



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

May 22, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-109) for renovations and additions at **124 Elizabeth Street** - Property is zoned R-5/ Inman Park Historic District (Subarea 1).

Applicant: Ute Banse
1077 Alta Avenue

Facts: According to the Inman Park survey book, this dwelling built in 1913 is considered contributing. There were alterations to the porch in 1979.

At the November 29, 2010 meeting, an application for a Type III Certificate of Appropriateness (HD-12-225) to allow an addition and other renovations was approved with the following conditions:

1. All repairs shall be in-kind where there are no notes indicated on the plans;
2. The Applicant shall provide a picture that confirms the skylight will not be visible; and
3. Staff shall review and if appropriate, approve the final plans.

The current application is for a revision to previous plans. As there is a change in the footprint from the previously approved plans, a review by the Commission is required.

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.

Section 16-20L.005 General Regulations.

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

1. General Criteria.
 - a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
 - b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:

- i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
 - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
 - viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 - c. 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:
 - ii. All major alterations and additions to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from Certificates of Appropriateness in the Subarea regulations.
 6. Tree Preservation and Replacement.
The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Section 158-26, shall apply to this District.
 7. Any time the provision 16-20.011(b) of this part is enforced in this District, the Director of the Commission shall notify the Inman Park Neighborhood Association within 10 days and a 30-day period for comment be allowed for the Association. Further, the Director shall regularly send to the Inman Park Neighborhood Association the agenda for each regular meeting and for any special meeting of the Commission in which there is any agenda item for property located within the Inman Park Historic District.

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

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

1. Design Standards and other criteria for construction of and for additions to one- and two-family residential structures.
 - f. The Compatibility Rule shall apply to the form and pitch of the primary roof of the principal structure.
 - g. The Compatibility Rule shall apply to the height, scale, and massing of the principal structure. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)
 - h. Height of the first floor of the front façade above grade shall be subject to the Compatibility Rule. The first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than 7 inches in height. Slab-on-grade construction is not permitted.
 - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
 - i. The style of the individual window.
 - (1) Windows in the front façade shall be predominantly vertical in proportion.
 - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
 - ii. The size and shape of individual window openings.
 - iii. The overall pattern of fenestration as it relates to the building façade.
 - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
 - q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - v. The size and type of doors.
 - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - viii. Visible foundation materials.
 - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
2. Minimum Yard Requirements. The following minimum yard requirements and maximum floor area ratio shall apply to all permitted uses of new construction and to additions to existing structures: Front, side, and rear setbacks shall be subject to the Compatibility Rule.
4. Principal uses and structures:
 - a. Properties that have an underlying zoning designation of R-5 shall be used only for the following principal purposes subject to the following provisions:
 - i. Single-family detached dwelling.
 - ii. Floor area ratio shall not exceed 0.50.

Site

According to the site plan submitted, this interior lot fronts 100.05’ on Elizabeth Street and has a depth of 190.91’ on its longest side. In looking at the City of Atlanta cadastral map, Staff finds there is a discrepancy between the site plan submitted by the Applicant and the lot dimensions indicated on the cadastral map. Staff suggests the Applicant resolve the lot discrepancy with the Office of Planning subdivision Staff before submitting for a permit.

The side yard setback of the proposed addition is no closer than the existing contributing house. As such, Staff finds the side yard setback of the proposed addition meets the requirements. The rear yard setbacks on the block face range from 71.7’-144.75’. The proposed rear yard setback is 71.8’ and therefore meets the regulations.

Per regulations the floor area ratio (FAR) can be no more than .50. According to the plans the FAR is .27 and therefore meets the regulations. Per regulations, the maximum lot coverage allowed is 55%. The proposed lot coverage is 31% and therefore meets the regulations,

New Addition

The Applicant is proposing a new two-story addition with a deck at the rear of the house. Given the street at the rear of the property, Staff finds all parts of the addition are visible.

The Applicant is proposing to demolish a one story rear addition. While Staff finds the rear portion of the house is likely historic, Staff finds it is not original. Staff finds its demolition will not result in a significant loss of historic fabric. Staff finds that in order to build an addition as proposed, the existing addition requires demolition.

In general, Staff finds the overall massing, roof shape, height, design, fenestration, architectural elements and material of the addition and rear deck are consistent and compatible with the existing dwelling. According to the Applicant, the addition will be clearly delineated by the use of vertical trim and a simplified roof bracket design. In looking at the proposed elevations, Staff finds the addition is not clearly delineated. Staff recommends the vertical trim piece be more substantial to help clearly delineate the addition from the existing house.

The Applicant is proposing to add two dormers to the existing roof. Staff finds the overall size, design and locations of the dormers are appropriate and compatible with the existing house. The dormers are located below the existing ridgeline which reduces their visibility and their visual impact on the existing historic house. Staff has no concerns regarding the proposed dormers.

Renovations to the Existing House

In general, the Applicant is proposing in-kind repairs and or painting of exterior façade materials, windows, the foundation and the chimney. As all of the repairs are in-kind, Staff has no concerns regarding the proposal. On the North elevation the Applicant is proposing to remove two existing basement windows. Staff has no concerns regarding the removal of two basement windows. On the south elevation, the Applicant is proposing to install a larger basement window. Staff has no concerns regarding the installation of a larger basement window. Overall, Staff finds the proposed project is highly appropriate.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations per Section 16-20L.006, with the exceptions noted above;

Staff recommends approval of the Application for a Type III Certificate of (CA3-13-109) for renovations and additions at **124 Elizabeth Street** - Property is zoned R-5/ Inman Park Historic District (Subarea 1), with the following conditions:

1. The vertical trim piece shall be more substantial to help clearly delineate the addition from the existing house; and
2. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT May 22, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-111) for signage and renovations at **541 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 5)/Beltline.

Applicant: John Bencich
154 Krog Street, Suite 170

Facts: According to the neighborhood inventory, this commercial building was built in 1906 and is considered contributing.

On July 11, 2012, an application for a Type II Certificate of Appropriateness (CA2-12-146) for alterations and signage was approved with conditions.

Analysis: The following code sections apply to this application:

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

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

(3) Landmark Districts:

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

Per Section 16-20C.003:

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

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

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

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

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

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

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

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

Per Section 16-20.009. Further standards.

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

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8) (27) *M.L. King, Jr. Landmark District.* The following signs shall be permitted in the M.L. King, Jr. landmark district:
 - (9) a. *General Regulations: Signs* within the M.L. King, Jr. landmark district are subject to the following regulations:
 - (10) 1. No general advertising signs shall be permitted in the M.L. King, Jr. landmark district.
 - (11) 2. No sign shall be permitted within the M.L. King, Jr. landmark district except after approval by the urban design commission of a certificate of appropriateness as specified in chapter 20 of this part.
 - (12) 3. One (1) identification sign, not exceeding 20 square feet in sign area, shall be permitted for multi-family uses.
 - (13) 4. For all other uses permitted in this district, one (1) identification sign per street frontage shall be permitted. Such sign shall not exceed 35 square feet in sign area.
 - (14) f. *Edgewood Commercial Corridor (Subarea 5):* The sign regulations for Edgewood commercial corridor (Subarea 5) shall be the same as the regulations for the SPI-1 (Central core) district, provided that:
 - (15) 1. No individual sign shall exceed 100 square feet in sign area.

- (16)2. No freestanding sign shall exceed 20 feet above ground level.
- (17)3. No projecting sign shall exceed eight (8) square feet in sign area.
- (18)4. Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.
- (19)5. Sign shall be located as follows:
- (20)i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.
- (21)ii. On or in display windows or upper facade windows.
- (22)iii. On or in the glazing of the doors.
- (23)iv. On the valance of awnings.
- (24)v. On the fascia or top edge of canopies.
- (25)vi. Projecting perpendicularly from the building.
- (26)6. No changing signs shall be permitted.
- (27)7. No internally illuminated signs shall be permitted.

The Applicant is proposing to remove the existing metal roll up door that is currently used as a storefront, in order to install a new storefront. The new facade features appropriate storefront windows with transoms, wood panel bulkheads, one existing historic door, a new door to match the existing door and brick in-fill to match the existing. In general, Staff finds the proposed design and materials of the proposed storefront are appropriate and compatible with the existing building and other similar storefronts.

What is not clear from the application is whether any other historic elements of the original storefront still exists other than one of the doors. Staff recommends the Applicant provide information regarding the current storefront behind the existing metal roll up door. Staff further recommends that the existing historic elements of the storefront be retained when feasible.

On the side elevations, the Applicant is proposing to re-open previously existing window openings that are currently bricked-in. Staff has no concerns regarding un-enclosing the window openings and installing new windows. On the west elevation, the Applicant is also proposing to in-fill one opening and install a new larger opening. As these openings are on a facade that does not face a street, Staff does not have a concern with the west elevation door opening changes. The rear door openings will be retained, however the existing rear doors will be switched. Staff has no concerns regarding the changes to the doors on the rear elevation.

It is not clear whether signage is included as part of the proposal. As there was no design, materials or dimensions included in the package, Staff recommends any proposed signage be reviewed by the Commission under a spate application.

Beltline Review

In addition to being in the Martin Luther King, Jr. Landmark District, the existing building is also in the Beltline Overlay. It is possible the Beltline review may necessitate changes to the project to meet the Beltline requirements. Staff recommends any changes necessitated by the Beltline review be approved by Staff.

Staff Recommendations: Based upon the following:

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

Staff recommends approval of the Application for a Type II Certificate of (CA2-13-111) for signage and renovations at **541 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 5)/Beltline, with the following conditions:

1. The Applicant shall provide information regarding the current storefront behind the existing metal roll up door, per Section 16-20.009(1) and (5);
2. The existing historic elements of the storefront shall be retained when feasible, per Section 16-20.009(1) and (5);
3. The Applicant shall provide the material details of the sign and whether any lighting will be included;
4. Any proposed signage shall be reviewed by the Commission under a separate application;
5. Any changes necessitated by the Beltline review shall be approved by Staff and
6. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT May 22, 2013

Agenda Item: Review and Comment (RC-13-112) for renovations and site work at **39 Huntington Road**- Property is zoned R-4/Brookwood Hills Conservation District.

Applicant: Alfred E. Wilson and Virginia N. Wilson
39 Huntington Road

Facts: According to the Brookwood Hills Inventory, this house was constructed in 1920 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 to resurface the existing concrete stoop with stone, replace all of the stairs with brick risers and stone treads, replace the existing wing walls in material and shape and replace the existing concrete cheek walls with stone. In looking at pictures of the existing stoop, stairs, wing walls and cheek walls, it is not clear why they have to be replaced. While Staff finds the proposed design and materials are similar to other houses in the district and compatible with the existing single family dwelling, Staff suggests the existing materials are retained and repaired.

The Applicant is proposing to replace the existing stone patio in-kind. It is not clear why the existing patio cannot be repaired and retained. While Staff has no concerns regarding the replacement materials, Staff suggests the patio be replaced only if the existing patio cannot be repaired and retained. The Applicant is proposing to replace an existing pea gravel path with stone stepping stones. Staff has no concerns with replacing the pea gravel path with stepping stones.

In looking at a picture submitted by the Applicant, there are currently no retaining walls on the front of the property. The Applicant is proposing to construct a stone retaining wall that is 2' in height with columns at the steps. Given the topography at the front of the property, Staff finds the proposed retaining walls are appropriate. In looking at some of the other retaining walls on the street, Staff finds most are either brick or stone. Staff finds the overall design and material for the retaining wall is appropriate.

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



KASIM REED
MAYOR

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

JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
May 22, 2013

Agenda Item: Review and comment (RC-13-113) on ordinance U-13-010 for the Transfer of Development Rights from the **Margaret Mitchell House at 979 Crescent Avenue to 207 13th Street** - Property is zoned SPI-16 – Midtown Commercial District (Subarea 1) / Landmark Building or Site.

At the Request of: Jackson McQuigg
130 West Paces Ferry Road

Facts: The Margaret Mitchell House was rezoned as a Landmark Building or Site (LBS) by the City of Atlanta in October, 1989. As is the case with all other LBS rezonings, the underlying zoning remained for the property, including all of the associated development rights. Several years ago, the underlying Special Public Interest (SPI) zoning classification was substantially revised to implement the “Blueprint Midtown” planning process.

The LBS zoning category includes one property which includes the original, historic apartment building known as the Margaret Mitchell House.

According to the special use permit filing, the proposed TDR would transfer 120,471 sq. ft. of residential development rights to 207 13th Street. There would be some residential, as well as all of the non-residential, mixed-use and “bonus” development rights, remaining at the Margaret Mitchell House.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (e) Powers and Duties: The commission is the city agency responsible for developing and administering the city's historic preservation and urban design activities and shall have the following powers and duties:*
 - (6) The commission shall review and make written recommendation to the zoning review board and to the board of zoning adjustment on any proposed action pending before said boards regarding any building, site or district which has been designated for historic protection pursuant to this article or by chapter 20 of part 16 of the Code of Ordinances.*

The TDR will not result in any physical alteration to the Landmark Building or Site and will decrease the development pressure on the site by removing potential development rights beyond those already “used” by the existing building. The Staff would add that another benefit of the TDR to the “sending

site” (i.e. the Margaret Mitchell House) is that development rights that would otherwise likely go unused (given the criteria regarding incompatible additions and alterations to a Landmark Building / Site property) will be transferred to another property thus likely generating additional income for the owner of the development rights and thus likely the sending site as well. Both of these results would indirectly help retain the designated property and thus reinforce the historic and cultural values that it represents to the City.

The Staff does not find any concerns about the proposed transfer.

Staff Recommendation: Staff recommends that a letter of support with the Staff’s and the Commission’s comments be sent to the Office of Planning and other concerned parties.



KASIM REED
MAYOR

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

JAMES E. SHELBY
COMMISSIONER

CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT

May 22, 2013

Agenda Item: Application for a Review and Comment (RC-13-116) for the creation of an off-leash dog park at **505 Piedmont Avenue (Renaissance Park)** - Property is zoned SPI-1 - Subarea 4.

Applicant: Catherine Chase
395 Central Park Place

Facts: Renaissance Park is bordered by Piedmont Avenue to the west, Renaissance Parkway to the north, and Pine Street to the south. To the south of Pine Street is the Atlanta Civic Center. The Applicant is proposing to create a new, off-leash dog park on the western edge of the park, along Piedmont Avenue. The off-leash dog park will be located on a wooded hill and have a large dog area and a small dog area. The off-leash dog park will be integrated within the existing path system, site stairs, and a couple of retaining walls in this portion of the park

Renaissance Park does not have any historic elements, having been originally developed during the 1960s and 1970s.

Analysis: The following code sections apply to this application:

Per section 6-4043 of the Atlanta City Code, as amended:

(4) The Commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation of significant change, alteration or addition to any existing park.

The proposed off-leash dog park will have the following elements: double “dog gates”, water fountains for the dogs, benches, “doggie bag” stations, signage with dog park rules, vinyl-coated chain link fencing for the enclosure, ornamental fencing along Piedmont Avenue, boulders and concrete pipes for dog exercise and games, and 10 ft. double gates for maintenance equipment and trucks. The enclosure surface will be hardwood mulch, with gravel for the maintenance entrance and crushed slate for the small dog entrance. The large dog entrance will be off of the existing, paved path system.

While Staff is in support of the proposed park, it does have the following design comments or concerns. First, there are no trash cans indicated on the site plan, though a photograph of one was included in the submission. Second, the incorporation of the “loop” path into the southeastern end of the large dog area will mean that people going through the area will have to use the north / south path between the large dog and small dog area. The only concern about this configuration is given the hilly terrain in this section of the park; the longer “loop” path might be needed to achieve an ADA compliant route from one path to another that can’t be achieved by the shorter, more direct north / south path.

Operationally, the Staff also has a couple of concerns. First, will dog owners be required to show proof their dogs are properly vaccinated? Second, given that apartments are located just to the north and diagonally across Piedmont Avenue to the southwest, what are the hours of the dog park and will there be any lighting in the area that would facilitate night-time use? Third, will there be a fee or a proof of residency requirement to use the dog park? Fourth, who will be responsible for future maintenance and repairs?

While Staff has questions and some minor concerns about the proposal, Staff would reiterate its strong support for the proposed dog park. It appears the Applicant has engaged the community and has their support. The Applicant has indicated the construction funds are being provided by Park Pride.

Staff Recommendation: Confirm that the comments of Staff and the Commission regarding Application for a Review and Comment (RC-13-116) for the creation of an off-leash dog park at **505 Piedmont Avenue (Renaissance Park)** were delivered at the Commission public hearing.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT May 22, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-117) for signage at **50 Boulevard a.k.a. 460 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 3) Beltline.

Applicant: Maurice Brownlee for Legacy Nursing and Rehabilitation Center
460 Auburn Avenue

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

Analysis: The following code sections apply to this application:

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

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

(3) Landmark Districts:

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

Per Section 16-20C.003:

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

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

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

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

(4) Procedure for variance: Upon a determination by the AUDC that an application for renovation or new construction is in conflict with these regulations and/or the guidelines, the AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning

adjustment (section 16-26.001). Notification shall including any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.

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

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

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

Per Section 16-20.009. Further standards.

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

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

Sec. 16-28A.007. - General regulations.

The following general regulations shall apply to all signs located in the city:

Location of Freestanding Signs: Freestanding signs shall be located ten or more feet from the nearest wall of a principal structure and shall not project over the roof of any structure. If a building existing on the date of adoption of this chapter is located in such a way that there is no place on its lot that is more than ten feet from a wall of the building, and if a freestanding sign would otherwise be permitted on such lot, then the director shall permit a freestanding sign to be located nearer than ten feet to the building provided that such sign is kept as far as practicable from the building, does not result in an unsafe condition, and otherwise complies with the requirements of this part.

Sec. 16-28A.010. - District regulations

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

(8) *Institutional District (Subarea 3):* The sign regulations for Institutional district (Subarea 3) shall be the same as the regulations for the O-I (Office-institutional) district, provided that:

1. The location of the sign, unless otherwise specified within this subsection (27), shall be subject to the approval of the urban design commission simultaneously with the request for a certificate of appropriateness;
2. Freestanding signs shall not be higher than ten (10) feet above ground level;
3. Where an existing building is located immediately adjacent to the street, such building shall be permitted to have one (1) residential sign, projecting into the public right-of-way, subject to all other provisions of this part regarding projecting signs.

(4) *O-I (Office-Institutional) District.* The following signs shall be permitted in the O-I (Office institutional) district:

- a. *Number and Area of Signs:* A maximum of one (1) business identification sign is permitted for each separate street frontage of each business establishment. Such sign shall not exceed 30 square feet in sign area.
- b. *Setback:* Signs shall be mounted flat to the wall of the building or not nearer than 20 feet to the street property line.
- c. *Height of Signs:* No freestanding sign shall be higher than 24 feet above ground level.
- d. *Lighting of Signs:* No sign shall be internally illuminated. No lighting shall be permitted which illuminates any area outside of the lot upon which said sign is located.
- e. *Animated, Flashing, Changing Signs Prohibited:* No animated, flashing, or changing signs shall be permitted.
- f. *Signs Extending Over Right-of-Way Prohibited:* No sign shall extend or project over any property line onto sidewalk or street right-of-way.

The Applicant has submitted elevations for two different free standing signs. It is not clear which sign the applicant is proposing. Staff recommends the Applicant clarify which elevation represents the sign proposed. In general, Staff finds both proposed signs meet the overall material, height, and general design of the proposed signage is appropriate as the existing building is not a historic building. It is not clear whether any lighting is proposed. Staff recommends the proposed sign not be internally illuminated.

Per regulations, one business identification sign is allowed per street frontage, not to exceed more than 30 sq. ft. in sign area. There appears to be an existing sign on the building that is being covered by a banner. As only one sign is permitted per street frontage, Staff recommends the Applicant clarify whether the existing sign on the building will be removed. Staff would note that the proposed freestanding sign can only be allowed if the existing signage on the building is removed.

The Applicant did not provide a properly scaled site plan for the property, therefore it is not clear whether the proposed sign meets the distance requirements. Staff recommends the Applicant submit a properly scaled site plan that indicates the location of the proposed sign. Per regulations, the proposed sign shall be located no less than 10' from the front façade of the building. As this building was constructed before the sign ordinance was written, there is a provision that the Director of the Office of Buildings can permit the sign to be closer to the building. Staff recommends the proposed sign is placed at a distance from the front façade of the building as determined by the Director of the Office of Buildings.

Per regulations, the proposed sign shall not be nearer than 20 feet from the street property line. Staff finds it likely that the sign as currently proposed does not meet this distance requirement. If the project does not meet the distance requirement, Staff recommends the Applicant submit an application for a variance.

Staff Recommendations: Based upon the following:

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

Staff recommends approval of the Application for a Type II Certificate of (CA2-13-117) for signage at **50 Boulevard a.k.a. 460 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 3) Beltline, with the following conditions:

1. The Applicant shall clarify which elevation represents the sign proposed;
2. The sign shall not be internally illuminated, per Section 16-28A.010(4)(d);
3. The Applicant shall clarify whether the existing sign on the building will be removed, per Section 16-28A.010(40(a));
4. The Applicant shall submit a properly scaled site plan that indicates the location of the proposed sign, per Section 16-28A.007(o) and 16-28A.010(4)(b);
5. The proposed sign shall be placed at a distance from the front façade of the building as determined by the Director of the Office of Buildings, per Section 16-28A.007(o);
6. If the project does not meet the distance requirement, the Applicant shall submit an application for a variance; and
7. Staff shall review, and if appropriate, approve the final sign design and placement.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT May 22, 2013

Agenda Item: Review and Comment (RC-13-102) for renovations at **37 Camden Road**- Property is zoned R-4/Brookwood Hills Conservation District.

Applicant: Dianne Barfield
P.O. Box 475, Morrow

Facts: According to the Brookwood Hills Inventory, this contributing house was constructed in 1928 with alterations in the 1950's and 1986.

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.

Like many of the houses in the district, the entryway of the existing single family residence is flat and uncovered. The Applicant is proposing to create a brick covered entryway with a gabled roof. In looking at other similar houses in the district, there are several different types of entryways. Some entryways are flat, some have a simple shed roof and some are enclosed as proposed. While Staff finds the proposed enclosed entryway will be a change to the front façade, Staff finds the overall materials and design are compatible with the existing house and similar to other houses.

The Applicant is proposing to replace the existing door and side lites. In looking at pictures, the existing side lites do not appear to be original or historic. As such, Staff has no concerns regarding the proposed replacement. Staff finds the proposed door and side lites are appropriate.

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



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

May 22, 2013

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-119) for a new fence at 2008 Whittier Avenue- Property is zoned R-4/Whittier Mill Historic District.

Applicant: Michael Rudio
2008 Whittier Avenue

Facts: This single-family dwelling built in 1999 is considered non-contributing.

Analysis: The following code sections apply to this application:

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

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

(4) *Historic Districts:*

(b) To erect a new structure or to make an addition to any structure within an Historic District;

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

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

(1) *Certificates of Appropriateness:* Certificates of appropriateness within this subarea shall be required as follows:

a. *When required:*

3. To erect a new structure; and

b. *Type required:*

1. *Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).*

a. *Walls and fences:*

2. Fences in the front yard of any structure shall be of wood picket type construction.

Sec. 16-28.008

(5) Walls or fences in required yards; height limits: Fences, walls or hedges may occupy required yards as follows; provided, however, that no such walls or fences create substantial impediments to visibility as prohibiting section 16-28.008(9)

(a) In the following districts, R-1, R-2, R-3, R-4 and R-5, fences not exceeding four (4) feet in height may be erected in the front yard. Fences or walls not exceeding six (6) feet in height may be erected or maintained in side or rear yards.

According to the site plan submitted, this corner lot fronts 67.43' on Whittier Avenue and has a depth of 120.34' on its longest side. In looking at the City of Atlanta cadastral map, Staff finds there is a significant discrepancy between the site plan submitted by the Applicant and the lot dimensions indicated on the cadastral map. Staff suggests the Applicant resolve the lot discrepancy with the Office of Planning subdivision Staff before submitting for a permit.

The Applicant is proposing to erect a four foot, wood picket fence on the property. In general, Staff finds the material and the design described meet the regulations. The Applicant has not submitted a picture or sketch that indicates the design of the proposed fence and gates. Staff recommends the Applicant provide a picture or sketch of the proposed fence and gates. The Applicant did not submit a site plan that indicates where the proposed fence will be located. Staff recommends the Applicant provide a site plan or survey that indicates where the proposed fence will be located.

Staff Recommendations: Based upon the following:

Except as noted above, the plans meet the regulations per Section 16-20J.005.

Staff recommends approval for an Application for a Type II Certificate of Appropriateness (CA2-13-119) for a new fence at 2008 Whittier Avenue- Property is zoned R-4/Whittier Mill Historic District, with the following conditions:

1. The Applicant shall provide a picture or sketch of the proposed fence and gates;
2. The Applicant shall provide a site plan or survey that indicates where the proposed fence will be located; and
3. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT May 22, 2013

Agenda Item: Application for Type II Certificates of Appropriateness (CA2-13-120) for renovations at 598 Oakland Avenue– Property is zoned R-5/Grant Park Historic District.

Applicant: Todd Clear
531 Mead Street

Facts: According to the Grant Park Inventory sheet this existing dwelling built in 1904 is considered contributing.

Analysis: The following code sections apply to this application:

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

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

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

Per Section 16-20K.007:

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

of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural quality of the neighborhood and simultaneously encourages creativity. Additionally, these regulations are intended to integrate the physical characteristics of new construction into the existing neighborhood in a meaningful way so as to restore and promote the public health, safety, and welfare of this neighborhood.

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

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

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

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

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

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

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

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

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

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

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 only make comments regarding the street facing facades.

Site

According to the site plan submitted by the Applicant, this lot fronts 47' on Oakland Avenue and has a depth of 147.30' on its longest side. In looking at the City of Atlanta cadastral map, the lot is indicated as having 43' of frontage on Oakland Avenue. Staff suggests the Applicant contact the Office of Planning subdivision staff to resolve the discrepancy.

While Staff will not comment on the design of the additions and alterations to the existing house, the FAR, lot coverage and setbacks are still within our purview. Per underlying zoning, the maximum FAR (floor area ratio) allowed is .50 of the net lot area. The FAR is not indicated. Staff recommends the project meet the FAR requirements. Per underlying zoning, the maximum lot coverage allowed is 55%. The plans do not indicate the lot coverage. Staff recommends the project meet the lot coverage requirement.

Per regulations, the side yard setback shall be 7' or no closer than the existing contributing house. Staff finds the side yard setback requirement has been met. Per regulations, the rear yard setback shall be no less than 7'. Staff finds the rear yard setback requirement has been met.

Alterations

The Applicant is proposing to remove the existing aluminum siding and retain the original siding underneath. Staff has no concerns regarding the removal of the existing siding and the retention of the original siding. If replacement of any of the original siding is warranted, Staff recommends the original siding be replaced in-kind. The Applicant is proposing to remove the original siding in the front facing gables and replace them with cedar shingles. While cedar shingles are an allowed material in the district, Staff finds removing the original siding does not meet the regulations. Staff recommends the original siding in the front facing gables is retained. If replacement of the original siding in the front facing gables is warranted, Staff recommends the replacement be done in-kind.

The Applicant is proposing to remove the existing metal railing and replace it with a 30" wood railing. Staff finds the pipe railing is likely not original to the house. As such, Staff does not have a concern with the removal of the existing metal railing. There were two proposed elevations submitted. One elevation indicates a simple wood railing and the other features more decorative spindles. In looking at the existing house, Staff would note that the architectural details are very simple. While both railing designs are seen in the district, Staff finds the more simple railing design is more appropriate. Staff suggests the porch railing be a simple wood picket design. The Applicant is proposing to replace the front door with a new door that is fixed glass in a wood frame. Staff does not have concerns regarding the design of the new door.

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 (CA2-13-120) for renovations at **598 Oakland Avenue**— Property is zoned R-5/Grant Park Historic District, with the following conditions:

1. The project shall meet the FAR requirements, per Section 16-06A.008(5)(a);
2. The project shall meet the lot coverage requirement, per Section 16-07.008(6);
3. If replacement of any of the original siding is warranted, the original siding shall be replaced in-kind, per Section 16-20K.007(2)(B)(1);
4. The original siding in the front facing gables shall be retained, per Section 16-20K.007(2)(B)(1);
5. If replacement of the original siding in the front facing gables is warranted, the replacement shall be in-kind, per Section 16-20K.007(2)(B)(1); and
6. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

May 22, 2013

Agenda Item: Review and comment (RC-13-121) on the construction of two sound stages at 175 Lakewood Way (Lakewood Fairgrounds) – Property is zoned I-1.

Applicant: Georgia Film and Television Center / EUE Screen Gems Studios
175 Lakewood Way

Facts: The Lakewood Fairgrounds were developed over the course of several decades from the first building in 1915 to the last building in 1965. The lake itself dates from 1870 when that portion of the property was the site of the City's first water works. In 2007, the Department of Planning and Community Development and the Atlanta Development Authority commissioned an architectural study and building assessment by Pimsler Hoss Architects, Inc. of Lakewood Fairgrounds in anticipation of the then redevelopment of the property. The Pimsler Hoss Study provided preliminary condition and architectural assessments of all the significant, historic buildings on the property, including the main exhibit halls and the gatehouses. This assessment also included archival photographic research to document missing architectural features and treatments on the exhibit halls and gatehouses, a brief narrative on the original architect of the historic fairground buildings (William J. Sayward), and a brief chronological history of the property.

In June, 2010, the Commission commented on the revitalization of the property via the creation of a film studio / sound stage complex by EUE / Screen Gems Studios in and around the four historic exhibit halls, including the following general actions:

1. Demolition of the contemporary metal buildings and construction of a new, metal contemporary buildings;
2. Demolition of the Lakewood Way gate house and construction of a new guard house and landscaping;
3. Reroofing, repainting, and general renovations to all of the "existing buildings", including Exhibit Halls 1, 2, 3, and 4;
4. Installation of new landscaping, curbing, parking, and bio-retention ponds.

In January, 2011, the Commission commented (RC-11-003) on a proposal that included the renovation of the "Fire House" restaurant building and the construction of a new 22,000 sq. ft. studio and office building just behind the fire house and between Exhibit Halls #1 and #2.

In June, 2011, the Commission commented (RC-11-119) on a proposal to construct a new sound stage ("Stage #7) and related site improvements in the southeast corner of the site, near the intersection of Lakewood Circle and Lakewood Avenue.

Before the Commission at this time is the construction of two new sound stages (“Stage #8 and Stage #9) and related site improvements around the sound stages in the southeast portion of the site along Lakewood Circle and northwest of Stage #7. Currently, this portion of the site includes various paving materials and grass areas used for parking for studio activities.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (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.

Construction of New Sound Stages

The buildings will be approximately 45 ft. tall (to the top of the side walls), 125 ft. wide and 160 ft or 300 ft. long. The rectangular, “flat roof” building will be sheathed with metal panel siding and metal roof. Small rectangular projections are located on east and west ends of both buildings, as well as large, sliding doors. Similar doors will be located on the north and south facades.

Given that the buildings sit a considerable distance from the four main exhibit halls and the site is also considerably lower than the four main exhibit halls, the Staff is not as concerned with their architectural compatibility with those buildings as it is with their general presence on the site. The proposed buildings will likely block some views of the four main exhibit halls from the southeast, but will not block views directly south of the four main exhibit halls. However, given their location along Lakewood Circle, they will be one of the most prominent features of a very edge of the property, along with Stage #7 in the very extreme southeast portion of the property.

From the exterior, the buildings will appear as a simple warehouse, given its size, shape, and exterior materials. The Staff understands that the buildings’ design and materials are completely appropriate for a film production facility on a film studio property (i.e. a “back lot”). However, as was the case with Stage #7, given the public visibility and prominent location of Stage #8 and Stage #9, the Staff is concerned that these utilitarian buildings could eventually become the public’s impression of the Lakewood Fairgrounds; a fairgrounds that are otherwise symbolized by the four, historic exhibit halls. As such, the Staff would recommend that the buildings have less utilitarian-looking exterior façades. This could be accomplished by using another material (such as stucco) or using a metal panel system that presents a more “finished” or “complete” appearance to the public.

Site Improvements

The most significant site improvement with this phase of the project is the creation of “bio-retention ponds” just north of Stage #9 and to the northwest of Stage #8. The Staff applauds the Applicant for the use of “alternative” storm water and erosion control techniques. It also appears that there will be improvements to the parking lot area to the north (and below) the proposed stage locations, to include new paving, stripping, tree-planting islands, truck parking, and perimeter landscaping.

Staff Recommendation: Confirm that the comments of Staff and the Commission regarding Review and comment (RC-13-121) on the construction of two sound stages at **175 Lakewood Way (Lakewood Fairgrounds)** were delivered at the Commission public hearing.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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

JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT May 22, 2013

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-110) for an addition at 100 Bradley Street- Property is zoned Martin Luther King Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Historic District Development Corporation
522 Auburn Avenue

Facts: According to the neighborhood inventory, this single family dwelling was built in 1910 and is considered contributing.

At the April 24, 2013 the Commission approved with conditions a Type II Certificate of Appropriateness (CA2-13-084) for renovations. The current application was deferred to allow the Applicant time to submit appropriate plans for review.

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

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

(3) Landmark Districts:

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

Per Section 16-20C.003:

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

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

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

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

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

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

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

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

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

(1) *Permitted principal uses:*

a. Single-family dwellings.

(3) Development controls:

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

Per Section 16-20.009. Further standards.

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

(2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

(7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

Site

According to the site plan submitted, this interior lot fronts 49.50' on Bradley Street and has a depth of 133.60' on its longest side. In looking at the City of Atlanta cadastral map, Staff finds there is a discrepancy between the site plan submitted by the Applicant and the lot dimensions indicated on the cadastral map. Staff suggests the Applicant resolve the lot discrepancy with the Office of Planning subdivision Staff before submitting for a permit.

Per regulations, the side yard setbacks shall be no less than 7'. Staff finds the left side yard setback is more than 7' and therefore meets the setback requirement. The right side yard setback is less than 7' and therefore does not meet the side yard setback requirement. Staff recommends the right side yard setback be no less than 7'. Per regulations, the rear yard setback shall be no less than 10'. Staff finds the rear yard setback requirement has been met. Staff would note that lot coverage and floor area ratio are not regulated in this subarea.

Rear Addition

The Applicant is proposing to add a rear screened porch and deck to the existing house. According to the Applicant, the existing roof over the addition will be extended to cover the proposed rear porch. There appears to be a discrepancy between the site plan and the elevations. The site plan indicates both a deck and a rear porch. The elevations indicate a rear porch with no deck. Staff recommends the site plan and elevations are internally consistent. Staff recommends the Applicant clarify the scope of the rear addition project.

There is a screen door indicated on the side of the rear porch, however there are no stairs indicated. Staff recommends the elevations indicate an appropriate set of stairs. In the district, there are examples of porches that have a roof that is integral to the house or the porch has a separate roof. With most rear porches, the roof is attached and not integral to the roof over the main house. While Staff finds the proposed rear porch meets the regulations, Staff suggests the rear porch have a separate roof.

Staff Recommendations: Based upon the following:

1) The plans meet the regulations, per Section 16-20.009;

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-13-110) for an addition at **100 Bradley Street**- Property is zoned Martin Luther King Jr. Landmark District (Subarea 2)/Beltline, with the following conditions:

1. The right side yard setback shall be no less than 7', per Section 16-20C.005(3);
2. The site plan and elevations shall be internally consistent;
3. The Applicant shall clarify the scope of the rear addition project;
4. The elevations shall indicate an appropriate set of stairs; and
5. Staff shall review and if appropriate, approve the final plans.

