been completed as approved, per Section 16-20K.007(2)(D); and
4. Staff shall review and if appropriate, approve the final plans.

This current application is for a variance to allow the existing addition to remain as currently built.

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.*
 - 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.

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.

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.

Summary of the Timeline of Key Events

In looking at the package submitted, it appears that in July of 2012, a tree struck the house and the owners were forced to move to another location. In August of 2012, the owners hired a construction company for a renovation and addition project. In November of 2012, the construction company submitted plans for a staff review. These plans were approved as the proposed renovations and additions were not located on a façade that faced a public street. In December of 2012, a new contractor was hired and a permit was issued. In January of 2013 construction begins and the new contractor discovers that the plans submitted are not correct and would not allow for the proposed three bedroom addition. The owners decided to move forward with the three bedroom addition, despite the fact that the roof line would now be significantly different, a partial demolition would be needed and the proposed addition would now partially be located on a façade that faces a public street.

General Comments

At the February 13th meeting, the Commission approved the proposed project with a condition that the ridgeline of the addition be no less than 1' lower than the existing ridgeline. Staff's concerns was that having an addition with a ridgeline that is taller than the existing house is not consistent and does not reinforce the historic architecture of the existing historic house. The Applicant is requesting a variance from this requirement, in order to retain and finish the addition as is.

This particular case is different from cases with similar requests for several reasons:

1. The Applicant only proposed the renovation and addition project after a tree caused damage to the house and therefore created an opportunity to add additional living space.
2. The family has been out of the home for eight months while they wait for the renovations to be complete.
3. The plans that were originally approved by the UDC, were not correctly drawn by the original contractor and would have never accommodated the proposed three bedrooms.
4. Once the mistake was discovered, construction continued and therefore the proposed addition already exists.
5. The original loan was for \$204,000. The current costs of the proposed renovations and additions have risen to \$240,000 and do not include the estimated \$12,000 it will costs to meet the conditions of the project approved by the Commission at the February 13th meeting.

Variance Request

According to the Applicant, this corner property has an unusual topography as there is a difference of approximately 7' to 9' in height from the street to base of the foundation. Staff agrees that the change in topography and its location on a corner lot makes the addition appear taller than if the lot were flat or had less changes in the topography.

According to the Applicant, the application of the zoning ordinance creates an unnecessary hardship because lowering the ridgeline would create a financial burden in order to relocate the plumbing, electrical re-wiring, relocating the HVAC system, cost of roofing materials and cost of labor. While financial considerations are not one of the criteria, Staff would agree that meeting the conditions will create an additional cost burden.

The Applicant points out that reduced ceiling height will render the added space uninhabitable. As the proposed addition is to accommodate three upstairs bedrooms, it appears that the entire space would not be uninhabitable, but rather one bedroom would have to be eliminated. As there is a bedroom on the first floor, this means the house would have a total of three bedrooms, instead of four. Staff recommends the Applicant clarify how much of the addition would be habitable if the project met the conditions.

According to the Applicant, granting of the variance would not create a detriment to the public as there are examples of other properties that have additions with higher ridgelines than the existing house. Staff agrees that there are examples of additions that have higher ridge lines than the existing house. In general, Staff finds that having a ridgeline that is higher than the existing historic house is not appropriate. Staff has the following comments regarding the examples presented:

1. 529 Grant Street- This project was approved by the UDC in 2005 based on the ridgeline being lower than the maximum 35' allowed. Since that time we have found that allowing the ridgeline to be higher than the existing house is not appropriate. We would not approve that same project today.
2. 525 Grant Street- This is an interior lot and therefore not within the purview of the Commission.
3. 370 Orleans- This is an interior lot and therefore not within the purview of the Commission.
4. 378 Orleans- This is an interior lot and therefore not within the purview of the Commission.
5. 495 Cherokee- This is a corner lot with a significant addition. In looking at UDC records and two different permitting systems, there is no UDC review on file and there was never a permit issued. Staff will investigate this situation and take further action if necessary.

Staff finds the circumstances in the case are unusual as discussed in the paragraphs above. Given the information we have at this time, Staff finds the Applicant has proven that it would be a hardship to meet the conditions as outlined in the previously approved Certificate of Appropriateness. Staff supports the variance request.

Staff Recommendation: Based upon the following:

- 1) The plans meet the regulations with the exception of the comments noted above per Section 16-20K.006 (3);

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-13-041) for a variance for a rear addition that is not consistent with and does not reinforce the historic architectural character of the entire existing contributing structure; and that is not compatible with the massing, size, scale and architectural features of the property at **528 Grant Street**– Property is zoned R-5/Grant Park Historic District, with the following condition:

1. The Applicant shall clarify how much of the addition would be habitable if the project met the conditions.