



CITY OF ATLANTA

M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 13, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-040) for signage at **545 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 5).

Applicant: Danielle Greene
545 Edgewood Avenue

Facts: According to the neighborhood inventory, this commercial building is considered non-contributing.

Analysis: The following code sections apply to this application:

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

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

(3) Landmark Districts:

a. To change the exterior appearance of any Landmark Building or Site;

Per Section 16-20C.003:

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

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

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

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

(4) Procedure for variance: Upon a determination by the AUDC that an application for renovation or new construction is in conflict with these regulations and/or the guidelines, the AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (section 16-26.001). Notification shall include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.

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

(15) *Building facades, roofs, and other elements visible from the street right-of-way:*

- a. Alteration and addition to building facades, roofs, porches, foundations and other exterior elements shall conform to these regulations and to the guidelines adopted and applied by the AUDC.

Per Section 16-20.009. 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.

(27) *M.L. King, Jr. Landmark District.* The following signs shall be permitted in the M.L. King, Jr. landmark district:

a. *General Regulations: Signs* within the M.L. King, Jr. landmark district are subject to the following regulations:

1. No general advertising signs shall be permitted in the M.L. King, Jr. landmark district.
2. No sign shall be permitted within the M.L. King, Jr. landmark district except after approval by the urban design commission of a certificate of appropriateness as specified in chapter 20 of this part.
3. One (1) identification sign, not exceeding 20 square feet in sign area, shall be permitted for multi-family uses.
4. For all other uses permitted in this district, one (1) identification sign per street frontage shall be permitted. Such sign shall not exceed 35 square feet in sign area.

f. *Edgewood Commercial Corridor (Subarea 5):* The sign regulations for Edgewood commercial corridor (Subarea 5) shall be the same as the regulations for the SPI-1 (Central core) district, provided that:

1. No individual sign shall exceed 100 square feet in sign area.
2. No freestanding sign shall exceed 20 feet above ground level.
3. No projecting sign shall exceed eight (8) square feet in sign area.
4. Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.
5. Sign shall be located as follows:
 - i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.

- ii. On or in display windows or upper facade windows.
 - iii. On or in the glazing of the doors.
 - iv. On the valance of awnings.
 - v. On the fascia or top edge of canopies.
 - vi. Projecting perpendicularly from the building.
6. No changing signs shall be permitted.
7. No internally illuminated signs shall be permitted.

SPI-1 Downtown District:

a. General Regulations: Signs within SPI-1 Downtown District are subject to the regulations set forth in this section (12). For purposes of this section (12), "street" means public streets and private streets, as well as associated public right-of-way including public right-of-way accessible only to pedestrians.

b. Building Business Identification Signs:

1. Type: Wall signs, projecting signs, canopy signs, parapet wall signs, suspended signs, and marquee signs shall be permitted. Only one of the signs may be either suspended or projecting along each street frontage per business establishment, provided that corner business establishments may have two projecting signs limited to one projecting sign per street frontage.

2. Number:

(a) Sidewalk-Level Business Establishments: A maximum of three business identification signs shall be allowed for each business establishment on the sidewalk-level of a building. For the purposes of this section (12), "sidewalk-level" shall be as defined by Section 16-18A.005(3) except where additional signage identifying the business is authorized on a monument sign or multi-tenant sign.

(b) Second-Level Business Establishments: A maximum of three business identification signs shall be allowed for each second-level business establishment engaged in a permitted use listed under the commercial/retail and institutional headings of the Use Table in Section 16-18A.006 and having a facade that faces a street except where additional signage identifying the business is authorized on a monument sign or multi-tenant sign. For purposes of this section (12), "second-level" means the building floor level immediately above sidewalk-level.

(c) Corner Business Establishments: One additional business identification sign shall be allowed for each business establishment occupying a corner space that faces two streets and is located on the sidewalk-level or second-level, provided such sign is oriented toward the additional street.

3. Area: Where a business establishment is permitted to have business identification signs, the following regulations shall apply:

(a) Sidewalk-Level and Second-Level Business Establishments: The combined area of the business identification signs except for that signage on monument signs or multi-tenant signs if allowed shall not exceed ten percent of the total area of the walls of the business establishment that face the street but at least 60 square feet of combined sign area is allowed for each business establishment.

(b) Corner Business Establishments: The area of the additional sign authorized by subsection (12)b.2.(c.) shall not exceed ten percent of the total area of the walls of such business establishment that face the additional street, or 60 square feet, whichever is less and this calculation shall exclude that signage on monument signs or multi-tenant signs if allowed.

(c) No individual sign shall exceed 200 square feet.

4. Height: The height limitation set forth in Section 16-28A.007(m) may be exceeded as follows:

(a) Subject to subsection (12)b.4.(a.) above, no portion of a business identification sign for a sidewalk-level business establishment shall be located more than 40 feet in height above the elevation of the nearest sidewalk clear zone.

The Applicant is proposing to replace the existing sign with a new sign. Staff has no concerns regarding the removal of the existing sign. Staff has some concerns regarding the package as the narrative indicates a non-internally illuminated sign, while the sign details indicate an internally illuminated sign. As internal illumination is not allowed, Staff recommends the elevations indicate a sign that is not internally illuminated.

Staff finds the overall design and location of the proposed sign is appropriate. Per regulations, the business can have a total of three business signs. The Applicant is proposing to install eight outdoor vinyl signs. Staff finds the Applicant has exceeded the number of signs allowed. As such, Staff recommends the elevations indicate the installation of no more than two vinyl outdoor signs.

As this is a corner lot, Staff finds the Applicant can have one additional sign on the façade that faces the other street (Howell). Per regulations, the proposed signs cannot exceed 10 percent of the wall area. The plans do not indicate whether the wall percentage requirement has been met. Staff recommends the Applicant provide documentation the wall percentage requirement has been met.

Staff Recommendations: Based upon the following:

1) The plans meet the regulations, per Section 16-20C.003 and 16-20.009, with the exceptions of the comments noted above;

Staff recommends approval of the Application for a Type II Certificate of (CA2-13-040) for signage at **545 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 5), with the following conditions:

1. The elevations shall indicate a sign that is not internally illuminated, Per Section 16-28A.010(27)(f)(7);
2. The elevations shall indicate the installation of no more than two vinyl outdoor signs, Per Section 16-28A.010(12)(b)(2);
3. The Applicant shall provide documentation, the proposed signs meet the wall percentage requirement, per Section 16-28A.010(12)(b)(3); and
4. Staff shall review and if appropriate, approve the final plans.



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STAFF REPORT

March 27, 2013

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-042) for an addition and renovations at **833 Virgil Street** – Property is zoned R-5/Inman Park Historic District (Subarea 1).

Applicant: Janet Best
833 Virgil Street

Facts: According to the District inventory sheet, the house was built in 1925 and is considered contributing to the District. The one-story, hipped-roof bungalow sits on a rectangular lot. The lot slowly rises from front to back. There is a small retaining wall next to the sidewalk. The front porch is accessed by a set of site stairs up from the sidewalk through the retaining wall.

The proposal before the Commission at this time includes the following:

1. Installation of a 6 ft. tall wood, privacy fence in the rear yard along the left side property line;
2. Reconfiguration of the front porch stairs and a new front porch railing;
3. Construction of a foundation access door under the front porch landing;
4. Installation of two skylights on right side roof plane;
5. Replacement of an existing window with a new awning-style window on the right side façade; and
6. Construction of a rear addition.

The Staff would note that if the fence and/or any of the alterations to the existing house had been proposed as the only work on the property, these items would have been reviewed by the Staff under the Type II Staff Review Certificate of Appropriateness process, per the District regulations.

Analysis: The following code sections apply to this application:

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

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

- 1. General criteria.
 - a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Code.
 - b. In the Inman Park Historic District, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
 - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
 - viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 - d. Compatibility rule:
 - i. The intent of the mayor and council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face; and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945.
 - ii. To further that intent and simultaneously permit flexibility in design, the regulations provide a compatibility rule which is as follows:
 - (a) Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure.
 - (b) Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.

- f. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
- 2. Certificates of appropriateness.
 - a. Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - d. Type III certificates of appropriateness shall be reviewed by the commission and shall be required for:
 - ii. Additions that are visible from a public street or park, unless such additions are specifically exempted from a certificate of appropriateness in the subarea regulations.
 - e. Type IV certificates of appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.

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

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

- 1. Design standards and other criteria for construction of and for additions to one- and two-family residential structures.
 - d. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
 - e. All front façades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the compatibility rule shall apply.
 - f. The compatibility rule shall apply to the form and pitch of the primary roof of the principal structure.
 - g. The compatibility rule shall apply to the height, scale, and massing of the principal structure, except as noted below. In no case shall the height of a structure exceed 35 feet. (See section 16-28.022 for excluded portions of structure.)
 - i. The height of additions shall not be subject to the compatibility rule, but shall be no higher than the existing structure.
 - ii. Notwithstanding the compatibility rule, any new roof ridge line shall be no higher than the highest roof ridge line of the existing structure.
 - i. Front porches on principal structures shall be required. The compatibility rule shall apply to the design and size of said front porches, provided that such porches shall be a minimum of 12 feet wide or one-half of the width of the front façade, whichever is greater, and a minimum of eight feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to ten feet into the required front yard. All front porch steps shall have closed risers and ends.
 - m. The compatibility rule shall apply to the height of portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The compatibility rule notwithstanding, no single section of such retaining wall shall exceed four feet in height.
 - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
 - i. The style of the individual window.
 - (1) Windows in the front façade shall be predominantly vertical in proportion.
 - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - (3) Window and door casings widths and depths are subject to the compatibility rule.
 - ii. The size and shape of individual window openings.
 - iii. The overall pattern of fenestration as it relates to the building façade.
 - o. Mechanical equipment shall be located to the side and rear of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street or park.
 - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system ("EIFS"), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.

- q. The compatibility rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - ii. The type of brick and pattern of brickwork.
 - iii. The type of stone and pattern of stonework.
 - iv. The material and texture of stucco.
 - v. The size and type of doors.
 - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - 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.
 - x. Skylights are permitted where not visible from a public street or park wherever possible. Protruding bubble skylights are prohibited.
- 2. *Setback requirements:*
 - b. *New additions to existing structures:* The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.
- 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.
 - v. Floor area ratio shall not exceed 0.50.

6 ft. tall wood, privacy fence in the rear yard along the left side property line

Six (6) ft. tall fences (privacy fences are considered walls under the City's Zoning Ordinance) are permitted in the side and rear yards. The Staff has no concerns about the installation of the fence.

Front porch stairs and new front porch railing

The existing masonry, front porch stairs run directly from the right side of the front porch into the front yard, through the existing retaining wall and onto the public sidewalk. The stair treads are parallel to the streets. The stairs are flanked by masonry cheek walls. The Applicant proposes to replace the existing stairs with a new set of stairs that will run from a new landing in front of the front porch, across the front porch to a small landing at the front yard level with treads that will be perpendicular to the street, and then turn with two final steps to the sidewalk. While the existing stairs appear in good condition, the stair run includes several non-building code compliant treads and risers.

The Staff has previously discussed this stair design with the Applicant and noted that such a design would need a variance for front stairs that were not parallel to the street. No variance was submitted with the application. The Staff would recommend that the proposed design include front stairs that are parallel to the street or the proposed front porch stair design shall be removed from the proposed design and Applicant apply for a variance for the desired front stair design.

Regarding the front porch railing, the Staff would recommend that the railing include a two part top rail and a one-part bottom rail with butt-jointed wood pickets between.

Foundation access door under the front porch landing

Underneath the new front porch landing the applicant proposes an access door (with accompanying walkway) to allow storage of the trash cans for the property. While the Staff acknowledges that foundation access doors are almost universal in the District, it is not aware of a large number of such doors on the front façade. Further, when such doors do exist, they are smaller than the one proposed in the submission. These two characteristics, along with the accompanying cut in the retaining wall and walkway to the door directly from the sidewalk, would make a normally unnoticed, utilitarian, and little-used architectural element a very obvious and prominent architectural element. The Staff would recommend that the foundation access door under the front porch landing be removed from the proposed design.

Two skylights on right side roof plane

Flat skylights are permitted “where not visible from a public street or park wherever possible”. Although the houses on this side of Virgil Street are close together it is likely that these skylights will be visible from the public street. The Staff would recommend that the Applicant document the visibility from the public street of the skylight locations and the rationale for their installation.

Replacement of an existing window with a new awning-style window on the right side façade

Based on the narrative included in the submission, the proposed awning-style window would replace an existing window in the kitchen. The District inventory sheet does not include a view of the right side of the house. Assuming that the window proposed for replacement is original to the house, the Staff is concerned about its replacement with a horizontal-proportioned window.

While such horizontal-proportioned windows do exist in the District, they are generally used as accent windows on higher-style houses. At the same time, the Commission and Staff have approved the reconfiguration of window openings to accommodate kitchen and bathroom situations involving countertops or similar design issues. When such reconfiguration has been approved, the new window opening normally retains the proportions and functionality of the old opening and window unit. Keeping the same proportions and functionality retains more of the window pattern on the house and creates a more consistent appearance to the façade. Further, such “sized-down” windows are a historic element of similar houses in the District.

The Staff would recommend the Applicant document the existing window on the right side façade to be replaced and the replacement shall be a proportionally smaller window with the same functionality as the existing window.

Rear addition

The proposed rear addition will follow the same side yard setbacks as the existing house and be farther away from the rear property line than another contributing house on the block face (843 Virgil Street). Both characteristics meet the District regulations. The proposed addition will not be taller than the existing house and will utilize all of the same materials as the existing house. With the inclusion of the addition, the lot coverage and floor area ratio still meet the District regulations.

Given this design conformity to the existing house, the Staff is concerned that it will be difficult to differentiate, from the public street, where the original house ended and where the addition started. This lack of differentiation from the public street will create confusion as to the evolution of the house. As such, the Staff would recommend that false corner boards be installed where the existing house ends.

In addition, the Staff would recommend the exterior material for the foundation for the addition meet the District regulations.

Staff Recommendation: Based upon the following:

(a) The proposal meets the District regulations, per Section 16-20L.005 and Section 16-20L.006.

Staff recommends approval of an Application for a Type III Certificate of Appropriateness (CA3-13-042) for an addition and renovations at **833 Virgil Street**, with the following conditions:

1. The proposed design shall include front stairs that are parallel to the street or the proposed front porch stair design shall be removed from the proposed design and the Applicant shall apply for a variance for the desired front stair design, per Section 16-20L.006(1)(e) and (i);
2. The front porch railing shall include a two part top rail and a one-part bottom rail with butt-jointed wood pickets between, per Section 16-20L.006(1)(i);
3. The foundation access door under the front porch landing shall be removed from the proposed design, per Section 16-20L.005(1)(b)(ix) and Section 16-20L.006(1)(q)(viii);
4. The Applicant shall document the visibility from the public street of the skylight locations and the rationale for their installation, per Section 16-20L.006(1)(q)(x);
5. The Applicant shall document the existing window on the right side façade to be replaced and the replacement shall be a proportionally smaller window with the same functionality as the existing window, per Section 16-20L.005(1)(b)(ix) and (x) and Section 16-20L.00(1)(n);
6. False corner boards shall be installed where the existing house ends, per Section 16-20L.005(1)(b)(ix) and (x);
7. The exterior material for the foundation for the addition shall meet the District regulations, per Section 16-20L.006(1)(q)(viii); and
8. The Staff shall review, and if appropriate approve, the final elevations, plans, and documentation.



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JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
March 27, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-044) for a variance to allow parking between a building and a street at **135 Krog Street** – Property is zoned C-2 / Beltline / Inman Park Historic District (Subarea 3).

Applicant: Eric Kronberg
1359 Lafrance Street

Facts: The property is located on the east side of Krog Street, at the northeast corner of West Ashland Avenue. The property includes a one-story, metal warehouse / light commercial building and concrete loading / parking area. To the north and east of the property is a contemporary residential development that was completed prior to the District's designation. None of the existing buildings on the property are considered contributing to the District.

The Commission has previously acted upon applications related to this property. In February, 2013, the Commission approved the replating of this property to separate from the remainder of the parcel to the north. Also in February, 2013, the Commission commented on a variance and special exception before the Board of Zoning Adjustment related to the redesign of the existing building and property.

The Staff had discussions with the development team prior to the submission of their application both to discuss the project itself, as well as the coordination of the Beltline Overlay Zoning and District reviews.

Analysis: The following code sections apply to this application:

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

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

2. Certificates of Appropriateness.

- d. Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - v. Variances and special exceptions.

3. Variances, Special Exceptions, and Appeals.

Variance applications, applications for Special Exceptions, and appeals from these Regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in Chapter 26 of this Part 16. The Commission shall have the authority to grant or deny applications for Special

Exceptions pursuant to the standards in Chapter 25. The Commission shall have the authority to grant or deny applications for appeal pursuant to the standards in Section 16-30.010 and the appeal provisions for said decision, set forth in Section 16-30.010(e), shall also apply to the Commission's decision.

Per Section 16-20L.008 of the Atlanta Land Development, as amended - Specific Regulations for Subarea 3, Railroad Corridor Commercial and Industrial District, Subarea 3.

The following regulations shall apply to all properties located within Railroad Corridor Commercial and Industrial District, Subarea 3:

10. Parking, curb cuts, and parking structures.

- f. Parking areas or driveways are not permitted between the sidewalk and a building, except as follows: Driveways to reach the side yard or rear yard of a lot are permitted; driveways to reach an on-site parking facility are permitted, and, for lots with three or more frontages, parking spaces and/or loading areas may be located between a building and the street on one side of the building.

15. Off-street parking requirements.

- a. Off-street parking shall not be located between the principal structure and the street except that one parking area between the street and one side of a building shall be allowed for lots with three or more frontages. Off-street parking shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking during non-normal business hours.

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.

General Zoning Analysis

The Staff has completed a general zoning analysis and reached the following conclusions:

1. The C-2 zoning requirements address the basic characteristics of the property: allowed uses (principal, accessory, special), transitional characteristics (uses, height planes, yards, and screening), density, open space requirements, setbacks, lot size, yard requirements, height, and the number of off-street parking spaces.
2. The District regulations supersede or modify the C-2 zoning requirements related to setbacks, density, uses, building heights, and open space requirements.
3. The Beltline Zoning Overlay District supersede or modify the C-2 zoning requirements related to transitional yards, open space allowances, front setbacks and off street space parking spaces requirements.
4. Both the District and Beltline Zoning Overlay District have additional requirements related to design, building articulation and fenestration, facades, and site arrangement.
5. The Beltline Zoning Overlay District has requirements that are stricter then the C-2 and District regulations, and thus are the governing requirement for that topic.
6. Many of the District regulations do not apply to this project, given the reuse of the existing building, sidewalk, parking lot, building entrances, etc.
7. The Beltline Zoning Overlay requirements will be addressed through the concurrent Beltline Special Administrative Permit (SAP) review process.

The Staff would also note that per the District regulations, the actual design and construction work proposed for the property (building alterations, site work, paving, walkways, curb cut, landscape screening, parking lot landscape requirements, etc.) is reviewed by the Staff via a Type II Staff Review Certificate of Appropriateness. As such, the variance request before the Commission will be the extent Commission's role in the design of the project.

The Staff would recommend that any design changes necessitated by the Beltline Overlay Zoning review that do not substantially alter the character of the property be approved by the Staff.

Variance Analysis

The property currently has a paved parking lot located south of the building between the building and West Ashland Avenue. This formal parking area, as an existing feature, is grandfathered into the project. At question and the reason for the variance, is the additional, "grasspaved" parking to the east of the existing parking lot.

The Applicant provided a variance argument in their application with which the Staff generally agrees. According to the Applicant, the day-to-day use of the building does not necessitate the on-site parking that would normally be required due to the building's square footage. At the same time, though, the Applicant, while having officially requested a reduction in their on-site parking, is partially trying to full fill what would have been the regular on-site parking requirement by providing the "grasspaved" parking area. It is anticipated that the new "grasspaved" parking area will serve as, occasional overflow parking for the business.

As noted in the Applicant's variance argument, the only location for additional parking on the property is to the east of the existing parking area. Across West Ashland Avenue from the new, "grasspaved" parking area are the rear yards of the single-family houses that face Lake Avenue further to the south.

Given the special exception for the reduction in on-site parking and the Applicant's stated purpose for the new parking area as overflow parking, the Staff would recommend that signage leading to the new parking area be installed that says it is for overflow parking only and only to be used when the paved lot is full.

Staff Recommendation: Based on the following:

- 1) The requested variance meets the standard variance criteria, per Section 16-26.003.

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-13-044) for a variance to allow parking between a building and a street at **135 Krog Street** – Property is zoned C-2/Beltline/Inman Park Historic District (Subarea 3, with the following conditions:

1. Signage leading to the new parking area shall be installed noting that it is for overflow parking only and only to be used when the paved lot is full, per Section 16-20L.008(10) and (15); and
1. Any design changes necessitated by the Beltline Overlay Zoning review that do not substantially alter the character of the property shall be approved by the Staff.



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M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

March 27, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-047) for revisions to plans for a new single family house at **840 Euclid Avenue**- Property is zoned R-5/Inman Park Historic District (Subarea 1).

Applicant: Adam Stillman
350 Sinclair Avenue

Facts: This is lot is currently vacant.

At the August 22, 2012 meeting Type III Certificates of Appropriateness (CA3-12-194) for a variance to allow off street parking accessed by a driveway easement; and (CA3-12-185) for a new single family residence were approved with conditions. This current application is to allow for a revision to previously approved plans.

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.

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.
- 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.

As this application is for a revision to plans, Staff will only make comments on portions of the project that are different from the original proposal.

Setbacks

In the original proposal, the rear yard setback was 71.2'. The new proposed rear yard setback is 75.2'. As the rear yard setbacks on the block face range from 61.2' to 117.2', Staff finds the new rear yard setback meets the requirements.

Development Controls

The District regulations limit the floor area ratio to .50 of the net lot area. The originally proposed floor area ratio was .49. The revised plans indicate a reduction in the FAR to .46. Staff finds the FAR still meets the requirements. Per regulations, the maximum lot coverage allowed is 55%. The originally proposed lot coverage was 49%. The revised plans indicate a reduction in the lot coverage to 48%. Staff finds the lot coverage still meets the requirements.

Site Work

The original site plan indicated a concrete pad at the rear of the proposed carriage house. The revised site plan indicates a concrete pad with grass strips. Staff finds the addition of the grass strips helps reduce the lot coverage. Staff has no concerns regarding the revised parking pad design.

Elevations

Staff would note that the only changes to the elevations occur on the right elevation and the rear elevation.

In the original submittal, a screened porch was proposed for the right elevation. In the revised right elevation, the previous porch area is now additional living space. The exterior of this area features a triple window unit to match other windows on the house. The revised elevation also includes the elimination of a small window on the second floor. Staff finds the revisions to the right elevation are appropriate. Staff finds the design of the right elevation is consistent and compatible with the design of the house and meets the regulations.

The original submittal included a deck on the rear elevation. The revised plans indicate a larger screened porch with a different stair configuration. Staff finds the proposed screened porch and stair configuration is highly appropriate on this elevation and meets the regulations. Staff has no concerns regarding the revised rear elevation.

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 Type III Certificates (CA3-13-047) for revisions to plans for a new single family house at **840 Euclid Avenue**- Property is zoned R-5/Inman Park Historic District (Subarea 1), with the following condition:

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



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M. KASIM REED
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55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 27, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-049) for renovation of a duplex to a single-family residence at **496 Old Wheat Street**- Property is zoned Martin Luther King Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Ute Banse
1077 Alta Avenue NE

Facts: According to the neighborhood inventory, this two-story contributing building was constructed in 1937.

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

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

(3) Landmark Districts:

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

Per Section 16-20C.003:

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

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

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

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

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

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

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

Per Section 16-20C.005 – Residential District Sub-area 2:

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses within the residential district subarea.

These regulations are intended to preserve the character and scale of the residential environment as it existed during the historic period of the Martin Luther King, Jr. Landmark District. These regulations are intended to ensure that permitted uses will maintain the historic integrity of the subarea and the district as a whole.

(1) *Permitted principal uses:*

a. Single-family dwellings.

(3) Development controls:

a. All front, side and rear yard setbacks shall be established through utilization of the compatibility rule on block-by-block basis. A variance of five percent (5%) may be allowed. All new construction shall maintain a minimum of seven (7) feet for side yard setback and 10 feet for rear yard setbacks where the compatibility rule would permit otherwise.

Per Section 16-20.009. 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:

(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.

(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.

Site Work

The site plan submitted indicates two lots that face Old Wheat and one lot that faces Hogue. In looking at the City of Atlanta cadastral map, there are only two lots indicated. In 2009, the Commission reviewed and approved with conditions a project that included a shared driveway and three parking areas. The approval of the parking was conditioned upon an approved re-plat that would create three separate lots. In looking at City records, Staff does not find documentation that a re-plat for the properties on Old Wheat or the property on Hogue was ever approved. Staff suggests the Applicant work with the Office of Planning subdivision Staff to resolve the re-plat issue.

While the site plan submitted includes the lot on Hogue Street. Staff would note that this application does not include the Hogue property, therefore Staff will not make any comments regarding proposed work for the Hogue property. As the Old 496 Old Wheat.

The lot in question fronts 70' on Old Wheat Street and has a depth of 103'. The Applicant is proposing to remove the existing chain link fence and install a new 4' high metal fence and gate. Staff finds the height, materials and design of the proposed fence is appropriate. The Applicant is proposing to repair or replace an existing CMU retaining wall. Staff does not have concerns regarding the repair or replacement of the existing CMU retaining wall. The Applicant is proposing a parking space using a "gravelpave" product. "Gravelpave" is a gravel product that uses rings to hold the gravel in place. Staff has no concerns regarding the proposed material. Staff would note that lot coverage is not reviewed in the subarea.

Renovations

Siding

The Applicant is proposing to remove the existing wood siding and replace it with smooth cementitious siding. In looking at pictures submitted by the Applicant and the narrative regarding the wood siding, Staff finds the existing wood siding is beyond repair and should be replaced. As wood siding is the original material, Staff finds the replacement material should be wood. In the narrative, the Applicant notes that there are currently proposed revisions to the regulations that would allow for original or historic siding to be replaced using cementitious siding. Staff would note that while there is a draft of regulation revisions, revised regulations have not been before the Commission and have not been approved. As such, Staff's recommendations will be based on the current regulations. Staff recommends the existing siding be replaced with wood siding to match the dimension and direction of the existing siding.

Windows and Doors

The existing historic windows are wood, 6 over 6, true divided lite windows. The Applicant is proposing replacement of all of the windows. In looking at the elevations, five existing windows are either non-historic or missing. Staff has no concerns regarding the replacement of non-historic or missing windows. In looking at pictures submitted by the Applicant, the condition of all the historic windows is not clear. Some of the windows appear to be beyond repair, however it is not clear that all historic windows are beyond repair. Staff recommends the Applicant provide additional pictures of the existing original windows with documentation that indicates the windows warrant replacement.

If replacement of the historic windows is warranted, Staff has concerns regarding the proposed replacements. The windows are indicated as simulated divided lite. As previously discussed, the Applicant references revisions to the regulations that would allow for simulated divided lite windows. As those regulations have not been approved, Staff recommends any window replacements be wood, 6 over 6, true divided lite windows.

There are currently five doors on the existing house. The Applicant has indicated that three of the existing doors are not original or historic. Staff does not have concerns regarding the replacement of non-original and non-historic doors. On the front façade, one original door will be repaired and retained. Additionally, two doors will be replaced in their original door openings. On the rear façade one door will be replaced in its original door opening and a second door opening will be enlarged. As this enlarged door opening is on the rear façade and on a non-historic door, staff does not have a concern.

Porches

The Applicant is proposing to install new railings on the first and second floor. Staff finds the material, height and design of the proposed railings is appropriate. As the existing railings are not original, Staff has no concerns regarding the railing replacement. The Applicant is proposing the following in-kind replacements and repairs: rafter tails, porch flooring, porch ceiling, brick piers, brick foundation, front stairs, chimneys and gutters. Given the pictures and narrative, Staff has no concerns regarding the aforementioned in-kind replacements and repairs.

In looking at the rear elevation, it appears the rear stair to the second floor is proposed for removal. In looking at the notes and narrative, there is no indication that the stair is proposed for removal. Staff recommends the Applicant clarify whether there rear stairs are proposed for removal. The Applicant is proposing to install an overhang over a door on the front façade. Although there is currently no overhang indicated in existing pictures, the survey pictures indicate the previously existing overhang. Staff finds the overall materials and design of the overhang is appropriate. Staff has no concerns regarding the proposed overhang on the front façade.

Staff Recommendations: Based upon the following:

- 1) The plans meet the regulations, per Section 16-20C.003;

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-13-049) for renovation of a duplex to a single-family residence at **496 Old Wheat Street**. Property is zoned Martin Luther King Jr. Landmark District (Subarea 2)/Beltline, with the following conditions:

1. The existing siding shall be replaced wood siding to match the dimension and direction of the existing siding, per Section 16-20C.009(5);
2. The Applicant shall provide additional pictures of the existing original windows with documentation that indicates the windows warrant replacement, per Section 16-20C.009(5);
3. Any window replacements shall be wood, 3 over 1, true divided lite windows, per Section 16-20C.009(5);
4. The Applicant shall clarify whether there rear stairs are proposed for removal; and
5. Staff shall review, and if appropriate, approve the final plans.



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55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
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www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

March 27, 2013

Application for Type III Certificates of Appropriateness (CA3-13-051) for a variance to reduce the Westside yard setback of an accessory structure from 7' to 2' at **368 Grant Park Place**– Property is zoned R-5/ Grant Park Historic District (Subarea 1).

Applicant: Andrew Zbeeb
368 Grant Park Place SE

Facts: According to the Grant Park Inventory sheet this existing dwelling built in 1907 is considered contributing.

Analysis: The following code sections apply to this application:

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

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

- (1) *General Criteria.*
 - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
 - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
 - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate 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.
 - c. Type III Certificates of Appropriateness shall be required for:
 1. All new principal structures
 2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
 - d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any

contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

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

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

- (1) *Development Controls.*
- a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
 - 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 (7) feet.
 - c. *Rear Yard:* Rear yard setback shall be seven (7) feet.
 - d. *Off-street parking and driveway requirements:*
 - 1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
 - 2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - 3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.

(2) *Architectural Standards.*

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

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

B. *Design Standards and Criteria for New Principal Structures.*

12. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.

Sec. 16-28.004. - Accessory uses and structures.

The following regulations and requirements apply to accessory uses and structures:

- (1) Except as otherwise specifically provided in this part, use of accessory buildings as dwellings or lodgings is prohibited.
- (2) Accessory buildings shall be constructed concurrent with or after construction of principal buildings.
- (3) Accessory buildings in R-1 through R-5 districts shall not exceed 20 feet in height, shall not cover more than 25 percent of the area of the rear yard, shall not contain a total floor area greater than 30 percent of the main structure.

Variance Request

The following is the variance justification as submitted by the Applicant:

1) What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography)?

Our property is zoned R5 in the historic district of Grant Park with a 49 foot width (east to west). There is a shared alley located to the back of our property. We access the alley and enter our property through an electronic gate that rolls from east to west. When closed, our property is not visible to anyone in the alley. We park our vehicles under our carport behind the privacy gate/fence. Our request is to locate an accessory structure two feet from our property line on the North West side of the offset to be used as a shed to store yard tools, seasonal clothing, bicycles and other household items for our family – we lack storage and closet space in our 1920 bungalow. The accessory structure cannot be seen from any public street and it is barely visible from any other property when our gate is closed, since we have a privacy fence surrounding the back yard of our property where the structure is located. The required offset for our property is seven feet, but we are unable to place the structure seven feet from the west property line without creating a hardship as described in the following documents and explanation. The previous shed that was in disrepair was located on our property in the same exact location and it was also two feet from the property line prior to the replacement structure that this variance is being requested for. There are no restrictions in regards to the size of our structure, but there is a hardship if we are unable to place the new structure two feet from the west property line.

2) How would the application of Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship?

The R5 zoning stipulates that our structure has a seven foot offset from the property line. We are able to accomplish a twelve foot offset from the north side of the property line, but the hardship is in regards to the west side of our property line that the structure also shares. If we were to place the structure seven feet from the west property line, we would not be able to pull our vehicles into our carport, which is located directly across from the structure. If we were to move the structure to the seven foot offset, then it would prohibit us from driving the vehicles into the carport, because there is only eighteen feet of distance from the structure to the entrance of the carport when the structure sits two feet from the west property line. If the structure was seven feet from the west property line, then we would only have thirteen feet to turn the vehicles into the car port, which isn't enough turning radius for our work trucks or our cars to enter the carport. Further, we would have to park our four vehicles on the street in front of our house, which already has very little room due to the other neighbors using the off street parking on Grant Park Place SE, as a result of their limited off street parking options. If we were to move the structure to the middle of the property line, it would be unsightly sitting in the middle of our yard and we would have to destroy an old growth Japanese Maple tree along with other trees, bushes and grass, as exhibited in the pictures provided. We have very limited yard space, so the location of our accessory structure is our only option, otherwise, we will have to remove it altogether because we cannot justify removing our car port. We feel that the current location is the only viable solution for our much needed accessory structure.

3) Submit facts to show that 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.

We have provided pictures exhibiting all neighboring properties to the north, west and east side of our property. All homes in our immediate block have accessory structures that are located two feet or less from their property line offset. One structure neighboring to our east is period date to the historical neighborhood and it sits directly on the east property line. All other neighbors' accessory structures are located with a two to three foot offset to their property lines. Neighbors located to the immediate east and west side of our property have provided letters expressing their approval of our structure located two feet from the west property line, as exhibited in pictures attached. Our structure does not block any other neighbor's view of surrounding land or trees whatsoever. You can only see about one foot of the roof line of our structure above our privacy fence. The structure is a re-purposed corrugated metal shipping container that will have an attractive living roof with grasses and plants, as exhibited in the drawings provided and it will be painted to tastefully blend in with the surrounding habitat. It is structurally sound and used as a re-purposed structure for sustainability purposes and commonly regarded as a re-purposed structure in the "green" building movement.

Staff Response

Staff would note that the design of accessory structures is not within the purview of the Commission. As such, Staff will not make comment regarding the design of the proposed accessory structure.

The Applicant is proposing to reduce the west side yard setback from 7' (required) 2' (proposed) in order to accommodate the new accessory structure. According to the Applicant, a 7' west side yard setback would not allow for cars to access the existing carport on the east side of the lot. As there would be only 13' between the accessory structure and the carport, Staff agrees that cars would not be able to gain access to the existing carport. Staff agrees that it would be a hardship on the Applicant to lose access to the carport in order to meet the setback requirements.

While Staff is generally supportive of the variance, Staff does have concerns about the size of the shed. Staff finds it likely that if the accessory structure were smaller, the setback requirement could be met without losing access to existing carport. While the Grant Park regulations do not address the size of accessory structures, the underlying zoning has some basic requirements in regards to height, floor area ratio and rear yard coverage. Staff recommends the Applicant provide documentation the proposed accessory structure meets the underlying zoning requirements.

Staff Recommendation: Based upon the following:

- 1) Except as noted above, the proposal meets the District regulations, per Section 16-20K.006(3);

Staff recommends approval of an application for Type III Certificates of Appropriateness (CA3-13-051) for a variance to reduce the Westside yard setback of an accessory structure from 7' to 2' at **368 Grant Park Place**— Property is zoned R-5/ Grant Park Historic District (Subarea 1), with the following condition:

1. The Applicant shall provide documentation the proposed accessory structure meets the underlying zoning requirements, per Section 16-28.004.



KASIM REED
MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303
404-330-6145 – FAX: 404-658-7491
<http://www.atlantaga.gov/Government/Planning.aspx>

JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
March 27, 2013

Agenda Item: Review and comment (RC-13-052) on the installation of public art on Collier Road (Tanyard Creek)– Property is zoned R-4/Beltline.

Applicant: Tony Casadonte
399 Golfview Road NW

Facts: The proposed public art will be located on a City of Atlanta maintained Collier Road bridge between Tanyard Creek Park and Louise Howard Park. The proposed art will be located in the Collier Hills Neighborhood in NPU C.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (3) *The commission shall review all works of art for which the city has contracted, or proposed to contract, or which are to be placed on the property of the city, or which are to become the property of the city by purchase or gift.*
- (4) *The commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation or significant change, alteration or addition to any existing park.*
- (5) *The commission shall review the proposed location and design of buildings, bridges, viaducts, elevated ways, streets, highways, gates, fences, railings, lamp standards, and other structure or fixtures to be erected or placed on land belonging to the city, or on any private or public property which extends over or upon any property or right-of-way owned or controlled by the city.*

The Applicant is proposing to install a mural under the Collier Road Bridge. In looking at pictures submitted by the Applicant, the Beltline trail goes under the bridge. As such, there is a great deal of foot traffic in this area. According to the Applicant, there has been an increased issue with graffiti since the Beltline trail opened. The theory is that the installation of the mural will not only create public art, but will also deter people from tagging and graffiti.

In general, Staff is in support of public art. Staff finds that having public art along the Beltline trail is important. Areas under bridges are often unattractive or attract dumping and graffiti. Staff finds that adding the mural will be a visual benefit for those using the trail. While we can hope that the art work will deter graffiti and tagging, it is not clear what the maintenance plan is for the mural. Staff suggests the Applicant clarify the general maintenance plan for the mural,

including what happens if any graffiti or tagging occurs. There is no indication of any signage in regard to the art. Staff suggests there be a small sign that indicates who the artist is, the title of the piece and a brief description of the art itself or what influenced the artist to create the piece. Apart from providing information about the art work itself, it could also explain the City's public art program and potentially generate interest in future programs and projects.

Staff Recommendation: Commission shall confirm that it has delivered its comments regarding the installation of public art.



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M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

March 27, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-053) for faced alterations at **201 Washington Street (Central Presbyterian Church)** - Property is zoned SPI-1 (Subarea 1)/Landmark Building or site.

Applicant: Barbara Black
184 Waverly Way

Facts: The Central Presbyterian Church was designated as a Landmark Building in 1989. In December, 2012 the Commission approved with conditions the repair and replacement of windows on the community / education building on the west portion of the property. In February, 2013, the Commission approved with conditions the repair of the windows on the Sanctuary Building and the Rand Chapel and the installation of new, exterior window covers. Before the Commission at this time are the reconfiguration of the main Sanctuary exterior doors and vestibule, and the rebuilding and slight expansion of the elevator shaft and housing.

Analysis: The following code sections apply to this application:

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

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

Section 16-20.009:

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

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.

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

Exterior Door and Vestibule

The Applicant is proposing to remove the existing contemporary, store-front doors, and install new doors set farther into the opening to create a landing outside the doors at the top of the exterior stairs.

The Staff has no concerns about the removal of the contemporary doors. The existing exterior stone work, trim, pocket doors, exterior stone treads, and handrail will remain. The newly created vestibule will incorporate decorative panels to “span” the distance between the old door location and the new door location. Stone will be added to finish the now exterior landing surface.

The Staff has no concerns about the exterior door and vestibule work.

The Staff would suggest that prior to the installation of the new side panels, the Applicant complete any basic repairs to the pocket doors, confirm that the pocket is dry and no water can penetrate into it, and document the existence of the pocket doors for future reference for the property owner.

Elevator Shaft and Housing

The second part of the application involves the rebuilding of the elevator shaft and housing which is located to the right (north) of the bell tower and behind a lower, sloped roof interior space. The net result of the alteration will be about a 2 ft. increase in the height of the shaft and housing. This two foot increase will be finished with painted stucco. The effect of the increased height on the architectural composition of the Washington Street façade will be negligible. No exterior historic fabric will be lost. Further, the existing now-visible elevator equipment on top of the existing shaft will be moved to behind the new, taller shaft, eliminating its visibility from Washington Street. The Staff has no concerns about the elevator shaft and housing work.

SPI Review

In addition to being a Landmark Building, the Central Presbyterian Church is also in a Special Public Interest District (SPI). It is possible the SPI review may necessitate changes to the project to meet the SPI regulations. Staff recommends any changes necessitated by the SPI review be approved by Staff.

Staff Recommendation: Based upon the following:

- (1) Further information and documentation is required, per Section 16-20.009(5);

Staff recommends approval of an Application for a Type II Certificate of Appropriateness (CA2-13-053) for facade alterations at **201 Washington Street (Central Presbyterian Church)** with the following conditions:

1. Any changes necessitated by the SPI review shall be approved by Staff; and
2. Staff shall review and if appropriate, approve the final plans.



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MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303
404-330-6145 – FAX: 404-658-7491
<http://www.atlantaga.gov/Government/Planning.aspx>

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CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
March 27, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-054 for the subdivision of one lot into two lots at 261 Powell Street – Property is zoned Cabbagetown Landmark District (Subarea 2).

Applicant: Arseni Zaitsev
5805 Grove Place Crossing, Lithonia

Facts: The lot at 261 Powell Street sits on the west side of Powell Street between Memorial Drive to the south and Gaskill Street to the north. On the northern portion of the subject property there is a contributing house. According to the Applicant's site plan, at the very southern portion of the property, there is a storm water easement associated with a 50" line.

North of the subject property are five (5) contributing houses that face Powell Street. To the south of the subject property is one (1) non-contributing house that faces Powell Street. Across from the subject lot, there are two vacant lots (which formerly had contributing houses destroyed by the 2008 tornado), one (1) contributing house, and one (1) non-contributing house. At the southern end of the block, there are two large parcels (one on each side of Powell Street) that face Memorial Drive and have non-residential buildings on them.

The Applicant proposes an unequal subdivision of the lot into a 41.5 ft. wide northern portion and 35.6 ft. wide southern portion.

Analysis: The following code sections apply to this application:

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).

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.”
- (10) Subdivision of lots. The subdivision of any lot within this district shall be subject to review and approval by the commission. No subdivision of lots shall be approved by the director of the bureau of planning unless said matter has first been submitted to and approved by the commission. No subdivision of lots shall be approved unless the commission shall make a finding that the resulting lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The commission shall further find that the resulting lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, may be reasonably situated and constructed upon such lots. The compatibility rule shall apply.

The block face (the west side of Powell Street between Gaskill Street and Memorial Drive) contains the following lots and houses with the following characteristics (quantities are based on estimates from the City of Atlanta’s GIS):

Address	Lot Width	House Width	House Type	Status
#235	46 ft	38 ft.	New South Cottage (hipped roof)	Cont.
#241	48.9 ft.	39 ft.	New South Cottage (hipped roof)	Cont.
#245	48 ft.	39 ft.	New South Cottage (hipped roof)	Cont.
#249	47 ft.	36 ft.	New South Cottage (hipped roof)	Cont.
#253	44 ft.	33 ft.	Modified Double pen (gable roof)	Cont.
#261	77 ft.	31-33 ft.	Paired Shotgun (hipped roof)	Cont.
#269	65 ft.	unknown	New South Cottage (hipped roof)	Non-cont.

The subdivision of lots in the District is subject to two criteria, the first regarding compatibility with the historic platting pattern of the neighborhood and the second regarding the ability to build a building that is compatible with those on the block face and meets the compatibility rule.

Historic Platting Pattern

The Applicant notes in their submission that about 40% of the lots in the District are similar in size to the larger of the two proposed lots and about 30% of the lots in the District are similar in size to the smaller of the two proposed lots. In both cases, the comparable lots are generally situated in the western and eastern thirds of the District. Further, the Staff finds that the lots included in the Applicant's analysis are likely the historic plats and patterns associated with the portions of the District. As such, the Staff would share the conclusion of the Applicant that there are numerous other examples of lots in the District that are similar in size to the proposed lots.

However, the Staff is concerned that compatibility with the historic platting pattern is more than documenting that there are examples of such sized lots somewhere in the District. The platting pattern reflects the evolution and incremental development of the District. The Staff would note that there are far fewer such lots in the middle third of the District, fewer still on Powell Street and Tye Street, and even fewer still on the block face. Lastly, the proposed lots would be smaller than the smallest lot on the block face. Therefore, the platting pattern of the District is such that larger lots tend to be located on the interior of the District, and particularly along Powell and Tye Streets.

In conclusion, the Staff finds that while there are lots in the District of similar size to the proposed lots, the proposed lots are not compatible with the pattern of lots and lot sizes in the District

Construction of Compatible Buildings on Proposed Lots Based on Block Face

The Applicant notes in their submission that about 24% of the houses in the District are similar in width to the house that could be built on the smaller of the two proposed lots. The houses of similar size are generally situated in the western and eastern thirds of the District where the smaller sized lots are also generally situated. Further, the Staff finds that the houses included in the Applicant's house width analysis are likely the historic houses in those portions of the District. As such, the Staff would share the conclusion of the Applicant that there are numerous other examples of contributing houses in the District that are similar in size to the house that could be built on the smaller of the two proposed lots.

However, the Staff has several concerns about the house that could be built on the smaller of the two proposed lots, given the specific circumstances of the proposed lot and the block face upon which it would sit. Documenting that there are examples of such sized houses in the District does not substitute for compatibility with the block face, as required by the District regulations. The proposed house on the smaller of the two lots would be 26.5 ft. wide, which is 6-8 ft. thinner than the thinnest house on the block face. As noted above the block face contains almost all New South Cottages, as well as other house types with considerable width. Even though houses with a 26.5 ft. width do exist in the District, there are none on the block face, only one on the block, and only two along the entire length of Powell and Tye Streets in the interior third of the District.

In addition, the Staff also has concerns about the assumptions used by the Applicant to generate the proposed house example. First, the Applicant indicates on their proposed subdivision plan / site plan that a storm sewer easement is located on the southern portion of the proposed lot which

is associated with the 50” storm sewer line. The site plan indicates that the *total width* of the easement is about 20 ft. At the rear of the property, the same storm line is indicated as having about a 20 ft. easement to *one side of the pipe*. It is the Staff understanding that in most cases easements related to City storm, sewer, and water pipes are equal to 1 ft of easement for every 1” diameter of pipe. Such easements also get wider if the pipe is deeper in the ground. The Staff is concerned that the easement shown on the southern portion of the property is not accurate. If the easement shown on the southern portion of the property were equal to what was shown on the rear portion of the property, the buildable area of the proposed lot would be substantially reduced. This reduction in the buildable area would make the house width even less than it already is proposed to be.

Second, the Applicant assumes that a parking pad can be accessed from a “shared alley” which runs along the southern portion of the property (over the storm sewer easement) and turns north to run along the rear property lines of the Powell Street lots. While the Staff acknowledges that a travel way has been established along this route for a long time, the Staff would also note that a platted alley does not exist in the block bounded by Powell Street, Memorial Drive, Iswald Street, and Gaskill Street at the location shown on the site plan. As a result, the travel way currently used by others and proposed to be used by the Applicant for their off street parking consists of people passing through each other’s property. To utilize this access for a new house, a variance would be needed from the Commission for a lack of an independent driveway. If such variance were not secured, a driveway would have to be built within the property and that would take up more of the property width.

In conclusion, the Staff finds that while there are houses of similar width to the example house proposed on the smaller of the two proposed lots in the District, a building that is compatible in design, proportion, scale, and general character of the block face may not be reasonably situated and constructed on the proposed lot.

Staff Recommendation: Based upon the following:

- (a) The proposed subdivision does not meet the District regulations, per Section 16-20A.006(10).

Staff recommends denial of the Application for a Type III Certificate of Appropriateness (CA3-13-054 for the subdivision of one lot into two lots at 261 Powell Street – Property is zoned Cabbagetown Landmark District (Subarea 2).



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M. KASIM REED
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308
404-330-6145 – FAX: 404-658-7491
www.atlantaga.gov

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 27, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-055) for alterations at **157 Sunset Avenue** - Property is zoned SPI-11/ Sunset Avenue Historic District.

Applicant: Mary Marion
157 Sunset Avenue

Facts: According to the District inventory sheet this single family dwelling is considered contributing to the District. The house has a full width front porch, a clipped, front-facing gable roof, and shed rood additions in back.

The Applicant has applied to the Commission for the replacement of a shed roof over a lower, side entrance and the replacement of a paired window on the rear, upper level.

As noted in the application materials, this proposal is part of a larger renovation project that is federally funded (and thus has gone through the Section 106 review process) that includes the repair of the many of the other existing windows, as well as some additional interior work, which is not subject to the Commission's review. The repair of the other windows would include paint stabilization and repainting of the windows.

Analysis: The following code sections apply to this application:

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

The following regulations shall apply to all properties within the Sunset Avenue Historic District.

1. *General criteria:*

a. *The commission shall apply the standards referenced below if the standards set forth elsewhere in this Chapter 20P do not specifically address the application, including but not limited to commercial properties in the district:*

- (1) *A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features and exterior spatial relationships.*
- (2) *The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, and exterior spatial relationships that characterize a property shall be avoided.*

rot, broken light divisions or other physical damage to the windows. The Staff would recommend that the Applicant provide additional information documenting the extent of the damage to the window, including interior color photographs that show the details of the window. The Staff would further recommend that if this additional documentation shows damage that is not repairable, a replacement window shall be installed that is the same size, light pattern (including simulated divided lights with permanently affixed exterior light divisions), material, function, and overall design as the existing window.

Shed Roof Replacement

The Staff does not have concerns about the removal of the existing shed roof as it does appear to be subsequent and poorly built alteration. The proposed replacement roof appears to be compatible with the architectural style of the house, but the graphic included in the submission aren't to scale and don't include material notes or other details. For example, the front and side views show a simple fascia board, but the side view doesn't show the roof itself. Neither view shows how the support bracket would attach to the roof framing and/or fascia board. The front view shows a thin (in width) support bracket, where a thicker bracket would be more appropriate.

The Staff would recommend that the Applicant provide a design for the shed roof replacement that includes greater detail, material notes, and shows a design that is compatible with the architectural style of the house.

Staff Recommendation: Based upon the following:

(a) Except as noted above, the proposed work meets the regulations per Section 16-20P.005 and 16-20P.006;

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-13-055) for alterations at **157 Sunset Avenue** - Property is zoned SPI-11/ Sunset Avenue Historic District, with the following conditions:

1. The Applicant shall provide additional information documenting the extent of the damage to the window, including interior color photographs that show the details of the window, per Section 16-20P.006(3)(b);
2. If this additional documentation shows damage that is not repairable, a replacement window shall be installed that is the same size, light pattern (including simulated divided lights with permanently affixed exterior light divisions), material, function, and overall design as the existing window, per Section 16-20P.006(3)(b);
3. The Applicant shall provide a design for the shed roof replacement that includes greater detail, material notes, and shows a design that is compatible with the architectural style of the house, per Section 16-20P.005(1)(a)(5) Section 16-20P.006(3)(j); and
4. The Staff shall review, and if appropriate approve, the final plans and specifications.