



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
55 TRINITY AVENUE, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308  
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**JAMES SHELBY**  
Commissioner

**CHARLETTA WILSON JACKS**  
Director, Office of Planning

## STAFF REPORT

June 26, 2013

**Agenda Item:** Application for a Review and Comment (RC-13-149) on additions and alterations at 16 West Wieuca Road (Chastain Park) – Property is zoned R-3.

**Applicant:** Chastain Park Conservancy  
4001 Powers Ferry Road

**Facts:** Chastain Park is located in the East Chastain Park neighborhood in NPU B. In 2008, the Commission commented on a reviewed and comment application (RC-08-031) on a master plan for Chastain Memorial Park.

**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.

Per Section 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) 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.

In 2008, the Commission reviewed and commented on a master plan for Chastain Park. As part of the master plan, a playground addition is proposed. In looking at pictures submitted by the Applicant, the existing playground appears to have standard equipment that is typical of most parks in the City. The current submission proposes to renovate the existing playground area and significantly expand the size of the playground. In addition, the Applicant is proposing a covered pavilion and a performance pavilion.

In looking at the proposed site plan, Staff would note that parts of the playground are broken up into different age groups. On the eastern side of the playground is pre-school and toddler area. On the western side of the playground is challenge play and adventure climbing hill for older children. Staff finds that having different areas where different aged children can play and interact is important. Often the equipment in playgrounds only serves a limited age group which makes it a challenge to attract all children to playgrounds. The proposed renovations and additions to the existing playground will attract a larger age range.

Also proposed are ADA accessible paths, swings and a tree house. The addition of ADA components in the playground will also attract those that are differently abled. Staff would also note that south of the playground is a large grassy area referred to as "Chastain chill/tumble hill" that will allow for further recreation away from the equipment. In general, Staff finds the site is appropriate with seating throughout, security lighting, restrooms with a covered pavilion nearby, new crosswalks and an expanded parking area across the street. Proposed landscape buffers provide an additional layer of protection from the nearby street and paths that allow for easy access to other parts of the park.

Staff does have a few concerns. There appears to be additional landscape being added both inside and on the edges of the playground. While Staff is supportive of additional plantings, it is not clear what the proposed plantings are. It is not clear whether the plants will be in bloom all year and whether they are easily maintained. Staff suggests the Applicant provide information regarding the landscape plan. While Staff is supportive of the new playground equipment, the details and materials are not clear. Staff suggests the Applicant provide some details regarding the proposed playground equipment. Staff suggests the playground include equipment with appropriate materials that are durable, safe and easy to maintain.

The Applicant is proposing to add both a covered pavilion/restroom area and a performance pavilion. Staff finds the proposed restroom/covered pavilion area will be a great amenity to the playground area and the performance pavilion will be a great amenity to the park. Staff finds the locations of the buildings are appropriate. In looking at the renderings, Staff finds the design of the proposed buildings is consistent with other similar structures in the park. As there are no scaled elevations of the buildings, its full massing is not clear. Staff suggests the Applicant provide scaled elevations of the proposed buildings.

In general, Staff finds all of the proposed renovations, alterations and proposed buildings are highly appropriate and will be a great amenity for those visiting Chastain Park.

Staff recommends the Commission deliver its comments at the meeting.



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Director, Office of Planning

### STAFF REPORT June 26, 2013

**Agenda Item:** Application for Type III Certificate of Appropriateness (CA3-13-152) for construction of a new single family house on an existing footprint at **690 Grady Place**-Property is zoned R-4A/West End Historic District.

**Applicant:** Innocent Nwachukwu  
2550 Sandy Plains, Marietta

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

At the March 13, 2013 meeting, an application for a Type III Certificate of Appropriateness (CA3-13-017) for an addition to and rebuilding of an existing structure was approved with conditions. When the Applicant applied for a permit, the Office of Buildings determined that the structure could not be rebuilt. The Office of Buildings determined the existing structure was an eminent threat and therefore ordered its demolition. This current application is for a new single-family house.

**Analysis:** The following code sections apply to this application:

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

The following general regulations shall apply to the West End Historic District.

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

(a) *When required:*

(i) To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the public right-of-way;

(b) *Type required:*

(i) Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (type II), major alterations (type III) and demolitions (type IV, except partial demolitions) as set forth in chapter 20 of this part 16.

(2) *The Compatibility Rule:* The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor

height, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

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

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

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

(2) *Building Façades*:

- (a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.
- (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
- (c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.
- (d) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
- (e) Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
- (f) Height of the first floor of the front façade above grade shall be subject to the compatibility rule. Notwithstanding the compatibility rule, the first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than seven inches in height. Slab-on-grade construction is not permitted.
- (g) No structure shall exceed that height established by the compatibility rule.

(3) *Windows and Doors*:

- (a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
- (b) Original window and door openings shall not be blocked or enclosed, in whole or in part.
- (c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.
- (d) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- (e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
- (f) Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
- (g) New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
- (h) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule.

- (i) The scale, size, proportion, and location of all openings in new construction shall be established by the compatibility rule.
- (j) New windows or doors added to existing structures shall be located façades that don't face a public street.
- (k) New or replacement doors shall be made of wood and shall contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.
- (4) *Storm Doors, Storm Windows, Shutters and Awnings:*
  - (a) Shutters shall not be added to the building if they were not a part of the original building.
  - (b) Shutters shall be operable or appear operable, and shall fit the size of the window.
  - (c) Replacement shutters shall match the original shutters in design, materials and configuration.
  - (d) Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.
  - (e) Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.
- (5) *Foundations:*
  - (a) Foundation materials, including infill materials, shall replicate the original materials in. size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.
  - (b) New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials and style with adjacent and surrounding buildings.
  - (c) Slab on grade is not permitted.
  - (d) Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.
- (6) *Chimneys:*
  - (a) Chimneys shall match original materials, mortar, color and pattern whenever possible.
  - (b) New chimneys shall be faced with brick or stucco.
  - (c) Siding on chimneys is prohibited.
  - (d) When any portion of a chimney is visible from a public street as a façade element, the chimney shall originate at grade.
- (7) *Roofs:*
  - (a) Replacement roofing materials shall be of the same size, texture and material as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
  - (b) Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
  - (c) The use of synthetic roofing materials is permitted if not visibly distinguishable from the original as viewed from the public street.
  - (d) The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
- (9) *Porches:*
  - (a) Architecturally significant porches, including their component features, steps and stoops shall be retained.
  - (b) Replacement porches, steps and stoops shall match the original in size, style and materials. All front porch steps shall have closed risers and ends.
  - (c) Porches may be enclosed with screen wire or glass provided that the main characteristics of a front porch are maintained.
  - (d) New or replacement porches shall contain balustrades, columns and other features consistent with the architectural style of the house or other original porches in that block. The height of the top rail shall be no more than 33 inches above the finish porch floor, except as required by the City's building code.

## **Site**

According to the Applicant, the new house will be built on the existing footprint. In looking at the plans submitted for the renovation and addition project, the proposed footprint does not match the existing footprint. Staff finds the proposed footprint matches the proposed footprint from the previously submitted renovation and addition project. Staff would note that having a larger house than previously existed is not an issue as long as all of the regulations have been met. It is not clear whether the existing foundation will be used, given the proposed new house will be larger than the previously existing house. Staff recommends the Applicant clarify whether the existing foundation will be retained. Given the information we have at this time, Staff finds all of regulations pertaining to the site apply.

The lot in question fronts 50' on Grady Place and has a depth of 150'. Per regulations, front yard setback is based on the compatibility rule. The Applicant did not provide any information regarding the front yard. Staff recommends the Applicant provide documentation the front yard setback requirement has been met. Per regulations, the side yard shall be no less than 7' and the rear yard shall be no less than 15'. Staff finds the proposed side and rear yard setbacks meet the setback requirement.

Per underlying zoning, the maximum floor area ratio (FAR) allowed is .50. The lot FAR is indicated as 39% and therefore meets the requirements. Per underlying zoning, the maximum lot coverage allowed is 55%. The lot coverage is indicated as 40% and therefore meets the requirements.

The site plan indicates an existing concrete driveway. As part of the previous proposal this driveway was proposed as an addition to the site. In looking at pictures, the driveway does not appear to be an existing condition. Staff recommends the Applicant clarify whether the driveway is an existing or proposed condition. The footprint on the site plan indicates a half width porch, however the floor plan indicates a full width porch. Staff recommends the site plan and floor plan are internally consistent.

## **Roof Form and Building Height**

Per regulations, the roof form and pitch are based on the compatibility rule. The Applicant did not provide any information regarding the roof form or roof pitches on the block face. Staff recommends the Applicant provide documentation the proposed roof pitch meets the requirements. Staff recommends the Applicant provide documentation the proposed roof form meets the requirements.

Per regulations, the house height is based on the compatibility rule. The Applicant did not provide any information regarding the house heights on the block face. Staff recommends the Applicant provide documentation the proposed height meets the regulations. Per regulations, the height of the first floor is based on the compatibility rule. The Applicant did not provide information regarding the first floor heights on the block face. Staff recommends the Applicant provide documentation the proposed first floor height meets the regulations.

## **Building Facades**

The Commission reviews the façades visible from a public street. As this is an interior lot, Staff will only make comments on the front and side facades.

## *Windows and Doors*

A single front door is parallel and facing the street frontage, as required by the regulations. Staff finds the design of the door is appropriate. In general, the windows of contributing buildings have sashes vertical in proportion, are double hung and take up equal portions of wall space. The proposed windows have appropriate headers and actual sills. The size of the trim is not indicated on the plans.

Staff recommends the plans indicate the size of the trim for the windows and doors. The majority of the facades have an appropriate amount of windows. Staff recommends additional windows be placed on the right elevation to eliminate the appearance of a blank wall.

#### *Building Materials*

The plans do not indicate any of the building materials. Staff recommends the plans are detailed in regards to all building materials. Staff recommends all building materials meet the requirements.

#### *Porches*

The proposed full width porch has a depth of 7'8". Staff finds the overall configuration and depth of the proposed porch is appropriate. Staff finds the overall design and porch elements, including the railing, columns, frieze, architrave and stairs are appropriate.

#### **General Comments**

At this time Staff does not have enough information to determine whether the proposed house meets the regulations. Depending on the compatibility information submitted, parts or the entire house may require revisions.

**Staff Recommendation:** Based upon the following:

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

Staff recommends deferral of the Application for Type III Certificate of Appropriateness ((CA3-13-152) for construction of a new single family house on an existing footprint at **690 Grady Place**-Property is zoned R-4A/West End Historic District, to allow the Applicant time to address the following concerns of Staff:

1. The Applicant shall clarify whether the existing foundation will be retained;
2. The Applicant shall provide documentation the front yard setback requirement has been met, per Section 16-20G.006(2)(b);
3. The Applicant shall clarify whether the driveway is an existing or proposed condition;
4. The site plan and floor plan shall internally consistent;
5. The Applicant shall provide documentation the proposed roof pitch meets the requirements, per Section 16-20G.006(7)(d);
6. The Applicant shall provide documentation the proposed roof form meets the requirements, per Section 16-20G.006(7)(d);
7. The Applicant shall provide documentation the proposed height meets the regulations, per Section 16-20G.006(20)(g);
8. The Applicant shall provide documentation the proposed first floor height meets the regulations, per Section 16-20G.006(2)(f);
9. The plans shall indicate the size of the trim for the windows and doors, per Section 16-20G.006(3);
10. Additional windows shall be placed on the right elevation, per Section 16-20G.006(3);
11. The plans shall be detailed in regards to all building materials, per Section 16-20G.006(2)(c);
12. All building materials shall meet the requirements, per Section 16-20G.006(2)(c); and
13. Appropriate copies of all updated plans and information shall be submitted to Staff no less than 8 days before the deferred meeting.







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Director, Office of Planning

## STAFF REPORT June 26, 2012

**Agenda Item:** Application for Type II Certificates of Appropriateness (CA2-13-154) for alterations to an existing single family dwelling at **467 Park Avenue**– Property is zoned R-5/Grant Park Historic District.

**Applicant:** Roderick Cloud  
1110 Cascade Circle

**Facts:** According to the Grant Park Inventory sheet this existing dwelling built in 1914 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.

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

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

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

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

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

### Site

According to the site plan submitted by the Applicant, this corner lot fronts 46' on Park Avenue and has a depth of 140' on Sydney Street. In comparing the survey submitted to the City cadastral map, Staff finds there is a slight discrepancy. Staff suggests the Applicant resolve the discrepancy between the survey submitted by the Applicant and the City cadastral with the Office of Planning subdivision Staff.

Per underlying zoning, the maximum FAR (floor area ratio) allowed is .50 of the net lot area. The plans do not indicate the proposed FAR calculations. Staff recommends the project meet the FAR requirement. Per underlying zoning, the maximum lot coverage allowed is 55%. The plans do not

indicate the lot coverage calculations. Staff recommends the project meet the lot coverage calculations.

The site plan indicates an existing deck, however the as-built elevations do not indicate a deck. As the Applicant is proposing a second story deck, Staff finds the setback requirements apply. Per regulations, the rear yard setback shall be no less than 7'. Staff finds the rear yard setback has been met. Per regulations, the side yard setbacks of the existing contributing building can be used. The setback on the Sydney Street elevation is more than the existing setback, therefore Staff finds the half depth front yard setback has been met.

The site plan indicates a new two door garage and porch. The accessory structure as currently designed and configured, does not meet the regulations. The Applicant will either need to redesign the accessory structure or apply for variances. At this time, the Applicant has chosen to remove the accessory structure from the proposal. Staff recommends the accessory structure is eliminated from the site plan.

### **Alterations**

The Applicant is proposing a new roof addition, a dormer and a second story deck. Staff finds the overall location, design, massing and materials of the proposed alterations are appropriate. Staff would note that the roof addition will be below the existing ridgeline. As such, the addition will be clearly delineated and allow the historic portion of the house to be the dominant feature. Staff has no concerns regarding the proposed alterations.

### **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 (CA2-13-154) for alterations to an existing single family dwelling at **467 Park Avenue**— Property is zoned R-5/Grant Park Historic District, with the following conditions:

1. The project shall meet the FAR requirement, per Section 16-06A.008(5)(a);
2. The project shall meet the lot coverage calculations, per Section 16-07.008(6);
3. The accessory structure shall be eliminated from the site plan; and
4. Staff shall review and if appropriate, approve the final plans.





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## STAFF REPORT

June 26, 2013

**Agenda Item:** Application for a Review and Comment (RC-13-156) on the demolition of an existing school and construction of a new school at **8 Peachtree Battle Avenue (E. Rivers Elementary School)**-Property is zoned RG-2.

**Applicant:** Brett Norton  
3391 Peachtree Road

**Facts:** E. Rivers Elementary is located in the Peachtree Battle Alliance Neighborhood in NPU C.

**Analysis:** The following code sections apply to this application:  
Per section 6-4043 of the Atlanta City Code, as amended:

(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 structures 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.

Per Section 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) 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.

### **Demolition**

The Applicant did not provide any information regarding the history of the school, the architect or the date of construction. In looking at the website for the existing school, Staff found that the original school building was constructed in 1917. The original building burned in 1949 and a new school was constructed in 1950. According to the school website, the new school building was designed by Stevens and Wilkinson. The website points out that the new school received architectural awards and was featured in Time magazine.

Given the information we have regarding the date of construction, the architecture firm and the architectural awards received, Staff finds the portion of the school constructed in 1950 is historic and should be preserved. In looking at the package submitted by the Applicant, there is no information or documentation regarding why the building must be demolished. In looking at the pictures submitted, the school appears in good condition. Based on the information we have at this time, Staff cannot support the full demolition of the existing school. Staff suggests the Applicant provide information and documentation regarding the need for the existing school to be demolished.

According to the school website, additions were added in 1994 and 1999. Staff has no concerns regarding the demolition of non-historic additions. Staff finds it likely that there is a way to retain the historic building and add additional space that is needed. As there was no as-built site plan submitted, it is not clear how the existing school is configured and where the historic building is on the site. Staff suggests the Applicant provide information regarding whether retaining the existing historic building is feasible.

### **New Construction**

Notwithstanding our concerns regarding the proposed demolition, Staff has separate comments regarding the proposed new construction.

### General Site Plan Comments

The existing lots has frontage on both Peachtree Battle Avenue and Peachtree Road. The proposed school will face Peachtree Battle Avenue and the main parking lot will face Peachtree Road and Peachtree Battle Avenue. As there are no as-built site plans, it is not clear how the parking is currently configured. Staff has concerns that all of the parking faces two streets. Staff suggests there be solutions explored that provide the required parking, while minimizing its presence on Peachtree Battle and Peachtree Road.

There are two driveways off of Peachtree Battle Avenue to gain access to the school. One driveway will access the parking lot and carpool drop off, the other driveway will be used for bus drop off. Staff has no concerns regarding separating the two drop off areas. The signage plan for the school is not indicated. Staff finds that having signage that directs visitors to the different drop off areas is important.

The proposed school sits on one side of the lot. While two wings of the school have presence on Peachtree Battle Avenue, the main entrance is greatly recessed and has no presence on the street. Staff

finds that having the main entrance of the school have presence on the main street is important. Staff suggests the main portion of the school is situated to have a presence on the Peachtree Battle elevation.

#### Elevations

Staff has no concerns regarding the massing, materials and fenestration pattern of the proposed school. Staff has concerns regarding the overall design. Specifically, the proposed pitched roof makes the school appear residential. Staff finds that schools should look institutional as opposed to residential. While there are infinite design possibilities for a new school, Staff finds there are two solutions in particular that could work well on this site. One suggestion is to design a building that reflects the original 1917 building. Another suggestion is to design a building that reflects the existing historic 1950 building. Given the information we have at this time, Staff cannot support the design as currently proposed.

Staff recommends the Commission deliver its comments at the meeting.







# CITY OF ATLANTA

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**JAMES SHELBY**  
Commissioner

**CHARLETTA WILSON JACKS**  
Director, Office of Planning

## STAFF REPORT June 26, 2013

**Agenda Item:** Application for a Type IV Certificate of Appropriateness (CA4H-13-157) for demolition due to a threat to health and safety at **303 Oakland Avenue** – Property is zoned I-1/Grant Park Historic District (Subarea 1).

**Applicant:** James Talley  
230 John Wesley Dobbs Avenue

**Facts:** According to the Grant Park Inventory, this single family dwelling is considered contributing. In looking at Fulton County Tax assessors, the existing dwelling was built in 1920.

**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 submitted a 2012 report from a consulting firm (AMEC) that provided an assessment of the existing property. The report itself is very detailed regarding the various problems with the existing structure and the actual land.

In reading the narrative, the report and looking at pictures, it is apparent that the existing house is in severe disrepair. According to the report, the roof members are showing signs of displacement due to additional dormers that were added. The interior brick piers have deteriorated and were replaced with masonry columns. The report raises concerns that the masonry columns installed are not supported by a suitable foundation structure. There are concerns regarding poor drainage and how that negatively impacts the existing structure. There is a statement that the property requires extensive repairs to the foundation system and redesign of the roof and framing system to support the current load.

Another set of report raises concerns regarding asbestos, lead, and mold and termite infestation. Lastly, a geotechnical assessment was done to look at potential subsurface level issues. The report concludes that the poor soil condition was the main culprit in the settlement of the building.

Staff finds that a major and imminent threat exists when the building is in danger of collapse. While the detailed reports indicate there are structural, environmental and subsurface issues with the house and lot, it is not clear to Staff that the existing house is in danger of collapse and therefore an imminent threat. Staff would note that the report indicates that demolition is the easiest and most cost effective solution, Staff is not convinced that it is absolutely necessary.

Staff recommends the Applicant provide additional analysis 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.**

The Applicant did not provide any alternatives to demolition. Staff recommends the Applicant present all reasonable alternatives to rectifying the threat or an explanation as to why there are not reasonable alternatives.

**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 were aware of the historic designation at the time of purchase.

- 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.**

The property was purchased as part of an assemblage in 2011. The cost for the assemblage was \$800,000. The Applicant indicates that based on square footage, 303 Oakland cost \$328,000.

- (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.**

There is no information.

- (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.**

There is no debt owed.

**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.**

	Taxes Paid	Assessed Value	Appraised Value
2012	\$2,655.20	\$59,760	\$149,400
2011	\$2794.08	\$62,880	\$157,200
2010	\$2,777.10	\$62,880	\$157,200
2009	\$44057.88	\$91,880	\$229,700

**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.**

According to the Applicant, no appraisals were done. All information was gathered from the Fulton County Tax Commission website.

- 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 value immediately before designation was \$149,400.

- 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 a Georgia limited liability whose sole member is a non-profit corporation.

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

According to the Applicant, the owner is not required to file taxes.

- 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, no one has been engaged to sell or lease the property.

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

According to the Applicant, the property cannot be rented or sold in its current condition..

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

According the Applicant, the property was purchased as a defensive move.

- 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 report from a licensed engineer. According to the engineer, the building should demolished. The report by the engineer indicates the structure is not suitable for rehabilitation, however the report does not indicate why the building cannot be rehabilitated and must be demolished.

- 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.**

The Applicant has provided estimates for rehabilitation. According to the Applicant the hard and soft costs for rehabilitation is \$183,250.

- 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 current market value is \$50,000 with the house and \$43,000 without the house.

- 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 narrative, the cost of purchasing the house and the rehabilitation of the house would be \$511,250. According to the narrative, the cost and process of soil remediation would in the end be too costly. It is the professional opinion of the engineer that rehabilitation is not feasible.

- 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 there is no way to build around the structure. Further the Applicant finds there is no market for a transfer of development rights.

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

According to the Applicant, the economic incentives are not sustainable enough to justify the cost of the rehabilitation. 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 reports, narrative and pictures provided by the Applicant, Staff finds that the existing building is in a state of disrepair. It is clear that there are structural, environmental, subsurface, interior and building material issues.

There is a great deal of discussion regarding the condition of the soil, settlement, erosion and water infiltration. According to the Applicant, in order to remedy the above mentioned problems, the house

would have to be demolished. What is not clear is whether the work on the soil is required and whether there are any alternatives to remedy the settlement issue. It is also not clear whether the settlement issue is an immediate issue or a long term issue. While there is a great deal of information submitted regarding the soil, settlement, erosion and water infiltration, what is never made clear is whether these issues create an imminent and major threat to public health and safety. Staff recommends the Applicant provide an analysis as to whether the issues with the soil, settlement, erosion and water infiltration cause the existing building to be an imminent and major threat to public health and safety.

There is a detailed list of what it would cost to rehabilitate the existing building. According to the Applicant, the total cost is \$511,250, this includes \$328,000 that was already spent purchasing the property. Given the appraised and fair market values submitted by the Applicant, Staff finds the purchase price is not in keeping with market at the time the property was acquired. As such, Staff finds the purchase price should not be used as a factor in determining whether rehabilitation is feasible. What was not provided is how much the property would be worth with rehabilitation. Staff recommends the Applicant provide information on how much the property would be worth with rehabilitation.

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. 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-13-157) for demolition due to a threat to health and safety at **303 Oakland Avenue** – Property is zoned I-1/Grant Park Historic District (Subarea 1), to allow the Applicant time to address the following concerns of Staff:

1. The Applicant shall provide additional analysis that indicates a major and imminent threat to public health and safety exists, per 16-20.008;
2. The Applicant shall present all reasonable alternatives to rectifying the threat or an explanation as to why there are not reasonable alternatives, per Section 16-20.008;
3. The Applicant shall provide information on each economic incentive with an explanation as to why the incentive in question is not feasible, per Section 16-20.008;
4. The Applicant shall provide an analysis as to whether the issues with the soil, settlement, erosion and water infiltration cause the existing building to be an imminent and major threat to public health and safety, per Section 16-20.008;
5. The Applicant shall provide information on how much the property would be worth with rehabilitation, per Section 16-20.008; and

6. The Applicant shall submit appropriate copies of all updated information, no later than 8 days before the meeting to which the application is deferred.







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**JAMES SHELBY**  
Commissioner

**CHARLETTA WILSON JACKS**  
Director, Office of Planning

## STAFF REPORT

June 26, 2013

**Agenda Item:** Application for a Review and Comment (RC-13-158) on the demolition of an apartment building at 145 Graves Street for Vine City Park-Property is zoned SPI-11 SA7.

**Applicant:** Walt Ray  
233 Peachtree Street

**Facts:** The existing apartment complex is located in the Vine City Neighborhood in NPU L. This application is for the demolition of an existing apartment complex. The Applicant will submit a separate application for the master plan for the park.

**Analysis:** The following code sections apply to this application:  
Per section 6-4043 of the Atlanta City Code, as amended:

(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 structures 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.

Per Section 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) 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.

According to the narrative, the City of Atlanta purchased this abandoned apartment building in 2012. The Applicant is seeking to demolish the building and its associated parking pad. Included in the package is the final design for Vine City Park. Vine City Park is bordered by Foundry Street, Walnut Street, Magnolia Street and Graves Street. The apartment building in question is located in the park. Staff has concerns regarding the existing apartment complex as it appears out of scale with the existing park and actually splits part of the park.

In looking at Fulton County records, the existing apartment complex was built in 1960. While the apartment complex is typical of this time period and is more than 50 years old, Staff finds that it is not considered a contributing historic building for this area. As such, Staff has no concerns regarding the demolition of the existing building and parking pad. Staff finds the demolition of the apartment building is necessary to complete the proposed phases of the Vine City Park. Staff finds the demolition of the existing apartment complex will not create a public detriment. Staff finds the demolition of the apartment complex will enhance the park and therefore enhance the community.

Staff recommends the Commission deliver its comments at the meeting.



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## STAFF REPORT

May 8, 2013

*REVISED*

June 12, 2013

*(Revised text shown in italic.)*

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-13-093) for a new accessory structure at **2867 Burden Street**- Property is R-4A/Whittier Mill Historic District.

**Applicant:** Leslie Simpson  
2867 Burden Street

**Facts:** According to the Whittier Mill Inventory this house was built in 1927 and is considered contributing.

*At the May 8<sup>th</sup> and May 22<sup>nd</sup> Commission meetings, the Commission deferred the review of the application at the Applicant's request to allow time for the Applicant to address the concerns raised in the Staff Report. On May 30<sup>th</sup>, the Applicant submitted additional material for consideration. This additional material is addressed in this revised Staff Report.*

The pergola is located in the side yard of the property.

**Analysis:** The following code sections apply to this application:

### **Sec. 16-20J.005. General regulations.**

The following regulations shall apply to all properties within the Whittier Mill Historic District:

- (1) The Compatibility Rule: The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor heights, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in regulations by reference to "compatibility rule."

### **Sec. 16-20J.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:

1. To change the exterior appearance of the following elements of a structure within the subarea, when said changes can be seen from the public right-of-way: foundations, siding, chimneys and roofs;
  2. To change the exterior appearance of the following elements of the front facade of a structure: windows, doors, architectural details and porches. For the purpose of this chapter, front facade means the elevation of the building which faces the front yard as defined in code of ordinances section 16-28.007(3) and (4).
  3. To erect a new structure;
- b. Type required:
1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).
- (2) Architectural Standards:
- a. Building facades:
    1. There shall be two (2) side yards, one (1) on each side of the principal building, each having a width of not less than the width of the side yards for the block as established by the compatibility rule.
    2. There shall be a rear yard of not less than 10 feet.
    3. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
    4. Siding repair or replacement shall match the original materials in scale and direction. Wood clapboard, if original, is preferred; however, aluminum, masonite, vinyl or other horizontal siding is permitted if window trim, cornerboards, and fascia/bargeboards are left in place or replaced with new material to match the original.
    5. No new construction of additions shall exceed the height of the existing structure on the site or, for new construction, that of the tallest structure of like use on the block.
  - b. Foundations:
    1. Foundations shall be of brick, painted concrete block or stuccoed.
    2. Foundations shall be of masonry pier or continuous wall construction closed with solid or screen infill wall.
    3. Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.
    4. Slab on grade is not permitted.
  - h. Accessory structures: Accessory structures, such as carriage houses, smoke houses, tool sheds, greenhouses, tenant and alley houses, air conditioners and heating units, shall be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structure. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the public right-of-way.

### **Setback Analysis**

The Applicant notes in their submission that the proposed pergola is “inside the setbacks”. In looking at the regulations, accessory structures are allowed in the buildable area of the lot as established by the compatibility rule for the side yard setbacks. The requirement for the rear yard setback is set at 10’. In general, the compatibility rule is based on comparing contributing structures of like use. In this case, there are no contributing accessory structures in the district; all accessory structures are non-contributing. As there are no contributing structures of like use, the Staff finds that all accessory structures of like use should be used.

In looking at the application materials submitted for this particular review, the Applicant did not provide calculations for the side yard setbacks of any accessory structures. Staff recommends the Applicant provide side yard setback distances for each accessory structure being used as a point of comparison to confirm the 5 ft. side yard setback noted on the site plan.

*In their additional materials, the Applicant provided side yard setback information for various structures near the subject property, including a "large covered structure and fence", "covered green house structure", "fence", "covered structure" and "deck structure". Of the structures listed by the Applicant, only true accessory structures can be used in the comparison. As such, fences and decks (presuming they are attached to a house / principal structure) cannot be used in the comparison. Further, the applicant appears to reference two different structures on 2879 Burden Street, which is the property to the west of the subject property, as well as what would seem to be the as yet unfinished shed in the northeast corner of the subject property. Given the somewhat confusing information provided by the Applicant, it might be possible that the proposed pergola would meet the side yard setback requirements, but this cannot be confirmed by the Staff at this time. The Staff would retain its previous recommendation.*

### **Heights Analysis**

The height of accessory structures is limited to the height of tallest contributing structure of like use on the block. In this case, there are no contributing accessory structures in the district; all accessory structures are non-contributing. As there are no contributing structures of like use, the Staff finds that all accessory structures of like use should be used in the comparison.

The pergola is 8 ft. 10 in. tall. The Applicant has not provided the height of any of the accessory structures used as points on comparison. The Staff recommends the Applicant provide the heights of all accessory structures that are used as a point of comparison.

*The Applicant has noted that the "covered structure to the east at 2879 Burden Street" is approximately 9 ft. tall, which is taller than the proposed pergola. However, based on the photograph provided with the additional materials, it would appear that the covered structure to the east" is a metal pipe and tarp, temporary, car port. The Staff is concerned that this structure while present on the site is not a proper comparison for the proposed pergola. The Staff would retain its previous recommendation.*

### **"Least Visible Location" Analysis**

Apart from the Staff's concerns about the lack of set back and height information contained in this particular application, the Staff most significant concern is the location of the pergola and its visibility from the public street. While vines are proposed to grow on the pergola, the Staff finds that the pergola itself will still be highly visible from Burden Street given its proposed location. The "natural area" shown in the front, left hand corner of the property will only shield the view of the pergola from one section of Burden Street.

The site plan appears to indicate some trees in the back, left hand corner of the lot, but their size and root zones are not indicated. It would appear then that the pergola could be moved farther into the back, left hand corner of the property. It would also appear that a more substantial landscape buffer could be established in front of the pergola decreasing (along with a location deeper in the lot) the visibility of the pergola from Burden Street. The Staff would note that a pergola, which only has four ground-disturbing points, could have a less substantial effect on tree root zones than a building as an accessory structure.

The Staff would recommend that the Applicant provide more information about the size and root zones of the trees shown on the site plan. The Staff would also recommend that based on the additional tree information, the pergola be moved as far to the rear of the lot as possible without damaging the root zones of the trees noted on the site plan. The Staff would lastly recommend that a much more

substantial landscape buffer be installed between the pergola and the public street so as to substantially screen the pergola from the public street.

*The additional materials submitted by the Applicant, they noted several constraints on the lot, including electrical power lines, sloping topography, and established vegetation. While the electrical line appears to be shown on the site plan, its clearance off of the ground is not indicated. (The Applicant has not provided any existing context photographs.) Using publically available photographs, the Staff finds that the electrical line does appear to be unusually low. These photographs also show a somewhat different arrangement of the existing vegetation on the western portion of the side yard than shown in the site plan, including a large bush just behind the low hanging electrical line. The location of the pergola on the site plan would appear to be in the same location as this large bush. It is not clear from these photographs where the "beautiful original rose bush" is located in the yard.*

*These photographs also show that the slope of the property does not appear to be severe.*

*The Staff would retain its original recommendations and further recommend that the Applicant provide an accurate site plan that reflects the current and proposed vegetation in the side yard so as to determine the least possible location of the proposed pergola.*

**Staff Recommendation:** Based upon the following:

(a) The plans meet the regulations, with the exception of the comments above, per Section 16-20J.005 and 16-20J.006.

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-13-093) for a new accessory structure at **2867 Burden Street**- Property is R-4A/Whittier Mill Historic District with the following conditions:

1. The Applicant shall provide side yard setback distances for each accessory structure being used as a point of comparison to confirm the 5 ft. side yard setback noted on the site plan, per Section 16-20J.005(1) and .006(2)(h);
2. The Applicant shall provide the heights of all accessory structures that are used as a point of comparison, per Section 16-20J.006(2)(a)(5);
3. The Applicant shall provide more information about the size and root zones of the trees shown on the site plan, per Section 16-20J.006(2)(h);
4. Based on the additional tree information, the pergola shall be moved as far to the rear of the lot as possible without damaging the root zones of the trees noted on the site plan per Section 16-20J.006(2)(h);
5. A much more substantial landscape buffer shall be installed between the pergola and the public street so as to substantially screen the pergola from the public street, per Section 16-20J.006(2)(h);
6. *The Applicant provide an accurate site plan that reflects the current and proposed vegetation in the side yard so as to determine the least possible location of the proposed pergola, per Section 16-20J.006(2)(h); and*
7. The Staff shall review, and if appropriate approve, the final plans, documentation, and supporting materials.



# CITY OF ATLANTA

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MAYOR

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**JAMES SHELBY**  
Commissioner

**CHARLETTA WILSON JACKS**  
Director, Office of Planning

## STAFF REPORT June 26, 2013

**Agenda Item:** Application for Type III Certificate of Appropriateness (CA2-13-114) for alterations and porch renovations at **1341 Lucile Avenue**-Property is zoned R-4A/West End Historic District.

**Applicant:** John Manning  
7568 Waters Edge Drive, Stone Mountain

**Facts:** According to the West End Historic district inventory this contributing single family dwelling was built between 1917 and 1918.

This application was deferred at the May 22<sup>nd</sup> and June 12<sup>th</sup> meetings to allow the Applicant time to submit appropriate plans.

**Analysis:** The following code sections apply to this application:  
Per Section 16-20G.005 of the Atlanta Land Development Code, as amended:  
The following general regulations shall apply to the West End Historic District.

### **Sec. 16-20G.005. - General regulations.**

(2) *The Compatibility Rule:* The compatibility rule is a method of ensuring that alterations to existing structures and the design of proposed new construction are sensitive to and sympathetic toward existing elements of design, proportions, scale, massing, materials, and general character of the contributing buildings in the immediately adjacent environment of the block face. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The elements in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same block face, or where quantifiable (i.e., buildings height and width as measured at front façade, floor height, lot dimensions, etc.), shall be no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

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

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

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

(2) *Building Façades*:

- (a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.
- (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
- (c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.

(3) *Windows and Doors*:

- (a) Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
- (b) Original window and door openings shall not be blocked or enclosed, in whole or in part.
- (c) Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size, with no more than a one-inch width or height difference from the original size. The use of simulated divided lite windows is permitted.
- (d) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- (e) The replacement and reconfiguration of windows on the side elevations to accommodate kitchens and bathrooms is permitted.
- (f) Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
- (g) New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
- (h) The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule.
- (i) The scale, size, proportion, and location of all openings in new construction shall be established by the compatibility rule.
- (j) New windows or doors added to existing structures shall be located façades that don't face a public street.
- (k) New or replacement doors shall be made of wood and shall contain a rectangular light opening subject to the compatibility rule as to its scale, size, proportion placement, and style to original doors within that block face.

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

- (a) Shutters shall not be added to the building if they were not a part of the original building.
- (b) Shutters shall be operable or appear operable, and shall fit the size of the window.
- (c) Replacement shutters shall match the original shutters in design, materials and configuration.
- (d) Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.



(8) *Decks:* Decks shall be constructed to the rear of the structure and shall not extend beyond the sides of the structure. Decks on the corner lots shall be screened with fencing or vegetation to reduce visibility from the public street.

(9) *Porches:*

- (a) Architecturally significant porches, including their component features, steps and stoops shall be retained.
- (b) Replacement porches, steps and stoops shall match the original in size, style and materials. All front porch steps shall have closed risers and ends.
- (c) Porches may be enclosed with screen wire or glass provided that the main characteristics of a front porch are maintained.
- (d) New or replacement porches shall contain balustrades, columns and other features consistent with the architectural style of the house or other original porches in that block. The height of the top rail shall be no more than 33 inches above the finish porch floor, except as required by the City's building code.

In looking at pictures submitted by the Applicant, it appears that most of the work is already underway. Staff would note that the existing porch railing is not appropriate. Staff recommends the porch railing have a two part top and bottom rail with pickets that butt joint the top and bottom rail. Staff further recommends the proposed railing be no more 33 inches above the finished floor, unless required by the City's building code. The pictures also indicate a large wood frame enclosure and a metal door on the porch. This is not appropriate for a typical porch in the district. Staff recommends the large wood frame and metal door be removed and a simple screen door be installed that is compatible with other similar porches in the district.

In looking at the as-built drawings, there was a previous set of stairs that went down to the porch. Staff found an older picture of the stairs online, Staff would note that the previous stairs were more simple and less noticeable from the street. The new stairs are located in the opposite direction and are much more noticeable from the street. By using the same materials as the porch railings, the side stairs appear to be an extension of the porch in an inappropriate way. While side elevation stairs are not addressed in the regulations, Staff finds the new stairs detract from the existing structure and are not appropriate.

It is not clear why the previously existing stairs were removed and why additional stairs are needed. Staff recommends the Applicant clarify why the previously existing stairs were removed and why new stairs are needed. As no site plan was submitted, it is not clear whether the alterations on the side elevation meet the setback requirements. Staff recommends the Applicant submit an appropriately scaled site plan of the proposed conditions. Staff suggests the stairs be either eliminated or redesigned to be simpler and less noticeable from the street.

In looking at the pictures, there is now a deck area underneath the landing. Staff has concerns regarding the deck area under the landing. Per regulations, decks are not allowed on the side facades. Staff recommends the existing deck be eliminated or be appropriately designed to look like a porch.

**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 ((CA2-13-114) for alterations and porch renovations at **1341 Lucile Avenue**-Property is zoned R-4A/West End Historic District, with the following conditions:

1. The porch railing shall have a two part top and bottom rail with pickets that butt joint the top and bottom rail, per Section 16-20G.006 (9)(d);
2. The proposed porch railing shall be no more 33 inches above the finished floor, unless required by the City's building code, per Section 16-20G.006(9)(d);
3. The large wood frame and metal door shall be removed and simple screen door shall be installed that is compatible with other similar porches in the district, per Section 16-20G.006(9)(c);
4. The Applicant shall clarify why the previously existing stairs were removed and why new stairs are needed;
5. The Applicant shall submit an appropriately scaled site plan of the proposed conditions;
6. The existing deck shall be eliminated or be appropriately designed to look like a porch, per Section 16-20G.006(8); and
7. Staff shall review and if appropriate, approve the final plans.



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**JAMES SHELBY**  
Commissioner

**CHARLETTA WILSON JACKS**  
Director, Office of Planning

### STAFF REPORT June 26, 2013

**Agenda Item:** Application for Type II Certificate of Appropriateness (CA2-13-130) for a revision to plans at **976 Mathews St.**-Property is zoned R-4A/West End Historic District.

**Applicant:** 976 Mathews LLC  
PO Box 460, Avondale Estates

**Facts:** According to the West End Historic district inventory this dwelling built between 1923 and 1924 is considered contributing.

At the April 24, 2013 meeting, an application for a Certificate of Appropriateness (CA2-13-073) for renovations was approved with conditions.

**Analysis:** The following code sections apply to this application:

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

The following general regulations shall apply to the West End Historic District.

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

(a) *When required:*

(i) To change the exterior appearance of any portion of a structure within the district, when said change can be seen from the public right-of-way;

(b) *Type required:*

(i) Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this district. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (type II), major alterations (type III) and demolitions (type IV, except partial demolitions) as set forth in chapter 20 of this part 16.

(2) *The Compatibility Rule:* The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor height, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

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

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

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

(2) *Building Façades*:

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

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

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

(3) *Windows and Doors*:

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

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

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

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

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

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

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

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

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

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

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

## **Doors**

In the previous application, the Applicant proposed to remove one of the existing original door openings and replace it with a window unit as part of a conversion from a duplex to a single family dwelling. Staff looked at the 1932 Sanborn Map and found the existing house was a duplex at that time. It is not unusual to convert an existing complex into a single family dwelling. As Staff has no concern regarding the interior, the only concern is that the exterior retain its historic character when

possible. In general, if a house was historically a single family dwelling that was converted to a duplex, Staff has had no concerns regarding the removal of one of the front façade doors. If a house was historically a duplex, Staff has recommended retention of both front façade doors.

Both the Applicant and the neighborhood had questions regarding existing houses that had been allowed to remove one of the front façade doors and install a window. Staff was given the following addresses to look at: 971, 965, 961 and 949 Mathews St. For 971 and 965 Mathews, there are no records that indicate the removal of the doors was approved. Staff finds it likely the alterations at 971 and 965 Mathews were done without review by the UDC. Staff did find applications for 961 and 949 Mathews.

In the case for 961 Mathews, there was an existing single door and a set of French doors on the front façade. The Applicant was proposing to remove the French doors and install three windows. Staff found the French doors were not original or historic. Staff further found that the French doors had likely replaced a single door and window. This analysis is consistent with the fact that all of the houses on the block face were duplexes. As the existing door opening was not original and not appropriate, Staff recommended approval for the removal of the French doors and the installation of a pair of double hung windows.

In the case for 949 Mathews, the existing house had a single door and a set of French doors. Staff found that the existing French doors were not original to the house. As the existing door opening was not original, Staff found it was appropriate to install windows in place of the door. In the current case, Staff finds both door openings are original to the house and therefore should be retained. Staff recommends the retention of the existing door openings.

### **Rear Porch and Deck**

In the previous application, the proposal was to remove existing decks and construct a new deck. The new proposal will involve the construction of a rear porch. Staff will not make comments on the design, however Staff does have concerns regarding the setbacks. Per underlying zoning, the side yard setbacks shall be no less than 7' and the rear yard shall be no less than 15'. Staff finds the side yard setback requirement has not been met. Staff recommends the side yard setback is no less than 7'. Staff finds the rear yard setback requirement has been met.

### **Windows**

On the right elevation, two existing windows opening will be removed. On the same elevation, a small double hung window will be added and a window unit will be added. Staff finds the removal of original window openings is not appropriate. Staff recommends all original window openings are retained. On the left elevation, one window opening will be removed and two window openings will be added. Staff does not have a concern with the addition of new window openings, however as previously stated, all original window openings should be retained.

It is not clear from the plans whether there is additional window replacement proposed. Staff recommends the Applicant clarify the scope of work in regards to the windows. Staff recommends all historic windows are retained when feasible. If window replacement is warranted, Staff recommends all new windows meet the regulations.

**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 (CA2-13-130) for a revision to plans at **976 Mathews St.**-Property is zoned R-4A/West End Historic District, with the following conditions:

1. The plans shall indicate the retention of the existing door openings on the front façade, per Section 16-20G.006(3);
2. The side yard setback shall be no less than 7', per Section 16-06A.008(2);
3. The Applicant shall clarify the scope of work in regards to windows, per Section 16-20G.006(3);
4. All original window openings shall be retained, per Section 16-20G.006(3);
5. All historic windows shall be retained, per Section 16-20G.006(3);
6. If window replacement is warranted, all new windows shall meet the regulations, per Section 16-20G.006(3); and
7. Staff shall review and if appropriate, approve the final plans.



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Commissioner

**CHARLETTA WILSON JACKS**  
Director, Office of Planning

### STAFF REPORT June 26, 2013

**Agenda Item:** Application for Type III Certificate of Appropriateness (CA3-13-162) for a variance to reduce the front yards setback from 100' (required) to 96' (proposed), the north side yard setback from 25' (required) to 21' (proposed) and the south side yard setback from 25' (required) to 10' (proposed); and (CA3-13-142) for additions, renovations and site work at **833 Springdale Road**– Property is zoned Druid Hills Historic District.

**Applicant:** Frank Neely  
1447 Peachtree Street, Suite 844

**Facts:** According to the architectural survey in 2002, this dwelling built in 1941 is contributing.

At the June 12, 2013 meeting, this application was deferred to allow the Applicant time to submit variance requests.

**Analysis:** The following code sections apply to this application:

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

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

(3) Landmark buildings and sites:

(b) To change the exterior appearance of any structure within any Landmark District;

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

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

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

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

**The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995, Standards for Rehabilitation**

REHABILITATION IS DEFINED AS the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

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

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

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

(1) *Permitted principal uses and structures:*

- a. Single-family dwellings.
- b. Parks, playgrounds and community buildings owned and operated by a governmental agency.

(2) *Permitted accessory uses and structures:* Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:

- a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
- b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
- c. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
- d. Home occupations.

(3) *Minimum lot requirements:*

- a. *Lot width:* Each lot shall have a minimum lot width of 100 feet.
- b. *Lot area:* Each lot shall contain a minimum lot area of 38,000 square feet.

(4) *Lot coverage:* Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.

(5) *Minimum yard requirements:*

- a. Setbacks:
  2. East side of Springdale Road, Ponce de Leon Avenue to city limit:
    - Front yard:* 100 feet.
    - Side yards:* 25 feet.
    - Rear yard:* 100 feet.



## **Staff Response to Variance Request by the Applicant:**

The Applicant is proposing the following variances:

- Reduction in the front yard setback from 100' to 96' to construct a new front over door and additions to the left and right sides of the house;
- Reduction in the right side yard setback from 25' to 10' to construct an addition to the right side of the house.
- Reduction in the left side yard setback from 25' to 21' to construct an addition to the left side of the house.

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

According to the Applicant, the existing lot is significantly smaller than the required lot size in this subarea, the trapezoidal size of the lot limits the buildable area and the 26' change in the topography from the front to the back of the lot limits where improvements can be located. Staff agrees that the lot in question has extraordinary and exceptional conditions due to its size, shape and topography.

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

The Applicant did not address why the application of the zoning ordinance would create an unnecessary hardship. There are further details in regards to how the proposed additions would be appropriate, but not an actual analysis of why it is a hardship to meet the setback requirements. Staff recommends the Applicant provide a specific analysis as to why it is a hardship to meet the setback requirements.

3. What conditions are peculiar to this particular piece of property?

According to the Applicant, the existing lot was not an original lot of record when the neighborhood was platted. The Applicant finds that the lot shape, size and topography of the existing lot were not anticipated in Olmsted's original design. Lastly, the Applicant finds that the house built in 1941 is a spec house as opposed to the majority of the houses built before the 1930's in the neighborhood.

In looking at the existing house, Staff does find that while it is more than fifty years old, the building materials and architectural details of the house do not reflect many of the existing historic houses on the block.

4. Submit facts to show that relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

The Applicant points out that the proposed additions will be located 82' and 69' from the façade of the closes neighbor. The Applicant also points out the proposed changes will remove the parking from the front yard. The Applicant finds that the proposed changes will be more in keeping with the character of the existing houses in the district. The Applicant points out that given the peculiar conditions of the lot, a precedent will not be set.

As part of the project, an existing accessory structure that currently violates the setbacks. As the addition will be no closer to the setbacks than the existing accessory structure, Staff finds there will not

be an additional detriment to the public. As most of the proposed alterations are located behind the existing principal structure, Staff finds any detriment to the public has been minimized. Staff finds that granting the variances will not cause a substantial detriment to the public good or impair the intent of the ordinance. Given the information we have at this time, Staff supports the variance with conditions.

5. State whether the property described in this application forms any part of the subject matter of a pending application or ordinance for a zoning change or Special Use Permit.

No.

### **Proposed Demolition**

The Applicant is proposing to demolish an existing detached garage and carport. According to the Applicant, the existing accessory structures were built in 1987. As such, Staff finds the existing accessory structures are not historic. Staff finds the demolition of the existing accessory structures will not destroy the historic interpretability of the primary structure and will not have a negative impact on the primary structure. Staff has no concern regarding the demolition of the existing accessory structures.

The Applicant is proposing to demolish part of the rear of the existing house. Specifically, a breakfast room built in 1978, a deck and spiral stairs built in 2002 and a kitchen addition built in 1993. As none of the proposed additions are historic, Staff has no concerns with the proposed demolition. Staff finds the proposed additions will not destroy historic fabric and will not have a negative impact on the interpretability of the existing house.

### **Site**

According to the Applicant, the lot in questions fronts 100' on Springdale Road and has a depth of 249.77' on its longest side. In looking at the City Cadastral map, the lot dimensions are slightly different. As a building permit will not be issued until all lot discrepancies are resolved, Staff suggests the Applicant work with the Office of Planning Subdivision Staff to resolve any lot discrepancies.

Per regulations, the front yard setbacks shall be no less than 100'. The proposed front yard setback is 96' and therefore does not meet the requirement. As mentioned in the variance section, Staff supports the proposed variance. As such, Staff has no concerns regarding the proposed front yard setbacks. Per regulations, the rear yard setback shall be no less than 100'. The rear yard setback is more than 100' and therefore meets the requirement.

Per regulations, the side yard setback shall be no less than 25'. The proposed side yard setbacks are less than 25' and therefore do not meet the requirements. As mentioned in the variance section, Staff supports the proposed variance. As such, Staff has no concerns regarding the proposed side yard setbacks. Per regulations, lot coverage can be no more than 35%. The proposed lot coverage is 32.8% and therefore meets the requirements. Staff would note that FAR is not reviewed in this subarea.

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

### **Alterations**

Staff looked at survey pictures of all of the houses on Springdale Road. Staff finds the house as currently designed is somewhat consistent with the overall roof form, height and massing of other similar houses on the block. At the same time, Staff finds the lack of architectural details is not consistent or compatible with other similar houses on the block.

On the front façade, the Applicant is proposing to extend the existing soffit, add dentils, new shutters and flower boxes. The Applicant is also proposing to add a small decorative gable and a new covered entryway with columns, side lites on both sides of the existing door and new stairs. As the existing entryway was constructed in 1993, Staff finds that its removal does not destroy historic fabric. Staff finds all the alterations are appropriate and are consistent and compatible with other historic houses on the block.

### **Additions**

As the side and rear additions are located behind the existing historic house, Staff finds the additions will be clearly delineated from the existing house. As such, Staff finds there will be no destruction of historic materials and essential massing and shape of the existing historic house will remain

On both the left and right elevations, the Applicant is proposing two wing additions. Staff finds the overall design, location, massing, height and architectural details are appropriate. Staff finds the proposed side additions are consistent and compatible with other historic houses on the block.

On the rear, the Applicant is proposing an addition, a rear porch and a drive under garage. In general, Staff finds the overall location, massing, materials and design is appropriate. The proposed rear additions will be located behind the side additions and therefore will not be seen from the street. Staff finds the proposed rear additions will not negatively impact the streetscape.

**Staff Recommendation:** Based upon the following:

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

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA3-13-162) for a variance to reduce the front yards setback from 100' (required) to 96' (proposed), the north side yard setback from 25' (required) to 21' (proposed) and the south side yard setback from 25' (required) to 10' (proposed) at **833 Springdale Road**– Property is zoned Druid Hills Historic District, with the following condition:

1. The Applicant provide a specific analysis as to why it is a hardship to meet the setback requirements, per Section 16-20B.006(4).

**Staff Recommendation:** Based upon the following:

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

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA3-13-142) for additions, renovations and site work at **833 Springdale Road**– Property is zoned Druid Hills Historic District, with the following condition:

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





## CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
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**JAMES SHELBY**  
Commissioner

**CHARLETTA WILSON JACKS**  
Director, Office of Planning

### STAFF REPORT June 26, 2013

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-13-148) for a new single family house at **20 Howell St.** -- Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

**Applicant:** Intown Builders  
655 Ralph McGill Boulevard

**Facts:** This is currently a vacant lot.

At the June 12, 2013 meeting, this application was deferred to allow the Applicant time to submit updated plans and additional information.

**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."

(11) *Off-street parking:*

a. Off-street parking shall not be permitted in the front yard of a lot used for residential purposes.

b. Off-street parking shall be permitted in the side and/or rear yard of a lot used for residential purposes.

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.

b. *Maximum height:* The compatibility rule shall apply with variance up to 10 percent permitted.

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) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

### **Site**

The site plan submitted indicates the existing lot fronts 35.5' on Howell Street and has a depth of 76.70'. In looking at the City Cadastral map, the lot is indicated as fronting 34.5' on Howell Street. Given the size of the lot, Staff finds that 1' makes a difference. Staff would also note that a building permit cannot be issued until the lot discrepancy is resolved. Staff suggests the Applicant contact the Office of Planning Subdivision Staff to resolve the lot discrepancy issue.

Per regulations, the front yard setbacks are based on the compatibility rule. In looking at the site plan submitted by the Applicant, there are front yard setback measurements for four houses. Staff has concerns as there are only three contributing houses on the block (14, 24 and 28 Howell Street). The addresses of the houses are not indicated on the site plan, therefore it is not clear whether the houses indicated on the site plan are contributing. Lastly, it is not clear whether the measurement were made to the front façade of the house or the porch. Staff recommends the Applicant provide front yard setback information for 14, 24 and 28 Howell Street. Staff recommends the Applicant clarify how the front yards setbacks were measured. Staff recommends the front yard setback meet the requirements.

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 requirement. Staff finds the right side yard setback 3.4' and therefore does not meet the requirement. Staff would note that by moving the house to accommodate the right side yard setback, it is likely that the left side yard setback would be in violation. Staff recommends the side yard setbacks be no less than 7' or the Applicant shall apply for a variance.

Per regulations, the rear yard setback shall be no less than 7'. The proposed rear yard setback as measured from the deck is 2' and therefore does not meet the requirements. Staff recommends the rear yard setback is no less than 10' or the Applicant shall apply for a variance. There is a driveway that is located in the front yard. Parking is not allowed in the front yard. Staff recommends the proposed driveway be located no less than 20' past the front façade of the house. Staff would note that parking is not required in the subarea, therefore the Applicant could eliminate the proposed driveway. Staff would note that lot coverage and floor area ratio is not regulated in this subarea.

### **Massing and Building Height**

Per regulations, the maximum height for new construction is based on the compatibility rule with an allowed 10% differential. On the site plan the Applicant provided four height measurements. As

previously mentioned, Staff has concerns as there are only three contributing houses. Staff recommends the Applicant provide the height measurements for 14, 24 and 28 Howell Street. Staff further recommends the Applicant provide information on how the height was measured. Staff recommends the proposed house meet the height requirement. In looking at GIS available online and survey pictures, Staff finds length and width of the proposed house is similar to the other contributing houses on the block.

### **Design**

The proposed two-story house is defined by a gable roof and a full width porch with a hipped roof. While Staff finds that the proposed house is typical of many of the non-contributing houses on the block, Staff finds it is not consistent and compatible with the existing historic houses at 14, 24 or 28 Howell Street. Staff recommends the design be revised to be consistent and compatible with one of the contributing houses on the block.

### **Fenestration**

Staff has concerns regarding the fenestration pattern. Most historic windows are more vertical in proportion. In general, Staff finds the proposed windows are more horizontal than vertical. Staff recommends the windows be more vertical in proportion. Staff finds there are large amounts of blank wall on the side elevations. Staff recommends additional windows be added to the side elevations. Staff finds there is not enough separation between units. Staff recommends all window units have greater separation. Staff recommends the windows feature appropriate trim, headers and actual sills that are compatible with the historic windows on the block.

### **Materials**

The plans indicate cementitious siding. Staff recommends the plans indicate smooth cementitious siding with a 4"-6" reveal to be consistent and compatible with other houses. There are no other material details indicated on the plans. Staff recommends the elevations indicate all proposed building materials.

At this time, Staff finds there are several concerns regarding the setbacks, height, parking, design, fenestration and building materials. Given the information we have at this time, Staff finds a deferral is appropriate.

**Staff Recommendations:** Based upon the following:

- a) The plan do not meet the regulations, with the exceptions noted in the above analysis, per Section 16-20C.005;

Staff recommends deferral of the Application for a Type III Certificate of Appropriateness (CA3-13-148) for a new single family house at **20 Howell St.** -- Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, to allow the Applicant time to address the following concerns of Staff:

1. The Applicant shall provide front yard setback information for 14, 24 and 28 Howell Street., per Section 16-20C.005(3)(a);
2. The Applicant shall clarify how the front yards setbacks were measured, per Section 16-20C.005(3)(a);
3. The front yard setback shall meet the requirements, per Section 16-20C.005(3);
4. The side yard setbacks shall be no less than 7' or the Applicant shall apply for a variance, per Section 16-20C.005(3)(a);



5. The rear yard setback shall be no less than 10' or the Applicant shall apply for a variance, per Section 16-20C.005(3)(a);
6. The proposed driveway shall be located no less than 20' past the front façade of the house, per Section 16-20C.003(11);
7. The Applicant shall provide the height measurements for 14, 24 and 28 Howell Street; per Section 16-20C.005(3)(b);
8. The Applicant shall provide information on how the height was measured, per Section 16-20C.005(3)(b);
9. The proposed house shall meet the height requirement, per Section 16-20C.005(3)(b);
10. The design shall be revised to be consistent and compatible with one of the contributing houses on the block, per Section 16-20.009(6);
11. The windows shall be more vertical in proportion, per Section 16-20.009(6);
12. Additional windows shall be added to the side elevations, per Section 16-20.009(6);
13. All window units shall have greater separation between units, per Section 16-20.009(6);
14. The windows shall feature appropriate trim, headers and actual sills that are compatible with the historic windows on the block, per Section 16-20.009(6);
15. The plans shall indicate smooth cementitious siding with a 4"-6" reveal, per Section 16-20.009(6);
16. The elevations shall indicate all proposed building materials, per Section 16-20.009(6);
17. Appropriate copies of all updated plans and information shall be submitted to Staff no later than 8 days before the deferred meeting.

