



CITY OF ATLANTA

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Commissioner

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Director, Office of Planning

STAFF REPORT April 10, 2013

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-061) for a two-story addition and renovations at **265 Tye Street** – Property is zoned Cabbagetown Landmark District (Subarea 3).

Applicant: Kevin Maher
142 Savannah Street

Facts: According to the survey work in May 2002 in the District, the house is a contributing building and was classified as a “shotgun”. The house was built about 1920. The house appears to have had few alterations, but does include a poorly built addition at the rear of a larger, earlier, rear addition. The siding, the remaining windows, doors, trim, etc. appear to be in good condition.

The subject property is one of three single family houses on the block face, which is the west side of Tye Street between Memorial Drive to the south and Gaskill Street to the north. The other properties on the block face are classified as cottages; a “gabled wing cottage” at #267 and a “New South Cottage” at #251.

For the purposes of compatibility rule comparison, the Staff does not differentiate between individual architectural styles in the Subarea, but rather groups all shotgun house types together as the “same architectural style” and all cottages as the “same architectural style”. The Staff would note that given the existing house is contributing, its setbacks can also be included in the range of smallest and largest.

As noted on their submission and elevations, the Applicant proposes to:

- Install a new brick sidewalk;
- Install a tire strips for an off-street parking area south of the existing house;
- Install a concrete walkway from the public sidewalk to the front porch stairs;
- Remove the existing chain link fencing on the property;
- Install a new, 6 ft. high, wood privacy fence along the south property line;
- Demolish the deteriorated, most-rear addition;

- Parge coat the foundation of the existing house with stucco;
- Re-roof existing house;
- Replace the front door screen door;
- “Existing house exterior to be repaired where wood is damaged”;
- Replace the deteriorated or missing windows on the existing house;
- Build a side deck at the northwest corner of the house; and
- At the rear of the house earlier addition, build a two-story, gabled-roof addition with a rear concrete patio.

Analysis: The following code sections apply to this application:

Per Section 16-20A.005 (Certificates of Appropriateness) of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the Cabbagetown Landmark District.

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;

(2) Type required:

- a. When a certificate of appropriateness is required under the provisions of subsection (a) above, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the Zoning Code. Provided, however, that a partial demolition of a contributing building shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure’s historic interpretability or importance.

Per Section 16-20A.006 (General Regulations) of the Atlanta Land Development Code, as amended, the following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - 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.”

- (9) Minimum lot requirements. There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
- a) General criteria:
2. The general façade organization and proportions shall be subject to the compatibility rule.
 3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
- b) Facades:
1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
 2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
 3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
 4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.
- c) Roofs:
1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
 2. Skylight and solar panels are not permitted on the front façade of any structure. “Bubble type” skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.
 3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
 4. Boxed gable returns are not permitted.
 5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.
- e. Porches:
1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
 2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
 3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
 4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.
- f. Site development, sidewalks and curbs:

1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
 2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
 3. Curbing shall be granite; poured concrete shall not be used.
 4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.
- (14) Design standards for alterations and additions to contributing buildings. Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the historic architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:
- a) All repair work shall be match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - b) All replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - c) Alterations shall not introduce materials or building elements that do not reinforce the architectural character of the building and shall not destroy historic materials that characterize the property.
 - d) The height or width of any alteration or addition shall not exceed the height or width of the existing building.
 - e) Any alterations or additions shall be compatible with the massing, scale and architectural features of the property.
- (18) Fences and walls.
- a) Fencing, walls, and retaining walls are subject to design review by the commission.
 - b) Fences shall not exceed four feet in the front or the half-depth yards.
 - c) Fences and walls shall not exceed six feet in the side or rear yards.
 - d) Fences shall be constructed of wood or chain link. Barbed wire and razor wire are prohibited.
- (19) Off-street and off-site parking.
- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
 - b) The number of required parking spaces is set out in each subarea.
 - d) Off-street parking shall not be located or authorized between the principal building and the street.
 - e) Off-street parking may be located in a rear or side yard.
 - f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
 - g) Carports or garages that serve a single dwelling unit shall be permitted if detached from and located to the rear of the main structure. If the structure is located on a corner lot, the front yard setback for that side street shall apply to the construction of a carport or garage.
 - j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.

Per Section 16-20A.009 (Shotgun and cottage housing - subarea 3), the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the shotgun and cottage housing subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

- (1) *Shotgun Housing.* Shotgun housing is a style typified by simple structures whose width is no more than that of one room extending from the front to rear of the structure or, in the case of a double shotgun, two rooms

- wide. This housing type is usually closely spaced and is found most often along Savannah Street and Berean Avenue within this subarea.
- (3) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
 - a) Single-family detached dwellings.
 - (7) Maximum building height and width. The compatibility rule shall apply.
 - (8) Floor area ratio. The floor area ratio shall not exceed 0.50.
 - (9) Roofs
 - a) Roofing materials shall be asphalt shingles or batten seamed metal.
 - b) Metal shingles are permitted if they are appropriate to the house style.
 - (12) Porches.
 - a) Decks shall be permitted on the side or rear of the house if not visible from the street.
 - b) Rear decks shall be no wider than the house.
 - c) Side and rear porches shall be permitted if appropriate to the house style.
 - (13) *Fencing and walls.*
 - a) Walls are not permitted in a front yard, or a side yard adjacent to a public right-of-way.
 - c) Walls shall be constructed of wood.
 - (14) *Driveways and surface parking areas.*
 - a) One parking space per dwelling unit shall be required for all new construction or changes in use.
 - b) Driveways shall not exceed ten feet in width and shall have a curb cut no more than ten feet, exclusive of flair.
 - c) At least one-third of any driveway or surface parking area shall be pervious.
 - d) Poured concrete paving for driveways shall consist of two ribbons for tire tracks separated by a planting strip.
 - e) Alternate paving materials may be approved upon review by the commission if such materials are pervious and do not detract from the historic character of the landmark district.

Site Work

Install a new brick sidewalk.

The Staff would recommend that the proposed brick sidewalk shall be laid in a concrete base and have a brick pattern found on abutting properties or elsewhere in the District.

Install a tire strips for an off-street parking area south of the existing house.

The Staff has no concerns about the design, material, or location.

Install a concrete walkway from the public sidewalk to the front porch stairs.

The Staff has no concerns about the design, material, or location.

Remove the existing chain link fencing on the property.

The Staff has no concerns about this action.

Install a new, 6 ft. high, wood privacy fence along the south property line.

The Staff has no concerns about the design, material, or location.

Renovations to the Existing House

Demolish the deteriorated, most-rear addition.

The addition at the rear of the house that is proposed for demolition appears to be an enclosed rear porch, which itself has been altered since its enclosure. The Staff would note that an enclosed porch on the rear façade of a house with a dominant front-to-back gable roof and does not increase the interpretability of the house beyond that it had a rear porch, which is fully

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

Plaster coat the foundation of the existing house with stucco.

The Staff would recommend that any remaining brick columns in the foundation are not covered with stucco.

Re-roof existing house.

The Staff has no concerns about this action.

Replace the front door screen door.

The Staff would recommend that the new screen door not unnecessarily obscure the existing front door or trim.

"Existing house exterior to be repaired where wood is damaged".

Replace the deteriorated or missing windows on the existing house.

While the Staff generally finds that the proposed replacement techniques are appropriate and meet the District regulations, the Staff is concerned about what is being repaired, replaced or patched for two reasons. No close-up photographs are provided of the existing windows or other potentially deteriorated features. It appears that either side windows have been replaced or partially covered. The front window appears to be in good condition, but whether it is original or historic to the house is unclear. Further, much of the exterior trim and siding appears in good condition.

As such, the Staff would recommend that the Applicant document that all those elements or portions of elements proposed for replacement are either non-original or non-historic to the home, or are in a state of deterioration that requires replacement. The Staff would further recommend that based on this further documentation, those elements that are original or historic to the house, or in good condition are repaired in kind rather than replaced.

The Staff would recommend if the documentation supports replacement of the windows, the replacement windows have true divided light pattern based on original windows of similar houses in the District. The Staff would further recommend that if the documentation supports replacement of an architectural element, the replacement shall be in-kind in all respects.

Build a side deck at the northwest corner of the house.

Decks are permitted on the side or rear of the house, but only if they are not visible from the street. The Staff finds that the proposed deck will be visible from Tye Street and thus not permitted by the District regulations. The Staff would recommend that the deck on the north façade of the house be removed from the proposed design.

Rear Addition

The Staff has several substantial concerns about the rear addition.

First, the District regulations specifically require that additions be no wider or taller than the existing structure. While the proposed addition is not wider than the existing house, it is substantially taller than the existing house. The Staff would note that the existing two-story additions included in the Applicant's submission were either built prior to the change in the District regulations which precluded such additions or obtained a variance from the District regulations to allow them to be built. The Staff would recommend that the two-story addition be redesigned into an addition that is not taller than the existing house or that a variance be secured from the Commission to allow the addition at its current height.

Second, the compatibility rule requires that setbacks be "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". Also as noted above, the Staff groups shotguns into one "architectural style" and cottages into another "architectural style" for the purposes of the compatibility rule comparisons. Given that there is only shotgun on the block face, (the subject property) there is not range of setbacks to be within; the setbacks of the rear addition must match that of the existing house. While it is possible for that to be the case with the side yard setbacks even with the house slightly askew on the lot, by definition a rear addition will be closer than the rear setback of the existing house. The Staff finds that the rear addition's setbacks do not meet the District regulations. The Staff would recommend that the Applicant request a variance to be allowed specific, additional points of comparison for the setbacks of the rear addition.

Third, the side elevations will have few windows similar in size to the existing house. This creates areas of un-articulated, solid lengths of wall. The Staff finds that these long, un-articulated, lengths of wall are not compatible with the District and would visually overwhelm the original house's presence on the property. Further, two of the windows that are proposed are oddly placed on the north side of the addition. The Staff would recommend that the addition's fenestration pattern be redesigned to be more compatible with the existing house's fenestration pattern.

Notwithstanding the substantial issues with the rear addition noted above, the floor area ratio with the addition is well below the maximum of .50 established by the District regulations.

Notwithstanding the substantial issues with the rear addition noted above, the rear addition's front-to-back gable roof has the same pitch and shape as the house. The addition's other, non-window architectural elements and materials meet the District regulations as they are completely based on and will mimic those found on the existing house.

Staff Recommendation: Based upon the following:

1. Except as noted above, renovations meet the District regulations, per Section 16-20A.006 and 16-20A.009.
2. The proposed addition does not meet the District regulations, per Section 16 16-20A.006 and 16-20A.009.

Staff recommends deferral of the Application for Type III Certificates of Appropriateness (CA3-13-061) for a two-story addition and renovations at **265 Tye Street** to allow time for the Applicant to address the following concerns by the Staff:

1. The proposed brick sidewalk shall be laid on a concrete base and have a brick pattern found on abutting properties or elsewhere in the District, per Section 16-20A.006(13)(f);
2. Any remaining brick columns in the foundation shall not be covered with stucco, per Section 16-20A.006(14)(c);
3. The new screen door shall not unnecessarily obscure the existing front door or trim, per Section 16-20A.006(14)(c);
4. The Applicant shall document that all those elements or portions of elements proposed for replacement are either non-original or non-historic to the home, or are in a state of deterioration that requires replacement, per Section 16-20A.006(14);
5. That based on this further documentation, those elements that are original or historic to the house, or in good condition shall be repaired in kind rather than replaced, per Section 16-20A.006(14);
6. If the documentation supports replacement of the windows, the replacement windows shall have true divided light pattern based on original windows of similar houses in the District, per Section 16-20A.006(14);
7. If the documentation supports replacement of an architectural element, the replacement shall be in-kind in all respects, per Section 16-20A.006(14);
8. The deck on the north façade of the house shall be removed from the proposed design, per Section 16-20A.009(12)(a);
9. The two-story addition shall be redesigned into an addition that is not taller than the existing house or a variance shall be secured from the Commission to allow the addition at its current height, per Section 16-20A.006(14)(d);
10. The Applicant shall request a variance to be allowed specific, additional points of comparison for the setbacks of the rear addition, per Section 16-20A.006(9); and
11. The addition's fenestration pattern shall be redesigned to be more compatible with the existing house's fenestration pattern, per Section 16-20A.006(14).



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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 10, 2013

Agenda Item: Application for Type II Certificates of Appropriateness (CA2-13-062) for renovations at **716 Hill Street**– Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Tyler Kitchens
788 Moore Street, Oxford

Facts: According to the Grant Park Inventory sheet the house was built in 1904 is considered contributing. In the Grant Park Historic District, only changes that face a public street are reviewed by the Commission. As this is an interior lot, Staff will make recommendations on the front façade only.

Analysis: The following code sections apply to this application:

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

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

- (2) Certificates of Appropriateness.
- (B) Type III Certificates of Appropriateness shall be required for:
 - 1. All new principal structures;

Per Section 16-20K.007:

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

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

- (B) *Design Standards and Criteria for New Principal Structures.*
 - 11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.

- (D) *Design Criteria for Alterations and Additions to Contributing Structures.* Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following provided that the mere increase in floor area otherwise authorized in the district shall not constitute a standard for review:
1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
 2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

As noted in the Application materials, there is additional exterior work proposed for the house, as well as interior renovations. However, the Grant Park Historic District, only changes that face a public street are reviewed by the Commission.

The photographs provided by the Applicant of all the windows in the house show a variety of window types: one-over-one, two-over-two, two-over-one, three-over-one, and a stained glass decorative window. It was appear from the photographs that windows #4-#9 would more likely to be original to the house vs. the one-over-one windows that are currently installed on the front façade. In addition, the top sash of the front façade windows have a very small bottom rail in the top sash, suggesting a more contemporary manufacturer date. As such, the Staff finds that the removal of these windows and their replacement with two-over-two windows meets the District regulations.

The Staff would recommend, however, that the replacement windows on the front façade be wood windows and true-divided light.

In addition, the photograph of window #1 appears to show the crown molding missing from the front porch roof. The Staff would recommend that the Applicant provide additional, more general photographs of the front porch and the front façade to document existing conditions. Further, the Staff would recommend that based on these photographs, the Applicant re-install or replace in kind all missing or damaged front façade and front porch elements.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the application for a Type II Certificate of Appropriateness (CA2-13-062) for renovations at **716 Hill Street**– Property is zoned R-5/Grant Park Historic District (Subarea 1) with the following conditions:

1. The replacement windows on the front façade shall be wood windows and true-divided light, per Section 16-20K.007(D);
2. The Applicant shall provide additional, more general photographs of the front porch and the front façade to document existing conditions, per Section 16-20K.007(D);
3. Based on the photographs required above, the Applicant shall re-install or replace in kind all missing or damaged front façade and front porch elements, per Section 16-20K.007(D); and
4. The Staff shall review, and if appropriate approve, the final documentation and renovation plans.



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STAFF REPORT
April 10, 2013

Agenda Item: Review and comment (RC-13-064) on alterations at 72 Marietta Street – Property is zoned SPI-1 (Subarea 1).

Applicant: Clay Cameron, Office of Cultural Affairs
180 Peachtree

Facts: 72 Marietta Street has been owned for several years by the City of Atlanta. The proposed public art will consist of white, powder-coated metal panels that will be installed in an inset on the northeast corner of the building, come down the corner of the building, turn underneath the cantilevered front façade of the building, go through the front entrance area, and continue into the renovated interior lobby space. The project description notes that the public art will function as a “marquee for the new gallery space”. The area behind the metal panels in the northeast corner of the building and underneath the cantilevered front façade will be painted lime green.

Apart from the installation of the metal panels, the exterior of the front entrance area will be renovated with transom windows above the existing and retained front doors.

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.*

Generally speaking, the Staff has no concerns with the concept of the proposal. It also strongly supports the after-hours activation of the office building space and courtyard in front of the front entrance. But it does have some comments and questions about the details of the proposal.

First, caution will need to be taken to avoid unnecessary damage to the original concrete in the northeast corner of the building. The Staff would recommend if possible, that the anchors for the metal panels be mounted in the joints / seams, rather than solid concrete surfaces. This will make repair of these areas easier and less obtrusive in the future, if the metal panels are ever removed.

Second, it is not clear from the proposal if any new signage will be included in the renovations advertizing the new gallery spaces and/or what is on exhibition in them. Given the dramatic visual effect and clean lines of the metal panel installation, the Staff would recommend that any signage be located away from the metal panel installation, possibly in the courtyard in front of the front entrance.

Third, the Staff would recommend that an interpretive panel or sign be installed outside at sidewalk level or in the courtyard to explain the art work and its installation. Apart from providing information about the art work itself, it could also explain the City's public art program and thus potentially generate interest in future programs and projects.

Staff Recommendation: Commission shall confirm that it has delivered its comments regarding the Review and comment (RC-13-064) on alterations at 72 Marietta Street.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT March 27, 2013

Agenda Item: Review and Comment (RC-13-065) on a new pool and other site work at 36 Northwood Avenue- Property is zoned R-4/Brookwood Hills Conservation District.

Applicant: Jon Hart
70 Highland Drive

Facts: According to the Brookwood Hills Inventory, this house was constructed in 1930 and is considered contributing.

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

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

Sec. 16-20.009. Same; further standards.

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

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

The Applicant is proposing a new pool, a new retaining wall and new stairs for the existing garage. As the proposed site changes are located to the rear of the existing house, Staff finds it the proposed pool, retaining wall and stairs will not be seen from the street. As such, Staff finds the streetscape will not be impacted. Additionally, the proposed site changes are located behind an existing courtyard and therefore have no physical impact on the existing historic house.

While Staff has no general concerns regarding the proposed pool, retaining wall and stairs, Staff finds some of the material details are not clear. Staff suggests the Applicant provide information regarding the height and material details of the proposed retaining wall. Staff suggests the Applicant provide an elevation and material details regarding the proposed stairs. Staff suggests the Applicant provide material details regarding the pool and clarify whether the area around the pool will be grassed or paved. Lastly, Staff suggests the design and material of all proposed site changes are consistent and compatible with architecture of the existing house and other similar site changes in the district. Staff would note that all underlying zoning requirements must be met.

Staff recommends a letter with the comments of Staff and the Commission be sent to the Applicant.



CITY OF ATLANTA

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 10, 2013

Agenda Item: Application for Type II Certificate of Appropriateness (CA2-13-066) for renovations to a previous addition at **1509 South Ponce de Leon Avenue**– Property is zoned Druid Hills Historic District.

Applicant: Barbara Black
184 Waverly Way

Facts: According to the District inventory sheet from 2002, this dwelling was built in 1920, is contributing to the District and may have been designed by R. S. Pringle. It was built by Donaldson and Pierson. It has been part of the Paideia School campus for many years.

The proposed project is the renovation and re-cladding of a 20-25 year old addition on the back of the building, including replacement of the exterior access stairs. Further, the Applicant has included two potential components of the project, depending on the availability of funds: removal of existing storm windows from the building and the replacement of non-original windows on the rear facade of the original building.

Analysis: The following code sections apply to this application:

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

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

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

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

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

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

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

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

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

Renovation / Re-cladding of Addition

The Staff has no concerns about the removal of the exterior cladding and windows from the contemporary addition. Further, it generally does not have concerns about the proposed design and elements of the renovated / re-clad addition. The Staff would note that the proposed new windows will be very similar to the original windows on the rest of the structure and the new trim will be in the same style as that which exists on the rest of the structure. This could raise concerns of making the addition too similar to the original structure stylistically and thus confusing future observers as to the relationship between the two portions of the structure. However, the addition's wood palette will distinguish it from the masonry (brick and stone) palette of the original structure and thus clearly denote it as an addition.

The Staff would recommend, thought, that the Applicant provide additional construction details regarding the connections and waterproofing work between the addition and the original structure that document only the most minimal and necessary alterations to the original structure.

New Exterior Stairs

The Staff has no concerns about the removal of the existing, contemporary stairs and stair railings. The Staff further finds that the proposed stairs and stair railing are compatible with the original structure, the proposed alterations to the previous addition, and thus meet the District regulations.

Removal of Storm Windows

The Staff has no concerns about the removal of non-original, contemporary storm windows from the original structure. The Staff has no comment on the installation of interior storm windows.

Removal of Non-Original Windows

The Staff has no concerns about the removal of non-original, contemporary windows in original openings in the original structure. The Staff would recommend that the replacement windows on the original structure match the other existing, original windows in the structure as to light pattern, functionality, true-divided light construction, and the replacement windows shall fit the existing, original masonry openings without any need for infill or “blocking” materials.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for Type II Certificate of Appropriateness (CA2-13-066) for renovations to a previous addition at **1509 South Ponce de Leon Avenue**– Property is zoned Druid Hills Historic District, with the following conditions:

1. The Applicant shall provide additional construction details regarding the connections and waterproofing work between the addition and the original structure that document only the most minimal and necessary alterations to the original structure, per Section 16-20B.003(5);
2. The replacement windows on the original structure shall match the other existing, original windows in the structure as to light pattern, functionality, true-divided light construction, and the replacement windows shall fit the existing, original masonry openings without any need for infill or “blocking” materials, per Section 16-20B.003(5); and
3. Staff shall review and if appropriate, approve the final plans.



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Director, Office of Planning

STAFF REPORT

April 10, 2013

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-067) for a special exception to allow an increase in the wall height from 6' (allowed) to 10' (proposed) at **990 Edgewood Avenue** – Property is zoned R-LC/Inman Park Historic District (Subarea 1).

Applicant: David Grinnell
540 Linwood Avenue

Facts: According to the Inman Park Inventory form of August 2000, this non-contributing commercial building was constructed between 1946 and 1968.

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.

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

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

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

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

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

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

(5) Walls or fences in required yards; height limits: Fences, walls or hedges may occupy required yards as follows; provided, however, that such fence, wall or hedge shall be maintained in a safe and sightly condition and that no such walls or fences create substantial impediments to visibility as prohibiting at section 16-28.008(9). The height of a retaining wall shall be measured as the greatest vertical length from one side of finished grade to the top of said adjacent retaining wall unless specified below.

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

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

The Applicant is proposing to replace an existing 108' long, 10' tall wall. Pictures submitted by the Applicant indicate that portions of the wall are damaged. The narrative indicates that portions of the wall have collapsed. According to the Applicant the 10' tall wall is required to protect the adjacent residential use and the business activity on the property.

Staff finds the Applicant has not provided enough information regarding the condition of the existing wall. If the Applicant were to repair the wall in-kind, no special exception would be required. While there are pictures that indicate damage, there is no information that all 108' of the wall must be replaced. Staff recommends the Applicant provide documentation the existing wall cannot be repaired and must be replaced. At this time, given the information we have, Staff cannot support the replacement of the entire wall.

If the Applicant proves that replacement of the wall is warranted, the Applicant must then meet the special exception criteria. While the Applicant has provided both a letter of support from the adjacent neighbor and detailed information regarding the subject property and the adjacent property, the

Applicant has not provided enough detailed information regarding the need for a special exception. Based on the answers provided, Staff finds the special exception criteria have not been met. Staff recommends the Applicant provide additional details to support the request for a special exception.

Staff Recommendation: Based upon the following:

- 1) Except as noted above, the proposal does not meet the special exception criteria, per Section 16-20.008(5)(e);

Staff recommends deferral of an application for a Type III Certificate of Appropriateness (CA3-13-067) for a special exception to allow an increase in the wall height from 6' (allowed) to 10' (proposed) at **990 Edgewood Avenue** – Property is zoned R-LC/Inman Park Historic District (Subarea 1), to allow the Applicant to address the following concerns of Staff:

1. The Applicant shall provide documentation the existing wall cannot be repaired and must be replaced, per Section 16-20.008(5)(e); and
2. The Applicant shall provide additional details to support the request for a special exception, per Section 16-20.008(5)(e).



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Director, Office of Planning

STAFF REPORT

April 10, 2013

Agenda Item: Application for a Review and Comment (RC-13-068) for a rear addition at or a variance to at **30 Camden Road** – Property is zoned R-4/ Brookwood Hills Conservation District.

Applicant: William Verhey
3585 Fallen Oak Lane, Buford, GA

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

The Applicant previously submitted applications for Review and Comment (RC-12-113) for a variance to reduce the east side yard setback from 7ft. (required) to 3ft. (proposed), reduce the rear yard setback from 15ft. (required) to 12ft (proposed), and increase the total maximum lot coverage allowed from 50% (required) to 57.7% (proposed); and (RC-12-089) for a rear addition. The Applicant eventually withdrew these applications and therefore the Commission denied without prejudice the applications in October of 2012.

Analysis: The following code sections apply to this application:

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

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

Sec. 16-20.009. Same; further standards.

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

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

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

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

The proposed rear addition is located behind an existing non-historic addition. As such, Staff finds the proposed addition will not have a physical negative impact on the existing historic house. Staff has some concern regarding the height, massing and materials of the proposed addition. While the addition does not impact the physical historic fabric of the existing house, the combination of the existing addition and proposed addition will create nearly the same amount of space as the existing house. Staff finds the combination of existing and proposed additions will compete with the existing house. Staff would note that this impact would not be seen from the street.

Staff has concerns that the proposed addition is taller than the existing house. In general, additions should be slightly lower in height than the existing house when possible. Staff has concerns regarding the proposed stone façade of the proposed addition. While the proposed material will help delineate the addition from the existing house and the previous addition, Staff finds the proposed material is not consistent and compatible with the existing house. The fact that the proposed façade material matches the historic retaining wall is concerning as the addition should not appear to be a huge retaining wall. The rear façade is not cohesive as it has cementitious siding and glass block. Staff suggests the facades of the addition are consistent in design and materials.

Staff has concerns regarding the proposed site plan. In the previous proposal, several variances were required. The site plan appears to be slightly revised to eliminate many of the variances. While the Applicant indicates that all the setback requirements have been met, the scaled plans indicate the setback requirements have not been met. It is possible that the site plan is not properly scaled. Staff suggests the Applicant provide documentation that all underlying zoning requirements have been met.

The Applicant is proposing the addition of windows on the existing addition. Staff has no concerns regarding the proposed new windows. Staff finds the addition of windows helps eliminate the appearance of blank walls.

Staff recommends a letter with comments be sent to the Applicant.



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STAFF REPORT April 10, 2013

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4H-13-069) for demolition of an existing single family residence due to a threat to health and safety at **696 Oakland Avenue** – Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Rich Grace
2751 Glenwood Avenue

Facts: According to the Grant Park Inventory, this single family dwelling built in 1928 is considered contributing.

In 2012 an Application for a Type IV Certificate of Appropriateness (CA4H-12-253) for demolition due to a threat to health and safety was reviewed by the Commission. The application was eventually withdrawn by the Applicant and subsequently denied without prejudice by the Commission.

Analysis: The following code sections apply to this application:

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

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

(4) Historic Districts:

(c) To demolish or move any contributing structure in whole or in part, within an Historic District;

Analysis: The following code sections apply to this application:

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

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

(5) Historic Districts:

- (c) To demolish or move any contributing structure in whole or in part, within an Historic District;

Per Section 16-20.008

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

Staff Response to the Application Submitted

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

The Applicant provided documentation from a previous application with a recent letter from the engineer indicating that the situation has worsened. Specifically, the letter indicates that anyone entering the building would be in immediate danger due to the collapsing roof and flooring. Staff finds the following comments from the original application still apply: The Applicant provided a report from an engineer regarding the current condition of the house. According to the engineer there are various issues with the house including a partial roof collapse, water damage, 75% wall damage that requires repair or replacement, new sheathing and siding would be required, rotten floor framing and repairs to the foundation, including new piers and footings would be required.

Staff finds that a major and imminent threat exists when the building is in danger of collapse. While the report makes it clear that there are issues with the house, some caused by the damage to the roof and some inherent given the age of the home, the report does not indicate that the house must be demolished. The report indicates that the house in its current condition is unsafe. Given the pictures and the issues detailed in the engineer's report, Staff would agree. While Staff finds the house is currently unsafe, Staff does not find that the report documents a major and imminent threat exists. Staff recommends the Applicant provide additional documentation that indicates a major and imminent threat to public health and safety exists.

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

According to the Applicant, exterior bracing can be installed as a temporary safety measure and rebuilding the structure is not possible due to advanced decay.

Staff finds that there are other alternatives that should be explored before demolition. Staff recommends the Applicant provide detailed alternatives that include repairs to put the house in safe condition, repairs and renovations to make the house habitable and an alternative that includes renovations, additions and partial demolition. Staff further recommends that the alternatives submitted include cost and analysis regarding feasibility.

3. Demonstrate that the costs associated with rectifying the threat would create a condition whereby the investments in the project are incapable of earning a reasonable economic return. This finding shall be made by considering, and the applicant shall submit to the Commission evidence establishing, each of the following factors:

- a) **The applicant’s knowledge of the landmark designation at the time of acquisition, or whether the property was designated subsequent to acquisition.**

The property owners are aware of the historic designation.

- b) **The current level of economic return on the property as considered in relation to the following:**

- (1) **The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased.**

According to the Applicant, the property was purchased \$85,000. There was no relationship between the seller and the buyer.

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

According to the Applicant, the property does not generate income and has been vacant for several years.

- (2) **Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the prior three (3) years.**

The Applicant did not provide answer. Staff recommends the Applicant provide information regarding the mortgage, financing or debt service for the last three years.

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

2012	\$1009.44
2011	\$1129.47
2010	\$1839.69
2009	\$3027.46

2011 Assessed value- \$25, 260
2012 Assessed value- \$28, 360

- 5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.**

There were no appraisals available.

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

According to the Applicant the property was purchased for \$5000 before the districts designation. The Applicant did not provided comps for as-is properties, repair properties and new construction properties. Staff finds the comps for new construction are not relevant for this question. Out of the other four comps, only one is in the historic district and it sold for \$230,000. Staff finds that additional information is needed to establish the fair market value. Staff recommends the Applicant provides documentation regarding the fair market value using similar properties located within the Grant Park Historic District.

- 7. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or both.**

According to the Applicant the property is owned by an LLC.

- 8. Any state or federal tax returns on or relating to the property for the past two (2) years.**

According to the Applicant, there are not tax records available.

- 9. That the property if not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two (2) years. Including testimony and relevant documents regarding:**

- a) Any real estate broker or firm engaged to sell or lease the property.**

According to the applicant, this question does not apply.

- b) Reasonableness of the price or rent sought by the applicant.**

According to the Applicant the property is not for rent or for sale..

- c) Any advertisement placed for the sale or rent of the property.**

According to the Applicant, no advertisements have been placed and the property has not been listed.

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

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

The Applicant provided a previously submitted report and a new letter from a licensed engineer.

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

According to the Applicant renovation/repair would cost \$142,000 and new construction would cost \$150,000. The Applicant did not provide information regarding other alternatives, details regarding the estimate for new construction or the cost of demolition. Staff recommends the Applicant provide estimates for additional alternatives, a detailed estimate for new construction and an estimate for demolition.

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

According to the Applicant the value of the property in its current condition is \$42,000. The Applicant has not provided documentation regarding this value. Staff recommends the Applicant provide documentation regarding the market value estimate. According to the Applicant the estimated value after renovation would be \$180,000 and after new construction would be \$325,000. Staff recommends the Applicant provide documentation regarding the estimated values associated with the completion of the renovations and new construction.

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

According to the Applicant, the general contractor has indicated that none of the existing structure is re-useable. Staff recommends the Applicant provide more detailed information regarding why virtually none of the structure is re-useable.

There is a letter from a real estate agent that indicates that renovating the property is not economically feasible. According to the agent the highest and best use is a 3 bedroom, 2 bathroom home. The letter further states that the current footprint does not support the highest and best use. There is no indication as to why an addition cannot be used to allow for a three bedroom 2 bathroom home. Staff finds further information is needed. Staff recommends information be provided regarding the feasibility of an addition to the existing home.

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

According to the Applicant, the failure of the existing foundation and structure make construction above or below impossible. The Applicant also indicates that the limited size of

the lot makes construction around infeasible. Staff recommends the Applicant provide more details regarding the infeasibilities of the options indicated in (10)(e).

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

The Applicant did not provide in details regarding the different economic incentives available and why they apply or do not apply to the property in question. Staff recommends the Applicant provide information on each economic incentive with an explanation as to why the incentive in question is not feasible.

12. Also, please provide photographs of the existing conditions of the building, both exterior and interior.

The Applicant provided pictures.

Overall Comments

Based on the engineers report and letter, the letter from the realtor and pictures, Staff finds that the existing building is in a state of disrepair. It is clear that the most of the roof needs to be replaced, the exterior walls need to be repaired and in some instances replaced, the interior floor systems need to be replaced and there are issues with the foundation.

While Staff finds that the building in its current condition is unsafe and a nuisance, Staff does not find the Applicant has proven the property is an imminent and major threat to public health and safety. As previously mentioned, a major and imminent threat to public health and safety exists when the building is in danger of collapsing. Based on the information submitted, Staff finds a major and imminent threat has not been proven.

Staff finds that the requirement for reasonable alternatives applies when a major and imminent threat to public health and safety has been proven. As Staff has determined that a major and imminent threat to public health and safety has not been proven, Staff finds the alternatives presented are moot as this time. With that said, Staff still has concerns regarding the alternatives presented. As discussed above, Staff finds there are not enough alternatives presented. Staff finds further documentation is required regarding the following: value of the property currently and after the alternatives are explored, economic incentives, infeasibility of rehabilitation or reuse of the property and feasibility of additions. Given the information we have at this time, Staff cannot support the application for demolition.

Comment on Application Materials by the Bureau of Buildings

One of the requirements of the Type IV Certificate of Appropriateness process is for the Office of Buildings to comment on the application materials via a written report. Staff has submitted a request to the Office of Buildings to inspect the property and produce a report regarding this property. When the inspection and report are complete, Staff will include the report in the file for future reference.

Staff Recommendation: Based upon the following:

- a) The Applicant has not proven a threat to public health and safety, per Section 16-20.008;

Staff recommends deferral of the application for a Type IV Certificate of Appropriateness (CA4H-13-069) for demolition of an existing single family residence due to a threat to health and safety at **696 Oakland Avenue** – Property is zoned R-5/Grant Park Historic District (Subarea 1), to allow the Applicant time to address the following concerns of Staff:

1. The Applicant shall provide documentation that a major and imminent threat to public health and safety exists, per Section 16-20.008;
2. The Applicant shall provide detailed alternatives that include repairs to put the house in safe condition, repairs and renovations to make the house habitable and an alternative that includes renovations, additions and partial demolition, per Section 16-20.008;
3. All alternatives submitted shall include analysis regarding cost and feasibility, per Section 16-20.008;
4. The Applicant shall provide information regarding the mortgage, financing or debt service for the last three years, per Section 16-20.008;
5. The Applicant shall provide documentation regarding the fair market value using similar properties located within the Grant Park Historic District, per Section 16-20.008;
6. The Applicant shall provide more details and documentation regarding the value of the property after demolition, renovation, renovation with an addition and new construction, per Section 16-20.008;
7. The Applicant shall provide estimates for additional alternatives, a detailed estimate for new construction and an estimate for demolition, per Section 16-20.008
8. The Applicant shall provide a narrative that details why rehabilitation or reuse of the existing property is not feasible, per Section 16-20.008;
9. The Applicant shall provide more details regarding the infeasibilities of the options indicated in (10)(e), per Section 16-20.008;
10. The Applicant shall provide documentation that new construction around, above or below is infeasible, per Section 16-20.008;
11. The Applicant shall provide information on each economic and incentive with an explanation as to why the incentive in question is not feasible, per Section 16-20.008; and
12. The Applicant shall submit appropriate copies of all updated information, no later than 8 days before the meeting to which the application is deferred.



CITY OF ATLANTA

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

April 10, 2013

Agenda Item: Review and Comment (RC-13-072) on a new splash pad and site work at 800 Cherokee Avenue- Property is zoned R-5/ Grant Park historic District (Subarea 1).

Applicant: Nevin Lash
366 Oakland Avenue

Facts: The proposed splash pad is located in the Children's Zoo section of Zoo Atlanta.

Analysis: The following code sections apply to this application.
Per Section 6-6043(e):

- (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.

The Applicant is proposing to install two 30' overlapping concrete splash pads with 18 in-ground spray heads. In looking at the proposed site plan, the splash pad will be surrounded by the birthday party pavilion, base camp discovery, the children's bathroom and the Weiland Wildlife Center. Staff finds the proposed splash pads are appropriately located in the children's section of the zoo. More importantly, the splash pads will be near the children's bathrooms. Also included on the splash pad site are benches in two separate areas, additional seating between the birthday pavilion and the proposed splash pad, a shaded area and showers. In general, Staff finds the proposed splash pad and site amenities are highly appropriate.

Staff does have a few questions regarding some of the details of the splash pad. Will the splash pad have areas for different ages or is it for all ages? Will it be a non-slip surface and will it be handicap accessible? For some splash pads, the water is on constantly or at certain times of day. Given the drought we have had for the last several years, there is a concern about how much water will be used and for how long. When it is too cold to have the water on, can the splash pad be converted to a different use?

Staff Recommendation: Staff recommends the Commission deliver its comments at the meeting.



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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 (CA2-13-043) for window replacement at **330 Peters Street, unit 210**- Property is zoned Castleberry Hill Landmark District (Subarea 1).

Applicant: Marlene Walliker
2690 Cumberland Parkway, Suite 300

Facts: According to the Castleberry Hill inventory sheets, this existing building built between 1906 and 190 is considered contributing.

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

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

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

Section 16-20N.006. General Regulations.

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

1. In the District, the commission shall apply the standards referenced below only if the standards set forth elsewhere in this chapter 20N do not specifically address the application or any portion of the application:
 - (a) The historic character of a property shall be retained and preserved.
 - (b) The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - (c) Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historic development, such as adding conjectural features or elements from other historic properties.
 - (d) Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - (e) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.

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

2. Compatibility rule.

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

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

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

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

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

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

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

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

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

(d) Fenestration.

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

- a. The style and material of the individual window or door.
- b. The size and shape of individual window and door openings.
- c. The overall pattern of fenestration as it relates to the building façade.
- d. The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.

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

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

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

The Applicant is proposing to replace two windows in the existing unit. One picture submitted by the Applicant indicates an existing six pane window with a transom. In looking at some of the details of this window, Staff finds it is not original or historic. As such, Staff does not have a concern with its

replacement. The Applicant submitted a picture for the replacement window, however the materials and size of the window are not indicated. Staff has concerns that the proposed window will not appropriately fit the existing window opening. Further, the regulations require that new windows meet the compatibility rule. Staff has concerns the design of the proposed new window does not meet the compatibility rule. Staff recommends the Applicant provide details regarding the proposed replacement window for the six pane window with the transom. Staff further recommends the Applicant provide documentation the proposed replacement for the six pane transom window meets the compatibility rule.

There is a second window proposed for replacement. It is not clear from the picture submitted by the Applicant, what the existing window looks like. Based on the picture submitted, Staff cannot determine whether the second window is original or historic. Staff recommends the Applicant provide additional pictures for the second window proposed for replacement. If replacement of the second window is warranted, Staff recommends the replacement for the second window meet the compatibility rule.

Staff Recommendation: Based upon the following:

(a) The plans meet the regulations per Section 16-20N.006 and 16-20N.007; except as noted above

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-13-043) for window replacement at **330 Peters Street, unit 210**- Property is zoned Castleberry Hill Landmark District (Subarea 1), with the following conditions:

1. The Applicant shall provide details regarding the proposed replacement window for the six pane window with a transom, per Section 16-20N.007(d)(i);
2. The Applicant shall provide documentation the proposed replacement for the six pane transom window meets the compatibility rule, per Section 16-20N.007(d)(i);
3. The Applicant shall provide additional pictures for the second window proposed for replacement, per Section 16-20N.007(d)(i);
4. If replacement of the second window is warranted, the replacement for the second window shall meet the compatibility rule, per Section 16-20N.007(d)(i); and
5. Staff shall review and if appropriate, approve the final plans.



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Director, Office of Planning

STAFF REPORT

March 27, 2013

Updated

April 10, 2013

(updated information in italics)

Agenda Item: Application for a Type II Certificates of Appropriateness (CA2-13-050) for revisions to plans at **289 Peters Street** – Property is zoned Castleberry Hill Landmark District (Subarea 1).

Applicant: Timothy Payne
289 Peters Street

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

On January 23, 2013 the Commission approved Applications for Type III Certificates of Appropriateness (CA3-12-308) for a variance to allow less fenestration at the side walk level, interior parking within the first eight feet of the façade, alternative façade materials, to allow a garage entrance on the front façade and a rooftop addition that is greater than 25% of the roof area; and (CA3-12-307) for a second story addition and other renovations with the following conditions:

CA3-12-308

1. The variance from the fenestration requirement shall be removed from the request, per Section 16-20N.006;
2. The variance from the height requirement shall be removed from the request, per Section 16-20N.006;
3. The variance from the square footage requirement shall be removed the request, per Section 16-20N.006; and
4. The variance from the façade material requirement shall be removed from the request, per Section 16-20N.006.

CA3-12-307

1. The front elevation submitted on January 14, 2013 shall be revised to indicate a three part storefront with transom windows, an appropriate storefront and a garage door and either an opaque or glass bulkhead, per Section 16-20N.007(1)(d);

2. No wood or metal siding shall be used as a façade material on the first floor, per Section 16-20N.007(1)(e)(i);
3. The addition shall meet the height requirement, per Section 16-20N.006(11)(c);
4. The addition shall meet the square footage requirement, per Section 16-20N.006(11)(b);
5. The Applicant shall submit updated elevations that indicate what type of metal will be used and how the addition will look;
6. The windows on the addition shall meet the fenestration requirements, per Section 16-20N.007(1)(d);
7. The Applicant shall submit properly scaled elevations for all elevations; and
8. Staff shall review and if appropriate, approve the final plans

At the March 27, 2013 meeting, this application was deferred to allow the Applicant to address the concerns of the Commission and Staff.

Analysis: The following code sections apply to this application:

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

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

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

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

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

Section 16-20N.006. General Regulations.

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

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

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

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

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

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

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

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

(g) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

(h) Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

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

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

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

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

2. Compatibility rule.

(a) The intent of the regulations and guidelines is to ensure that alterations and additions to existing structures and new construction are compatible with the design, proportions, scale, and general character of the block face, the entire block, a particular subarea or the district as a whole. To permit flexibility, some regulations are made subject to the compatibility rule, which states: "Where not quantifiable, the element in question (building proportion, roof form, fenestration, etc.) shall

match that which predominates on the contributing buildings in the subarea. Where quantifiable, the element in question (i.e., distance of first floor above sidewalk grade), shall be no smaller than the smallest or larger than the largest such dimensions of the contributing buildings in the subarea.”

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

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

4. Financial hardship exemptions

(a) These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations to a property owner’s principal residence on the ground of economic hardship to the property owner.

(b) The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.

(c) The commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:

i. The present income of the property owner(s) and those occupying the property.

ii. The age of the property owner.

iii. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought.

iv. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants and tax abatements.

v. The costs associated with adherence to these regulations.

vi. The degree of existing architectural significance and integrity of the structure; and

vii. The purpose and intent of this chapter.

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

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

8. Off-street and off-site parking.

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

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

(c) Off-street or off-site parking located adjacent to public streets or sidewalks shall include landscape buffer strips along the public street or sidewalk. Landscape buffer strips shall be: a minimum of three (3) feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a minimum of twelve (12) feet in height at time of planting placed no further than twenty-five (25) feet on center. All landscape buffer strips shall be maintained in a sightly manner.

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

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

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

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

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

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

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

(c) All street-fronting sidewalk level development shall provide fenestration for a minimum of 60 percent of the length of the frontage, beginning at a point not more than three (3) feet above the public sidewalk, for a height no less than nine (9) feet above the sidewalk.

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

(e) Nothing may be erected, placed, planted, or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half (2 ½) feet and eight (8) feet above grade.

(f) Relationship of building to street.

i. The first eight (8) feet of all building levels that have sidewalk level arterial street frontage shall have a commercial, office, or residential use and shall not be used for parking or storage.

ii. The primary pedestrian entrance to all uses and business establishments with sidewalk level street frontage shall:

a. Be visible from the street.

b. Be directly accessible, visible, and adjacent to the sidewalk, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.

c. Face and be visible to an arterial street when located adjacent to such arterial streets.

iii. A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, shall contrast with their background, and shall be a minimum of four inches in height with a minimum stroke of 0.5 inch.

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

11. Structures on the roofs of principal buildings.

(a) All components of a structure or addition on the roof of a principal building visible from a public street shall be metal or masonry.

(b) The enclosed floor area of a structure shall not exceed 25% of the total roof area, unless otherwise necessary to meet the minimum requirements for mechanical and elevator equipment, stairwells, elevator, and stair landings.

(c) Enclosed structures shall not exceed 10 (ten) feet in height above the parapet wall and shall be setback no less than 10 (ten) feet from all street-fronting facades.

(d) All components of a structure or addition on a roof of a principal building shall be set behind the parapet wall.

15. Applications. Materials necessary for complete review of an application shall be submitted with the application as set forth by the director. In addition, a scaled site plan of the property showing all improvements, photographs of existing conditions and adjoining properties, and elevation drawings of all improvements shall be submitted for all type III certificate of appropriateness applications. For new construction of a principal building, the application shall also include a scaled drawing showing setbacks, heights of, and widths of, and the distances between all existing buildings on the block face, along with those of the proposed structure.

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

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

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

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

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

(d) Fenestration.

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

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

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

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

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

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

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

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

(e) Facades.

i. Brick, stone, and true stucco systems with a smooth finish shall be the predominant building materials for the façades of the principal structure. Concrete block and other masonry materials may be used on facades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any facade.

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

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

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

- v. All repairs to original mortar shall be compatible with the existing mortar material in strength, composition, color and texture. Original mortar joints shall be duplicated in width and in joint profile.
2. Permitted principal uses and structures: A building or premises shall be used only for the following principle purposes:
 - (a) Multi-family dwellings, two-family dwellings, and single-family dwellings.
3. Off-Street Parking Requirements

The following parking requirements shall apply to all uses:

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

In the previously approved applications, the Applicant was granted a variance to allow for parking within the first 8' of the front façade and to allow a garage door on the front façade. The garage door was approved to be located on the left side of the front façade. The Applicant is proposing to place the garage door in the center of the front façade.

Staff has concerns regarding the revised plans as having a garage door in the center of a store front is not at all typical in this district or of store fronts in general. Staff finds that most garage doors on the front façade of a building are generally located to the right or left of the front façade. Staff finds that placing the garage door in the center of the building breaks up the storefront in a way that is not consistent or compatible with other store fronts. The regulations require that the overall fenestration pattern meet the compatibility rule. Staff finds the proposed center garage door does not meet the compatibility rule and therefore does not meet the regulations. Given the information we have at this time, Staff cannot support the revision to plans as currently proposed.

Revision to Plans

The Applicant is proposing to revise the design of the previously approved addition. Staff would note that the elevation of the addition in the three page narrative does not match the elevation in the properly scaled drawings. Staff will only comment on the scaled drawings. In general, Staff finds the overall design, massing, height, location and materials of the revised addition meets the regulations. The updated elevations more clearly articulate the storefront area. With the exception of the center garage door, Staff finds the fenestration pattern is appropriate. Staff recommends all conditions from the previously approved applications (CA3-12-367 and CA3-12-307) apply to this application.

As previously indicated, Staff has concerns regarding the center location of the garage door. In the package submitted at the March 27, 2013 meeting, the Applicant used the building next door as an example of a center garage door. Staff would note that there is no curb cut and the door is not used to allow car access. Most importantly, Staff researched the permit history on the building and found that the new storefront and garage door were never approved by the Commission. Further the storefront renovation was not properly permitted by the Office of Buildings. As such, the storefront next to the subject property is in violation and should not be used as an example.

In the revised application, there are four issues that were never brought up in the original application. First, there is an exterior gas meter on the front of the left side of the building that would need to be relocated in order to install a garage door to the left. Second, there is a City tree on the right side that would need to be removed to allow a garage door on the right side of the building. The Applicant has concerns that removal of the tree would delay the project 45 days. Third, the Applicant claims that it would cost \$2000 to \$3000 to make the sidewalk level with the building on the right to allow a garage door to be installed. Lastly, the Applicant is proposing to

install a commercial style garage door as opposed to a glass garage door due to the increase in cost and safety concerns.

Staff still has concerns with the location of the garage door, especially since the revised proposal is for a non-glass garage door. Not only does a center garage door inappropriately break up the storefront, a non-glass material would not be appropriate on the front of the building. Staff finds the Applicant has to prove that there is no other option for the location of the garage other than the center of façade. If the Applicant does prove that a center garage door is necessary, Staff cannot support a garage on the front façade that is not glass. Staff recommends the garage door material is mostly glass.

Staff does have concerns regarding the gas meter on the front façade. Staff understands that the existing gas meter services both the subject property and the property next door. Staff finds it likely that relocating the gas meters would be difficult. Staff recommends the Applicant provide documentation regarding the cost and process for moving the existing gas meter.

While Staff is in support of saving trees whenever possible, Staff finds that it would be more appropriate to remove the tree and locate the garage door on the right than in the center. Staff received communication from the City Parks Arborist that indicated that there was a way for the Applicant to apply for removal of the tree and still be able to start the permitting process. Staff suggests the Applicant explore the option of starting the permitting process and applying for the removal of the tree. Staff recommends the Applicant provide documentation regarding why the sidewalk needs to be leveled and the costs and process associated with leveling the sidewalk.

At this time, Staff finds additional information is needed to be able to support a center garage door. As noted above, Staff finds the concerns the Applicant has submitted are serious, however there is no documentation to support the concerns. Until documentation is submitted regarding the gas meter and leveling the sidewalk, Staff retains its position that a center garage door is not appropriate.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-13-050) for revisions to plans at **289 Peters Street** – Property is zoned Castleberry Hill Landmark District (Subarea 1), with the following conditions:

1. All conditions from the previously approved applications (CA3-12-367 and CA3-12-307) apply to this application.
2. The garage door material shall be mostly glass,
3. The Applicant shall provide documentation regarding the cost and process for moving the existing gas meter;
4. The Applicant shall provide documentation regarding why the sidewalk needs to be leveled and the costs and process associated with leveling the sidewalk; and
5. Staff shall review and if appropriate, approve the final plans.