



CITY OF ATLANTA

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MAYOR

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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

April 22, 2015

Agenda Item: Review and comment (RC-15-107) on a special use permit (U-15-005) to allow a transfer of development rights from **875 West Peachtree Street (The Academy of Medicine)**- Property is zoned SPI-16 – Midtown Commercial District (Subarea 1) / Landmark Building or Site.

At the Request of: Academy of Medicine, LLC
760 Spring Street

Facts: The Academy of Medicine was rezoned as a Landmark Building or Site (LBS) by the City of Atlanta on October 23, 1989. As is the case with all other LBS rezonings, the underlying zoning remained for the property, including all of the associated development rights. Several years ago the property was rezoned to a substantially revised Special Public Interest (SPI) zoning classification to implement the “Blueprint Midtown” planning process.

The LBS zoning category includes two properties, including the Academy and front lawn facing West Peachtree Street on one lot and the parking lot and access areas another lot behind the building. The building, dedicated in 1941 was designed by the acclaimed architecture firm of Hentz, Adler, and Shutze, with assistance from R. Kennon Perry.

Analysis: The following code sections apply to this application:
Per Section 6-4043 of the Atlanta City Code:

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

According to the special use permit filing, the proposed transfer of development rights (TDR) would transfer approximately 49,000 sq. ft. of the residential development rights of the property to 1039-1063 Dickson Place and 205-223 12th Street. Given that the TDR will not result in any physical alteration to the existing building or its site and will decrease the development pressure on the site, Staff does not find any concerns about the proposed action. Staff would add that another benefit of the TDR to the “sending site” (i.e. Academy of Medicine) is that development rights that would otherwise likely go unused (given the limitations regarding incompatible additions and alterations to the LBS property) could be sold to another party thus generating additional income for the sending site.

Staff Recommendation: Staff recommends that a letter of support with the Staff’s and the Commission’s comments be sent to the Applicant and the Zoning review Board.



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STAFF REPORT April 22, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-15-108) for alterations and new signage at **253 Auburn Avenue (aka 29 Bell Street)** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4) / Beltline.

Applicant: Willie Tarver
1925 Waycrest Drive

Facts: According to the 2002 District inventory sheet, this commercial structure was constructed in 1923. The two-story, three-bay, brick building is considered contributing to the District and is located on the southeast corner of Auburn Avenue and Bell Street.

The current application consists of the replacement/reconfiguration of the storefront windows and doors, replacement of the double-hung windows on the second level, installation of two canopies (one above the first floor windows and one above the second floor windows), new signage, and painting of the building.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
 - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall 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 architectural elements from other buildings, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
- a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
 - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
 - ii. Block face. One side of a block, located between two consecutive street intersections.
 - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
 - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
 - ii. On contributing buildings on the same block in Subareas 3 and 4.
 - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
 - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
 - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
 - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
- a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.

- ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - iii. No certificate of appropriateness shall be required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials.
 - iv. No Certificates of Appropriateness shall be required for demolition or moving of non-contributing structures.
- b. Type II Certificates of Appropriateness.
- i. Type II Certificates reviewed by the Director. The following shall require a Type II Certificate of Appropriateness, and shall be reviewed by the Director of the Commission:
 - (1.) Fences, walls and retaining walls;
 - (2.) Decks, skylights, solar panels, mechanical equipment and where authorized, antennas and related equipment;
 - (3.) New accessory structures and alterations to existing accessory structures; (4.) Shutters and awnings;
 - (5.) Security doors and window grates;
 - (6.) Replacement of elements that otherwise meet the regulations including but not limited to siding, windows, porch railings, porch columns, porch flooring, and exterior doors; and
 - (7.) Paving intended for pedestrians including sidewalks, walkways, paths and porches.

If such Type II Certificates of Appropriateness meet the requirements of this Chapter and other criteria applicable to Type II Certificates the Director shall issue the Type II Certificate within 14 days of receipt of the completed application. If such Type II Certificates of Appropriateness do not meet the requirements of this Chapter and such other criteria, the Director shall deny the application, with notice to the Applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals Section of Chapter 16-20.008(a) for Type I Certificates.
 - ii. Type II Certificates reviewed by the Commission. All required Type II Certificates of Appropriateness not listed above shall be reviewed by the Commission. In addition, the following shall be reviewed by the Commission as a Type II Certificate of Appropriateness:
 - (1.) Alterations to any façade of any principal structure; and
 - (2.) All site work, except as noted in Section 16-20C.004(3)(b)(i)(7).

Sec. 16-20C.008. Design Standards.

1. The following Design Standards provisions shall apply to Subareas 1 through 4.
 - b. Fenestration.
 - i. The compatibility rule shall apply to the following aspects of fenestration: (1) The style and material of the individual window or door.
 - (2) The size and shape of individual window and door openings.
 - (3) The overall pattern of fenestration as it relates to the building façade.
 - (4) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
 - ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.
 - iii. Except as otherwise provided in 16-20C.008(2), if muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
3. The following Design Standards provisions shall apply to Subareas 3 through 4.
 - a. Facades.
 - i. Building materials for the façades of principal structures shall be determined by the compatibility rule. Concrete block and other masonry materials may be used on façades of principal structures that do not face a public street. Corrugated metal, aluminum siding, and vinyl siding are not permitted on any façade.
 - ii. Covering of the original façade shall not be permitted.
 - iii. Painting of unpainted building materials and masonry is prohibited.
 - iv. All cleaning of stone, terra cotta, and brick shall be done with low-pressure water and mild detergents.

- f. Awnings and Canopies.
 - i. Original awnings and canopies shall be retained.
 - ii. Replacement awnings or canopies are permitted only when original awnings or canopies cannot be rehabilitated.
 - iii. Awnings and canopies must have a minimum clearance of eight (8) feet above the sidewalk level, and shall not encroach more than five (5) feet over the public sidewalk.
 - iv. Installation of new canopies upon contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.
 - v. Installation of new canopies upon non-contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the district.
 - vi. New awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.
 - vii. New awnings shall be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
 - viii. Multiple awnings on a single building shall be similar in shape and configuration.
 - ix. Only that portion of the awning used for signage shall be illuminated.

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

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

- a. General Regulations: Notwithstanding any other individual district standards, all signs within the M.L. King, Jr. landmark district shall be subject to the following general regulations:
 - (1) No general advertising signs shall be permitted in the M.L. King, Jr. landmark district.
 - (2) No freestanding signs shall be permitted in the M.L. King, Jr. landmark district.
 - (3) No monument signs shall be permitted in the M.L. King, Jr. landmark district.
 - (4) No LSVD signs shall be permitted in the M.L. King, Jr. landmark district.
 - (5) No sign shall be permitted within the M.L. King, Jr. landmark district except after approval by the Commission of a Certificate of Appropriateness as specified in Chapter 20 of this part.
 - (6) Signs provided for contributing structures shall be designed in a manner that is compatible with the design, materials and general character of signage from the time period of historical significance for the structure.
 - (7) Signs provided for non-contributing structures shall be designed in a manner that is compatible with the design, materials and general character of signage from the time period of historical significance for the district.
- e. Edgewood Avenue and Auburn Avenues Commercial District (Subarea 4): The sign regulations for Edgewood Avenue and Auburn Avenues Commercial District (Subarea 4) shall be the same as the regulations for the SPI-1 (Downtown) district provided that:
 - (1) No individual sign shall exceed 100 square feet in sign area.
 - (2) No projecting sign shall exceed eight (8) square feet in sign area.
 - (3) Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.
 - (4) Signs shall be located as follows:
 - i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.
 - ii. On or in display windows or upper façade windows.
 - iii. On or in the glazing of the doors.
 - iv. On the valance of awnings.
 - v. On the fascia or top edge of canopies.
 - vi. Projecting perpendicularly from the building.
 - (5) Changing signs shall be prohibited.

SPI-1 Downtown District:

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

b. Building Business Identification Signs:

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

2. Number:

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

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

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

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

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

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

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

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

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

Window and Door Alterations

The Applicant is proposing to remove the existing storefront window and door systems, and install new aluminum storefront systems generally in the existing openings. In the left hand opening, previous (non-historic) brick infill will be removed and the storefront system will be brought to less than a foot above the sidewalk. In the right hand opening, the existing door will be removed and only storefront windows installed.

In the District inventory photograph from 2002, there are metal storefronts in the openings (which appear to be from the 1950s or 1960s), but it does not appear that they are the same storefront systems that are shown in the 2011 inventory photograph or that exist today. There have been no permits issued for this address since 2002. Given the storefront replacement work

does not appear to have been permitted by the City or approved by the Staff or Commission, the Staff finds that the previous window replacement is not a grandfathered condition or legal work

The currently proposed fenestration pattern is similar to what existed in 2002 and exists today. However, no compatibility information has been submitted to show that this proposed fenestration arrangement / pattern exists elsewhere on the block face. The Staff recommends that the Applicant submit information which details the compatibility of the proposed fenestration configuration for the lower level.

Between the 2002 inventory photograph and the 2011 inventory photograph, the upper story two-over-two, horizontally-divided, double-hung windows were replaced with slightly smaller, one-over-one double hung windows. Given the window replacement work does not appear to have been permitted by the City or approved by the Staff or Commission, the Staff finds that the previous window replacement is not a grandfathered condition or legal work. Given that the District regulations in 2002 would not have permitted the change in window design to the 2011 design, the Staff considers the windows that existed in 2002 as the point on comparison for the currently proposed window work on the upper level. As such, the Staff finds that the currently proposed windows must be similar to the windows that existed in 2002. The Staff would recommend the upper story windows be replaced with windows similar in design to the upper level windows shown in the 2002 District inventory photograph and that otherwise meet the District regulations.

Awnings

The proposed metal and glass awnings (which if proposed as a stand along project would be reviewed via a Type II Staff Review Application) do not meet the District regulations for several reasons. First, the awnings are not compatible with the design, materials and general character of canopies from the time period of historical significance for the structure. Second, they do not replicate the shape of the covered area. Third, they are not attached to the area above the display and transom windows, and below the cornice and signboard area. Fourth, they are not attached to the storefront display window and the transom window. Fifth, the two awnings do not have a similar shape or configuration to each other. The Staff would recommend the awnings are removed from the proposal or completely re-designed to meet all of the District regulations.

New signage

The Applicant is proposing to install one (1) business identification sign above middle storefront opening facing Auburn Avenue. The rectangular wall sign will be about 3.5 ft. tall and about 8.33 ft. wide, for a total estimated area of 29.15 sq. ft. The type of sign, its location and size meet the District regulations.

However, the Staff finds the application does not include sufficient details regarding how the sign will be attached to the building, its materials, and its illumination. As this is a historic building and to avoid unnecessary damage to the brick work, the Staff recommends the sign be mounted into the mortar joints. As a historic building, the Staff finds that metal or wood would be an appropriate material for the sign and its components. The Staff recommends that the sign material for the proposed wall sign meet the District regulations. Lastly, also because of its

location on a historic building, the Staff would recommend that no internal illumination be used with the sign.

Painting of Building

While the District regulations do not address the color of painting, painting of un-painted masonry surfaces is not permitted. In the 2002 inventory photograph, the beige colored brick was unpainted on the street-facing facades. In the 2011 inventory photograph the areas around the storefront have been painted grey and the rest of the street-facing facades have been painted red. The east façade has been painted red and white. Given the painting does not appear to have been permitted by the City or approved by the Staff or Commission, the Staff finds that the previous painting is not a grandfathered condition or legal work, and that the point of comparison for the proposed painting is the un-painted building that existed in 2002. Given the District regulations currently require that un-painted masonry not be painted, the Staff would recommend the existing paint be removed from all four facades using techniques that meet the District regulations.

Staff Recommendation:

Staff recommends approval of an application for a Type II Certificate of Appropriateness (CA2-15-108) for alterations and new signage at **253 Auburn Avenue (aka 29 Bell Street)** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4) / Beltline, to allow the Applicant to respond to the following concerns:

1. The Applicant submit information which details the compatibility of the proposed fenestration configuration for the lower level, per Sec. 16-20C.008(b)(i);
2. The upper story windows shall be replaced with windows similar in design to the upper level windows shown in the 2002 District inventory photograph and that otherwise meet the District regulations, per Section 16-20C.004(1);
3. The awnings shall be removed from the proposal or completely re-designed to meet all of the District regulations, per Section 16-20C.008(f);
4. The wall sign shall be mounted into the mortar joints, per Section 16-20C.004(1)(e) and (i) and Sec. 16-28A.010(27)(a)(6);
5. The sign material for the proposed wall sign shall meet the District regulations, per Sec. 16-28A.010(27)(a)(6);
6. No internal illumination shall be used with the sign, per Sec. 16-28A.010(27)(a)(6);
7. The existing paint shall be removed from all four facades using techniques that meet the District regulations, per Section 16-20C.004 and Sec. 16-20C.008(3)(a)(iii); and,
8. Staff shall review and if appropriate, approve the final plans and documentation



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CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT

April 22, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-115) for a new pavilion at **130 Powell Street (Esther Peachy Lefever Park)**- Property is zoned Cabbagetown Landmark District (Subarea 3) / Beltline.

Applicant: John Moores
400 Village Parkway, NE

Facts: Esther Peachy Lefever Park, named for a long-time, former Cabbagetown resident and advocate, is located in the north central part of the neighborhood. It is bordered on the west by Powell Street, on the north by Wylie Street, and the east and south by single family homes.

A relatively contemporary park, it contains playground equipment, benches and a small covered shelter. It relatively flat, with a large open lawn and several mature, hardwood trees.

As with all other public park master plans, the Commission provided a reviewed and commented on the Master Plan on June 27, 2012 (RC-12-126). The Master Plan included the following elements:

- Formal entrances from both Powell (including wheel chair ramp and bench) and Wyle Streets (stairs);
- A park entrance sign along Powell Street;
- 3 ft. tall, metal, picket, decorative fencing along the street sides of the park;
- 6 ft. tall, vinyl coated, chain link fencing along the eastern property line;
- A hard surface path meandering through the park from one formal entrance to another with benches and light poles;
- A mulched, swing set area;
- Sites for future playground equipment; and
- A formal plaza with a group shelter (as yet un-designed), rubble retaining wall, water foundation, and connecting stairs.

Given the location of the park within a Landmark District, the actual construction work (with specific designs and details resolved) must also reviewed by the Commission via the corresponding Certificate of Appropriateness process, as necessary.

The Certificate of Appropriateness application that is before the Commission at this time and is the subject of this Staff Report relates to the “group shelter” now referred to as the pavilion. All of the rest of the Master Plan elements were reviewed and approved by the Commission in 2012 (CA2-12-201) and have been installed.

Analysis: The following code sections apply to this application:

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) 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.

Per Section 16-20A.005. Certificates of appropriateness.

Certificates of appropriateness within this district shall be required as follows:

- (1) When required:
 - a) To change the exterior appearance of any portion of a structure within the district
 - b) To erect a new structure or to make an addition to any structure within the district;

Sec. 16-20A.006. General regulations.

The following regulations shall apply to more than one subarea in the Cabbagetown Landmark District, which includes all five (5) subareas. Certificates of Appropriateness required above shall be obtained from the commission or the director, as applicable, in accordance with the following regulations:

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (17) Grading and Landscaping.
 - a) Grading shall not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure.
 - b) New grades shall meet existing topography in a smooth transition.

- c) Approval of an application for a certificate of appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties. The commission may require that plant materials in a landscape plan reflect the character of the Cabbagetown Landmark District.

Sec. 16-20A.009. Shotgun and cottage housing (subarea 3).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the Shotgun and Cottage Housing Subarea. These regulations are intended to set forth basic standards of architectural design and construction that are consistent with these original house styles found in the Cabbagetown Landmark District. It is the intent of these regulations to foster residential design that incorporates the historic architectural elements and materials that are specific to the district in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these original architectural styles, rather than designs that are a mere aggregation of random historic elements.

- (3) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
 - c) Parks, playgrounds, and community buildings owned and operated by a government agency or Cabbagetown-based non-profit community organization.

Public Park Use and Review in the District

The lot in question is owned by the City and is considered an official City park. The property has been used as a public gathering space for many years. Subarea 3 of the District regulations allow for “parks, playgrounds and community buildings owned and operated by a government or non-profit community organization”. Given that the District regulations specifically note “parks” that owned and operated by a “government” organization are a “permitted principle use and structure”, the proposal is subject to review and approval by the Commission, per the pertinent District regulations.

Further, the Staff finds that the standard Subarea 3 regulations that were developed to address the much more common residential new construction and renovation proposals found in the District are not an appropriate standard of review for public park improvements for several reasons. First, the park design did not establish a typical site plan arrangement on the property, including: delineated front, side, and rear yards; a dominant principal structure oriented to the street; and a hierarchy of design within the property (front vs. rear, etc.). Second, the property’s use as a public park suggests a different design framework, that of an institutional, non-residential appearance that should be differentiated from the surrounding residential (mostly single-family) properties. Third, as a public park, the property should share features and elements that are similar to those found in other public parks to create some continuity and consistency between public spaces. Therefore, the Staff finds that the appropriate standards to be applied to the proposed pavilion are those found in Section 16-20.009.

Pavilion Design

The proposed pavilion will have wood framing members, concrete bases to the wood columns and a gravel “floor”. It currently proposed size (20 ft. by 16 ft.) is slightly smaller than originally proposed in the Master Plan. The Staff finds that the use of the wood, concrete and gravel are similar to the “vernacular” materials found on residential properties throughout the District and appropriately convey the public and institutional role of the park. The wood columns with concrete bases and wood roofing elements are similar to their respective elements in the District (i.e. porch columns, porch roofs, and roof eaves).

At the same time, the Staff finds that the proposed pavilion would be similar to basic sheds that might be found in the backyards of the residential buildings in the District as well as ancillary structures that might have been found on the grounds of the Mill complex that would have been used for outside material or equipment storage.

In conclusion, the Staff finds the proposed pavilion is compatible with the character of the contemporary park site, compatible with the District's overall character and meets the pertinent District regulations. The Staff further finds that the proposed pavilion does not destroy historic fabric and the installation of the pavilion could be reversed in the future with no permanent effect to the historic character of the District.

Staff Recommendation: Based upon the following:

(a) The plans meet the regulations per Section 16-20.009, 16-20A.006, and 16-20A.009;

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-15-115) for a new pavilion at **130 Powell Street (Esther Peachy Lefever Park)** - Property is zoned Cabbagetown Landmark District (Subarea 3) / Beltline, with the following condition:

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



CITY OF ATLANTA

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MAYOR

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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

April 22, 2015

Agenda Item: Review and Comment (RC-15-116) for site work at **1053 East Rock Springs Road (Morningside Elementary School)** - Property is zoned R-4.

Applicant: Andrew Blakey
4317 Park Drive Suite 400

Facts: Morningside Elementary School is located in the Morningside/Lenox Park Neighborhood in NPU F.

In 2014, the Commission delivered comments regarding (RC-14-097) for site work.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

The Applicant is proposing to repave the existing driveway and parking lot in-kind. Staff has no concerns regarding the proposed re-paving. The site plan indicates the installation of new crosswalks. While the crosswalks appear to be in a similar location to the existing crosswalks, the size and configuration appears to be slightly different. While Staff has no general concerns regarding the new crosswalks, Staff suggests the Applicant provide information regarding why the size and configuration of the crosswalks were changed.

The Applicant is proposing alterations to pavement, sidewalks and curbs in order to allow for better ADA accessibility. Staff has no concerns regarding alterations to allow better ADA accessibility. The Applicant is proposing to widen the driveway apron off of Fordham Court in order to allow better access for school buses. Staff has no general concerns regarding alterations to allow for better accessibility for buses.

The Applicant is proposing to lower the curb, gutters and pavement in certain areas in order to reduce the risk of storm water backing up into the building. Staff has no concerns regarding the proposal. The Applicant is proposing to alter an existing dumpster pad, Staff has no concerns. The Applicant is proposing to repair an existing wall. Staff suggests the Applicant clarify how the wall will be repaired. The Applicant is proposing to remove three trees. One of the trees will be removed to accommodate the alteration to the driveway apron, it is not clear why the other trees will be removed. Staff suggests the Applicant clarify why the trees are being removed and whether replacement trees can be planted elsewhere on the site.

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



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STAFF REPORT

April 22, 2015

Agenda Item: Review and Comment (RC-15-117) for site work at **1325 Mt. Paran Road (Warren T. Jackson Elementary School)** - Property is zoned R-2.

Applicant: Andrew Blakey
4317 Park Drive Suite 400

Facts: Jackson Elementary School is located in the Mt. Paran/Northside neighborhood in NPU A.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

The Applicant is proposing to address various erosion issues by connecting existing pipes, repairing damaged areas, installation of terraced walls, re-grading in certain areas and planting of grass in some areas. Staff has no concerns regarding repairs and alterations required to address erosion on the site. The Applicant is proposing to repair the existing track by removing root damage and applying a type “F” topping and seal coat. Staff has no concerns regarding repair to the existing track.

The Applicant is proposing to replace the existing basketball court in order to improve drainage. While Staff has no general concerns regarding the replacement of the basketball court, Staff suggests the Applicant clarify how the replacement of the basketball court will improve drainage. The Applicant is proposing to install a new four square court behind the proposed basketball court. Staff has no concerns regarding the installation of the new four square court. The Applicant is proposing to add new benches and a walkway with a guardrail near the basketball court. Staff has no concerns regarding the proposed benches and sidewalk.

The Applicant is proposing various alterations to existing sidewalks and paths in order to provide better ADA access and improve safety. Staff has no concerns regarding the proposed alterations to the existing sidewalks and paths. The Applicant is proposing to replace portions of the existing chain link fence in-kind and the installation of a new gate. Staff has no concerns regarding the proposal for the new fence and gate. The Applicant is proposing to remove several trees. Staff suggests the Applicant clarify why the trees are proposed for removal and whether there is an opportunity to plant new trees on the site.

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



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STAFF REPORT April 22, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA3 15 119) for alterations at 522 Hill St. Property is zoned R 5 / Grant Park Historic District (Subarea 1).

Applicant: Adam Stillman
350 Sinclair Avenue

Facts: This existing structure was built in 1910 and is considered contributing to the Grant Park Historic District.

In the Grant Park Historic District, only changes that are on a façade that faces a public street are reviewed by the Commission.

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.

(C) Type III Certificates of Appropriateness shall be required for:

1. All new principal structures;
2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.

Per Section 16-20K.007:

(1) *Development Controls.*

(A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.

(B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.

(C) *Rear Yard:* Rear yard setback shall be seven feet.

(D) *Off-street parking and driveway requirements:*

1. Off-street parking shall not be permitted in the front yard or half-depth front yard.

3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.

(2) *Architectural Standards.*

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

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

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

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

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

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

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

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

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

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

1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or
2. New additions, exterior alterations, or related new construction will not destroy historic

materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

Additions & Alterations

The Applicant is proposing an attic build-out addition via three dormers and alterations to the windows on the right side façade. None of the proposed changes are on a façade that faces a public street and the proposed addition will meet the lot coverage and FAR requirements for the property. Staff has no concerns with the proposed addition.

Alterations

The Applicant is proposing to replace the existing non-historic front door with a new half-glass front door. Staff has no concerns with the design of the proposed alterations.

Staff Recommendation: Based upon the following:

- 1) The plans meet the regulations, per Section 16-20K.007;

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA3 15 119) for alterations at 522 Hill St. Property is zoned R 5 / Grant Park Historic District (Subarea 1).



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STAFF REPORT

April 22, 2015

Agenda Item: Application for Type III Certificates of Appropriateness (CA3-15-120) for alterations and an addition **196 Waverly Avenue**- Property is zoned R-5/Inman Park Historic District (Subarea 1).

Applicant: Frank Neely Design Associates
1447 Peachtree Street

Facts: According to the District inventory sheet, the house was built in 1896. The property is considered contributing to the District. The one-and-half story house has side to side gable with a smaller gable on the right side; a multi-planed, “conical” roof on the left side; and a hipped / multi-part roof on the rear that covers a contemporary addition. This includes a square clearstory projection at the peak of the hip. The front porch, which projects from the main house massing, has its own hipped roof. The property is generally flat in the front yard and slopes down in the side and rear yards. The property’s driveway is to the right of the house.

While the Applicant has provided a very detailed description of the proposed work in their application materials, the project can be summarized as follows:

1. Extend the existing drive to create parking pads in the rear yard;
2. Restore the front porch design components based on a 1949 photograph;
3. Repair / restore the existing stucco finishes at various locations on the house;
4. Replace the window in the front-facing, upper dormer window with a leaded glass window similar to the ballroom windows;
5. Renovate the side facing gables to include removal of the contemporary half-timbering, installation of new windows in new openings (right side) or new windows in expanded openings (left side) windows, and new rectilinear half-timbering;
6. Replace the three glass window panels in sitting room with lead glass casement windows based on a discarded window on site;
7. Demolish the contemporary rear, corner porch and stairs; and create conditioned space on the same footprint with a new gabled roof that is an extension of an existing, rear-facing gable;
8. Add a side addition, porch, and entry stairs at the right rear corner of the house, with the porch features to be the same as the restored front porch;

9. Demolish the existing rear-facing, upper level dormer, deck and low-sloped roof; and construct a second story addition set within the hipped roof with exterior materials to match the existing house, and a new, larger upper level deck;
10. Renovate or replace windows on the contemporary rear additions to be similar to the windows on the existing house;
11. Add a leaded glass window on the rear façade in the bedroom of the original house;
12. Renovate the three windows on the right hand façade in the dining room on the original house;
13. Add a double-hung window on the right hand façade in the basement; and
14. Replace the siding on the contemporary rear additions with stucco to match the existing house;
15. Renovate the exterior materials (siding to stucco), architectural elements and windows of the clearstory to match the existing house.

Analysis: The following code sections apply to this application:

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

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

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

- e. Type IV certificates of appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.
- 3. Variances, special exceptions, and appeals. Variance applications, applications for special exceptions, and appeals from these regulations shall be heard by the commission. The commission shall have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16. The commission shall have the authority to grant or deny applications for special exceptions pursuant to the standards in chapter 25. The commission shall have the authority to grant or deny applications for appeal pursuant to the standards in section 16-30.010 and the appeal provisions for said decision, set forth in section 16-30.010(e), shall also apply to the commission's decision.
- 6. Tree Preservation and Replacement.
The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Section 158-26, shall apply to this District.

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

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

- 1. Design Standards and other criteria for construction of and for additions to one- and two-family residential structures.
 - f. The compatibility rule shall apply to the form and pitch of the primary roof of the principal structure.
 - g. The compatibility rule shall apply to the height, scale, and massing of the principal structure, except as noted below. In no case shall the height of a structure exceed 35 feet. (See section 16-28.022 for excluded portions of structure.)
 - i. The height of additions shall not be subject to the compatibility rule, but shall be no higher than the existing structure.
 - ii. Notwithstanding the compatibility rule, any new roof ridge line shall be no higher than the highest roof ridge line of the existing structure.
 - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
 - i. The style of the individual window.
 - (1) Windows in the front façade shall be predominantly vertical in proportion.
 - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
 - ii. The size and shape of individual window openings.
 - iii. The overall pattern of fenestration as it relates to the building façade.
 - o. Mechanical equipment shall be located to the side and rear of the principal structure and where possible in the location least visible from a public street or park. Screening with appropriate plant material or fencing is required if the equipment is visible from a public street or park.
 - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
 - q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
 - ii. The type of brick and pattern of brickwork.
 - iii. The type of stone and pattern of stonework.
 - iv. The material and texture of stucco.
 - v. The size and type of doors.
 - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
 - vi. The materials and pattern of roofing.
 - vii. Paving materials for walks and drives.
 - (1) Asphalt is not permitted.
 - viii. Visible foundation materials.
 - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.

2. Setback requirements:
 - b. New additions to existing structures: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.
3. Off-street parking and driveways. In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses:
 - a. Off-street parking shall not be permitted between the principal structure and any public street.
 - b. Parking shall not be permitted on walkways that are located between the street and the façade of the principal structure.
 - c. The use of alleys for access to such parking is both permitted and encouraged. No variance is required for driveways coming off of an alley provided however that such driveways shall not extend past any façade which faces a public street.
 - d. Driveways shall not exceed a width of ten feet not including the flare at the street. Two-way driveways, where required for an allowed commercial or multi-family use, shall not exceed 24 feet not including the flare at the street.
4. Principal uses and structures:
 - a. Properties that have an underlying zoning designation of R-5 shall be used only for the following principal purposes subject to the following provisions:
 - i. Single-family detached dwelling.
 - v. Floor area ratio shall not exceed 0.50.
6. Permitted accessory uses and structures: These regulations permit uses and structures that are customarily incidental and subordinate to permitted principal uses and structures. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:
 - a. Greenhouses, garden sheds, private garages, and similar structures. When a private garage is part of a principal structure, the garage door may not be located on the front façade of the principal structure, nor the side façade if visible from a public street or park.

The Staff would note that the renovations to the existing house if submitted by themselves, would have been subject to a Type II Staff review application process. When coupled with the addition, they are considered under the submitted Type III application.

Extent the existing drive to create parking pads in the rear yard.

The extended driveway does not increase the property's lot coverage above the maximum amount. However, the site plan does not specify the material of the extended portions of the driveway. The Staff would recommend the material of the extended portions of the driveway meet the District regulations.

Restore the front porch design components based on a 1949 photograph.

The Staff has no concerns about the restoration of the front porch based on photographic evidence as this will be accurately re-creating a previously existing appearance.

Repair / restore the existing stucco finishes at various locations on the house.

The Staff would recommend that all stucco repairs and restoration work be done in-kind and match the existing conditions around each area of work.

Replace the window in the front-facing, upper dormer window with a leaded glass window similar to the ballroom windows.

Given the dormer window appears in the 1949 photograph, the Staff finds that it is historic to the house, if not original. The proposal to install a leaded glass window in the existing opening is based on the existence of leaded glass windows on other locations on the house. The 1949 photograph is not detailed or clear enough to determine what type of window is in the opening. The Staff is concerned about the installation of an elaborate window in a small dormer as such windows would likely have

been found in more prominent rooms in the house and or on the main level façade. The Staff would recommend the Applicant provide a more detailed rationale for the installation of the leaded glass window in the front facing dormer.

Renovate the side facing gables to include removal of the contemporary half-timbering, installation of new windows in new openings (right side) or new windows in expanded openings (left side) windows, and new rectilinear half-timbering.

The Staff has no concerns about the removal of the contemporary half-timbering or the installation of the more rectilinear half-timbering in its place. The Staff is concerned about the size, number, and design of the windows proposed in each gable as they occupy a significant amount of the gable face and in the case of the right side elevation, the windows have an elaborate, leaded glass pattern. The Staff would recommend the proposed windows in the side gables of the original house be reduced in number and their design be simplified.

Replace the three glass window panels in sitting room with lead glass casement windows based on a discarded window on site.

The Staff has no concerns about the removal of the existing window panels. Further, in contrast to the proposal for the leaded glass in the dormer or one of the side gables, the Staff does not have concerns about the installation of the leaded glass in these openings for several reasons. First, there is evidence suggesting leaded glass in these openings via an on-site, discarded window similar in size. Second, the proposed windows would be located in a more prominent room. Third, the windows would be located on the main level of the house.

Demolish the contemporary rear, corner porch and stairs; and create conditioned space on the same footprint with a new gabled roof that is an extension of an existing, rear-facing gable.

The Staff has no concerns about the demolition of these contemporary features. The creation of this new interior space will not affect the lot coverage calculations, meets the District setback requirements, but would affect the floor area ratio of the property. The Staff is somewhat concerned that the addition will be made to appear older and more original to the house than it actually is and as such potentially creating a false sense of development to the property. The Staff would recommend that a small design change be incorporated into the exterior design elements and/or finishes to the side façade of the rear addition to differentiate it from the original house.

The Staff would further recommend that the Applicant document that the resulting floor area from all of the alterations and additions meets the floor area ratio for the property.

Add a side addition, porch, and entry stairs at the right rear corner of the house, with the porch features to be the same as the restored front porch.

Unlike the rear addition, the proposed side porch addition and stair system will not affect the floor area ratio, but will affect the lot coverage (which has been calculated by the Applicant and meets the zoning regulations) and is subject to the setback requirements. While the proposed side porch addition and stair system meet the rear yard setback requirements and does not affect the front yard setback, the Staff is concerned that the side yard setback requirement has not been met. The District regulations require that additions (which in this case would include the portion of the stair system above 30 in. in height) be no closer to the side property line than the closest part of the existing house. Based on the site plan in the application, the closest portion of that side of the existing house is 13.3 ft. from the property line. The closest portion of the side addition and stair system is just over 12 ft. 8 in. from the side property line. The Staff would recommend that the side addition and stair system meet the side yard setback requirements.

Similar to other components of the project, the Staff would also recommend a small design change be incorporated into the exterior design elements and/or finishes to the side façade of the side porch addition to differentiate it from the original house.

Demolish the existing rear-facing, upper level dormer, deck and low-sloped roof; and construct a second story addition set within the hipped roof with exterior materials to match the existing house, and a new, larger upper level deck.

The Staff has no concerns about the demolition of the previous contemporary additions to the house. Like the proposed rear addition on the main level, the proposed second story addition will affect the floor area ratio, but will not affect the lot coverage (which has been calculated by the Applicant and meets the zoning regulations) and is subject to the setback requirements. Given the extent of the addition is within the footprint of the existing house, it meets the District setback requirements.

The Staff finds that the rear portions of the side facades of the addition would be minimally visible from a public street or park and thus would be subject to the District regulations. The Staff is concerned that the presence of the addition's short walls on top of the hipped roof form will create a disjointed and incompatible roof / wall relationship. While the Staff acknowledges that a variety of roof forms exist in the District and that this house's relatively simple side gable form has been previously modified, the Staff finds that a knee wall at the top of the hip increases the amount of incompatibility. It would also appear that the existing sides of the hipped roof form could be continued up leaving a more typical rear facing "dormer" at the back of the hipped roof. The Staff would recommend the roof form of the second story addition be revised to be more compatible with and reinforce the existing roof forms on the house.

Add a leaded glass window on the rear façade in the bedroom of the original house.

This renovation would not be visible from a public street or park and thus is not subject to the District regulations.

Renovate the three windows on the right hand façade in the dining room on the original house.

While not mentioned in the narrative, these windows do appear to be graphically marked on the plans for renovation or replacement. The Staff would recommend the Applicant clarify the status of and proposal for the dining room windows.

Add a double-hung window on the right hand façade in the basement.

The Staff has no concerns about this action as the window will be similar to other existing windows in the basement.

Renovate or replace windows on the contemporary rear additions to be similar to the windows on the existing house.

Replace the siding on the contemporary rear additions with stucco to match the existing house.

Renovate the exterior materials (siding to stucco), architectural elements and windows of the clearstory to match the existing house.

The only portions of these actions that are subject to the District regulations are those elements that are visible from a public street or park, which would likely be the sides of the main level of the house, and potentially the sides of the clearstory. Of those elements that would be subject to review, the Staff is somewhat concerned about the previous contemporary additions will be made to appear older and more original to the house than they are and as such potentially create a false sense of development to the property. The Staff would recommend that any renovations to contemporary portions of the house

that are visible from a public street or park be slightly differentiated from their respective original features of the house.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for Type III Certificates of Appropriateness (CA3-15-120 for alterations and an addition **196 Waverly Avenue**- Property is zoned R-5/Inman Park Historic District (Subarea 1), with the following conditions:

1. The material of the extended portions of the driveway shall meet the District regulations, per Section 16-20L.006(1)(q)(vii);
2. All stucco repairs and restoration work shall be done in-kind and shall match the existing conditions around each area of work, per Section 16-20L.005(1)(b);
3. The Applicant shall provide a more detailed rationale for the installation of the leaded glass window in the front facing dormer, per Section 16-20L.005(1)(b);
4. The proposed windows in the side gables of the original house shall be reduced in number and their design be simplified, per Section 16-20L.005(1)(b);
5. A small design change be incorporated into the exterior design elements and/or finishes to the side façade of the rear addition and the side façade of the side porch addition to differentiate them from the original house, per Section 16-20L.005(1)(b);
6. The Applicant shall document that the resulting floor area from all of the alterations and additions meets the floor area ratio for the property, per Section 16-20L.006(4)(a)(v);
7. The side addition and stair system shall meet the side yard setback requirements, per Section 16-20L.006(2)(b);
8. The roof form of the second story addition shall be revised to be more compatible with and reinforce the existing roof forms on the house, per Section 16-20L.005(1)(b);
9. The Applicant shall clarify the status of and proposal for the dining room windows, per Section 16-20L.005(1)(b);
10. Any renovations to contemporary portions of the house that are visible from a public street or park shall be slightly differentiated from their respective original features of the house, per Section 16-20L.005(1)(b); and
11. Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 22, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-15-123) for alterations at **820 Oakdale Rd**– Property is zoned Druid Hills Historic District.

Applicant: David Ogram
1708 Peachtree Street

Facts: According to the architectural survey in 2002, this dwelling built in 1927 is contributing.

In 2014, the Commission approved a Type III Certificate of Appropriateness (CA3-14-248) for alterations and an addition with conditions.

Analysis: The following code sections apply to this application:

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

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

(3) Landmark buildings and sites:

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

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

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

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

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

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

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

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

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

The Applicant is proposing to replace the existing front door and sidelights. The Applicant did not provide any information regarding the condition of the existing door. Staff recommends the Applicant provide information regarding whether the existing door is historic or a replacement door. Staff recommends the Applicant provide information regarding why the existing door cannot be repaired and retained. While the Applicant submitted several pictures of the existing conditions, there are no close-up pictures that indicate problems with the door. Staff recommends the Applicant submit close-up pictures of the front door. If replacement of the front door and sidelights is warranted, Staff has no concerns regarding the proposed replacement.

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 III Certificate of Appropriateness (CA2-15-123) for alterations at **820 Oakdale Rd**– Property is zoned Druid Hills Historic District, with the following conditions:

1. The Applicant shall provide information regarding whether the existing door is historic or a replacement door, per Section 16-20B.003(5);
2. The Applicant shall provide information regarding why the existing door cannot be repaired and retained, per Section 16-20B.003(5);
3. The Applicant shall submit close-up pictures of the front door, per Section 16-20B.003(5); ; and
4. Staff shall review and if appropriate, approve the final plans



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 22, 2015

Agenda Item: Application for Type II Certificates of Appropriateness (CA2-15-124) for alterations at **688 Rosalia Street**– Property is zoned R-5 / Grant Park Historic District (Subarea 1) / Beltline.

Applicant: Ute Banse
1077 Alta Avenue

Facts: This existing structure was built in 1910 and is considered contributing to the Grant Park Historic District.

In the Grant Park Historic District, only changes that face a public street are reviewed by the Commission. The rear addition and alterations were reviewed and approved under a separate Type II Staff Review application (CA2S-15-133).

The Applicant is proposing front porch & roof trim work.

Analysis: The following code sections apply to this application:

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

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

(2) Certificates of Appropriateness.

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

(1) *Development Controls.*

(A) *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street

than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.

(B) *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven feet.

(C) *Rear Yard:* Rear yard setback shall be seven feet.

(D) Off-street parking and driveway requirements:

1. Off-street parking shall not be permitted in the front yard or half-depth front yard.

3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten feet wide and shall have a maximum curb cut of ten feet, exclusive of the flare.

(2) *Architectural Standards.*

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

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

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

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

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

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

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

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

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

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

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

Alterations

The Applicant is proposing to replace the existing concrete steps with new concrete steps which will utilize 7 ¼” risers. The pictures submitted by the applicant show that the front steps are deteriorated and have uneven risers. As such, Staff has no concerns with the design of this replacement.

The Applicant is proposing to replace the tongue and groove flooring of the front porch in-kind. From the pictures submitted by the Applicant portions of the front porch boards appear to be warped and deteriorated. Staff has concerns that the wholesale replacement of the front porch boards would unnecessarily destroy historic materials. Staff recommends that the existing front porch boards be retained where possible.

The Applicant is proposing to repair the existing roof trim on the front façade. Staff has no general concerns with the repair of these features. However, Staff would recommend that any replacement materials meet the District regulations.

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 Type II Certificates of Appropriateness (CA2-15-124) for alterations at **688 Rosalia Street**– Property is zoned R-5 / Grant Park Historic District (Subarea 1) / Beltline, with the following conditions:

1. The front porch boards shall be retained where possible, per Sec. 16-20K.007(2)(d);
2. Any replacement roof trim shall meet the District regulations, per Sec. 16-20K.007(2)(d); and,
3. Staff shall review and if appropriate, approve the final plans.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

April 22, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-15-129) for alterations at **210 Walker Street**- Property is zoned Castleberry Hill Landmark District (Subarea 1).

Applicant: Amy Wyrzykowski
210 Walker Street

Facts: According to the Castleberry Hill inventory sheets, Fairside Lofts was built in 1930 and is considered contributing.

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

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

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

Section 16-20N.006. General Regulations.

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

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

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

2. Compatibility rule.

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

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

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

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

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

16. Additional notifications.

- (a) The applicant of type III (including variances) & IV certificates of appropriateness shall be given contact information for the Castleberry Hill Neighborhood Association by the commission and shall be directed to provide the Association with a copy of the submitted application and attachments within three days of submission to the commission.
- (b) Any time the provision 16-20.011(b) of this part is enforced in this district, the director of the commission shall notify the Castleberry Hill Neighborhood Association within ten days and a 30-day period for comment be allowed for the association.
- (c) The director shall regularly send to the Castleberry Hill Neighborhood Association the agenda for each meeting of the commission in which there is any agenda item for property within the District.

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

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

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

- (c) All building elements shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements, including but not limited to their: design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
- (d) Fenestration.
 - i. The compatibility rule shall apply to the following aspects of fenestration:
 - a. The style and material of the individual window or door.
 - b. The size and shape of individual window and door openings.
 - c. The overall pattern of fenestration as it relates to the building façade.
 - d. The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
 - ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.

- iii If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- iv. Subject to the compatibility rule, glass block may be used for door surrounds and transoms.

The Applicant is proposing to replace 8 windows in unit #14 and 9 windows in unit #15. The Applicant only submitted a few pictures, therefore it is not clear what the status and condition of all the existing windows are. In looking at one of the pictures, it appears one window is a vinyl replacement. Another picture indicates a wood window which could be historic. The narrative submitted does not indicate whether the windows are replacements or historic and whether there has been any attempt to repair the existing windows.

Based on the information we have at this time, Staff cannot make a determination as to whether replacement is warranted for all 17 windows. Staff recommends the Applicant provide pictures of each window proposed for replacement with an indication of which unit it belongs to. Staff further recommends the Applicant provide notes regarding each window that details the problem with the window, any attempts to repair the window and an indication of whether the window is original, historic or a replacement. If replacement of the windows is warranted, Staff recommends the new windows meet the fenestration requirements.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-15-129) for alterations at **210 Walker Street**- Property is zoned Castleberry Hill Landmark District (Subarea 1), with the following conditions:

1. The Applicant shall provide pictures of each window with an indication of which unit it belongs to, per Section 16-20N.006(1) and 16-20N.007(d);
2. The Applicant shall provide notes regarding each window that details the problem with the window, any attempts to repair the window and an indication of whether the window is original, historic or a replacement, per Section 16-20N.006(1) and 16-20N.007(d);
3. If replacement of the windows is warranted, the new windows shall meet the fenestration requirements, per Section 16-20N.006(1) and 16-20N.007(d); and
4. Staff shall review and if appropriate, approve the final plans.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT April 08, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-15-131) for alterations and new signage at **327 Edgewood Ave.** Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4).

Applicant: Kerian Neely
327 Edgewood Avenue

Facts:

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. *General criteria.* The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
 - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall 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 architectural elements from other buildings, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture,

and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. *The compatibility rule.*
- a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
 - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
 - ii. Block face. One side of a block, located between two consecutive street intersections.
 - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
 - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
 - ii. On contributing buildings on the same block in Subareas 3 and 4.
 - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
 - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
 - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
 - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. *Certificates of Appropriateness.*
- a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.

- iii. No certificate of appropriateness shall be required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials.
- iv. No Certificates of Appropriateness shall be required for demolition or moving of non-contributing structures.
- b. Type II Certificates of Appropriateness.
 - i. Type II Certificates reviewed by the Director. The following shall require a Type II Certificate of Appropriateness, and shall be reviewed by the Director of the Commission:
 - (1.) Fences, walls and retaining walls;
 - (2.) Decks, skylights, solar panels, mechanical equipment and where authorized, antennas and related equipment;
 - (3.) New accessory structures and alterations to existing accessory structures; (4.) Shutters and awnings;
 - (5.) Security doors and window grates;
 - (6.) Replacement of elements that otherwise meet the regulations including but not limited to siding, windows, porch railings, porch columns, porch flooring, and exterior doors; and
 - (7.) Paving intended for pedestrians including sidewalks, walkways, paths and porches.

If such Type II Certificates of Appropriateness meet the requirements of this Chapter and other criteria applicable to Type II Certificates the Director shall issue the Type II Certificate within 14 days of receipt of the completed application. If such Type II Certificates of Appropriateness do not meet the requirements of this Chapter and such other criteria, the Director shall deny the application, with notice to the Applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals Section of Chapter 16-20.008(a) for Type I Certificates.
 - ii. Type II Certificates reviewed by the Commission. All required Type II Certificates of Appropriateness not listed above shall be reviewed by the Commission. In addition, the following shall be reviewed by the Commission as a Type II Certificate of Appropriateness:
 - (1.) Alterations to any façade of any principal structure; and
 - (2.) All site work, except as noted in Section 16-20C.004(3)(b)(i)(7).

Sec. 16-20C.008. Design Standards.

- e. *Illumination and Security Features.*
 - i. Security, decorative, and other lighting shall minimize light spillage by providing cutoff luminaries that have a maximum 90-degree illumination. The Commission may also require other elements to reduce light spillage.
 - ii. Any security, decorative, or other lighting luminaries shall be located a minimum height of eight (8) feet above the sidewalk, drive, or pedestrian area.
 - iii. External storefront security grilles, gates and security doors must be fully retractable during business hours. Such devices shall provide visibility into the interior of protected space when in use, and shall be prohibited from being opaque.
 - iv. Any external security grills, gates and security doors must be compatibly integrated into and concealed by the overall architecture and architectural patterns and elements of the façade on which they are located.
- f. *Awnings and Canopies.*
 - i. Original awnings and canopies shall be retained.
 - ii. Replacement awnings or canopies are permitted only when original awnings or canopies cannot be rehabilitated.
 - iii. Awnings and canopies must have a minimum clearance of eight (8) feet above the sidewalk level, and shall not encroach more than five (5) feet over the public sidewalk.

- iv. Installation of new canopies upon contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.
- v. Installation of new canopies upon non-contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the district.
- vi. New awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.
- vii. New awnings shall be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
- viii. Multiple awnings on a single building shall be similar in shape and configuration.
- ix. Only that portion of the awning used for signage shall be illuminated.

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

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

- a. General Regulations: Notwithstanding any other individual district standards, all signs within the M.L. King, Jr. landmark district shall be subject to the following general regulations:
 - (1) No general advertising signs shall be permitted in the M.L. King, Jr. landmark district.
 - (2) No freestanding signs shall be permitted in the M.L. King, Jr. landmark district.
 - (3) No monument signs shall be permitted in the M.L. King, Jr. landmark district.
 - (4) No LSVD signs shall be permitted in the M.L. King, Jr. landmark district.
 - (5) No sign shall be permitted within the M.L. King, Jr. landmark district except after approval by the Commission of a Certificate of Appropriateness as specified in Chapter 20 of this part.
 - (6) Signs provided for contributing structures shall be designed in a manner that is compatible with the design, materials and general character of signage from the time period of historical significance for the structure.
 - (7) Signs provided for non-contributing structures shall be designed in a manner that is compatible with the design, materials and general character of signage from the time period of historical significance for the district.
- e. Edgewood Avenue and Auburn Avenues Commercial District (Subarea 4): The sign regulations for Edgewood Avenue and Auburn Avenues Commercial District (Subarea 4) shall be the same as the regulations for the SPI-1 (Downtown) district provided that:
 - (1) No individual sign shall exceed 100 square feet in sign area.
 - (2) No projecting sign shall exceed eight (8) square feet in sign area.
 - (3) Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.
 - (4) Signs shall be located as follows:
 - i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.
 - ii. On or in display windows or upper façade windows.
 - iii. On or in the glazing of the doors.
 - iv. On the valance of awnings.
 - v. On the fascia or top edge of canopies.
 - vi. Projecting perpendicularly from the building.
 - (5) Changing signs shall be prohibited.

(12) SPI-1 Downtown District:

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

b. Building Business Identification Signs:

1. Type: Wall signs, projecting signs, canopy signs, parapet wall signs, suspended signs, and marquee signs shall be permitted. Only one of the signs may be either suspended or projecting along each street frontage per business establishment, provided that corner business establishments may have two projecting signs limited to one projecting sign per street frontage.
2. Number:
 - (a) Sidewalk-Level Business Establishments: A maximum of three business identification signs shall be allowed for each business establishment on the sidewalk-level of a building. For the purposes of this section (12), "sidewalk-level" shall be as defined by Section 16-18A.005(3) except where additional signage identifying the business is authorized on a monument sign or multi-tenant sign.
 - (b) Second-Level Business Establishments: A maximum of three business identification signs shall be allowed for each second-level business establishment engaged in a permitted use listed under the commercial/retail and institutional headings of the Use Table in Section 16-18A.006 and having a facade that faces a street except where additional signage identifying the business is authorized on a monument sign or multi-tenant sign. For purposes of this section (12), "second-level" means the building floor level immediately above sidewalk-level.
 - (c) Corner Business Establishments: One additional business identification sign shall be allowed for each business establishment occupying a corner space that faces two streets and is located on the sidewalk-level or second-level, provided such sign is oriented toward the additional street.
3. Area: Where a business establishment is permitted to have business identification signs, the following regulations shall apply:
 - (a) Sidewalk-Level and Second-Level Business Establishments: The combined area of the business identification signs except for that signage on monument signs or multi-tenant signs if allowed shall not exceed ten percent of the total area of the walls of the business establishment that face the street but at least 60 square feet of combined sign area is allowed for each business establishment.
 - (b) Corner Business Establishments: The area of the additional sign authorized by subsection (12)b.2.(c.) shall not exceed ten percent of the total area of the walls of such business establishment that face the additional street, or 60 square feet, whichever is less and this calculation shall exclude that signage on monument signs or multi-tenant signs if allowed.
 - (c) No individual sign shall exceed 200 square feet.
4. Height: The height limitation set forth in Section 16-28A.007(m) may be exceeded as follows:
 - (a) Subject to subsection (12)b.4.(a.) above, no portion of a business identification sign for a sidewalk-level business establishment shall be located more than 40 feet in height above the elevation of the nearest sidewalk clear zone.

Rendering

The Applicant has submitted a rendering of their proposed project which differs from their drawings in several ways. The renderings show different gooseneck lighting, altered storefront windows, alternate façade treatments, and a larger marquee sign which appears to be internally illuminated. While an alternate light design would likely not be concerning, Staff would note that alterations to the storefront windows, covering the existing brick façade with stucco, and an internally illuminated marquee sign would not be supported by Staff. Staff recommends that the Applicant clarify whether the differences shown in the renderings and not shown in the drawings are proposed at this time.

Alterations

The Applicant is proposing to remove the existing signage lighting and the existing lighting sconces and replace them with new light sconces and gooseneck lighting. Staff has no general

concerns with the design of these proposed light fixtures but would recommend that the applicant use 90 degree cutoff luminaries to prevent light spillage.

New signage

The Applicant is proposing to install a new marquee sign in addition to the existing projecting signage for the “Music Room” business. Per Sec. 16-28A.010(12)(b)(1) this business is allowed to have one such sign suspended or projecting along each street frontage. Staff recommends that the Applicant revise their plans to use either a marquee sign or a projecting sign. If the Applicant chooses to install a new marquee sign, then Staff recommends that the materials for the new marquee sign meet the District Regulations. The Applicant has not supplied information regarding whether the proposed marquee sign will be internally or externally illuminated. As this is a historic building Staff recommends that the proposed marquee sign be externally illuminated.

The applicant is proposing to install a new cloth awning with business identification signage for the “Pizzeria Vesuvius” business which will be attached to the storefront transom window. The proposed awning uses a hipped design and is located towards the bottom of the storefront transom window area. Staff would recommend that the applicant revise their plans to use a standard triangular awning that better replicates the shape of the window. Staff recommends that the awnings be placed higher on the transom window.

Staff finds that the use of both an awning with business identification signage and a blade sign for the “Pizzeria Vesuvius” business creates a cluttered façade dominated by signage. Staff would suggest that the Applicant consider a simplified design which uses either a blade sign or an awning for signage.

The Applicant is proposing to install 3 new bulletin board wall signs. Staff has no general concerns with the installation of these new signs. However, as this is a historic building Staff would recommend that the signs be attached to the building at the mortar joints.

Staff Recommendation:

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-15-131) for alterations and new signage at **327 Edgewood Ave**. Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4) with the following conditions:

1. The applicant shall clarify whether the differences shown in the renderings and not shown in the drawings are proposed at this time.
2. The proposed light fixtures shall use 90 degree cutoff luminaries, per Sec. 16-20C.008(3)(e);
3. The plans shall be revised to show either a marquee sign or a projecting sign, per Sec. 16-28A.010(27)(e) and Sec. 16-28A.010(12)(b);
4. The proposed marquee sign shall be externally illuminated, per Sec. 16-28A.010(27)(a)(6)
5. The plans shall be revised to use a standard triangular awning that better replicates the shape of the window, per Sec. 16-20C.008(3)(f)(vii)
6. The awnings shall be placed higher on the transom window, per Sec. 16-20C.008(3)(f)(iv)

7. The proposed wall signs shall be attached to the building at the mortar joints, per Sec.16-20C.004(1)(b); and,
8. The Staff shall review and if appropriate, approve the final plans.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

March 11, 2015

REVISED

April 22, 2015

(Revised text shown in italic.)

Agenda Item: Application for a Type III Certificates of Appropriateness (CA3-15-104) for a variance to allow windows which do not meet the District regulations and (CA3-15-041) for alterations and an addition / front porch enclosure at **2696 Baker Ridge Drive**- Property is zoned R-4/Collier Heights Historic District.

Applicant: Charles Spry
PO Box 871182, Stone Mountain

Facts: According to the District inventory sheet, this single family “American Small House” was built in 1948 and is considered contributing to the District. The 2008 and 2012 (no difference was observed in 2013) photographs also show the house with much of its original fabric and components, including the symmetrical front façade with paired windows (wood, double hung, six-over-six) flanking a central door, asbestos siding, no front eaves, and small side porch / sun room on the rear, left hand corner of the house.

At some point prior to the District’s designation, a shed roof enclosure was added in front of the side porch / sun room and a rear addition was built. At some point after the District’s designation, extensive alterations were begun on the house without building permits, including complete demolition on the interior of the house (which is not subject to review by the Commission, but does require a building permit), removal of all the windows, removal of the front porch stoop columns, and installation of a new front stoop railing, and the creation of a side porch from the previous enclosure. During the time the Applicant has controlled the property, more interior alterations have occurred and six-over-six vinyl windows have been installed in the original openings.

At this time, the Applicant is requesting approval of the installation of the already installed vinyl windows, and the previously created left side porch.

The Staff would note that the submitted proposed elevations show one-over-one windows with very thin exterior trim, lap siding, front eaves, no roof over the front stoop, a different railing on the side porch, and what appears to be a wood front stoop and front stoop steps.

The District regulations only address alterations to the front and side facades of a house on an interior lots, therefore Staff will only make comments regarding the front and side facades.

On March 11, 2015, the Commission deferred the application to allow the Applicant to address the concerns noted in the Staff Report and to submit a variance request for the windows. On March 24, 2015, the Applicant submitted a variance request related to the windows, which has been incorporated into this revised Staff Report.

Analysis: The following code sections apply to this application:

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

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

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

The following general regulations shall apply to the Collier Heights Historic District.

(1) General criteria.

- a. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Zoning Code.
 - b. In the Collier Heights Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20Q do not specifically address the application including but not limited to multifamily residential, institutional, commercial and mixed use structures:
 - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - ii. The historic character of a property shall be retained and preserved. Distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall not be removed.
 - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
 - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
 - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and materials.
 - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
 - viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (2) Certificates of appropriateness. Certificates of appropriateness within this district shall be required as follows:
- (a) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - (c) The following work requires a certificate of appropriateness:
 - (i) To alter the front or side façades and front or side roof planes of a structure;
 - (d) Type required.
 - (i) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Code of Ordinances.
 - (ii) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - (iv) The following shall require a Type II certificates of appropriateness which shall be reviewed by the director of the commission:
 - (f) Replacement of non-original, non-historic or missing elements with elements that otherwise meet the regulations, including but not limited to siding, windows, porch railings, porch columns, porch flooring and exterior doors;

- (g) Replacement or renovation of the following original or historic elements with elements that otherwise meet the regulations: porch elements, windows, siding and exterior doors; and
- (v) The following shall require a Type II certificates of appropriateness which shall be reviewed by the commission:
 - (a) To alter a principal structure, except as noted in section I6-20Q.005 (2)(d)(iv);
 - (b) Revisions to Type II certificate of appropriateness applications previously approved, conditionally or otherwise, by the commission; and
 - (c) All site work, except as noted in section 16-20Q.005(1)(b)(iv).
- (vi) The following shall require a Type III certificates of appropriateness which shall be reviewed by the commission:
 - (a) All new principal structures;
 - (b) Additions to principal structure;
- (3) The compatibility rule. In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (i.e. roof form, architectural trim, façade material, window type and material, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height, setbacks, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use on that block face."
 - (a) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - (b) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
 - (c) When no structure exists on a block face that would qualify as a comparable structure under the compatibility rule, the comparisons shall be made to a qualifying structure(s) on the block, and if no such structure exists on the block, the comparison shall be made to a qualifying structure(s) on an adjacent block face or block, and if no such structure exists on an adjacent block face or block, the comparison shall be made to a qualifying structure(s) located in the district.
- (4) Variances and special exceptions. The commission shall have the power to hear, grant and deny variances and special exceptions from the provisions of this chapter (20Q) when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship other than financial hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances and special exceptions shall be the same as those specified in chapter 26 of this part 16, which provisions are hereby incorporated herein.

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

In addition to the general regulations set forth in section 16-20Q.005, and any other applicable regulations, the following regulations shall apply to all properties in the District:

- (1) Building façades, materials, and massing.
 - (b) Front, side and rear yard setbacks for all new principal structures shall be subject to the compatibility rule. The front and rear yard setbacks of additions shall be subject to the compatibility rule. The side yard setbacks of additions shall not be subject to the compatibility rule but shall be no closer than the side yard setbacks of the existing principal structure.
 - (e) The compatibility rule shall apply to the overall design, size, scale, massing and width of new principal structures and additions.
 - (g) The compatibility rule shall apply to all building façade materials on all façades, and in addition to all other applicable regulations, as follows:
 - (h) The presence and dimensions of the exposed face of lap siding and wood shingles.
 - (i) The presence and type of brick and pattern of brickwork.
- (2) Windows and doors.
 - (a) Original or historic windows and exterior doors shall be retained.
 - (b) Replacement windows or exterior doors shall be permitted only when the original or historic windows and exterior doors cannot be rehabilitated.
 - (c) If original or historic windows or exterior doors cannot be rehabilitated, replacement windows and doors shall match the original or historic in light design, function, materials, shape, and size.
 - (d) Replacement windows and doors for non-original or non-historic windows and doors shall be compatible with the architectural style of the structure or shall be subject to the compatibility rule.
 - (e) On existing principal structures, new doors and windows in new openings, when permitted, shall be compatible in scale, size, proportion, placement and style to existing windows and doors.
 - (f) On the front and side façades of new principal structures and additions, the ratio of openings to solid; the scale, size, proportion, and location of all openings; and the design, light patterns, and material of windows and doors shall be established by the compatibility rule.

- (10) Porches and stoops.
- (a) Original or historic porches or stoops, including their component features shall be retained.
 - (b) Replacement porches or stoops or their component features shall be permitted only when the original or historic porch or stoop or their component feature(s) cannot be rehabilitated.
 - (c) If the original or historic porch or stoops or their components cannot be rehabilitated, the replacement porch or stoop or their component features shall match the original in shape, size, internal proportions, and materials.
 - (d) Porches or stoops shall be a part of new principal structures or additions based on the compatibility rule and if present the front or side façade shall contain railings and decorative features consistent with the architectural style of the principal structure or shall be subject to the compatibility rule.
 - (e) Porches may be enclosed with screen wire or glass if the character defining features of the porch are maintained.
- (21) Design criteria for alterations and additions to contributing structures. Alterations and additions to contributing structures requiring a certificate of appropriateness shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure, shall comply with the applicable regulations for in subsection 16-20Q.006; and shall 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 shall be compatible with the massing, size, scale and architectural features of the property and environment.

Per Section 16-26.003:

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

The current Applicant is responsible for all work undertaken on the property since the beginning of the designation process of the District that was not otherwise properly approved by the Commission and permitted by the City of Atlanta.

Variance Analysis

In their variance analysis, the Applicant noted that the property has been boarded up, the vinyl windows have already been installed and would be expensive to be replaced, and vinyl windows meet the compatibility rule set by the District regulations. The Staff would note that the extraordinary circumstances, hardship, and exceptional conditions have been created by the Applicant as a result of installing the windows without the proper permits or reviews by the Commission. Absent these circumstances, the property and house, though vacant for several years, does not present any unusual or unexpected circumstances. The Staff would add that the District regulations require replacement windows for original windows match the material of the original window, which the installed windows do not.

The Staff would recommend denial of the variance request as none of the variance criteria have been met.

Windows

Given the original windows were in place at the time of the District's designation, their removal and subsequent replacement with the vinyl windows is subject to review by the Commission vs. the Director.

As the original windows are likely not on site anymore, the Staff finds that requiring their retention is infeasible at this time. However, the District regulations require that the replacement of any original or historic windows "match the original or historic in light design, function, materials, shape, and size."

As such, the installed / proposed vinyl windows do not meet the District regulations. The Staff would recommend that on the front and side facades, the currently installed vinyl windows be removed, and windows and exterior trim that match the original windows and exterior trim on the house and otherwise meet the District regulations be installed.

No additional materials or information was submitted about this portion of the project. As such, the Staff would retain its previous recommendation.

Side Enclosure / Porch

While the previous side enclosure existed prior to the District's designation, the Staff finds that it was likely not original or historic to the house. As such, the Staff is not concerned about the loss of historic fabric or integrity by creating a side porch from its form. However, the side porch must meet the District regulations for porches. While the Staff finds that having such side porches does meet the compatibility rule, the specific design of the side porch does not. In other examples on the block face, the predominant form is that of a side facing gable that is either fully integrated into the main, side gable roof form or a secondary, but similarly sloped side facing gable. In this case, the roof could be configured to create a side facing gable that incorporates the existing side facing gable of the original left hand wing on the house.

Further, the side-nailed picket railing does not meet the compatibility rule.

The Staff would recommend the side porch roof and railing be re-constructed / reconfigured to meet the District regulations, including but not limited to creation of a side gable roof form and compatible railing.

No additional materials or information was submitted about this portion of the project. As such, the Staff would retain its previous recommendation.

Other Changes Shown on the Elevations

While not described in the Applicant's narrative, the front elevations do show different design features than what currently exist on the house.

The Staff would recommend that the existing front stoop railing be replaced with a wood railing that meets the District regulations, including but not limited to the use of butt jointed pickets. The Staff would further recommend that the front stoop roof columns be installed that meet the District regulations.

No additional materials or information was submitted about these portions of the project. As such, the Staff would retain its previous recommendation.

The Staff would recommend that except as otherwise modified by the conditions contained herein, all other exterior features and architectural components on the front and side facades of the house that exist as this time be retained and repaired in-kind.

No additional materials or information was submitted about the renovations or the different between the plans and the existing conditions. As such, the Staff would retain its previous recommendation.

CA3-15-104 (Variance):

Staff Recommendation: *Based upon the following:*

(a) *The Applicant has not shown that the variance criteria have been met, per Section 16-26.003(1);*

*The Staff recommend denial of the application for a Type III Certificates of Appropriateness (CA3-15-104) for a variance to allow windows which do not meet the District regulations at **2696 Baker Ridge Drive**- Property is zoned R-4/Collier Heights Historic District.*

CA3-15-041 (Design Review):

Staff Recommendation: Based upon the following:

(a) *Taking into account the Staff's recommendation for the variance CA3-15-104;*

(b) The plans do not currently meet the regulations per Section 16-20Q.006, with the exceptions noted above;

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-13-280) for alterations and an addition / front porch enclosure at **2696 Baker Ridge Drive**- Property is zoned R-4/Collier Heights Historic District, with the following conditions:

1. On the front and side facades, the currently installed vinyl windows shall be removed, and windows and exterior trim that match the original windows and exterior trim on the house and otherwise meet the District regulations shall be installed, per Section 16-20Q.006(2)(c) and (21);
2. The side porch roof and railing shall be re-constructed / reconfigured to meet the District regulations, including but not limited to creation of a side gable roof form and compatible railing, per Section 16-20Q.006(10) and (21);
3. The existing front stoop railing shall be replaced with a wood railing that meets the District regulations, including but not limited to the use of butt jointed pickets, per Section 16-20Q.006(10) and (21);
4. Front stoop roof columns shall be installed that meet the District regulations, per Section 16-20Q.006(10) and (21);
5. Except as otherwise modified by the conditions contained herein, all other exterior features and architectural components on the front and side facades of the house that exist as this time shall be retained and repaired in-kind, per Section 16-20Q.006(21); and
6. The Staff shall review and if appropriate, approve the final plans and documentation.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT
March 25, 2015
Updated:
April 22, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA3-15-122) for a financial Hardship Exemption (CA3 15 067) for a variance to allow windows which do not meet the District regulations and (CA2 15 066) for alterations at 510 Hopkins St. Property is zoned R 4A / West End Historic District / Beltline.

Applicant: Susan Cobb
510 Hopkins Street

Facts: This existing craftsman style bungalow is considered contributing to the West End Historic District.

Prior to the submission of this application, the original eight over one wooden windows were replaced with new one over one vinyl windows.

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.

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;
 - (ii) To erect a new structure or to make an addition to any structure within the district, when said addition can be seen from public right-of-way; and
 - (iii) To demolish or move any contributing structure, in whole or in part, within the district.
 - (b) *Type required:*

- (i) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate of appropriateness shall be those specified in section 16-20.008 of the Code of Ordinances.
- (ii) Notwithstanding any other provision herein, no certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
- (iii) 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 set forth in this section.
- (iv) The following Type II Certificates of Appropriateness shall be reviewed by the director of the commission and shall be required for any of the following:
 - (a) fences, walls, retaining walls;
 - (b) decks, skylights, solar panels, mechanical and communication equipment if visible from a public street;
 - (c) new accessory structures and alterations to existing accessory structures;
 - (d) shutters, awnings if visible from a public street;
 - (e) replacement of non-original, non-historic or missing elements that otherwise meet the regulations, including but not limited to siding, windows, porch railings, porch columns, porch flooring, exterior doors if visible from a public street, and
 - (f) paving.

If a Type II Certificate of Appropriateness is required and the proposed alteration meets the requirements of this chapter, as applicable, and other criteria applicable to Type II certificates, the director of the commission shall issue the Type II Certificate within 14 days of receipt of the completed application. If a Type II Certificate of Appropriateness is required and the proposed alteration does not meet the requirements of this chapter, as applicable, the director of the commission shall deny the application with notice to the applicant within 14 days of receipt of the completed application. Appeals from any such decision of the director regarding the approval and/or denial of Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of chapter 16-20.008(a) for Type I Certificates.

- (v) The following Type II Certificates of Appropriateness shall be review by the commission and shall be required for any of the following to the extent they are visible from a public street:
 - a. Alterations to any façade of any principal structure; and
 - b. All site work, except as noted in Section 16-20G.005(b)(4).
- (vi) The following Type III Certificates of Appropriateness shall be reviewed by the commission and shall be required for:
 - a. All new principal structures.
 - b. Additions that are visible from a public street or park.
 - c. Revisions to previously approved plans that result in an increase in floor area ratio, lot coverage, height or a change in the building footprint.
 - c. Subdivisions and aggregations.
 - d. Variances.
- (vii) Type IV certificates of appropriateness shall be reviewed by the commission and shall be required for the demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV certificate of

appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic interpretability or importance.

- (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."
- (3) *Variances:* The urban design commission shall have the power to hear, grant and deny variances from the provisions of this chapter (20G) when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 46, which provisions are hereby incorporated herein.
- (4) *Financial Hardship Exemptions:*
 - (a) These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the urban design commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner.
 - (b) In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purposes.
 - (c) If the urban design commission finds that the requirement of subsection (ii) herein is satisfied, they may grant an exemption, in whole or in part, only in accordance with the following factors, standards and criteria:
 - (i) The burden of proof that the regulations and guidelines pose such a hardship shall be on the property owner.
 - (ii) The urban design commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - a. The present and future income of the property owner(s) and those occupying the property;
 - b. The availability, at present or in the future, or other sources of income of revenue, including loans, grants, and tax abatements;
 - c. The costs associated with adherence to the district regulations;
 - d. The degree of existing architectural importance and integrity of the structure; and
 - e. The purpose and intent of this chapter.
 - (iii) The urban design commission shall balance these factors as applied to the applicant for said exemption and shall grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.

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.
- (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.

Sec. 16-26.003. - Conditions of granting a variance.

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

Financial Hardship Exemption

The Applicant has submitted information regarding current income and a bid which shows the cost which would be incurred by replacing the windows in-kind. Staff has concerns with the

submitted bid as it does not appear to accurately reflect the number of windows which would need to be replaced. The bid is for the replacement of 18 windows, but only the 17 windows on the front and side facades would require replacement. Staff recommends that the Applicant provide more information regarding which windows will be replaced under this bid. Staff would also recommend the Applicant clarify whether the replacement of only those windows on the front and side facades would change the quoted price of this bid.

In the bid submitted by the Applicant, the quoted price for the single sash windows is the same as the quoted price for the larger double hung windows. Staff would recommend the Applicant clarify whether the quoted price in the submitted bid is an accurate price for the single sash windows.

The financial information submitted by the Applicant details their current income situation. Staff finds that this is not sufficient information to make a determination of financial hardship. Staff recommends the Applicant submit information detailing gross monthly income and gross monthly expenditures. Staff would also recommend that the Applicant submit information detailing the availability of grants or loans which would offset the costs of the window replacement.

Variance

The Applicant is asking for a variance to allow the new one over one vinyl windows to remain on the house. The 2010 photographic update to the West End Historic District Inventory shows the intact original wooden windows in an eight over one configuration. At this time, Staff finds that the Applicant has not submitted sufficient evidence that the installation of windows which meet the District regulations would create an unnecessary hardship.

Given the current information available to Staff at this time, Staff would retain its recommendation.

Window Replacement

As the original windows are likely no longer on the site, the Staff finds that requiring their retention is infeasible at this time. However, the District regulations require that the replacement of any original or historic windows “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.” As such, the installed / proposed vinyl windows do not meet the District regulations. The Staff would recommend that the currently installed vinyl windows be removed, and windows and exterior trim that match the original windows and exterior trim on the house and otherwise meet the District regulations be installed.

Given the current information available to Staff at this time, Staff would retain its recommendation.

Staff Recommendation:

Staff recommends Deferral of an Application for a Type II Certificate of Appropriateness (CA3-15-122) for a financial Hardship Exemption (CA3 15 067) for a variance to allow windows which do not meet the District regulations and (CA2 15 066) for alterations at 510 Hopkins St.

Property is zoned R 4A / West End Historic District / Beltline to allow the applicant time to address the following concerns:

1. *The Applicant shall provide more information regarding which windows will be replaced under this bid;*
2. *The Applicant shall clarify whether the replacement of only those windows on the front and side facades would change the quoted price of this bid;*
3. *The Applicant shall clarify whether the quoted price in the submitted bid is an accurate price for the single sash windows;*
4. *The Applicant shall submit information detailing gross monthly income and gross monthly expenditures; and*
5. *The Applicant Shall submit information detailing the availability of grants or loans which would offset the costs of the window replacement.*



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

March 25, 2015

REVISED

April 22, 2015

(Revised text shown in italic.)

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-081) for a variance to allow a reduction in the rear yard setback from a minimum of 20 ft. (required) to 14.4 ft. (proposed) and (CA3-15-068) for alterations and addition at **265 Iswald Street** - Property is zoned Cabbagetown Landmark District (Subarea 3) / Beltline.

Applicant: Suzanne Harriman
265 Iswald Street

Facts: The property is located on the west side of Iswald Street, was built in 1920, and is considered contributing to the District. This side of Iswald Street contains several examples of the Saddlebag cottage, including the subject property. Many of these properties back up to a surface parking lot along Boulevard. The subject property is a generally flat, rectangular shaped lot that is significantly wider (about 69 ft.) than the other lots on the block face (about 43 ft.). These houses are distinct and are consistent in their architectural elements and form, with a side gable that in many cases has been extended in the rear to create a lower pitched rear addition. The subject house is shifted to one side of the wider lot creating a large side yard on the southern portion of the property.

The Applicant proposes to:

1. Construction a ribbon strip driveway in the southern portion of the property, using the existing curb cut;
2. Create a walkway from the driveway to the front porch;
3. Install a privacy fence along the northern, side property line;
4. Demolish the existing front porch and build a new front porch in its place with wood columns, railing, stairs, and shingle covered roof structure;
5. Replace all of the existing windows with new, double hung windows (6 over 6 on the front façade and 1 over 1 on the side facades);
6. Demolish an enclosed rear porch and a low block retaining wall at the rear of the house; and
7. Build a rear addition that spans the full width of the house and includes a new shed roof which extends from near the peak of the main side gable to the rear eave of the addition and a side entry door and stoop.

At the March 25, 2015 Commission meeting, the Commission deferred this application to allow the Applicant to address the concerns noted in the Staff Report. On April 13, 2015, the Applicant submitted revised plans and supporting materials. These revised plans and materials are addressed in this revised Staff Report.

Analysis: The following code sections apply to this application:

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

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

Certificates of Appropriateness within this district shall be required as follows:

(1) When required:

b) To erect a new structure or to make an addition to any structure within the district;

(2) Type required:

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

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

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face."
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the "compatibility rule."
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (9) Minimum lot requirements. There shall be front, rear, and side yard setbacks. The distance of said setbacks shall be determined by the compatibility rule.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
 - a) General criteria:
 1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
 2. The general façade organization and proportions shall be subject to the compatibility rule.

3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:
 - a. roofs, chimneys, and roofing materials;
 - b. siding;
 - c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
 - d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
 - e. doors and door transoms;
 - f. windows and window transoms;
 - g. porches, including supports, columns, balustrades, steps, and roofs; and
 - h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.

b) Facades:

1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.

c) Roofs:

1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
2. Skylight and solar panels are not permitted on the front façade of any structure. "Bubble type" skylights are not permitted anywhere in the Cabbagetown Landmark District. The placement and design of flat profile skylights and/or solar panels, where permitted, shall minimize their ability to be seen from public right of way(s) and is subject to approval by the commission.
3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
4. Boxed gable returns are not permitted.
5. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.

e. Porches:

1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.

f. Site development, sidewalks and curbs:

1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
3. Curbing shall be granite; poured concrete shall not be used.
4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.

- (14) Design standards for alterations and additions to contributing buildings. Alterations and additions to contributing buildings shall be subject to design review by the commission and shall be consistent with and reinforce the historic architectural character of the existing building, shall comply with the appropriate regulations for new construction set forth in section 16-20A.006(13), and shall comply with the following requirements:

- a) All repair work shall be match the original materials regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - b) All replacement materials or building elements shall match the original materials or building elements regarding design, size, dimension, scale, materials, location on the building, orientation, pitch, reveal and amount of projection from the façade.
 - c) Alterations shall not introduce materials or building elements that do not reinforce the architectural character of the building and shall not destroy historic materials that characterize the property.
 - d) The height or width of any alteration or addition shall not exceed the height or width of the existing building.
 - e) Any alterations or additions shall be compatible with the massing, scale and architectural features of the property.
- (17) Grading and landscaping.
- a) Grading shall not excessively or unnecessarily alter the natural topography of the site, with the exception of grading necessary to protect and preserve the integrity of a structure.
 - b) New grades shall meet existing topography in a smooth transition.
 - c) Approval of an application for a certificate of appropriateness may be conditioned on the implementation of a landscape plan to mitigate the environmental and visual impacts of construction on adjoining properties. The commission may require that plant materials in a landscape plan reflect the character of the Cabbagetown Landmark District.
- (18) Fences and walls.
- a) Fencing, walls, and retaining walls are subject to design review by the commission.
 - b) Fences shall not exceed four feet in the front or the half-depth yards.
 - c) Fences and walls shall not exceed six feet in the side or rear yards.
 - d) Fences shall be constructed of wood or chain link. Barbed wire and razor wire are prohibited.
- (19) Off-street and off-site parking.
- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
 - b) The number of required parking spaces is set out in each subarea.
 - d) Off-street parking shall not be located or authorized between the principal building and the street.
 - e) Off-street parking may be located in a rear or side yard.
 - f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
 - j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.
 - k) Use of shared driveways and/or alleys is encouraged.
 - l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

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

- 2. Cottage Housing. Cottage housing is a mixed housing style that includes central aisle houses, L-plan cottages, Victorian cottages, worker's cottages, one and a half story duplexes, bungalows, and other residential structures, modest in scale, that are characterized by common setbacks, repetitive porch and façade features, and consistent structure massing.
- (3) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
 - a) Single-family detached dwellings.
- (6) Minimum lot requirements. In addition to the setback requirements in section 16-20A.006(9), in no case shall any portion of a building be closer to a public sidewalk than any portion of any contributing building of like use on the block face.
- (7) Maximum building height and width. The compatibility rule shall apply.
- (8) Floor area ratio. The floor area ratio shall not exceed 0.50.
- (9) Roofs
 - a) Roofing materials shall be asphalt shingles or batten seamed metal.

- b) Metal shingles are permitted if they are appropriate to the house style.
- (12) Porches.
 - a) Decks shall be permitted on the side or rear of the house if not visible from the street.
 - b) Rear decks shall be no wider than the house.
 - c) Side and rear porches shall be permitted if appropriate to the house style.
- (13) Fencing and walls.
 - a) Walls are not permitted in a front yard, or a side yard adjacent to a public right-of-way.
 - c) Walls shall be constructed of wood.
- (14) Driveways and surface parking areas.
 - a) One parking space per dwelling unit shall be required for all new construction or changes in use.
 - b) Driveways shall not exceed ten feet in width and shall have a curb cut no more than ten feet, exclusive of flair.
 - c) At least one-third of any driveway or surface parking area shall be pervious.
 - d) Poured concrete paving for driveways shall consist of two ribbons for tire tracks separated by a planting strip.
 - e) Alternate paving materials may be approved upon review by the commission if such materials are pervious and do not detract from the historic character of the landmark district.

Variance Analysis (CA3-15-081)

As noted above, there are several contributing houses on the block face that are the same house type and style as the subject property. Most of the houses have relatively similar rear yard setbacks (about 27 ft.), with the exception of the contributing house at 247 Iswald Street which has had a larger rear addition or more additions than the other contributing houses on the block face. Currently, the rear yard setback of 247 Iswald Street is about 3.5 ft., according to the Applicant’s analysis.

Concerns have been previously raised as to the legality of the rear most portion of the house at 247 Iswald Street. Staff research indicates that there was a building permit issued by the City of Atlanta in March 2003 for an addition to the house (BB-200301779). This building permit referred to a Certificate of Appropriateness from 2002 (LD-02-264). On-line, publically-available aerial photography from 2006 shows the footprint of the house as it is today with a rear yard setback of about 3.5 ft. Until recently, the Staff was not aware of any concerns about previous rear additions at 247 Iswald Street. The Staff would note that it is investigating recent concerns about the construction of a fence and accessory building at 247 Iswald Street, but those would not affect the compatibility rule analysis.

Given the permitting activity in 2002 and 2003 and the existence of the current day footprint in 2006, the Staff finds that the entire contributing house at 247 Iswald Street should be considered for the purposes of the compatibility rule and in particular for the purposes of calculating the rear yard setback range.

As such, the proposed rear yard setback of 14.4 ft. is within the range established by several contributing houses on the block face. The maximum is established by several houses with 27 ft. year yard setbacks and the minimum is established by #247 with a 3.5 ft. rear yard setback.

The Staff would recommend denial without prejudice of the variance for a reduction of the rear yard setback because it is not necessary.

The Staff would retain its previous recommendation.

Design Review Analysis (CA3-15-068)

Construct a ribbon strip driveway in the southern portion of the property, using the existing curb cut. While the design of the proposed driveway meets the District regulations, the length does not. Further, it is unclear what the material will be. The driveway must extend at least 20 ft. past the front façade of the building and must be one of the materials permitted by the District regulations. It extends less than 10 ft. beyond the front façade of the building. The Staff would recommend the driveway be a material that meets the District regulations and extend at least 20 ft. past the front façade of the existing house.

The driveway has been extended 20 ft. past the front façade of the house and consists of two concrete ribbon strips with a planting strip in between.

Create a walkway from the driveway to the front porch.

While the Staff has no concerns about the design of the walkway given its size, width, location and that there is already a walkway directly to the public sidewalk, the Staff would recommend the walkway from the front porch to the driveway be concrete.

The walkway is now noted as concrete.

Install a privacy fence along the northern, side property line.

It is not clear to the Staff if a privacy fence is proposed on the subject property and its design. There is an existing almost opaque picket fence on the neighbor's property, but it doesn't appear to match the location as depicted on the existing or proposed site plans. The Staff would recommend the Applicant clarify if any fences are proposed as part of the project.

The site plan now notes that a 6 ft. tall privacy fence will be installed along the rear property line and along the south side property line. The Staff would recommend the privacy fence along the south property line stop no closer to the front property line than the front façade of the house.

Demolish the existing front porch and build a new front porch in its place with wood columns, railing, stairs, and shingle covered roof structure.

The railing, columns and roof structure of the existing front porch are non-original and non-historic to the house and as such the Staff has no concerns about their removal. The Staff is concerned about what appears to be the wholesale removal of the front porch foundation and front porch steps. While likely not original to the house, the concrete block foundation and steps are likely historic to the house. The Applicant has provided no rationale for the removal of the front porch foundation or front porch stairs. The Staff would recommend the front porch foundation and front porch stairs be retained repaired in-kind as necessary and incorporated into the proposed front porch design.

The plans now note that the existing front porch foundation and front porch stairs will remain and be incorporated into the final front porch design.

Further, the Staff is concerned about the use of the wood, open stairs on the front and side of the front porch. While wood stairs are an option allowed under the general requirements, the Staff is concerned that the wood stairs do not meet the specific requirements for alterations to contributing structures, including introducing materials or building elements that do not reinforce the architectural character of the building. The Staff would recommend that any new front porch stairs be masonry similar in design as the existing front porch stairs on the house.

The existing front porch stairs will remain and be incorporated into the final front porch design.

Replace all of the existing windows with new, double hung windows (6 over 6 on the front façade and 1 over 1 on the side facades).

The Applicant has provided no rationale for the replacement of the windows on the house, which appear original to the structure. The Applicant provided photographs of houses with similar window patterns, but no information was provided about the condition or originality of the existing windows on the house or to support their removal. The Staff would recommend the Applicant document to the Staff through

photographs and narrative that the removal of all the existing windows on the house meets the District regulations or retain all of the windows on the house and repair them in-kind.

The Applicant provided some photographs and narrative of the status and condition of the windows on the house. All three of the detailed photographs on the first page of the window package are of the same window and it is not clear which window it is. No detailed photographs were provided of the other windows on the house. It would not appear that the three detailed photographs provided are of the front façade windows as the front façade windows appear to retain much more of their paint and components. Typically, windows under front porches are in better condition than windows completely exposed to the elements. The Staff would concur that the small side windows are not original or historic to the house.

The Staff would the Applicant document to the Staff through detailed and labeled photographs and narrative the condition and need for removal of the full height, double hung windows on the house. The Staff would further recommend the small, square window sashes on the side of the house be replaced with wood, casement, hopper, or awning style window sashes.

Demolish an enclosed rear porch and a low block retaining wall at the rear of the house.

The Staff has no concerns about the removal of the rear porch and deck and related stairs as their demolition will not result in the loss of significant architectural features which destroy the house's interpretability or importance. The Staff does have concerns (detailed below) about the replacement form and massing.

Build a rear addition that spans the full width of the house and includes a new shed roof which extends from near the peak of the main side gable to the rear eave of the addition and a side entry door and stoop.

Overall Design and Major Architectural Elements

Regarding the setbacks, all of the addition except for the side stoop will have the same side yard setbacks as the existing house. As the existing house is considered contributing to the District, its side yard setbacks are considered within the compatibility rule range. Further, the addition itself (without the stairs) will not be any wider than the existing house. However, the stoop on the left side of the addition projects beyond the side façade of the addition and it needs to be taken into account when calculating the setbacks and the width of the addition. Regardless of what the allowable range of left side yard setbacks might be on the block face, the stairs make the addition wider than the existing house, which does not meet the District regulations. The Staff would recommend the left side stoop be repositioned to the rear of the addition or the Applicant apply for a variance for an addition wider than the width of the existing house.

The rear stoop has been repositioned to face and run down to the rear yard, eliminated the side yard setback concern.

Given the Staff's analysis and recommendation regarding the rear yard setback, the Staff finds that the rear yard setback also meets the District regulations.

The height of the addition is less than the existing house and therefore meets the District regulations as to the maximum height.

The height of the addition in its revised form is still less than the existing house.

The Applicant has not included a floor area ratio calculation showing that the floor area ratio meets the District regulations. The Staff would recommend the Applicant calculate the floor area ratio and that the ratio meet the District regulations.

The site plan includes a floor area calculation showing the resulting floor area is 22.7% of the lot area, which meets the District regulations.

However, even though the proposed addition is not wider (without the stairs) or taller than the existing house, the Staff is concerned that the proposed addition will completely subsume the rear of the house such that none of the existing massing, roof form, or architectural delineations will be visible. The proposed roof form completely removes the incremental nature of the previous portions of the house, will be incompatible with the existing house, and would create a long low slope roof over a “wedge” shape that would be highly visible from the street. The lack of articulation between the existing and proposed forms would create a false sense of history and development to the house, and a large expanse of blank and unbroken wall on the right side elevation. The Staff finds that the proposed massing and roof form does not meet the District regulations. Further, the proposed roof form is not similar to other existing roof forms on the block face. The pitch of proposed roof is not specified on the plans so that Staff cannot determine if it is within the range of roof pitches established by the compatibility rule.

The Staff would recommend the massing and roof form of the proposed addition be substantially revised to meet the District regulations and be compatible with the existing house.

The proposed addition has been substantially revised to include two, low-pitched, rear facing gables. The addition includes an off-set rear façade with the rear entry and entry stairs on the thinner portion of the addition. Further, the proposed roof form is similar to the existing roof form at #247 Iswald Street with the rear facing, low-pitched addition attached to the original portion of the house. The pitches of rear facing gables (4:12) would appear to be within the roof pitches established by the compatibility rule but no compatibility rule information was provided about roof pitches.

The Staff would recommend the Applicant document that the pitch of the addition’s roofs meet the compatibility rule.

The Staff finds that the revised massing and roof form meet the District regulations and are compatible with the existing house.

No grading is proposed as part of the project.

Individual Design Element and Materials

Given the location of the addition and the proximity of the adjacent houses to the subject property, there will be limited visibility of the addition’s features from Iswald Street, though the Staff finds that the sides of the addition that align with the sides of the existing house will be visible. Further, the Staff finds that given the parking lot is essentially a vacant lot, the addition will be visible from Boulevard across the parking lot. Therefore, the Staff finds that all portions of the addition are subject to those District requirements that are based on visibility from the public right of way.

There is no porch proposed as part of the addition and the Staff considers the side stoop (potentially relocated to the rear façade of the addition) to not be a deck given its minimal size.

Regarding the fenestration, the Staff is concerned about the lack of windows on the right hand elevation towards the rear of the addition which creates a substantial section of blank wall. The Staff considers the blank wall as not compatible with the architectural features of the existing house and to not meet the compatibility rule as to the organization and pattern of the fenestration. Given the functionality of the spaces associated with this wall, the Staff might suggest the use of proportionally smaller, double hung

windows that are similar in design and details as the existing larger windows on the house. The Staff would recommend that additional windows be added to the rear portion of the right hand façade of the addition, and all of the addition's windows meet the District regulations, including their size, design, organization, and pattern.

The Staff finds that with the new massing and design of the addition, the inclusion of one window on each of the facades of the addition meets the District regulations.

Except contributing to the massing and form issues noted above, the Staff has no concerns about the materials of the proposed addition, as they will be similar to or the same as the corresponding materials on the existing house. The Staff would recommend the foundation material be specified on the plans and meet the District regulations.

The foundation material is noted as concrete block. The Staff would recommend the foundation of the addition be covered in stucco.

Variance (CA3-15-081):

Staff Recommendation: Based upon the following:

1. The proposed rear yard setback is within the range established by the contributing buildings of the same house type on the block face, per Section 16-20A.006(9).

Staff recommends denial without prejudice of the Type III Certificate of Appropriateness (CA3-15-081) for a variance to allow a reduction in the rear yard setback from a minimum of 20 ft. (required) to 14.4 ft. (proposed) at **265 Iswald Street**.

Addition (CA3-15-068):

Staff Recommendation: Based upon the following:

1. Except as noted above, the proposed house meets the District regulations, per Section 16-20A.006 and 16-20A.009; and
2. The Staff's recommendation of variance CA3-15-081.

Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-15-068) for alterations and addition at **265 Iswald Street** - Property is zoned Cabbagetown Landmark District (Subarea 3) / Beltline, to allow the Applicant to address the following concerns and comments:

1. *The privacy fence along the south property line shall stop closer to the front property line than the front façade of the house, per Section 16-20A.006(18);*
2. *The Applicant shall document to the Staff through detailed and labeled photographs and narrative the condition and need for removal of the full height, double hung windows on the house, per Section 16-20A.006(14);*
3. *The small, square window sashes on the side of the house shall be replaced with wood, casement, hopper, or awning style window sashes, per Section 16-20A.006(14);*
4. *The massing and roof form of the proposed addition shall be substantially revised to meet the District regulations and shall be compatible with the existing house, per Section 16-20A.006(14);*
5. *The Applicant shall document that the pitch of the addition's roofs meet the compatibility rule, per Section 16-20A.006(13)(c);*
6. *The foundation of the addition be covered in stucco, per Section 16-20A.006(13)(a)(3) and 16-20A.006(14); and*
7. *The Staff review, and if appropriate, approval the final plans, specifications and supporting materials.*



CITY OF ATLANTA

M. KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

March 25, 2015

REVISED

April 22, 2015

(Revised text shown in italic.)

Agenda Item: Application for Type III Certificates of Appropriateness (*CA3 15 125*) for a variance to increase the lot coverage from 40.98% (required) to 49.1% (proposed), (*CA3 15 127*) for a replat, and (*CA3-15-082*) for alterations, an addition, and site work at **528 Irwin Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Kate Wilson and Angela Win
2015 Robson Place

Facts: The property is located on the northwest corner of Irwin Street and Howell Street, and contains two shotgun houses with a small concrete pad between them. Both houses have previous rear additions, as evidenced by the different roof forms in the rear portions of the houses. The proposal does not include any work on the western of the two shotguns. The eastern shotgun is located at the corner portion of the lot closest to Howell Street.

The proposal includes the following actions:

1. Remove the concrete pad between the two houses and install a patio and walkway with concrete or stone pavers;
2. Create parking pad behind the eastern shotgun;
3. Install a 3 ft. 6 in. picket fence along the Howell Street and Irwin Street frontages, with a similarly sized gate for the driveway;
4. Install a 6 ft. tall privacy fence along the side and rear property lines;
5. Remove non-original aluminum siding on the eastern shotgun and repair siding underneath or replace in-kind;
6. Install a new half-sized, double hung window in an existing opening along the Howell Street elevation of the eastern shotgun;
7. Install a new half-sized, double hung window along the Howell Street elevation of the eastern shotgun;
8. Install a skylight about midway on the western roof plane of the eastern shotgun;
9. Repair the front façade door and window and the existing full size, double hung windows along the Irwin Street elevation of the eastern shotgun;
10. Replace the front porch columns and railing with wood column and railing components;
11. Repair or replace in-kind fascia, soffit, and corner board trim on the eastern shotgun;

12. Replace a full size, double hung window on the western elevation of the eastern shotgun with French doors;
13. Install “goose neck” style down lighting on the front and western elevations of the eastern shotgun;
14. Demolish the rear-most, shed roof addition on the eastern shotgun;
15. Incorporate the older, previous, one-story rear addition into a two-story, rear/side addition with a low-sloped gable roof, skylight, paired and single windows, and a rear entry / stoop.

The Staff did meet with the Applicant prior to their submission and expressed concerns about the proposed addition.

At the March 22, 2015 Commission meeting, the Commission deferred the application to allow time for the Applicant to address the concerns of the Staff, the comments of the Commission, and to allow time for the submission of applications for a potential variance and a replat. In particular, the Commission was interested in reviewing some alternatives to the proposal. The additional applications for the variance and the replat have been submitted, along with revised materials for the design proposal itself including different versions of the proposed addition for comparison purposes. The two additional applications and the revised design materials are addressed in this revised Staff Report.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
 - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall 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 architectural elements from other buildings, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
 - a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
 - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
 - ii. Block face. One side of a block, located between two consecutive street intersections.

- b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
 - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
 - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
 - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
 - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
 - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
- a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - i. All new principal structures;
 - ii. Additions;
 - v. Variances, special exceptions and administrative appeals.
 - d. Type IV Certificates of Appropriateness.
 - i. Type IV Certificates of Appropriateness shall be reviewed by the Commission and shall be required for the demolition or moving of any contributing structure.
 - ii. A partial demolition of a contributing structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features that destroys the structure's historic or cultural interpretability or importance.
7. Lot Consolidations, Subdivisions and Replatting. No subdivision, consolidation or replatting of parcels or lots shall be approved unless the applicant establishes:
- a. That the proposed subdivision, consolidation or replat is substantially consistent with the historic character of the district and meets all lot requirements set forth in Chapter 20C; and
 - b. That the proposed subdivision, consolidation or replat will facilitate development that furthers the historic qualities and regulations of the District. In addition, within Subareas 1 and 2, all subdivisions, consolidations or replats of parcels or lots shall conform to the historic platting pattern in these Subareas with regard to lot size, dimensions, and configurations.
8. Variances, special exceptions and administrative appeals.
- a. Variance applications and applications for special exceptions and administrative appeals from these regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter pursuant to the procedures, standards, and criteria specified in Section 16-26.001 through Section 16-26.006. The Commission shall have the authority to grant or deny applications for special exceptions from the provisions of this Chapter pursuant to the procedures, standards and criteria specified in Section 16-25.001 through Section 16.25.005. The Commission shall have the authority to grant or deny applications for administrative appeal pursuant to the standards in Section 16-30.010 (a) through (d).
 - b. Appeals from final decisions of the Commission regarding variances, special exceptions and administrative appeals shall be as provided for in Section 16-20.010.
9. Prohibited variances. Notwithstanding any provision in this chapter or part to the contrary, no variance from this chapter's maximum building height requirements shall be permitted or authorized by the Commission, Commission Staff or any other Board, official or entity.

10. Time period of historical significance. Where referenced in this chapter, the time period of historical significance for the district shall be the lifetime of Martin Luther King, Jr. (1929-1968).

Sec. 16-20C.005. Permitted Principal Uses and Structures.

1. Permitted Principal Uses and Structures: The following permitted uses and restrictions apply to all Subareas within this District, except Subarea 5:
 - a. The permitted principal uses and special permit uses set forth in Table 1: Martin Luther King Jr. Landmark District Table of Uses shall be permitted only as listed within each Subarea within said table of uses and only in the manner so listed.
 - b. Permitted principal uses. A building or premises shall be used only for the principal uses indicated with a "P" in Table 1: Martin Luther King Jr. Landmark District Table of Uses, subject to further restrictions where noted.

TABLE 1: MARTIN LUTHER KING JR. LANDMARK DISTRICT TABLE OF USES	SUBAREA 1 Auburn Ave Res	SUBAREA 2 Residential	SUBAREA 3 Institutional	SUBAREA 4 Auburn/Edgewood Commercial
RESIDENTIAL and DWELLING USES				
Single-family dwellings	P	P	P	P

2. The following additional Permitted Principal Use and Structures provisions shall apply to Subareas 1 and 2.
 - a. Previously-existing uses. Prohibited uses shall be permissible when granted a Certificate of Appropriateness by the Commission upon its finding that such use can be shown by archived evidence or sworn affidavit(s) to either previously or currently exist on the proposed site and that such use will be of an intensity and type that is no greater than that which previously or currently existed and otherwise meets the District regulations.

Sec. 16-20C.006. Lot Controls and Building Heights.

1. The following Lot Controls and Building Heights provisions shall apply to Subareas 1 and 2.
 - a. Lot controls.
 - i. The compatibility rule shall apply for the purposes of determining permitted lot coverage.
 - b. Building heights.
 - iii. For all other areas, the height of any alteration, addition, or new construction shall be established through the compatibility rule.-

Sec. 16-20C.007. Sidewalks, Yards and Open Space.

1. The following Sidewalks, Yards and Open Spaces provisions shall apply to Subareas 1 through 4.
 - a. Sidewalks.
 - i. Public sidewalks shall be located along all public streets and shall consist of two (2) zones: an amenity zone and a walk zone.
 - ii. The amenity zone shall be located immediately adjacent to the curb with a consistent cross-slope not to exceed two (2) percent. Width shall be measured from back (building side) of curb to the walk zone. This zone is reserved for the placement of street trees and street furniture including utility and light poles, public art, waste receptacles, fire hydrants, traffic signs, traffic control boxes, newspaper boxes, transit shelters and similar elements in a manner that does not obstruct pedestrian access or motorist visibility. Such elements, where installed, shall be of a type specified by the director in accordance with uniform design standards for placement of such objects in the public right-of-way.
 - iii. The walk zone shall be located immediately contiguous to the amenity zone and shall be a continuous hardscape, with a consistent cross-slope not exceeding two (2) percent. No fixed elements, including pole mounted signage, traffic control boxes or other utility structures, shall be placed above ground in the walk zone for a minimum height of eight (8) feet.
 - iv. New sidewalks and their corresponding zones shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new amenity zone shall be a minimum of two (2) feet wide and the new walk zone shall be a minimum of five (5) feet wide.
 - v. Street trees shall be planted a maximum of 30 feet on-center within the amenity zone and shall be spaced equal distance between street lights.
 - vi. Any existing decorative hardscape treatment of sidewalks, including amenity zone or walk zone areas, shall be retained as part of any new development or replaced with materials that match in size, shape and color.
 - vii. Decorative pedestrian lights, where installed, shall be placed a maximum of 60 feet on center and spaced equidistant between required trees. Where installed, said lights shall be located within the amenity zone. Said lights shall be as approved by the Director. New developments shall match the light and tree spacing on blocks where existing Atlanta Type lights are installed.

- viii. Changes or additions of planters, trash containers, street lighting, and similar elements, shall require a Certificate of Appropriateness by the Commission.
 - ix. Upon redevelopment of a parcel reasonable efforts shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.
 - b. Yards. Notwithstanding the setback requirements of these Subareas, previously existing contributing structures may be reconstructed to their original footprints and setbacks upon a submittal of finding that such structural dimensions have been shown by archived evidence or sworn affidavit(s) to have previously existed on the proposed site, and as subsequently approved by the Commission.
 - c. Required Open Space.
 - i. Open Space shall be required only for multi-family uses. All other uses shall have no Open Space requirements.
2. The following additional Yards provisions shall apply to Subareas 1 and 2.
- b. Subarea 2.
 - i. Except as provided below, all front, side and rear yard setbacks shall be established through utilization of the compatibility rule. All new construction shall maintain a minimum of 10 feet for rear yard setbacks where the compatibility rule would permit a smaller rear yard setback, except as otherwise provided for accessory structures.

Sec. 16-20C.008. Design Standards.

- 1. The following Design Standards provisions shall apply to Subareas 1 through 4.
 - a. Building Compatibility.
 - i. All elements of new construction shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.
 - ii. The compatibility rule shall apply to a principal structure's general façade organization, proportion, scale, roof form, pitch and materials, door and window placement, and other architectural details including but not limited to brackets, decorative trim, corner boards, bottom boards, fascia boards, columns, steps and attic vents.
 - iii. Fiberglass roofs shall be prohibited.
 - b. Fenestration.
 - i. The compatibility rule shall apply to the following aspects of fenestration:
 - (1) The style and material of the individual window or door.
 - (2) The size and shape of individual window and door openings.
 - (3) The overall pattern of fenestration as it relates to the building façade.
 - (4) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
 - ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.
 - iii. Except as otherwise provided in 16-20C.008(2), if muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - c. Landscaping.
 - i. A landscape plan may be required by the Commission to mitigate the environmental and visual impacts of construction on adjoining properties. The Commission may require that plant materials in a landscape plan reflect the character of the district.
 - ii. Tree preservation and replacement. The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Sec. 158-26 et seq., shall apply to this district.
- 2. The following Design Standards provisions shall apply to Subareas 1 through 2.
 - a. Windows and Doors.
 - i. Simulated divided light windows or plain sash windows shall be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.
 - ii. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung.
 - iii. Front doors facing and parallel to the street shall be provided.
 - iv. Front doors shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
 - b. Front Yard Porches.
 - i. Front yard porches shall be provided.
 - ii. Front yard porches shall contain balustrades, columns, floor dimensions, height, roof pitch and overhangs as regulated by the compatibility rule.
 - iii. Decorative metal, resin, fiberglass and plastic columns are prohibited.

- iv. Front yard porches are permitted to be enclosed with recessed screen wire when the primary characteristics of the porch are maintained.
- v. Front yard porch steps shall be wood, brick or concrete. Metal steps are prohibited.
- vi. A paved walkway from the front yard porch to the adjacent public sidewalk shall be required.
- c. Siding and Foundations.
 - i. Due to the close proximity of structures and other characteristics unique to this Landmark District smooth face cementitious siding shall be authorized as replacement materials when replacement is warranted, and materials for new construction within these subareas.
 - ii. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four (4) inch reveal and no more than a six (6) inch reveal.
 - iii. Foundations shall be permitted to utilize brick, stone, smooth stucco, and smooth finish concrete as foundation-facing materials.
 - iv. When provided, chimneys shall be faced in brick and shall originate at grade.
- d. Fences and Walls.
 - i. Fences shall be permitted within front yards at a maximum height of four (4) feet. Barbed wire, razor wire and uncoated chain link or similar elements are prohibited.
 - ii. Fences and walls shall be permitted in side yards and rear yards only to a total combined height of six (6) feet.
 - iii. Walls are prohibited within front yards except that retaining walls are permitted within front yards only when such retaining walls already exist on a block face based upon the compatibility rule. The allowable setback, height and materials of such fences and walls shall be based upon the compatibility rule. Lots with retaining walls shall utilize the top of the retaining wall for determining the finished grade level of the lot as established in Sec. 16-20C.004(2)(d).

Sec. 16-20C.009. Off-Street Parking, Parking Structures, Driveways, Driveways and Curb Cuts.

- 1. The following Off-Street Parking regulations shall apply to Subareas 1 through 4.
 - a. Parking Requirements. Off-street parking and bicycle parking requirements shall be as specified in the Martin Luther King, Jr. Landmark District Parking Table and subject to the following:

TABLE 2: MARTIN LUTHER KING JR. LANDMARK DISTRICT PARKING TABLE	MINIMUM PARKING: BICYCLES	MINIMUM PARKING: AUTOMOBILES	MAXIMUM PARKING: BICYCLES	MAXIMUM PARKING: AUTOMOBILES
Single-family dwellings, Two-family dwellings	None	None	None	2 spaces for every 1 residential unit

- b. Surface Parking.
 - i. When utilized, off-street surface parking shall not be permitted to be located between a building and an adjacent street without an intervening building.
- 3. The following regulations shall apply to driveways and curb cuts within the district.
 - a. Use of shared driveways and/or alleys is permitted. Driveways may be located outside the lot boundaries if they directly connect to a public street and are approved by the Commission.
 - b. Circular drives and drop-off lanes shall not be located between any principal building and any public street. The Commission shall additionally have the authority to vary Section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
 - c. Curb cuts and driveways are not permitted on Edgewood Avenue, Auburn Avenue, Boulevard and Piedmont Road when reasonable access may be provided from a side or rear street or from an alley.
 - d. One curb cut is permitted for each development. Developments with more than one (1) public street frontage or more than 300 feet of public street frontage may have two (2) curb cuts.
 - e. Curb cuts shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the Commissioner of Public Works.
 - f. Sidewalk paving materials shall be continued across intervening driveways for all Non-Residential and Multi-family uses.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;

- (c) *Such conditions are peculiar to the particular piece of property involved; and*
- (d) *Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.*

Replat Analysis

In this particular case, the requested “replat” is not to change the shape of the lot or its actual size, but rather resolve the dimensions of the existing lot as shown in the proposed site plan in relationship to the dimensions shown on the City’s plat map. The proposed site plan notes the property is 60 ft. wide at both the front and rear, while the City’s plat map notes the rear property line is 50 ft. wide with no dimension shown on the front property line. The property depth on both the proposed site plan and City’s plat map is the same. The two existing structures on the lot are contributing to the District, so their relationship to the property has not changed since their construction.

Given that there is no actual change in the size or size of the lot and the lots relationship to the existing (and to be retained) structures is not changing, the Staff finds that the “proposed” plat is substantially consistent with the historic character of the District and meets all District lot requirements. Further, the Staff finds that the “proposed” plat will facilitate development that furthers the historic qualities and regulations of the District and will conform to the historic platting pattern with regard to lot size, dimensions, and configurations.

However, the Staff would recommend that the Applicant resolve the differences in the lot dimensions through the City’s regular replat review process for residential properties prior to submitting any documents for the building permit process.

Variance Analysis

The variance request is to allow the increase in lot coverage from the existing 40.98% to 49.1%. Given the subject property is the only contributing building of like use on the block face, the existing lot coverage is the maximum allowable ratio. Without a variance, the property could never be added to either through an actual addition or other site improvements, such as a driveway, walkway or patio which are otherwise permitted by the District regulations. Further, the proposed lot coverage is similar to several contributing buildings of like use on the facing block face.

The Staff would recommend approval of the variance to allow an increase in lot coverage.

Compatibility Rule Comparisons

The block face of Irwin Street where the project is located does not have any other existing contributing buildings of like use on it (i.e. single family houses) other than the subject property. As such, the District regulations require that subject property be used as the point of comparison for any compatibility rule calculations / comparisons. The Staff would note that the opposite block face (south side of Irwin Street between Howell Street and Hogue Street) has 6 contributing buildings of like use on it.

General Development Requirements and Controls

A lot coverage calculation was not provided as part of the submission, which is based on the compatibility rule. Given that the proposal is by definition increasing the lot coverage beyond the existing condition, the variance would be required to increase the lot coverage from the existing calculation to what would be the final calculation. The Staff would recommend the Applicant calculate the lot coverage and apply for a variance to increase it from its current ratio.

Given the Staff’s recommendation above for the variance, this issue has been addressed.

The site plan provided with the submission notes the frontage along Irwin Street at 50 ft., while the rear property line as 60 ft. even though the lot is generally rectangular. Further, the City's plat map lists the property width along the rear property line as 50 ft., but does not have a specific numeric reference for the Irwin Street property line. While not unusual, such discrepancies need to be resolved as part of the design review process, often through a replat application. In the case of the District, replat applications are subject to review by the Commission. The Staff would recommend the Applicant resolve any differences between their site plan / survey and the City's plat map, including the completion of any Commission reviews required by the District regulations.

Given the Staff's recommendation above for the replat request, this issue has been addressed for the purposes of the Commission review. The Staff would remind the Applicant that the City's regular replat process must still be completed to reconcile the differences in the dimensions. The Staff would note that if further issues are revealed through the comparison of surveys, deed descriptions, etc. during the City's regular replat process, additional analysis by the Staff or Commission may be required.

Individual Project Components

Remove the concrete pad between the two houses and install a patio and walkway with concrete or stone pavers.

Notwithstanding the lot coverage issue noted above, the Staff has no concerns about the removal of the concrete pad between the two houses or the installation of a concrete or stone patio and paver walk to Irwin Street.

This is unchanged in the revised submission.

Create parking pad behind the eastern shotgun.

The Staff does not have concerns about the installation of the parking pad, assuming that it is concrete. The Staff would recommend the driving / parking pad is concrete. The Staff would note that parking is not required in this Subarea for this use.

The proposed parking pad is now concrete.

Install a 3 ft. 6 in. picket fence along the Howell Street and Irwin Street frontages, with a similarly sized gate for the driveway.

The Staff has no concerns about this action.

This is unchanged in the revised submission.

Install a 6 ft. tall privacy fence along the side and rear property lines.

It is not clear to the Staff where the 6 ft. tall privacy fence ends. The District regulations only allow privacy fences (considered walls by the City) in side and rear yards, which in this case are defined by the location of the house on the lot. The front yard is defined by the facades of the house that face the street such that any portion of the property even with or in front of a façade that faces a street is the front yard. The Staff would recommend the location of the privacy fence be clarified on the site plan and that its location meet the District regulations.

The revised site plan notes that at the Irwin Street frontage, the 6 ft. tall privacy fence will start at the front façade of the second house. However, at the Howell Street frontage, the 6 ft. tall privacy fence is shown as going up to the back of the sidewalk which would be in front of the side façade of the corner

house. *The Staff would retain the later portion of its previous recommendation as it relates to Howell Street.*

Remove non-original aluminum siding on the eastern shotgun and repair siding underneath or replace in-kind.

The Staff has no concerns about the removal of the aluminum siding or the repair of the siding underneath. The Staff would recommend, though, that any replacement of original or historic siding be limited to those pieces that are visibly damaged or deteriorated and any replacement shall be done in-kind.

The revised elevation includes a note that addresses this recommendation.

Install a new half-sized, double hung window in an existing opening along the Howell Street elevation of the eastern shotgun.

It is not clear to the Staff the location of the existing window opening or what is currently there. The existing floor plan and elevations do not show a window opening in this location. The Staff would recommend the Applicant clarify the proposal for a new window in an existing opening on the Howell Street elevation.

In the revised elevations that show the existing conditions, there is a full size, double-hung window shown in the location of the propped, smaller double-hung window which is located in a bathroom. The Staff would note that changes in window openings to accommodate bathrooms and kitchens are an appropriate and acceptable change.

Install a new half-sized, double hung window along the Howell Street elevation of the eastern shotgun.

It is not clear to the Staff the location of the proposed window opening as the existing floor plan and elevations show an existing window in that same location in the earlier rear addition. The Staff would recommend the Applicant clarify the proposal for a new window on the Howell Street elevation.

In the revised elevations and floor plan, it is clear that the new half-size window is completely new and is located in the proposed kitchen area. The Staff would note that smaller window openings to accommodate bathrooms and kitchens are an appropriate and acceptable change. The Staff would recommend, however, that all new windows meet all of the District regulations.

Install a skylight about midway on the western roof plane of the eastern shotgun.

The Staff is concerned about the visibility of the proposed skylight on the existing roof plane and its compatibility with the existing architectural features of the original house. While it would appear to be small, the skylight will be a clearly contemporary feature on a highly visible roof plane. The Staff would recommend the skylight on the western roof plane be removed.

The skylight on the western roof plane has been removed.

Repair the front façade door and window and the existing full size, double hung windows along the Irwin Street elevation of the eastern shotgun.

The Staff has no concerns about this action.

This is unchanged in the revised submission.

Replace the front porch columns and railing with wood column and railing components.

The Staff has no concerns about the replacement of the contemporary metal posts on the front porch with 6 in. x 6 in. wood posts. The Staff would recommend, though, that the front porch railing have thinner balusters spaced more closely, and butt jointed to the top and bottom rails.

The Staff would also recommend that a walkway from the front porch to Irwin Street be provided.

The revised elevations show a revised, compatible front porch railing system, though the note describing the railing system has not changed and does not mention the butt joinery. The Staff would retain its previous recommendation.

A stepping stone path has been provided from the front porch to the public sidewalk along Irwin Street.

Repair or replace in-kind fascia, soffit, and corner board trim on the eastern shotgun.

The Staff has no concerns about this action, but would recommend any replacement of original or historic exterior architectural trim be limited to those pieces that are visibly damaged or deteriorated and any replacement shall be done in-kind.

The revised elevation includes a note that addresses this recommendation.

Replace a full size, double hung window on the western elevation of the eastern shotgun with French doors.

While the replacement of the double hung window would appear to effect historic fabric, the Staff finds that its replacement with another opening would maintain the visual pattern of the fenestration on that façade of the building and minimize the effects to the other historic features of that façade, such as the trim and siding. However, the Staff is concerned about the use of French doors, which are generally a contemporary feature, on such a highly visible façade. French doors have been accommodated on less visible or non-visible rear facades as an element of modern day living, but not on front or visible side facades. At the same time, having a side entrance is a compatible element of a historic home in the District. The Staff would recommend the French doors on the western elevation be replaced with a single door of a similar design and light pattern as the proposed French doors. The Staff would note that if additional light is desired into that interior space, an additional compatible window would be added to that façade proportionally spaced from the proposed door and the other existing window.

The French door has been replaced with a single door as recommended by the Staff. An additional, full-size, double-hung window has been added to the left of the single door. While the proposed design meets the District regulations, the Staff would recommend the new window meet all of the District regulations.

Install “goose neck” style down lighting on the front and western elevations of the eastern shotgun.

The Staff does not have concerns about the installation of outdoor, security or architectural accent lighting that is minimal in visual appearance and number, and identifiable as contemporary. The Staff does have concerns about multiple installations of lighting that would appear to be historic which would create a false sense of history / development to the house which likely never had such outdoor lighting fixtures. The concentration of four such lights along the western façade increased the Staff's concerns about its effect on the architectural character of the existing house. The Staff would recommend the outdoor lighting fixtures be reduced in number, be made smaller in scale and be less similar to historic or period examples of outdoor lighting.

The outdoor lighting on the western side of the house has been removed and the front and back door lighting fixtures now meet the District regulations.

Demolish the rear-most, shed roof addition on the eastern shotgun.

The Staff has no concerns about the demolition of the rear most, shed roof addition as its removal will not result in the loss of significant architectural features that destroys the structure's historic or cultural interpretability or importance.

This is unchanged in the revised submission.

Incorporate the older, previous, one-story rear addition into a two-story, rear/side addition with a low-sloped gable roof, skylight, paired and single windows, and a rear entry / stoop.

The most significant component of the proposed work is the construction of the two-story rear/side addition that incorporates the older, previous one-story addition. The Applicant noted that they considered several options for an addition to the house and they found that this addition's form and style was the best option for their programmatic needs and compatibility with the existing house.

Regarding the addition's setbacks, the Staff finds that given the unique circumstances of this property (two, historic, legal, principal structures on the same lot), the front and interior side yard setback regulations (which are generally based on the compatibility rule) are not applicable this project.

The interior side yard (towards the other shotgun house) does not change the relationship of the structure to the western property line as that is defined by the western shotgun. If the western shotgun were being added to, the west side yard setback would be applicable. Similarly, the "front" of the addition has no relationship to the actual front of the existing house and doesn't change the relationship of the existing house to the front of the property. As such, the Staff finds the interior side yard and the front yard setbacks do not apply to the proposed addition. As noted below, however, the massing and relationship to the addition to the existing house is a critical issue.

The Howell Street setback (the "half-depth" front yard) is the same as the existing house and thus would meet the compatibility rule.

The rear yard setback is fixed by the Subarea regulations as 10 ft., even if the compatibility rule would permit a smaller setback, which would be the case for this property. However, it would appear that the rear yard setback of the proposed addition is slightly less than 10 ft. The Staff would recommend the rear yard setback meet the District regulations.

The rear setback of the proposed addition is noted as 11 ft. 2 in. on the revised site plan, which is the same distance as the existing house and meets the District regulations.

As noted above, the Staff does have substantial concerns about the massing, scale, and roof form of the addition and its overall relationship to the existing house. The shotgun form is that of a linear house, often with rear additions that create a "nested" effect to the house form as the rear additions get smaller each time. The proposed addition substantially diminishes that linear and/or "nested" house form. The two-story addition would create an elongated "ell" form with the leg of the "ell" to the rear rather than more forward as might be found on a traditional gabled ell house. The two story height also diminishes the form of the existing house by creating a flat "backdrop" to the property that is accentuated by the almost full two-story height wall created by the low pitched roof. The roof pitch of the addition is significantly less than the existing house. This same effect is created in the reverse along the highly visible rear façade. Further, on the Howell Street and rear facades the proposed

addition eliminates any indication of what previously existed either in the house's original form or in its altered but historic form.

At the same time, the Staff acknowledges that the most compatible location for an addition to this house (to the rear) has potentially more limited possibilities than might exist on similar properties in the District. The rear setback requirement and the proposed (but not required) off-street parking affect the possibilities for a rear addition.

Nonetheless, the Staff finds that there could be other possibilities for the addition that could achieve a similar programmatic result while at the same time maintain more of the essential form, massing, and character of the existing shotgun house.

The Staff would recommend the proposed addition be re-designed to maintain and delineate the form, massing and character of the existing shotgun house.

In the revised submission, the Applicant has provided numerous alternative scenarios for the addition. In summary, the versions show the following alternatives:

- *Sheet V1: Full two-story addition with full, side-to-side, gable roof above the second level using the same roof pitch as the existing house;*
- *Sheet V3: Full two-story addition with a shed roof springing from the ridge line of the existing house;*
- *Sheet V8: Two-story addition with knee walls and a front-to-back gable roof;*
- *Sheets V9.2-1 and 2.2: One-and-a-half story addition with the ridge and eave lines at the same locations as the existing house and using the same roof pitch as the existing house;*
- *Sheet V10: Two-story addition with knee walls and a front-to-back gable roof, and a rear expansion of the footprint; and*
- *Sheet V11 and V11.2: Two-story addition with higher ridge and eave lines than the existing house and using the same roof pitch as the existing house.*

The Staff finds that the alternatives included in the revised elevation provide a fair representation of the potential alternatives for making an addition to the existing house for the amount of square footage and the program that is currently proposed. The Staff further finds that from an exterior, architectural perspective, generally speaking alternatives V1, V8, V10, and V11 are less compatible than the proposed alternative. Further, V10 would require a variance to reduce the rear yard setback. The alternatives shown in V3 and V9.2 are relatively more compatible with the District in relation to the other alternatives, though they have their own problematic characteristics. In V3, the second level of the addition has a large expanse of blank wall where the shed roof meets the gable roof of the existing house. In V9.2, the second level of the addition provides a much smaller amount of usable floor area than the proposed alternative. The only potential concept that was not presented was that of adding a long thin, shed roof- addition to the interior side of the house (between the two houses), in effect widening the house for a substantial portion of its length.

While the Staff finds that the proposed alternative is the most reasonable of the alternatives presented by the Applicant, the question remains as to whether the proposed alternative meets the District regulations. There are various quantitative requirements (such as setback and lot coverage) and architectural component requirements (such as windows, doors, materials, etc.) for additions, which based on version in the revised submission are being met by the proposed addition. However, as noted in the recommendations of the last Staff Report, the overall architectural compatibility of a proposed addition is addressed by Section 16-20C.004(1)(a)-(j) of the District regulations. The proposed addition (as shown in the current submission) meets some of those requirements (not destroying

historic fabric, not creating a false sense of history, appropriate response to deteriorated features, etc.). However, the Staff is still concerned that the proposed addition does not meet the requirements regarding the compatibility of the “massing, size, and scale” for the reasons outlined above.

As such, the Staff would retain its previous recommendation.

CA3-15-127 - Replat

Staff Recommendations: Based upon the following:

- a) The replat request would not result in a change in the actual shape of size of the lot in relationship to the other lots on the block and thus would meet the District regulations, per Section 16-20C.004(7):

Staff recommends approval of an Application for Type III Certificates of Appropriateness (CA3-15-125) for a replat at **528 Irwin Street**, with the following condition:

1. The Applicant shall resolve the differences in the lot dimensions through the City’s regular replat review process for residential properties prior to submitting any documents for the building permit process.

CA3-15-125 - Variance

Staff Recommendations: Based upon the following:

- a) The variance requests meets the variance criteria, per Section 16-26.003(1);

Staff recommends approval of the Type III Certificate of Appropriateness (CA3 15 125) for a variance to increase the lot coverage from 40.98% (required) to 49.1% (proposed) at 528 Irwin Street.

CA3-15-080 – Design Review

Staff Recommendations: Based upon the following:

- a) Substantial elements of the proposed project do not meet the regulations, except as noted above, per Section 16-20C.003, and .005;

Staff recommends approval of an Application for Type III Certificates of Appropriateness (CA3-15-082) for alterations, an addition, and site work at **528 Irwin Street**, with the following conditions:

1. The location of the privacy fence along Howell Street shall meet the District regulations, per Section 26-20C.008(2)(d);
2. All new windows shall meet all of the District regulations, per Section 26-20C.004(1);
3. The front porch railing shall have thinner balusters spaced more closely, and butt jointed to the top and bottom rails, per Section 16-20C.008(2)(b);
4. The proposed addition shall be re-designed to maintain and delineate the form, massing and character of the existing shotgun house, per Section 26-20C.004(1);
5. The Staff shall review, and if appropriate approve, the final plans, elevations, and supporting materials.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

April 8, 2015

Updated

April 22, 2015

(updated information in italics)

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-087) for a replat at **91 and 95 Hogue Street**-Properties are zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: April Ingraham
1656 West Wieuca Road

Facts: This is currently a vacant lot.

At the April 8th meeting, this application was deferred to allow the Applicant time to address the concerns of Staff.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. General criteria. The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
 - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall 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 architectural elements from other buildings, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color,

texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. The compatibility rule.
- a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
 - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
 - ii. Block face. One side of a block, located between two consecutive street intersections.
 - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
 - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
 - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
 - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
 - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
 - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. Certificates of Appropriateness.
- a. General Provisions.
 - i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - c. Type III Certificates of Appropriateness. The following Type III Certificates of Appropriateness shall be reviewed by the Commission and shall be required for:
 - i. All new principal structures;
 - v. Variances, special exceptions and administrative appeals.
7. *Lot Consolidations, Subdivisions and Replatting.* No subdivision, consolidation or replatting of parcels or lots shall be approved unless the applicant establishes:
- a. That the proposed subdivision, consolidation or replat is substantially consistent with the historic character of the district and meets all lot requirements set forth in Chapter 20C; and

- b. That the proposed subdivision, consolidation or replat will facilitate development that furthers the historic qualities and regulations of the District. In addition, within Subareas 1 and 2, all subdivisions, consolidations or replats of parcels or lots shall conform to the historic platting pattern in these Subareas with regard to lot size, dimensions, and configurations.

Sec. 16-20C.006. Lot Controls and Building Heights.

1. The following Lot Controls and Building Heights provisions shall apply to Subareas 1 and 2.
 - a. Lot controls.
 - i. The compatibility rule shall apply for the purposes of determining permitted lot coverage.
 - b. Building heights.
 - i. Within the portion of this Subarea 2 lying along the southeastern side of Auburn Avenue east of Randolph Street, and along the eastern side of Randolph Street south of Auburn Avenue, the maximum height of any alteration, addition, or new construction shall be 32 feet.
 - ii. Within the portion of this Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the maximum height of any alteration, addition, or new construction shall be 32 feet.
 - iii. For all other areas, the height of any alteration, addition, or new construction shall be established through the compatibility rule.-
1. The following additional Yards provisions shall apply to Subareas 1 and 2.
 - b. Subarea 2.
 - i. Except as provided below, all front, side and rear yard setbacks shall be established through utilization of the compatibility rule. All new construction shall maintain a minimum of 10 feet for rear yard setbacks where the compatibility rule would permit a smaller rear yard setback, except as otherwise provided for accessory structures.

The existing lots front 25' and 50' on Hogue Street and have depths of 140'. The Applicant is proposing to replat the two existing properties in order to create two lots that front 37'6" on Hogue. The proposal also includes a shared driveway between the two proposed houses.

Per regulations, the proposed replat shall conform to the historic platting pattern in regards to lot size, dimensions, and configurations of the lots within Subarea 2. Subarea 2 is bounded by Boulevard, Irwin, Old Wheat and Randolph. The Applicant submitted a Sanborn Fire Insurance Map, however the map does not include all of Subarea 2. Specifically, Randolph Street is not indicated on the map. Staff recommends the Applicant provide a Sanborn Map that indicates all lots in Subarea 2.

As recommended by Staff, the Applicant submitted a Sanborn Map with frontage measurements for the lots in Subarea 2.

In order to determine whether the proposed replat conforms to the historic platting pattern, the Applicant must show that the size of the resulting lots is compatible with the lots indicated on the Sanborn map. While the Applicant indicates some of the lot sizes on the map, more than half of the lots were not measured. In measuring some of the lots using the scale provided, the scale is not accurate and therefore some of the Applicants measurements are not accurate. Based on the information provided, Staff cannot determine whether the proposed replat meets the historic platting pattern. The Applicant did not provide a narrative that provides an adequate argument to support approval of the proposed replat. Staff recommends the Applicant provide documentation the proposed replat conforms to the historic platting pattern in regards to lot size, dimensions and configuration.

Staff used the scale indicated on the plans to verify a sampling of the measurements submitted by the Applicant. Staff finds the measurements are not consistent or accurate. Further, the Applicant has not submitted a narrative with an explanation regarding why the proposed replat conforms to the historic platting pattern. Given the information we have at this time, Staff cannot determine whether the proposed replat conforms to the historic platting pattern. Staff retains its recommendation.

Per regulations, the proposed replat shall be substantially consistent with the historic character of the district and meet all lot requirements set forth in Chapter 20C; and the proposed replat shall facilitate development that furthers the historic qualities and regulations of the District. While the Applicant has submitted site plans and elevations for two proposed houses, the Applicant has not provided any information that indicates the proposed replat will allow for two houses that meet all the requirements. Staff recommends the Applicant submit compatibility information regarding height, setbacks and lot coverage.

According to the Applicant, there is only one historic house on the block face and it is 32' in height. In looking at the survey book, there are several historic houses on the block face that are one and two stories in height. Staff finds the height information submitted by the Applicant is not accurate. Further, the Applicant did not provide any compatibility rule information for the setbacks or lot coverage. Based on the information we have at this time, Staff cannot determine whether the proposed houses will be substantially consistent with the historic character of the subarea and meet all of the requirements. Staff retains its recommendation.

Staff Recommendations: Based upon the following:

- a) The plans do not meet the regulations, with the following exceptions noted in the above analysis, per Section 16-20C.003, and .005;

Staff recommends deferral of an application for a Type III Certificate (CA3-15-087) for a replat at **91 and 95 Hogue Street**-Properties are 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 submit documentation the proposed replat conforms to the historic platting pattern in regards to lot size, dimensions and configuration, per Section 16-20C.004(7);
2. The Applicant submit compatibility information regarding height, setbacks and lot coverage, per Section 16-20C.004(7); and
3. Appropriate copies of all updated plans and information shall be submitted to Staff no later than eight days before the deferred meeting.



KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
April 22, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-092) for a variance to allow a reduction in the front yard setback from 40 feet (required) to 0 feet (proposed), a reduction in the side yard setbacks from 20 feet (required) to 6 feet 6 inches (proposed), and a reduction in the rear yard setback from 20 feet (required) to 0 feet (proposed) and (CA3-15-091) for a new two family home at **682 Barnett St.** Property is zoned SPI-6 (Subarea 4) / Beltline.

Applicant: Michael Dryden
398 Grant Park Pl.

Facts: The property is located on the west side of Barnett Street, just south of Ponce de Leon Avenue. The western boundary of the lot is Freedom Park. The lot is generally a triangle, with the “tip of the triangle cut off on the south end of the lot. The site is relatively flat with a slight rise from the sidewalk and street. There are not trees located on the lot itself, though there is a mature stand of trees just to the west within Freedom Park. Given the lot’s location, shape, and size, the Staff assumes that this lot is a remnant of a more standard 50 ft. wide by 150 ft. deep regular lot that was altered by the property acquisition process by the Georgia Department of Transportation (GaDOT).

In conjunction with the finalization of the parkway and park plan, the City of Atlanta created the Poncey-Highland SPI District (along with the Inman Park SPI District and Candler Park SPI District) to manage the redevelopment of those parcels that had been acquired by the GaDOT but were not used for the parkway or the park. In some cases, the parcels were reconstituted and in others (like the subject property) they were not.

The Applicant is proposing to build a two-family, townhouse style building with four levels. The building would face Barnett Street.

Analysis: The following code sections apply to this application:

Sec. 16-08.006. Transitional uses, structures, requirements.

The following height limitations shall apply to all uses approved by special permits as well as permitted uses:

Transitional height planes: Where this district adjoins a district in R-1 through R-5 classification without an intervening street, height within the district shall be limited as follows: No portion of any structure shall protrude through a height-limiting plane beginning 35 feet above the buildable area boundary nearest to the common district boundary and extending inward over this district at an angle of 45 degrees.

Sec. 16-18F.003. Organization.

The regulations are composed of two (2) parts. The first part includes those regulations which apply to the entire SPI-6 district. The second part includes specific regulations which are unique to each of the subareas. The map entitled, "Poncey-Highland Housing Plan" (hereinafter referred to as PHHP), prepared by the City of Atlanta Bureau of Planning dated July 17, 1987, shall be made a part of these regulations for purposes of delineating the subareas.

The SPI-6 Poncey-Highland District is divided into subareas as follows:

(4) Subarea 4: All new development in this subarea shall be accomplished in accordance with all of the regulations and restrictions of RG-4 zoning and a maximum floor area ratio of 1.49 except as specified in the general regulations for SPI-6 and specific regulations for Subarea 4.

Sec. 16-18F.004. General regulations.

The following regulations shall apply to the entire Poncey-Highland SPI-6 District, which includes all subareas. All proposed development shall require preliminary design review by the Atlanta Urban Design Commission (AUDC). Plans submitted for review shall include a site plan at a minimum scale of 1" = 20', typical building sections, exterior elevations at a minimum scale of 1/4" = 1'-0", and outline specifications covering all exterior building and landscaping materials. All final construction documents submitted in application for a building permit shall require a certificate of appropriateness from the AUDC as provided for in sections 16-20.007 and 16-20.008 of this part. All proposed development shall conform to the following regulations; and AUDC shall have the power to hear, grant or deny variances from the terms of these regulations.

- (1) Regulations shall be established for all subareas. Regulations as stated herein shall be minimum standards which must be followed and shall be applied by the AUDC.
- (2) The compatibility rule: In order to assure that these regulations allow flexibility and accommodate innovative design solutions, many regulations shall be made subject to the compatibility rule, which states that the element in question (site design, architectural scale and exterior architectural elements) shall be similar in character to that which is prevalent for like uses in the immediate area. The compatibility rule is the discretionary device to allow architectural and site design compatibility, and other special design considerations to be assessed by AUDC. It shall be the responsibility of the applicant to provide substantiation of various design elements in adjacent, existing residential buildings.
- (3) The subdivision of land within the SPI-6 district shall be subject to administrative approval provided for in the Subdivision Regulations of the City of Atlanta. Applications for administrative approval shall not be filed until after required preliminary review by AUDC has occurred. Subdivision of land or combination of lots shall be to the maximum extent feasible, compatible with existing siting characteristics in areas adjoining the SPI-6 district.
- (4) 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 rear or side yard of a lot used for residential purposes.
 - c. Carports or garages shall be permitted if detached from and located to the rear of the main residential structure. If the structure is located on a corner lot, the front yard setback for that side street shall apply to the construction of a carport or garage. Carports and garages should also be permitted if they are part of the main structure and conform to similar existing structures of the older homes.
 - d. Off-street parking shall not be permitted on vacant lots, except that one adjacent lot owned by the resident occupant may be used to park up to two owners' vehicles in operable condition provided such parking does not fall within the established front, side or rear yard setback and such parking is screened from street view by landscaping or fencing as approved by AUDC.
 - e. Off-site parking is prohibited.
 - f. Off-street parking of personal travel trailers, motor homes and trucks in excess of three-quarter ton shall not be permitted overnight.
- (5) Accessory structures: The design of all accessory structures as defined by this part shall be subject to design review by AUDC.
- (6) Repealed.
- (7) Site design:
 - a. It is not the intent of the SPI-6 district regulations to limit new development to single-family lots matching prior subdivision lines. However, where single-family lots are combined for higher residential development, i.e., condominium development, the siting of all multifamily and single-family structures shall retain the appearance of individual lots with front building facades parallel to street rights-of-way or perpendicular to side lot lines where possible, and with building spacings subject to the compatibility rule and design review by AUDC.
 - b. All buildings shall conform to traditional housing characteristics by having a sidewalk, front walk, front yard, front porch, and front doors facing the street.
 - c. Driveways extending to parking areas in the side or rear yard shall be a maximum of 10 feet wide where passing through the front yard.

- d. Landscaped areas in front of each residential building shall be designed to reinforce the appearance of individual ownership.
 - e. An appropriate buffer of natural material fences or walls shall be provided between multifamily units and existing residential dwellings. Chain link fences are not allowable. Every effort shall be taken to preserve existing trees.
 - f. All sidewalks shall be installed to provide a six-foot minimum planting strip between the sidewalk and curb. A minimum of two (2) trees shall be planted for each 50 feet of street frontage. The minimum size of trees shall be two-inch caliper. They shall be planted and maintained by the adjoining property owner(s) in the planting strip. Alternate tree planting plans may be submitted subject to design review.
 - g. Retaining walls and fences of like design shall not be continuously built across more than one front yard and shall be subject to design review by AUDC.
 - h. Every tree which is removed shall be measured for total caliper. It shall be replaced with trees which, in aggregate, total the same caliper as the tree removed.
 - i. Every effort shall be made to preserve existing trees. Before any site preparation work shall begin, a plan shall be submitted to AUDC and to the city arborist to include:
 - 1. Location of all existing trees with type and caliper indicated;
 - 2. All existing trees to be saved indicated; and
 - 3. All proposed trees located with type and caliper indicated.
 - j. All trees which are not in good health within three (3) years of installation shall be replaced by the owner.
 - k. All services, including gas, water, electricity, telephone, furnaces, air conditioning units, etc., shall not be located on the front of or in the front yards of the main building, nor on the street side yard of the corner lot.
- (8) Building facade:
- a. The proportions of the facade, general facade organization and form shall be subject to design review by AUDC.
 - b. Exterior doors visible to the street shall be wood panel or fixed glass panel in wood frame; metal doors and cross-buck type doors are prohibited.
 - c. Exterior facade treatment is subject to design review by AUDC. Horizontal lap siding shall not exceed six (6) inches (to the weather) and may be of wood, masonite, aluminum or vinyl. Stucco as a primary facade material shall be limited to a maximum of 20 percent of the housing structures on a block face. Resawn cedar shingles shall be subject to the compatibility rule and shall in no case exceed 50 percent of any building facade. Rusticated materials, such as stone, textured stucco, split cedar shakes, vertical siding, etc., shall be subject to the compatibility rule and shall in no case exceed 20 percent of any building facade visible from the street. Concrete block, asbestos shingles, vinyl shingles and aluminum shingles and synthetic stucco-like materials are prohibited.
 - d. Slab on grade construction is prohibited. All buildings shall be elevated on foundation walls which shall be of a material that contrasts with the primary facade siding material. Height and materials are subject to design review by AUDC.
 - e. Exterior trim shall be of wood regardless of the primary siding material; aluminum or vinyl is prohibited. The compatibility rule applies to both the type and dimension of trim, including corner boards, fascia, barge and rakes, bottom boards, window and door trim and other like trim.
 - f. Windows shall be double-hung or casement types. Individual windows shall have proportions emphasizing the vertical. Minimum window height for building elevations visible from the street is five (5) feet. Sliding glass doors, unfinished metal windows, picture windows and prefabricated bay windows are prohibited where they are visible from the street.
 - g. Attic ventilators, skylights, and HVAC vents shall not be visible from the street.
- (9) Roofs:
- a. The compatibility rule shall apply to roof form.
 - b. Chimneys shall be of brick, stone, stucco or wood; vinyl, or aluminum enclosures are prohibited.
 - c. Attic ventilators, skylights, plumbing vents and HVAC vents shall not be visible from the street.
- (10) Porches:
- a. Porches shall contain balustrades, columns and other features according to the compatibility rule and shall be subject to design review.
 - b. Decks shall be permitted on the side and rear of the house if not visible from the street. Wrap-around front porches shall be permitted subject to the compatibility rule.
- (Code 1977, § 16-18F.004)

Section 16-18F.008

In addition to the general regulations required in section 15-18F.004, the following regulations shall apply to all new development in Subarea 4:

- (1) Permitted uses:
 - a. Single-family detached and townhouse dwellings compatible with the architectural style and scale of the neighborhood.
 - b. Two-family dwellings compatible with the architectural style and scale of the neighborhood.
- (2) Permitted accessory uses and structures: A building or premises shall be used only for the following accessory purposes:
 - a. Greenhouses, garden sheds, private garages and similar structures.
 - b. Guest houses, servant quarters, or lodging facilities for caretakers or watchmen.
 - c. Swimming pools, tennis courts and similar facilities.
 - d. Home occupations, subject to limitations set forth in section 16-29.001(17).
 - e. Devices for the generation of energy, such as solar panels, or similar devices that are unobtrusive as determined by AUDC.
- (3) Minimum lot requirements:
 - a. Single-family and two-family dwellings: Minimum lot width of 50 feet; minimum net lot area of 7,500 square feet.
 - b. Multi-family dwellings shall comply with all applicable standard ratios on Table I "Land Use Intensity Ratios" in chapter 8 of this part for RG-4.
- (4) Minimum yard requirements:
 - a. Front yard: 40 feet.
 - b. Side or rear yard: As determined under section 16-28.011(5)(e)a. and b.
- (5) Maximum height: Should not exceed 100 feet.
- (6) Off-street parking: One space per dwelling unit shall be required, and all accessory uses shall require one unit for every 300 square feet of floor area.

Per Section 16-26.003:

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

Variance Analysis

The main thrust of the Applicant's variance argument is the unusually small size of the lot and its unusual triangular / angular shape. Given the lot is an existing lot and recognized by the City of Atlanta as a lot on its official plat maps, the Staff concurs with the Applicant's variance agreement. If the setbacks required by the District regulations were applied to this lot, there would be not buildable area remaining on the property.

The Staff would recommend approval of the variance request.

Use and Density Analysis

The proposed use, a two-family, townhouse style building is one of the permitted principal uses allowed in Subarea 4 of the District.

Regarding the density of the proposed project, the District regulations for Subarea 4 refer directly to the "regulations and restrictions" of RG-4 zoning and the specific maximum floor area ratio of 1.49 for all permitted uses in the Subarea, including a two-family, townhouse style building.

It appears that the net lot area (1,702 sq. ft.) was used for calculating the density. Based on that lot size, the proposed density of 2,530 sq. ft. is just below the maximum density of 2,536 sq. ft. However, it is not clear how the first floor of each unit (which includes the garage space) was treated in the calculations. The Staff would recommend that the Applicant provide a more detailed floor area ratio calculation to document that it conforms to the City's defined techniques for measuring floor area ratio.

No accessory structures are proposed.

The only RG regulation that is not superseded by the District regulations is the transitional height plan requirement. Given the subject property does not border an R-1 through R-5 zoned property without an intervening street, this requirement does not apply to the subject property.

Two parking spaces are required, one for each dwelling unit. Two are provided on site.

Site-related features and Trees

As the property is an already existing and recognized lot, the minimum lot sizes do not apply to this proposal.

There are no fences or walls proposed as part of the project.

The driveway to each garage is 10 ft. wide, meeting the general regulations of the District.

There are no residential dwellings that are adjacent to the property, so no "appropriate buffer of natural material" is required.

The existing public sidewalk along Barnett Street is shown to be retained, but the Staff is concerned that it will be substantially damaged during construction. If this occurs, the new sidewalk will have to meet the District regulations. The Staff would recommend that if the existing public sidewalk is substantially damaged during construction it is replaced in its entirety with a public sidewalk and planting strip that meets the District regulations.

No tree removal or impact is indicated on the site plan, though the western edge of the structure is immediately adjacent to group of pine trees in Freedom Park. It is possible that the proposed construction could impact the various root zones of the trees in Freedom Park. The Staff would recommend the Applicant document compliance with the District's tree requirements and the City's Tree Ordinance.

The plans do not indicate where the various utility connections and/or meters and mechanical units (gas, water, electricity, telephone, furnaces, air conditioning compressors, etc.) will be located on the property or the house. The District regulations require that such connections, meters, and units etc. not be located on the front of or in the front yards of the house. The Staff would recommend that all utility connections and meters and mechanical units be located in the rear or side yards and on the rear or side facades of the house.

Compatibility Rule Comparisons

The compatibility rule “states that the element in question (site design, architectural scale and exterior architectural elements) shall be similar in character to that which is prevalent for like uses in the immediate area” and further states that “It shall be the responsibility of the applicant to provide substantiation of various design elements in adjacent, existing residential buildings.” The compatibility rule is then cited in the regulations for selected design elements. In the case of Subarea 4, those design elements include the use of some exterior materials, some exterior trim and the roof form.

The Staff would note that there are no historic or original houses within the SPI-6 District boundaries and the Staff finds that this is only one of 4-5 existing lots, vacant or otherwise, within the SPI-6 District boundaries. The Staff is aware of one lot that has been built on within SPI-6 and that was in Subarea 2 on Williams Mill Road to the south and east on the east-west leg of Freedom Park. As such, there are no real “comparison” properties within the District, which would be a common reference technique used in other Commission design review districts.

In the submission, the Applicant provided photographs of the two closest “residential properties” the contemporary townhouses across Barnett Street and the historic Barnett Building at the corner with Ponce de Leon, which was built as an apartment complex but is now used for offices.

Massing, Scale, and General Architectural Compatibility

The maximum building height is limited to 100 ft. The structure is well below that maximum height.

The building faces the public street, with its front door and front walk connecting to the public street and sidewalk. No front yard is proposed.

The proposed design of the structure is based on the permitted use requirement of Subarea 4 which states that single-family detached, two-family dwellings, and townhouse dwellings are permitted if they are “compatible with the architectural style and scale of the neighborhood.” The design appears to be relying on the presence of the contemporary townhouses across Barnett Street as the “architectural style and scale of the neighborhood”. However, the Staff has several substantial concerns about the proposed design being based on this precedent.

First, the existing townhouses on the east side of Barnett Street are three stories tall while the proposed building is four stories tall. While the exact height of the existing townhouses is not known, the Staff would find that very likely a four story building is about 1.33 times the height of a three story building. The Staff is concerned that the scale of the proposed building will not be compatible with the scale of the existing townhouses.

Second, the proposed building has the two parking garage entrances located facing Barnett Street. While the existing townhouses have garage doors at their ground level, they face an interior alley / parking lot leaving the Barnett Street frontage for residential uses, decks, fenestration, and landscaping. The Staff would acknowledge that the front doors of the existing townhouses also face the interior alley / parking lot.

Third, the existing townhouses, while contemporary in time period, use relatively traditional materials (brick, siding, windows (double hung, mostly vertically oriented) and roof forms (pitched with enclosed eaves). The proposed building uses an essentially flat roof, 2 ft. wide cementitious panels, 4 in. cedar slats, and more rectilinear cementitious panels. The Barnett Building does have more traditional casement and grouped windows, but these are found in a more modern style on the

proposed building. Further, the overall architectural style of the proposed building is exceptionally modern that does not conform to the existing townhouses, the Barnett Building, or the older homes farther away.

In conclusion, the Staff finds that the proposed building is not compatible with the architectural style and scale of the neighborhood if that is considered the properties associated with Barnett Street.

Further, the general regulations have requirements that have also not been met by the proposed building, as follows:

- They only permit carports and garages to be part of the main structure if they “conform to similar existing structures of the older homes.” The only older homes in the area (which are beyond the buildings associated with Barnett Street) do not have this garage arrangement. The Barnett Building does not have any garages facing any street.
- They do not permit slab on grade construction.
- They require the design of front porches (which do exist on the proposed building) to be based on the compatibility rule which in turn requires the design to be similar in character to that which is prevalent for like uses in the immediate area. The proposed front porches do not have any characteristics similar to any residential building in the immediate area.
- They require that the exterior facade treatment is to be primarily horizontal lap siding. Synthetic stucco-like materials are prohibited.
- They require wood for all exterior trim. The exterior trim on the proposed building is not specified.
- They require that the landscaped areas in front of each residential building be designed to reinforce the appearance of individual ownership. Nominal landscaping is proposed in front of the building.

Though modern in design, the Staff would note that the front door is a wood door with a fixed glass panel and the doors facing Freedom Parkway are wood and glass as well. Further, it does not appear that any attic ventilators, skylights, plumbing vents and HVAC vents will be visible from the street. Both of these characteristics meet the District regulations.

Staff Conclusion

While the Staff acknowledges the usual size and shape of the lot, its relationship to Freedom Park, and its double frontage configuration (Barnett Street and Freedom Parkway / Park), the Staff finds that the proposed building does not meet the general regulations of the District and is not “compatible with the architectural style and scale of the neighborhood” regardless of how that is defined.

The Staff would recommend the proposed building be substantially redesigned to meet all of the District regulations.

Based on the following:

- a) The requested variance meets the criteria for the granting of such variances, per Section 16-26.003.

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-15-092) for a variance to allow a reduction in the front yard setback from 40 feet (required) to 0 feet (proposed), a reduction in the side yard setbacks from 20 feet (required) to 6 feet 6 inches (proposed), and a reduction in the rear yard setback from 20 feet (required) to 0 feet (proposed) at **682 Barnett St.** Property is zoned SPI-6 (Subarea 4) / Beltline.

Based on the following:

- 1) Except as noted above, the proposed design meets the requirements of the District, per Section 16F.003, 16-18F.004, and 16-18F.006.

Staff recommends deferral of the application for a Type III Certificate of Appropriateness (CA3-15-091) for a new two family home at **682 Barnett St.** Property is zoned SPI-6 (Subarea 4) / Beltline, to allow time for the Applicant to address the following concerns:

1. The Applicant shall provide a more detailed floor area ratio calculation to document that it conforms to the City's defined techniques for measuring floor area ratio, per Section 16-18F.003(2);
2. If the existing public sidewalk is substantially damaged during construction it shall be replaced in its entirety with a public sidewalk and planting strip that meets the District regulations, per Section 16-18F.004(7)(f);.
3. The Applicant shall document compliance with the District's tree requirements and the City's Tree Ordinance, per Section 16-18F.004(7)(h)(i), and (j);
4. All utility connections and meters and mechanical units shall be located in the rear or side yards and on the rear or side facades of the house, per Section 16-18F.004(7)(k);.
5. The proposed building shall be substantially redesigned to meet all of the District regulations, per Section 16-18F.003 and 18F.004; and
6. The Applicant shall submit revised plans and supporting documentation (including the required number of copies) at least eight (8) days prior to the Commission to which this Application is deferred.



CITY OF ATLANTA

M. KASIM REED
MAYOR

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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

April 08, 2015

Updated:

April 22, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-15-093) for alterations and new signage at **476 Edgewood Ave.** Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4) / Beltline.

Applicant: Tracy R. Mitchell
445 Hemlock Circle

Facts: According to the 2002 photographic inventory this commercial structure was constructed in 1909 by W. H. Roane and is considered contributing to the District.

The current application consists of replacement of windows and alterations to the building on the west side façade, alterations to an existing storefront window on the south side facade, and new signage.

Analysis: The following code sections apply to this application:

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

1. *General criteria.* The Commission shall apply the standards set forth below only when the standards set forth elsewhere in Chapter 20C do not specifically address the application in whole or in part:
 - a. A property shall be used for its historic purpose or be placed in a new use authorized in Section 16-20C.005 using minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall 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 architectural elements from other buildings, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
2. *The compatibility rule.*
- a. Block definitions. The following words and terms, when used in this chapter, shall have the meanings ascribed to them in this section:
 - i. Block. An area of land located within a continuous perimeter of public streets. An individual block shall begin at the back edge of curb of the adjacent street. Interstate 75/85, when no intervening street exists, shall be permitted to count as an adjacent street for purposes of meeting this definition, beginning at the edge of the adjacent 75/85 right-of-way.
 - ii. Block face. One side of a block, located between two consecutive street intersections.
 - b. The intent of these regulations is to ensure that alterations to existing structures and new construction are compatible with the massing, size, scale, and architectural features of each Subarea and of the immediately adjacent environment of a particular block or block face. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question, such as roof form or architectural trim, shall match that which predominates:
 - i. On contributing buildings of like use along the same block face in Subareas 1 and 2.
 - ii. On contributing buildings on the same block in Subareas 3 and 4.
 - c. Where quantifiable, such as building height or floor height, the element shall be no smaller than the smallest or larger than the largest such dimension of the contributing building(s) along the same block face in Subareas 1 and 2 and on individual blocks in Subareas 3 and 4.
 - d. Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."
 - e. Building height shall be measured on the front elevation from the average point of grade on the front elevation to the highest point of the roof or façade, whichever is higher.
 - f. For new construction of single-family or two-family dwellings, the final average finished grade of the lot shall be no higher than the highest grade level existing prior to such construction or related land disturbance at any point along the front yard property line adjacent to the public right-of-way. The intent and purpose of this grade provision is to prevent manipulation of grade levels in order to construct a taller dwelling than would otherwise be authorized.
 - g. Whenever individual block faces in Subareas 1 and 2 or individual blocks in Subareas 3 and 4 are void of contributing structures, the contributing structures located on the opposing block face shall be utilized for purposes of adhering to compatibility rule provisions. If the opposing block face is void of contributing structures, the contributing structures on the nearest block face along the same street frontage shall be utilized.
3. *Certificates of Appropriateness.*
- a. General Provisions.

- i. The procedures for determining the correct type of Certificate of Appropriateness shall be those specified in Section 16-20.008, except as otherwise provided herein.
 - ii. No certificate of appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
 - iii. No certificate of appropriateness shall be required to repaint any structure or portion thereof, or, to make ordinary repairs and maintenance using in-kind materials.
 - iv. No Certificates of Appropriateness shall be required for demolition or moving of non-contributing structures.
- b. Type II Certificates of Appropriateness.
- i. Type II Certificates reviewed by the Director. The following shall require a Type II Certificate of Appropriateness, and shall be reviewed by the Director of the Commission:
 - (1.) Fences, walls and retaining walls;
 - (2.) Decks, skylights, solar panels, mechanical equipment and where authorized, antennas and related equipment;
 - (3.) New accessory structures and alterations to existing accessory structures; (4.) Shutters and awnings;
 - (5.) Security doors and window grates;
 - (6.) Replacement of elements that otherwise meet the regulations including but not limited to siding, windows, porch railings, porch columns, porch flooring, and exterior doors; and
 - (7.) Paving intended for pedestrians including sidewalks, walkways, paths and porches.

If such Type II Certificates of Appropriateness meet the requirements of this Chapter and other criteria applicable to Type II Certificates the Director shall issue the Type II Certificate within 14 days of receipt of the completed application. If such Type II Certificates of Appropriateness do not meet the requirements of this Chapter and such other criteria, the Director shall deny the application, with notice to the Applicant, within 14 days of receipt of the completed application. Appeals from the decision of the Director either approving or denying such Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals Section of Chapter 16-20.008(a) for Type I Certificates.
 - ii. Type II Certificates reviewed by the Commission. All required Type II Certificates of Appropriateness not listed above shall be reviewed by the Commission. In addition, the following shall be reviewed by the Commission as a Type II Certificate of Appropriateness:
 - (1.) Alterations to any façade of any principal structure; and
 - (2.) All site work, except as noted in Section 16-20C.004(3)(b)(i)(7).

Sec. 16-20C.008. Design Standards.

- b. *Fenestration.*
- i. The compatibility rule shall apply to the following aspects of fenestration: (1) The style and material of the individual window or door.
 - (2) The size and shape of individual window and door openings.
 - (3) The overall pattern of fenestration as it relates to the building façade.
 - (4) The use of wood or aluminum for exterior framing, casing, and trim for windows and doors, and the use of wood, aluminum, brick, or stone for bulkheads.
 - ii. Painted glass and reflective glass, or other similarly treated fenestration, are not permitted.
 - iii. Except as otherwise provided in 16-20C.008(2), if muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
- f. *Awnings and Canopies.*
- i. Original awnings and canopies shall be retained.
 - ii. Replacement awnings or canopies are permitted only when original awnings or canopies cannot be rehabilitated.
 - iii. Awnings and canopies must have a minimum clearance of eight (8) feet above the sidewalk level, and shall not encroach more than five (5) feet over the public sidewalk.

- iv. Installation of new canopies upon contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the structure.
- v. Installation of new canopies upon non-contributing structures shall be designed in a manner that is compatible with the design, materials and general character of canopies from the time period of historical significance for the district.
- vi. New awning frames attached to storefronts, doors or windows shall replicate the shape of the covered area and fit within that area.
- vii. New awnings shall be attached to the area above the display and transom windows and below the cornice and signboard area, or attached to the storefront display window and the transom window.
- viii. Multiple awnings on a single building shall be similar in shape and configuration. ix. Only that portion of the awning used for signage shall be illuminated.

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

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

- a. *General Regulations: Signs* within the M.L. King, Jr. landmark district are subject to the following regulations:
 - 1. No general advertising signs shall be permitted in the M.L. King, Jr. landmark district.
 - 2. No sign shall be permitted within the M.L. King, Jr. landmark district except after approval by the urban design commission of a certificate of appropriateness as specified in chapter 20 of this part.
 - 3. One (1) identification sign, not exceeding 20 square feet in sign area, shall be permitted for multi-family uses.
 - 4. For all other uses permitted in this district, one (1) identification sign per street frontage shall be permitted. Such sign shall not exceed 35 square feet in sign area.
- f. *Edgewood Commercial Corridor (Subarea 5):* The sign regulations for Edgewood commercial corridor (Subarea 5) shall be the same as the regulations for the SPI-1 (Central core) district, provided that:
 - 1. No individual sign shall exceed 100 square feet in sign area.
 - 2. No freestanding sign shall exceed 20 feet above ground level.
 - 3. No projecting sign shall exceed eight (8) square feet in sign area.
 - 4. Sign location on the building shall correspond with that portion of the building owned or leased by the person erecting the sign.
 - 5. Sign shall be located as follows:
 - i. In the area of the storefront above the transom and below the second floor windows or centered between the transom and the cornice.
 - ii. On or in display windows or upper facade windows.
 - iii. On or in the glazing of the doors.
 - iv. On the valance of awnings.
 - v. On the fascia or top edge of canopies.
 - vi. Projecting perpendicularly from the building.
 - 6. No changing signs shall be permitted.

SPI-1 Downtown District:

- a. *General Regulations:* Signs within SPI-1 Downtown District are subject to the regulations set forth in this section (12). For purposes of this section (12), "street" means public streets and private streets, as well as associated public right-of-way including public right-of-way accessible only to pedestrians.
- b. *Building Business Identification Signs:*
 - 1. Type: Wall signs, projecting signs, canopy signs, parapet wall signs, suspended signs, and marquee signs shall be permitted. Only one of the signs may be either suspended or projecting along each street frontage per business establishment, provided that corner business establishments may have two projecting signs limited to one projecting sign per street frontage.

2. Number:

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

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

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

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

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

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

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

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

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

Alterations

The Applicant is proposing to remove the existing clerestory windows on the west side façade and replace them with taller one over one double hung windows that will match the height and style of the existing second story windows. The Applicant is also proposing to install new planter boxes along the bottom sill of the proposed windows. Staff is concerned with the resulting loss of the historic windows and the historic façade materials that this alteration would cause. Staff recommends that the original clerestory windows be retained.

The Applicant has not submitted new information regarding the alterations to the existing clerestory windows. Staff retains its recommendation.

The Applicant is proposing to alter the existing storefront window on the south side façade by adding a sliding window for walk-up service. No compatibility information has been submitted to show that this proposed fenestration arrangement exists elsewhere on the block face. Staff Recommends that the Applicant submit information which details the compatibility of the proposed fenestration configuration of the south side façade display window. Should the Applicant provide documentation which shows the compatibility of the window style, Staff still has concerns regarding the design of the proposed sliding window. Staff recommends the Applicant provide more detailed information regarding the design of the proposed sliding window.

The Applicant has submitted detailed information regarding the appearance of the finished sliding window which is proposed for the south side façade. Staff has no general concerns with the design of this sliding window. Staff would retain its recommendation that the Applicant submit compatibility information for the proposed fenestration configuration of the south side display window.

The proposed awnings will require review via a Type II Staff Review Application. Staff would note that should the proposed awnings contain signage of any kind they would require an additional review via the Type II Certificate of Appropriateness Commission Review process.

The Applicant is proposing two new awning signs on the west and south side facades. Staff has no concerns with the design of the proposed awnings or with the placement of the proposed awning signage.

New signage

The Applicant is proposing to install 6 business identification signs and a window sign along the west side façade. Staff has confirmed the interpretation of the sign amount with the Sign Permitting Staff of the Office of Buildings. Staff finds that while the combined area of the business identification signs meets the 60 sq. ft. limit, the property, as a Corner Business Establishment, is only allowed a total of 4 business identification signs provided only 3 are placed on a single facade. Staff recommends that the Applicant revise their design to have a maximum of 4 business identification signs, with no more than 3 signs on a single façade. Staff finds the application does not include sufficient details regarding how the signs will be attached to the building. As this is a historic building, Staff recommends the wall signs be mounted into the mortar joints. Staff recommends that the sign material for the proposed wall signs meet the District regulations.

As recommended by the Staff, the Applicant has removed the proposed wall signs from the west side façade of the building.

The Applicant is also proposing a 12.5 sq. ft. window sign which will be located in the west side storefront window which measures approximately 42 sq. ft. Per regulations, the maximum sign area allowed for a window sign is 4 square feet or 25 percent of the window area, whichever is less. 25 percent of the window would allow for a sign which is 10.5 sq. ft. meaning that the maximum window size allowed for the window in question is 4 sq. ft. Staff recommends that the Applicant alter their design to show a window sign no larger than 4 sq. ft.

As recommended by the Staff, the Applicant is proposing two 4 sq. ft. window signs which will be located in the west side storefront window and the south side storefront window. Staff has no concerns with the design of the proposed window signs.

Staff Recommendation:

Staff recommends Approval of an Application for a Type II Certificate of Appropriateness (CA2-15-093) for alterations and new signage at 476 Edgewood Ave. Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4) / Beltline, with the following conditions:

1. The original clerestory windows shall be retained, per Sec. 16-20C.004;
2. The Applicant submit information which details the compatibility of the proposed fenestration configuration of the south side façade display window, per Sec. 16-20C.004;
3. The Staff shall review and if appropriate, approve the final plans and documentation.



KASIM REED
MAYOR

CITY OF ATLANTA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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CHARLETTA WILSON JACKS
DIRECTOR
Office of Planning

STAFF REPORT
April 22, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-138) for a variance to increase the height of a building within 50 ft. of Subarea 3 from 28 ft. (required) to 35 ft. (proposed), to increase the height of a building within 150 ft. of Subarea 3 from 35 ft. (required) to 56 ft. (proposed), to increase the height of the building more than 150 ft. from Subarea 3 from 52 ft. (required) to 64 ft. (proposed), to decrease the side/rear transitional yard from 20 ft. (required) to 10 ft. (proposed), to increase the allowed lot coverage from 80% (required) to 92% (proposed), to allow parking, a dumpster, and wall between the building and the public street, to allow parking within a non-arterial street setback and (CA3-15-097) for new construction of a mixed use complex at **764 (aka 742) Memorial Dr.** Property is zoned Cabbagetown Landmark District (Subarea 5) / Beltline.

Applicant: Charlie Tate
619 East College Ave.

Facts: The proposed project sits on an aggregated set of lots on the southern end of the farthest southeast block in the District, which is located in Subarea 5. Across Pearl Street to the east and Memorial Drive to the south is Reynoldstown, which is outside the District. To the west, across Estoria Street is the large, open lot known to residents and the Staff as the “truck lot” for its previous use. To the north of the project are vacant lots and 1.5 story, single-family houses in both the cottage and shotgun style that were built within the last 10 years. The northern edge of the project is the Subarea 5 / 3 boundary. The lot has three street frontages and rises substantially from south to north as one moves farther away from Memorial Drive. The property is vacant, with sections of paved area and unfinished foundations from a previously approved project.

In 2005 and 2007, the Commission reviewed and approved a mixed-use project on this site with several conditions. That project was started (as evidenced by the unfinished foundations) but never finished.

At this time, the Applicant proposes to build a mixed-use project consisting of two buildings arranged along the Memorial Drive and Estoria Street frontages of the site, with parking within the central portion of the site. One, two-way vehicle entrance is located off of Pearl Street. Apart from the entrances to the units in each of the buildings, there are one “pedestrian entrance” to the project located between the Memorial Drive building and the Estoria Street building. The Estoria Street and Pearl Street buildings will be live-work units, while the Memorial Drive building will consist of a non-residential lower level

and residential units above. Along the Pearl Street frontage will be a false façade / wall to screen the eastern side of the parking lot.

Analysis: The following code sections apply to this application:

Per Section 16-20A.005 (Certificates of Appropriateness) of the Atlanta Land Development Code, as amended:
The following general regulations shall apply to the Cabbagetown Landmark District.
Certificates of Appropriateness within this district shall be required as follows:

- (1) When required:
 - b) To erect a new structure or to make an addition to any structure within the district;
 - d) To construct off-street or off-site parking;

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

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (6) The compatibility rule.
 - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: “The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face.”
 - b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
 - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
 - d) Those elements to which the rule applies are noted in the regulations by a reference to the “compatibility rule.”
- (7) Variances. Variance requests shall be heard by the commission which will have the authority to grant or deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16.
- (12) Aggregation of lots. No lots shall be aggregated except upon approval of the commission. Applications shall be made to the commission, and the commission shall not approve any aggregation of lots unless the commission shall make a finding that the resulting lot or lots are compatible with the historic platting pattern of the Cabbagetown neighborhood. The commission shall further find that the resulting lot or lots are so laid out that buildings that are compatible in design, proportion, scale, and general character of the block face, block, subarea, and the district as a whole, may be reasonably situated and constructed upon such lot or lots. The compatibility rule shall apply.
- (13) Design standards and criteria for new principal buildings. The following regulations shall apply to new construction of principal buildings.
 - a) General criteria:
 1. All new construction shall be one of the house styles of a contributing building that appears on the block face of the street on which the new construction shall occur.
 2. The general façade organization and proportions shall be subject to the compatibility rule.
 3. All of the following building elements shall be appropriate to the selected house style, regarding design, size, dimension, scale, material, location on the building, orientation, pitch, reveal and amount of projection from the façade:

- a. roofs, chimneys, and roofing materials;
- b. siding;
- c. eaves, soffits, brackets, rafter tails, knee braces, cornice returns, and gable returns;
- d. cornerboards, fascia boards, bottom boards, decorative trim, and attic vents;
- e. doors and door transoms;
- f. windows and window transoms;
- g. porches, including supports, columns, balustrades, steps, and roofs; and
- h. foundation walls, foundation piers, and water tables.

All the elements listed above shall be utilized in a meaningful, coherent manner, rather than a mere aggregation of random historic elements.

- 4. Sidewalks, front yards, porches, and front doors facing and parallel to the street shall be provided.

b) Facades:

- 1. Wood, smooth-surface cementitious siding or Masonite siding are permitted. Siding shall exhibit a horizontal, clapboard profile. Siding shall have no less than a four-inch reveal and no more than a six-inch reveal.
- 2. The height of the first floor above street level shall meet the compatibility rule. The foundation shall be a minimum of fourteen (14) inches and a maximum of four (4) feet above the surface of the ground adjacent to the front façade. Brick, stone, smooth finish stucco, and smooth finish concrete are permitted as foundation facing materials.
- 3. Windows shall be predominantly vertical in proportion, shall not be constructed in combination of more than two (2) units, and shall be double-hung wood sash with true divided lights. Window organization and fenestration patterns shall meet the compatibility rule.
- 4. Exterior doors visible from any public right of way shall be solid wood panel or single-pane fixed glass and shall be composed of no more than 50 percent glass.
- 5. Exterior architectural details, such as brackets, decorative trim, corner boards, bottom boards, fascia boards, porch railing, columns, steps and doors, and attic vents, shall be shown on the submitted plans, and shall be subject to the compatibility rule.

c) Roofs:

- 1. The shape and pitch of roofs, as well as ridge, dormer, overhang, and soffit construction shall meet the compatibility rule.
- 3. When chimneys are included, chimneys shall be faced in brick, originate at grade and are subject to approval by the commission.
Boxed gable returns are not permitted.
- 4. Roofing material shall be asphalt shingles. Fiberglass roofs are not permitted. Flat-roofed structures or structures not visible from any public right of way may use any roof covering that conforms to standard architectural specifications.

e) Porches:

- 1. Front porches shall contain balustrades, columns, and have other characteristics, including floor dimension, height, roof pitch, overhang, and column size that meet the compatibility rule.
- 2. Decorative metal, resin, fiberglass and plastic columns are not permitted.
- 3. Porches may be enclosed with recessed screen wire if the main characteristics of the porch are maintained.
- 4. Front porch steps shall be made of wood, brick, or concrete. Metal steps are not permitted.

f) Site development, sidewalks and curbs:

- 1. The sidewalk shall be the same width as the sidewalk on abutting properties. If no sidewalk exists on abutting properties, the new sidewalk shall match sidewalk widths on the block. If no sidewalk exists on the block, the new sidewalk shall be six feet wide.
- 2. Sidewalks shall be brick on a concrete base and laid in a pattern to match existing on abutting properties or elsewhere in the district.
- 3. Curbing shall be granite; poured concrete shall not be used.
- 4. A paved walkway from the front public sidewalk to the front entry of the principal building shall be provided.

(19) Off-street and off-site parking.

- a) All new construction, change in use, alterations, or additions that increase the number of dwelling units and/or increase the square footage of nonresidential or multifamily shall include off-street parking.
- b) The number of required parking spaces is set out in each subarea.
- c) Variances may be allowed from this requirement subject to the standard procedures and requirements for a variance found in these regulations.
- d) Off-street parking shall not be located or authorized between the principal building and the street.

- e) Off-street parking may be located in a rear or side yard.
- f) The driveway of a lot used for residential purposes shall extend at least 20 feet behind the front façade of the house.
- i) Off-street or off-site parking shall include landscape buffer strips placed along sidewalks and public rights of way. Landscape buffer strips shall be: a minimum of three feet in width, planted with a mixture of evergreen groundcover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches; and planted with canopy street trees that are a minimum of 3.5 inch caliper measured 36 inches above ground and a minimum of 12 feet in height at time of planting placed no further than 25 feet on center. All landscape buffer strips shall be maintained in a sightly manner.
- j) Mesh paver blocks (including the installation of durable ground cover plantings), poured concrete, concrete pavers, decorative stone or brick are permitted paving materials for driveways and surface parking. Asphalt is not permitted.
- k) Use of shared driveways and/or alleys is encouraged.
- l) The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.

Sec. 16-20A.011. Transitional Commercial (subarea 5).

In addition to the general regulations required in section 16-20A.006, the following regulations shall apply to any new development or the conversion of any existing structures to permitted uses within the subarea. These regulations are intended to mitigate any nocuous effects that the commercial intrusion subarea may have on adjoining residential uses within the remainder of the Cabbagetown Landmark District. These regulations further intend to maintain compatibility between the existing and future uses of the area and the overall character of the district as a whole.

- (1) Permitted principal uses and structures. A building or premises shall be used only for the following principal purposes:
 - a) A building or premises shall be used for the principal uses specified within section 16-16.003 of this part, with the exception of paragraph (1) allowing adult business and paragraph (17) allowing signs, general advertising.
 - b) Multifamily dwelling units. Multifamily dwellings are permissible if a minimum of 25 percent of the total heated floor area of each building is constructed and used for non-residential uses as allowed in Section 16-20A.011(1), (2) or (3).
 - c) Any of the following uses provided they do not exceed 4,000 square feet of floor area:
 - 1. Bakeries and catering establishments.
 - 2. Laundry and dry cleaning establishments where customers operate equipment.
 - 3. Tailoring, custom dressmaking, millinery and similar establishments.
 - 4. Restaurants, bars, coffee shops, delicatessens, and taverns.
 - 5. Specialty shops such as antique stores, gift shops, boutiques, art and craft stores, and apothecary shops.
 - 6. Barber shops, beauty shops, manicure shops, and similar personal service establishments.
 - d) Any of the following uses provided that they do not exceed 10,000 square feet of floor area:
 - 1. Clubs and lodges.
 - 2. Museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
 - 3. Offices, studios, clinics (including veterinary if animals are kept within soundproof buildings), laboratories, and similar use.
 - 4. Professional or service establishments.
- Drive-thru and drive-in services, windows, and facilities are prohibited. Hiring halls are prohibited. Blood donor stations are prohibited. No wholesaling or jobbing shall be conducted from within the Cabbagetown Landmark District. No use or manner of operation shall be permitted that is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, interference with radio, television, or wireless data reception, or for other reasons incompatible with the character of this subarea and its relationship to adjoining residential subareas.
- (2) Permitted accessory uses and structures. The uses and structures that are customarily incidental and subordinate to permitted uses and structures are authorized, subject to the following restrictions:
 - a) Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises and such merchandise shall occupy no more than 25 percent of the total floor area on the premises.
 - b) No storage shall be provided in any portion of a structure adjacent to any public sidewalk, public park or plaza.
 - c) No off-premises storage of merchandise shall be permitted in this subarea either as a principal or accessory use.
 - (3) Special permits. The following uses are permissible only by special permit of the kind indicated, subject to limitations and requirements set forth herein and in section 16-25.002(3).
 - a) Special use permits:
 - 1. Poolrooms, billiard parlors, amusement arcades.

2. Terminals, freight, rail, bus or truck, when erected or operated by other than a governmental agency.
 3. Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of 14 days or more duration.
 4. Childcare centers, kindergartens, and special schools provided that they do not exceed 10,000 square feet of floor area.
 5. Retail establishments provided that they do not exceed 10,000 square feet of floor area.
 6. Grocery stores provided that they do not exceed 10,000 square feet of floor area.
- b) Special administrative permits:
1. Outdoor amusement enterprises, exhibits, entertainments, meetings, displays or sales areas, or outdoor areas for religious ceremonies of less than 14 days duration.
- c) Special exceptions:
1. Churches, temples, synagogues, and other religious worship facilities where the lot is less than one (1) acre.
 2. Structures and uses required for operation of a public utility except uses involving storage, train yards, warehousing, switching, or maintenance shops as a primary purpose.
 3. Off-street parking within 500 feet of primary use.
- (4) Residential. For alterations to any residential structure in Subarea 5, the General Regulations and the specific regulations for Subarea 3 shall apply.
- (5) Site limitations.
- a) Minimum building façade heights: Buildings shall have a minimum façade height of 18 feet along each façade visible from any public right of way.
 - b) Maximum building heights: Buildings that are between 0 and 50 feet of a Subarea 3 boundary shall have a maximum height of 28 feet. Buildings that are within 51 and 150 feet of a Subarea 3 boundary shall have a maximum height of 35 feet. Buildings that are more than 150 feet from Subarea 3 boundary shall have a maximum height of 52 feet. Mezzanines and lofts shall be considered a story.
 - c) New development containing an entire block face greater than 600 feet in length shall be traversed by new streets that create block faces no larger than 400 feet. Such streets shall function as public streets, shall connect two other public streets, and shall meet all other requirements of this chapter.
 - d) Transitional requirements:
 1. Transitional height planes: Where this district adjoins Subarea 3 without an intervening street, heights within this district shall be limited as follows: No portion of any structure shall protrude through a height limiting plane beginning 35 feet above the buildable area boundary nearest to the common residential district boundary and extending inward over the nonresidential district at an angle of 45 degrees.
 2. Transitional uses: Where commercial or industrial uses in this subarea abut residential uses, 100 feet of the lot devoted to such commercial or industrial use and nearest to the residential use, shall not be used for any drive-in facility, sales lot for automobiles, or general advertising signs.
 3. Transitional yards:
 - a. Side yards: Adjacent to residential use without an intervening street, 20 feet is required, that shall not be used for parking, paving or loading or servicing. For a side yard adjacent to a side street, half the required front set-back shall be provided.
 - b. Rear yard: There shall be a rear yard of 20 feet when adjacent to a residential use district that shall not be used for parking, paving or loading or servicing.
 - c. Screening: Where a lot in this subarea abuts a residential use on the rear lot line without an intervening street, landscaping, opaque fencing or screening not less than six (6) feet in height shall be provided and maintained in slightly condition (see section 16-28.008).
- (6) Lot coverage. The lot coverage shall not exceed 80%.
- (7) Relationship of Buildings to Street.
- a) The delineation of building floors at the second story above sidewalk level shall be executed through windows, belt course, cornice lines, or similar architectural detailing.
 - b) The primary pedestrian entrance to all uses and business establishments with sidewalk-level street frontage shall:
 1. Face and be visible from the street.
 2. Face and be visible to an arterial street when located adjacent to such arterial streets.
 3. Be directly accessible, visible, and adjacent to the sidewalk, supplemental zone, pedestrian plaza, courtyard, or outdoor dining area adjacent to such street.
 4. Remain unlocked during normal business hours for nonresidential uses.
 - c) Buildings shall provide continuous street-fronting sidewalk level commercial, office, or residential uses.
 - d) Building façade lines:

1. On arterial streets: Shall be no less than 20 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas and the provision of on-street parking.
 2. On all other streets: Shall be no less than 15 feet and no more than 30 feet from the street curb, with the exception of the provision for public parks and plazas.
- e) A street address number shall be located above the principal building entrance, shall be clearly visible from the sidewalk, and shall be a minimum of six inches in height.
- (8) Storefront Fenestration. All street-fronting sidewalk level development, with the exception of churches and fire stations, shall provide fenestration for a minimum of 75 percent of the length of the frontage, beginning at a point not more than three feet above the public sidewalk, for a height no less than ten feet above the sidewalk. Fenestration for commercial uses shall allow views into the interior or display windows and shall not have painted glass, reflective glass, or other similarly treated fenestration.
- a) Variances in fenestration requirements may be approved by the AUDC.
 - b) Sidewalk level development without fenestration shall not exceed a maximum length of ten feet of façade.
- (9) Storefront illumination and lighting.
- a) Security, decorative, parking deck, and other lighting adjacent to residential uses shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination. The AUDC may also require other elements to reduce light spillage.
 - b) Any security, decorative, parking deck, or other lighting luminaries shall be located a minimum height of eight feet above the sidewalk, drive or pedestrian area.
- (10) Loading areas, loading dock entrances and building mechanical and accessory features.
- a) Commercial dumpsters and loading areas may not be located within thirty (30) feet of an adjoining residential subarea boundary, and shall be screened with opaque fences or walls six feet in height.
 - b) Residential dumpsters and loading areas shall be encircled with opaque fences or walls six feet in height. Walls may be smooth finish stucco or same material as the building.
 - c) Loading dock entrances for nonresidential uses shall be screened so that loading docks and related activity are not visible from any public right of way.
 - d) Building mechanical and accessory features shall be located to the side and rear of the principal building and shall be in the least visible location from the public right of way. Screening with appropriate plant and/or fence materials shall be required if the equipment is visible from the public right of way.
 - e) When located on rooftops, building mechanical and accessory features shall be incorporated in the design of the building and screened with materials similar to the building.
 - f) Building mechanical and accessory features shall not be permitted between the principal building and any public street.
- (11) Fences and Walls.
- a) Chain link fencing or similar elements shall not be visible from any public plaza, outdoor dining area, or public right of way. Chain link, where permitted, shall be clad in either black or dark green coating. Canopies and associated service areas shall not be located between a building and the street.
 - b) Fences and walls that are not located between the principal building and the sidewalk shall have a maximum height of six feet.
 - c) No fences are permitted between the principal building and the sidewalk.
 - d) No walls, except retaining walls, shall be located between a building and the sidewalk.
 - e) Walls shall be faced with stone, brick, or smooth stucco.
 - f) The AUDC may by variance permit retaining walls that are greater than two feet in height between the building façade line and the street.
- (12) Sidewalks.
- a) Sidewalks along Tye, Powell, Estoria, Pearl and Gaskill streets shall be regulated as set out in Subarea 3.
 - b) Public sidewalks shall be located along all public streets. For new development, no sidewalk shall be less than 15 feet in width, unless otherwise indicated in this section. Sidewalks shall consist of a minimum of two zones: a “street furniture and tree-planting zone,” which shall be located adjacent to the curb, and a “clear zone.” The following regulations shall apply to all public sidewalks adjacent to Memorial Drive within Subarea 5 of the Cabbagetown Landmark District:
 1. The street furniture and tree-planting zone shall have a minimum width of five feet. The street furniture and tree-planting zone shall be located adjacent to the curb and shall be continuous. In addition to the planting of trees as required in this section, this zone is also intended for the placement of street furniture as approved by the AUDC including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus

shelters, bicycle racks, public kiosks, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility as approved by the city.

2. The clear zone shall be a minimum width of ten feet, shall be hardscape and located adjacent to the street furniture and tree-planting zone, and shall be unobstructed by any permanent or nonpermanent element for a minimum width of ten feet and a minimum height of eight feet.
3. Street tree-planting requirements. Street trees are required and shall be planted in the ground a maximum of 25 feet on center within the street furniture and tree-planting zone and spaced equal distance between street lights. All newly planted trees shall be a minimum of 3.5 inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven feet. Trees shall also have a minimum planting area of 25 square feet. Where sidewalks meet the minimum requirements for this section, planting areas shall be permitted to be planted with evergreen ground cover such as mondo, liriope spicata, or ivy. All plantings, planting replacement, and planting removal shall be approved by the city arborist. Variances in street tree requirements may be granted by the AUDC subject to constraints such as overhead or underground utilities.
4. No awning or canopy shall encroach more than a maximum of five (5) feet over the sidewalk.
5. Nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede visibility within visibility triangles at street intersections between the heights of two and one-half feet and eight feet above grade pursuant to Sec. 16.28.008, Visibility at Intersections.
6. Pedestrian street lights shall be placed a maximum distance of 40 feet on center, spaced equal distance between required trees along all streets within either the street furniture and tree-planting zone or the supplemental zone.
7. Sidewalks in this subarea within 20 feet of subarea 3 shall taper when necessary to provide a smooth transition to the existing sidewalk in an adjacent subarea. In the event that the abutting subarea has no existing sidewalk, the sidewalk shall taper to the width required by that subarea's regulations, a width of six feet (measured from the street curb), or as approved by the AUDC.
8. Every effort shall be made to place utilities underground or to the rear of structures to allow for the unobstructed use of the sidewalks.
9. Trash receptacles, where installed, shall be the Victor Stanley Model S-42 or similar looking standard trash receptacle and shall be placed within the street furniture and tree-planting zone.

(13) Supplemental Zones.

- a) Any area between the street-fronting building façade line and the required clear zone is a supplemental zone. Supplemental zones:
 1. Shall be permitted between the required sidewalk and the building façade.
 2. Shall be required along arterial streets at a minimum width of five feet, unless on-street parking is provided where there currently is none.
 3. Shall not exceed a maximum width of 15 feet.
 4. Shall be hardscaped.
- b) The following elements may be located within the supplemental zone so long as any proposed element is approved by the AUDC:
 1. Accessory outdoor dining that may be separated from the sidewalk only with planters, shrubs, or fencing which shall have a maximum height of 36 inches.
 2. Balconies, pedestrian walkways, porches, ramps for accessibility, and stoops.
 3. Terraces shall have a maximum finished floor height of 24 inches above the sidewalk elevation and shall be surrounded by permanent safety fencing with a maximum height of 42 inches. See subsection 16-29.001(25)b.
 4. Landscaping and water features.
 5. Lighting.

(14) Curb cuts and parking structures.

- a) All sidewalk-paving and curbing materials shall be continued across any intervening driveway.
- b) Driveways shall have a five-foot-wide band of textured concrete adjacent to the street and in-line with the street furniture zone.
- c) Driveway and curb cut widths shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances.
- d) Required driveways may be located outside the lot boundaries provided they directly connect to a public street, subject to approval by the AUDC.
- e) No circular drives shall be located between any buildings and any public street.
- f) Except as authorized above in this subsection parking areas or driveways are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street, except for a driveway to reach the side or rear yard

or an on-site parking facility. Driveways for childcare centers, kindergartens and special schools may be located between the sidewalk and the building if approved by the AUDC.

- g) One-third of all surface parking areas shall be constructed of pervious materials.
 - h) No more than one curb cut is permitted for each development. Developments with more than one street frontage, may have two curb cuts. Two curb cuts on properties with street frontage greater than 300 feet may be approved by the AUDC.
 - i) Garages and carports that serve a single or two-family residential structure shall be to the rear of the principal building. Garages that serve a multi-family structure may be attached to the principal building, but entrances to garages shall not be on the front façade or the half-depth façade of the principal building.
 - j) Parking deck facades shall conceal automobiles from visibility and shall have the appearance of a horizontal storied building.
 - k) Parking decks shall provide either continuous street frontage with sidewalk-level commercial, office, or residential uses, or a minimum five-foot landscaped strip between the structure and the public sidewalk, except at ingress and egress points into the structure. The landscaped strip shall be planted with street trees spaced a maximum distance of 20 feet on center, which shall also meet the tree requirements set out in Section 16-20A.011(16). The landscape strip shall also be planted with evergreen ground cover or shrubs a minimum of three gallons at time of planting with a maximum mature height of 30 inches. All plantings, planting replacement, and planting removal shall be approved by the city arborist. All landscaping shall be kept in a slightly manner.
 - l) Notwithstanding the provisions of section 16-28.006(10), a common or joint driveway may be approved by the AUDC when adjacent lots have direct vehicular access to a street.
 - m) All developments shall have walkways with a minimum width of four feet provided along the edge of all sidewalk level parking and drive areas and shall be linked to the public sidewalks.
 - n) No drop-off lanes are permitted along public streets.
- (15) Lighting, security, and maintenance requirements for parking structures & surface parking lots. All surface parking lots and structures shall have the following minimum requirements:
- a) Lighting shall be provided throughout all parking facilities to equal a minimum of one-fifth foot-candle of light. A foot-candle of light is a uniformly distributed flux of one lumen on a surface of one square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination.
 - b) Parking lots adjacent to residential areas shall minimize light spillage onto residential properties by providing cutoff luminaries that have a maximum 90-degree illumination and shall in all other ways be in compliance with Illuminated Engineering Society of North American Recommended Practice #33 – Lighting for Exterior Environments.
 - c) Parking deck lighting shall be a maximum of seven feet high and shall not be visible from any public right of way.
 - d) Parking facilities shall be maintained in a clean, safe, sanitary, and attractive condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot.
- (16) Minimum landscaping for parking lots and barrier requirements. Each of the provisions of the Code of Ordinances, chapter 158 Vegetation, article II Tree Protection, and section 30 Parking lot requirements shall apply to all lots of 10 spaces or more in this subarea. In addition to these regulations, the following requirements shall apply:
- a) All landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches.
 - b) Landscape bugger strips as described in section 16-20A.006(19) (i) shall be required.
 - c) Variances in surface parking lot landscaping and barrier requirements may be approved by the commission per the criteria set out in Section 158-30(14).
- (17) Minimum Off-street parking requirements. The following parking requirements shall apply to all permitted uses, including those approved by special permits:
- b) Off-street parking for those uses set out in 16-16.003 shall be as provided for in section 16-16.009.
 - c) Banks and similar institutions: One space for each 200 square feet of floor area.
 - d) Childcare centers: One space for each 600 square feet of floor area; in addition to providing required off-street parking, such centers shall provide safe and convenient facilities for loading and unloading children, as approved by the director of the bureau of traffic and transportation.
 - e) Clothing and tailor shops: One space for each 200 square feet of floor area.
 - f) Clubs and lodges: One space for each 100 square feet of floor area.

- g) Commercial recreation uses, including bowling alleys, amusement arcades, game rooms, and the like: One (1) space for each 100 square feet of floor area.
 - h) Eating and drinking establishments: One space for each 100 square feet of floor area and one space for each 200 square feet of outdoor dining area. Outdoor dining area less than or equal to 25 percent of the enclosed floor area shall have no parking requirement.
 - i) Laundry and dry cleaning establishments where customers operate equipment: One space for each 200 square feet of floor area.
 - j) Retail establishments, including catering, delicatessen and bakeries, but not other uses as provided below: One space for each 200 square feet of floor area.
 - k) Accessory uses: One space for each 300 square feet of floor area devoted to an otherwise permissible accessory use.
 - l) For all other nonresidential uses: One space for each 300 square feet of floor area.
- (18) Off-Street Parking Variances. Reductions in parking requirements may be approved by the AUDC subject to a shared parking arrangement under the following criteria:
- 1. The arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access; and
 - 2. All shared parking spaces shall be clearly marked and signed as reserved during specified hours.
 - b) An applicant shall submit the following information as part of the application to reduce parking requirements and avoid conflicting parking demands:
 - 1. A to-scale map indicating location of proposed parking spaces;
 - 2. Indicate hours of business operation;
 - 3. Written consent of property owners agreeing to the shared parking arrangements; and
 - 4. Copies of any parking leases. Renewed leases shall be provided to the AUDC. Lapse of a required lease agreement shall terminate the permit.
- (19) Electric vehicle charging stations. A building, commercial establishment, or other property, which provides automobile parking facilities shall provide parking facilities in the ratio of at least one station for every 50 automobile parking spaces. No more than five such stations shall be required for a parking facility.

Per Section 16-20.009:

- (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;
- (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.

Analysis of Relationships between District and Beltline Zoning Regulations

The Staff has completed a general zoning analysis and reached the following conclusions about the relationship between the District regulations and the Beltline Overlay Zoning District:

- 1. In addition to its design requirements, the District regulations also address more basic, “standard” zoning requirements, including: allowed uses (principal, accessory, special), transitional characteristics (uses, height planes, yards, and screening), density, setbacks, lot size, yard requirements, height, and the number of off-street parking spaces.
- 2. The Beltline Zoning Overlay District have requirements related to design, building articulation and fenestration, facades, design of parking, streetscapes, and site arrangement.
- 3. In some cases, the Beltline Zoning Overlay District has requirements that are stricter than the District regulations, and thus are the governing requirement for that topic.
- 4. The Beltline Zoning Overlay requirements will be addressed through a concurrent Beltline Special Administrative Permit (SAP) review process also administered by the Office of Planning.

The Staff would recommend that the Staff approve design changes to the proposed project due to any Beltline Zoning Overlay Zoning requirements that would supersede the District regulations or would be considered an alternative, but still compatible, method for compliance with the District regulations.

Variance Analysis (CA3-15-138)

The Applicant submitted separate responses to the variance criteria for each of the seven (7) variances requested. Although the Staff will address the requests separately, it does have some general comments about the rationale provided by the Applicant.

First, the Applicant notes in several of the variance requests the topography of the site, which slopes up from Memorial Drive. The Staff would note that was the previously existing topography prior to the extensive manipulation of the site to begin the previously approved project. The site now consists of a relatively flat pad with the unfinished foundations on it.

Second, the Applicant refers to the previously approved project in all of their variance requests. The Staff considers this to be a wholly new project for several reasons. There are two building in the current proposal vs. two. There is more on-site parking and residential units in the current project, though the non-residential space is dedicated to office uses, not commercial uses as in the previous project. The building along Memorial Drive is taller, not separated by a breezeway / access hall, and has a different architectural design, including balconies and other features not found in the previous proposal. The previous project was proposed under a different owner than the current project and the Beltline Zoning Overlay District did not exist at the time the previous project was originally reviewed.

Third, all of the requested variances taken together allow for the project to maintain a certain density. Taller heights, less transitional yard, and more lot coverage allow for a “larger” building envelope in which to place the desired number of units than would otherwise be permitted by the District regulations.

- **Increase the height allowed within 50’ of Subarea 3 from 28’ (required) to 35’ (proposed)**
- **Increase the height of a building within 150 ft. of Subarea 3 from 35 ft. (required) to 56 ft. (proposed).**
- **Increase the height of the building more than 150 ft. from Subarea 3 from 52 ft. (required) to 64 ft. (proposed).**
- **Reduce the side rear transitional yard from 20’ (required) to 10’ (proposed)**

The Staff is commenting on these four variance requests together because both are related to the potential, interrelated effects on adjacent properties that height, proximity, and use can have. The general concept behind height limitations, distance requirements and transitional yard restrictions is to reduce the negative effects of more intense uses on adjacent, less intense uses. The Subarea 5 regulations allow for more intensive development the farther away you move from the edge of the Subarea, knowing that more intensive development was envisioned and in fact encouraged along the Memorial Drive corridor. The Staff would add that the 28 ft. limit required within the first 50 ft. of the subarea boundary would already allow a building that is likely to be taller than most houses in the adjacent subarea.

The proposed building along Pearl Street is 34 ft 10 in. in height as measured from the sidewalk grade and side grade of the end unit to the roof peak. (As per the City-wide definition of building height,

parapet walls are not included in the calculation.). The northern half of the building is within the 50 ft. height limitation area. In addition, a portion of the parking lot is within the transitional yard. As noted on the elevations, Estoria Street frontage rises from Memorial Drive north to the properties just outside the Subarea 5 boundary. As such, the buildings adjacent to or nearby the proposed project sit on higher ground (making their absolute elevation higher) even though their actual building height (as measured on their lot) is less.

The increase in the building height 50 to 150 ft. away from Subarea 3 and more than 150 ft. away from Subarea 3 would allow for the rear and front of the Memorial Drive building to exceed the allowable height limits. The rear of the Memorial Drive building is in the 50 to 150 ft. zone, while the front is beyond 150 ft. from the Subarea 3 boundary.

The requirement is for a 20 ft. transitional yard that doesn't have buildings or parking in it.

In essence, the Applicant has requested buildings that are taller than are allowed, closer than allowed to Subarea 3 and parking where it isn't allowed adjacent to Subarea 3. Although the Staff understands that the effect of this configuration on the adjacent properties will be somewhat mitigated by the rising grade, it still finds this request excessive. If a building that met the height requirement where closer than allowed or a taller building met the distance requirement, it could be argued that the Applicant had taken into account the requirements when developing the project and had tried to minimize the deviations from the regulations.

In contrast, the Estoria Street building's use (single-family attached/live work) does not substantially conflict with the adjacent properties. Also, the adjacent properties in Subarea 3 likely have smaller side yard setbacks than the proposed transitional yard. Given the reason for the height and transitional yard requirements (as they relate to buildings) and the circumstances of the situation, the Staff finds that if the scale, height (including the grade change) and use of the Estoria Street building is compatible with the adjacent (or closest) houses, then a reduced distance to them is less detrimental. In short, this configuration would keep the proposed Estoria Street building from looming over the adjacent or closest houses in Subarea 3.

Regarding the Memorial Drive building, it is taller than the Estoria Street building, but significantly farther away from Subarea 3. Its first floor is slightly below that of the Estoria Street building somewhat mitigating its height. The tallest portion of the Memorial Drive building would be about 15 ft. above the peak of the Subarea 3 houses and more than 150 ft. away from the side façade of the Subarea 3 houses along Estoria Street, according to the section drawing found in the submission.

Regarding the parking within the rear transitional yard, the Staff finds that it is located about 80 ft. from the Estoria Street frontage and about 40 ft. from the Pearl Street frontage. This would mean that it would likely be adjacent to the side of any house on the adjacent lot or its back yard. Given that any parking provided on those lots would be to the rear or side also, the Staff finds that the parking lot's intrusion into the transitional yard is not unreasonable.

As such, the Staff recommends that the roof of the Estoria Street building within 50 ft. of the northern property line be at the same or lower elevation than the roof peak of the adjacent or closest house on the same block face in Subarea 3. The Staff would further recommend that compliance with this

requirement be documented by a professional survey that establishes an accurate grade line for the proposed project and adjacent properties along Estoria Street, as well as the elevation of the roof peak of the adjacent or closest houses.

Further, the Staff recommends that the use of the northern most unit in the Estoria Street building be limited to single-family or live-work and this use restriction be denoted on the final floor plans and reflected in the floor plan layout.

- **Increase the lot coverage from 80% (required) to 92% (proposed)**

Generally speaking, the Staff has no concerns about the increase in the lot coverage as an increase in lot coverage alone will not greatly affect, positively or negatively, the character of the project. Further, the actual coverage calculated on the site plan is 83.9%. The Applicant did indicate a general breakdown of the calculations (ie., parking, walkways, building footprint), but did not indicate if the percentage of pervious concrete required in the parking area was accounted for. It is also possible that the pervious pavement area of the surface parking could be enlarged to further reduce the lot coverage.

The Staff would recommend that the pervious surface in the parking area be properly accounted for in the lot coverage calculation, and that the use of pervious surface paving materials in the parking area maximized.

- **Allow parking, a dumpster, and wall between the building and the public street.**
- **Allow parking within a non-arterial street setback.**

As noted above, the proposal includes a building along the Estoria Street and Memorial Drive frontages. This leaves the Pearl Street frontage “open” and occupied by the eastern most portion of the parking lot. The variance is required because with no building along the Pearl Street frontage, the parking lot, dumpster, and screening wall are between the Estoria Street building and Pearl Street. The parking lot and dumpster are behind the Estoria Street and Memorial Drive buildings as viewed from their respective frontages. The Staff finds that the only way to prevent this type of variance on a lot with three frontages would be to construct a building along the Pearl Street frontage. Given the unusual three-frontage lot and the hardship that would be incurred by the Applicant to avoid these variances, the Staff finds that the variance criteria have been met for these variance components.

Though it supports the inclusion of a wall / false façade along the Pearl Street frontage to partially conceal the parking lot and dumpster, the Staff would recommend that the screen wall along Pearl Street include more architectural articulation to more clearly create appearance of a building façade.

General Development Controls and Site Plan Issues (CA3-15-097)

Apart from the general development controls and site plan related issues discussed in the variance analysis section above, the Staff found the following elements either missing/ undocumented or did not meet the District regulations. If a general development control or site plan element is not discussed below, then it either met the District regulations or did not apply to this project.

Multifamily dwelling units are allowed if 25% of the floor area in each building is allocated to non-residential uses. Although the site plan includes calculations indicating that this percentage has been met, it is not clear to the Staff how the 2nd, 3rd, and 4th floors of the Memorial Drive building would have substantially less interior square footage than the ground floor even though they appear to have the same

footprint. The proposed office use on the ground floor would meet the District regulations. The Staff would recommend the Applicant document the floor area of each floor in the Memorial Drive building to confirm compliance with the floor area / use percentage requirements.

While a wall and gates is indicated around the dumpster, it is not clear that the screening meets the District regulations. In addition, the Staff is concerned that one dumpster will not be enough for 19 residential units and 7,600 sq. ft. of non-residential space, particularly if a restaurant or bar is one of the non-residential uses. The Staff would recommend the screening for the dumpster is six (6) ft. high and have a smooth stucco finish or the same material as the proposed buildings.

The sidewalks along Pearl and Estoria Street are governed by the Subarea 3 requirements, which require the sidewalks to be the same width as the abutting properties, which would be in Subarea 3. The sidewalks on the adjacent properties in Subarea 3 approved by the Commission through a variance to be 4 ft. wide with a 2 ft. planting strip. Along Estoria Street in front of the building, the sidewalks are 6 ft. wide with no planting strip. Along Pearl Street in front of the parking lot, the sidewalks are 6 ft. wide with a 5 ft. planting strip. The Staff would recommend the sidewalks, planting strips, and any new curbing along Estoria and Pearl Street meet the District regulations.

The clear zone of the sidewalk Along Memorial Drive does not meet the minimum 10 ft. width. The Staff would recommend the clear zone of the sidewalk along Memorial Drive be 10 ft. wide.

The light poles meet the District regulations as to spacing, except in the center of the Memorial Drive frontage. Similarly, the street trees meet the District regulations, except in the center of the Memorial Drive frontage. Further, it is not clear the size and mature height of the proposed street trees. The Staff would recommend all of the street lights and street trees meet the District regulations.

No textured concrete band distinct from the continuation of the sidewalk materials is indicated on either side of the sidewalk as it continues across the driveway. The Staff would recommend the driveway materials and patterns meet the District regulations.

There are several concerns regarding the proposed parking lot. One-third of the surface area is not indicated as pervious surface. There is no lighting indicated on the site plan. There are no calculations of the landscaping requirements. No electric vehicle charging stations are shown. No sidewalks are shown in and from the parking area to the public sidewalk along Pearl Street. The Staff would recommend the parking area meet all of the District regulations, including but not limited to treatment of surface area, lighting, landscaping, electric vehicle charging stations, and access sidewalks.

In addition to these specific regulatory or documentation requirements, the Staff found the following site plan related issues:

- Apart from its effect on access to Pearl Street, the parking space in the driveway entrance might not be permitted from a traffic safety perspective.
- No handicapped ramps are indicated at any street crossing.

General Massing, Architectural Components, and Materials (CA3-15-097)

The Staff found the following massing, architectural component, or materials either missing/undocumented or did not meet the District regulations. If a massing, architectural component, or material issue is not discussed below, then it either met the District regulations or did not apply to this project.

The Staff has several concerns about the architectural components and materials of the Memorial Drive building. First, it finds the raw, formed concrete at the foundation and first level, and the raw steel lintels above the balcony openings to be incompatible with any of the buildings in the District, particularly the commercial or industrial buildings that would be somewhat comparable in size to the proposed building. In particular, the foundation material would give the building an overly contemporary appearance. The Staff would recommend the raw, formed concrete foundation and raw steel lintels of the Memorial Drive building be changed to materials and finishes that are compatible with the District.

Second, the Staff is concerned about the use of mixed fenestration styles and techniques on the upper levels. On these floors, there are storefront windows systems with two different size panes at the balconies, paired double hung windows, single double hung windows, and paired double hung windows with arched transom windows above. While the use of storefront window systems is appropriate at the storefront level (i.e. the first level) it is not compatible with the upper levels of an otherwise traditionally-styled building. The Staff would recommend that the fenestration of the upper levels of the Memorial Drive building be more consistent and compatible with the overall architecture of the building and otherwise meet all District regulations.

Regarding the architectural components and materials of the Estoria Street building, the Staff is concerned about the use of pressure treated wood for the columns and balconies. While a common building material for rear decks and related features, they are not compatible with the front porches of smaller, mixed-use or residential buildings in the District. Further, the Staff is concerned that the porch railing will not consist of butt jointed pickets. The Staff would recommend the finish material and elements of the front porches of the Estoria Street buildings meet the District regulations. The Staff would further recommend the siding on the Estoria Street buildings is smooth finish, and all exterior architectural trim is wood.

The location and size of street address numbers are not shown on the Memorial Drive building. The Staff would recommend the building numbers and their size be indicated on the Memorial Drive building.

The terrace along the front of the Memorial Drive building is about 4 ft. tall on its western end, which is higher than the 2 ft. permitted by the District regulations. This excessive distance also affects the relationship of the storefront fenestration to the public sidewalk making the bottom of the fenestration start higher than what is permitted by the District regulations. The Staff would recommend the height of the terrace in front of the Memorial Drive building be reduced to meet the District regulations.

The sidewalk level of the eastern and western ends of the Memorial Drive building have façade length greater than 10 ft. without fenestration. The Staff would recommend that all street level facades of the Memorial Drive building meet the fenestration requirements.

Given that mechanical equipment is not shown on the site plan, the Staff assumes that it is located on top of the buildings, but no roof plan was included for the Memorial Drive building and the roof plan for the Estoria Street building does not indicate any mechanical equipment. The Staff would recommend that the mechanical equipment to the Estoria and Memorial Drive buildings be located on the roof, hidden by the parapet wall.

Variances (CA3-15-138)

Staff Recommendation: Based on the following:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question, per Section 16-26.003;
- b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship, per Section 16-26.003
- c) There are peculiar conditions pertaining to the particular piece of property in question, per Section 16-26.003;
- d) Relief if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta, per Section 16-26.003.

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-15-138) for a variance to increase the height of a building within 50 ft. of Subarea 3 from 28 ft. (required) to 35 ft. (proposed), to increase the height of a building within 150 ft. of Subarea 3 from 35 ft. (required) to 56 ft. (proposed), to increase the height of the building more than 150 ft. from Subarea 3 from 52 ft. (required) to 64 ft. (proposed), to decrease the side/rear transitional yard from 20 ft. (required) to 10 ft. (proposed), to increase the allowed lot coverage from 80% (required) to 92% (proposed), to allow parking, a dumpster, and wall between the building and the public street, to allow parking within a non-arterial street setback at **764 (aka 742) Memorial Dr.**, with the following conditions:

1. The roof of the Estoria Street building within 50 ft. of the northern property line shall be at the same or lower elevation than the roof peak of the adjacent or closest house on the same block face in Subarea 3, per Section 16-26.003(1);
2. Compliance with Condition #1 shall be documented by a professional survey that establishes an accurate grade line for the proposed project and adjacent properties along Estoria Street, as well as the elevation of the roof peak of the adjacent or closest houses;
3. The use of the northern most unit in the Estoria Street building shall be limited to single-family or live-work and this use restriction be denoted on the final floor plans and reflected in the floor plan layout, per Section 16-26.003(1);
4. The pervious surface in the parking area be properly accounted for in the lot coverage calculation, and that the use of pervious surface paving materials in the parking area maximized, per Section 16-20A.011(6); and .
5. The screen wall along Pearl Street shall include more architectural articulation to more clearly create appearance of a building façade, per Section 16-26.003(1).

Design Review (CA3-15-097):

Staff Recommendation: Based on the following:

1. The Staff recommendation for conditional approval of the variances;
2. There are elements of the proposed site plan that do not meet the District regulations; and

3. There are massing, architectural components and materials of the proposed design that do not meet the District regulations.

Staff recommends deferral of the Application for a Type III Certificate of Appropriateness (CA3-15-097) for new construction of a mixed use complex at **764 (aka 742) Memorial Dr.**, to allow time for the Applicant to address the following concerns:

1. The Applicant shall document the floor area of each floor in the Memorial Drive building to confirm compliance with the floor area / use percentage requirements, per Section 16-20A.011(1)(b);
2. The screening for the dumpster shall be six (6) ft. high and shall have a smooth stucco finish or the same material as the proposed buildings, per Section 16-20A.011(10);
3. The sidewalks, planting strips, and any new curbing along Estoria and Pearl Street shall meet the District regulations, per Section 16-20A.011(12)(a);
4. The clear zone of the sidewalk along Memorial Drive shall be 10 ft. wide, per Section 16-20A.011(12)(b)(2);
5. All of the street lights and street trees shall meet the District regulations, per Section 16-20A.011(12)(b)(3) and (6);
6. The driveway materials and patterns shall meet the District regulations, per Section 16-20A.011(14)(a) and (b).
7. The parking area shall meet all of the District regulations, including but not limited to treatment of surface area, lighting, landscaping, electric vehicle charging stations, and access sidewalks, per Section 16-20A.011(15), (16), and (19);
8. The raw, formed concrete foundation and raw steel lintels of the Memorial Drive building shall be changed to materials and finishes that are compatible with the District, per Section 16-20.009(6) and (7);
9. The fenestration of the upper levels of the Memorial Drive building shall be more consistent and compatible with the overall architecture of the building and otherwise meet all District regulations, per Section 16-20.009(6) and (7);
10. The finish material and elements of the front porches of the Estoria Street buildings shall meet the District regulations, per Section 16-20.009(6) and (7);
11. The siding on the Estoria Street buildings shall be smooth finish and all exterior architectural trim shall be wood, per Section 16-20.009(6) and (7);
12. The building numbers and their size shall be indicated on the Memorial Drive building, per Section 16-20A.011(7)(e);
13. The height of the terrace in front of the Memorial Drive building shall be reduced to meet the District regulations, per Section 16-20A.011(13)(b);
14. All street level facades of the Memorial Drive building shall meet the fenestration requirements, per Section 16-20A.011(8);
15. The mechanical equipment on the Estoria and Memorial Drive buildings shall be located on the roof, hidden by the parapet wall, per Section 16-20A.011(10);
16. The Staff shall approve design changes to the proposed project due to any Beltline Zoning Overlay Zoning requirements that would supersede the District regulations or would be considered an alternative, but still compatible, method for compliance with the District regulations; and
17. The Applicant shall submit all revised plans and supporting documentation (including all required copies) at least eight (8) days prior to the Commission meeting to which this application is deferred.



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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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

January 14, 2015

REVISED

February 11, 2015

(Revised text shown in italic.)

REVISED

April 22, 2015

(Revised text shown in Ariel text.)

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4PH-14-266) for demolition due to a threat to health and safety at **103 Bradley Street** – Property is Martin Luther King, Jr. (Subarea 2) / Beltline.

Applicant: Douglas Vason
787 Field Street

Facts: This duplex structure is considered contributing to the District and according to the District inventory sheet was built in 1900-1910. It is a two-story building with a full width, two-story front porch.

At the January 14, 2015 Commission meeting, the Commission deferred this application to allow time for the Applicant to address the concerns and comments in the Staff Report. On February 3, 2015, the Applicant submitted additional materials that are addressed in this revised Staff Report.

At the February 11, 2015 Commission meeting, the Commission deferred this application to allow time for the Applicant to address the concerns of the Staff and Commission. On February 18, 2015, the Staff conducted a site visit with the Applicant to inspect the property. The application was subsequently deferred several meetings to allow time for the Applicant to prepare addition materials for the Staff and Commission's consideration. On April 6, 2015, the Applicant submitted additional material which along with the Staff's assessment of the situation from the site visit, is addressed in this revised Staff Report.

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.

(3) Landmark Districts:

- a. To change the exterior appearance of any structure within any Landmark District;
- b. To erect any new structure or to make an addition to any structure within a Landmark District;
- c. To demolish or move any structure, in whole or in part, within a Landmark District; or

Per Section 16-20.008

(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).]

Sec. 16-20C.004. General regulations

The following general regulations shall apply to all properties within the Martin Luther King, Jr. Landmark District, except where otherwise stated.

3. Certificates of Appropriateness

d. Type IV Certificates of Appropriateness.

i. Type IV Certificates of Appropriateness shall be reviewed by the Commission and shall be required for the demolition or moving of any contributing structure.

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

Staff Response to the Application Submitted

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

The Applicant provided a structural analysis from Omega One Enterprises, Inc. This report was based on a site visit and inspection by the company personnel. This analysis focused on the structure deterioration of the building from termites, wood beetles, and water damage, particularly in the rear portion of the building. It is this portion of the building which has the most contact with the ground given the slope of the property. Additionally, the report noted the deterioration of the interior features due to holes in the roof.

The report also notes the presence of asbestos siding and lead paint, given the age of the house and previous renovation attempts. The report included photographs of the damaged areas of the house.

The report concludes by finding that the house cannot be rehabilitated given the amount of structural damage to the foundation, sill plate, bottom of the wall studs, water damage to the roof, and water damage to the interior due.

The Staff 's main concern about the engineering report and the supporting photographs is that it is not clear as to how many or to what extent the structural components of the house have been

effected by the wood rot, termite damage, and wood beetle damage. While there is no question that the photographs show that were such damage has occurred it is severe, the Staff needs to know if this level of damage exists throughout the structure, particularly the damage associated with the foundation and sill plate. This information would be significant as the engineer’s report uses this foundation and sill plate damage as the main argument within their recommendation to demolish the structure.

The Staff would also note that having asbestos siding and/or lead paint is typical of a house of this age and as such should be an expected issue in any renovation project. As to the issue of the animal feces and insect infestation, this would likely need to be remedied (if it already hasn’t been) regardless of the alternative selected.

The Staff would recommend the Applicant provide addition documentation as to the extent of the level of physical damage already included in the submitted documentation and that the extent of this physical damage is a major and imminent threat to public safety.

The additional materials, the Applicant provided more analysis and photographs from the engineer who did the original assessment. In the new materials, the engineer noted the extent of the damage, including the inadequacy of the footing (“100% of its length) and deterioration of the sills (“905 have deficiencies, 50% are not cared their designed loads, and 20% have failed”). They provided additional photographs and description of the brick columns and piers, as well as examples of the sill and framing damage. The engineer explained how the compromised building is unstable and would be subject to collapse with any type of externally-generated forces, such as high winds or earthquake. Lastly, the engineer described what would be involved in trying to fix the problems with the foundation, sills, and framing given the more typical problems of a failing roof and water damage inside the building. They also noted that after fixing all of the issues with the house, there would likely be little of the original house remaining.

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

Based on the engineer’s and contractor’s analysis, the Applicant provided the following costs for various scenarios, as follows:

Demolition and Rebuilding of similar duplex structure:	\$325,363
Renovation of existing building as a duplex structure:	\$401,211
Renovation of existing building as a single-family structure:	“similar to duplex renovation”
Renovation of existing building with allowed rear addition:	\$460,746
Partial Demolition, Partial Addition and Renovation of existing building:	unknown
Demolition, Combination with 105 Bradley and Construction of Apartment:	\$320,000

The description of the costs related to the renovation scenarios includes some basic analysis of the logistical and architectural issues associated with these alternatives, including that the renovation alternative would require replacement of most of the existing fabric making the renovation result in essentially a new building.

The Staff generally concurs with the cost analysis and the assessment of the alternatives. However, it would note that the costs associated with the renovation alternatives assume a total replacement of all of the components of the building, which based on its assessment of the Applicant’s response to Question #1, the Staff has concerns about. Further, the Staff would like to know the cost estimate for the partial demolition, partial addition and renovation alternative.

The Staff would recommend the Applicant provide a cost estimate of the partial demolition / partial addition / renovation alternative.

- 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 not 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 in 2011 for \$45,000. There is no relationship between the seller and buyer / current owner.

- (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.**

The Applicant has indicated that there has been no operating income, no annual cash flow, no depreciation deduction claimed to due to a lack of income, no debt service, and minimal maintenance expenses that were limited to boarding the property and cleaning it up in 2013.

- (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 on the property.

- 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.**

The Applicant has provided documentation the real estate taxes and assessed values of the property, as follows:

Year	Taxes Paid	Assessed Value	Appraised Value
2014		\$54,840	\$137,100
2013	\$806.35	\$17,960	\$44,910
2012	\$812.01		
2011	\$1,148.21		
2010	\$1,399.16		

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.

No appraisals were completed as part of the purchase of the property, but an appraisal was performed late last year in preparation of the submission of this application. That appraisal documented the value of the property as follows:

As-Is value:	\$77,000
Replacement Duplex value:	\$295,000
Replacement Single-family value:	\$330,000

However the Applicant submitted information from a real estate professional which states the values as follows:

As-is value:	\$150,000
New Construction market value:	\$322,000

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 at the time the application was submitted was \$137,100, per the Fulton County Tax Assessor's appraised value. The Applicant was not able to determine the fair market value prior to the designation, which occurred in 1989.

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 in joint tenancy by the Douglas and Carolyn Vason.

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

The Applicant has provided their tax returns related to the property, which do not appear to indicate any information related to the subject property.

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.

The Applicant did not and does not wish to sell or rent the property.

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

The Applicant did not and does not wish to sell or rent the property.

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

The Applicant did not and does not wish to sell or rent the property.

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 structural analysis from Omega One Enterprises, Inc. This report was based on a site visit and inspection by the company personnel. This analysis focused on the structure deterioration of the building from termites, wood beetles, and water damage, particularly in the rear portion of the building. It is this portion of the building which has the most contact with the ground given the slope of the property. Additionally, the report noted the deterioration of the interior features due to holes in the roof.

The report also notes the presence of asbestos siding and lead paint, given the age of the house and previous renovation attempts. The report included photographs of the damaged areas of the house.

The report concludes by finding that the house cannot be rehabilitated given the amount of structural damage to the foundation, sill plate, bottom of the wall studs, water damage to the roof, and water damage to the interior due.

The Staff 's main concern about the engineering report and the supporting photographs is that it is not clear as to how many or to what extent the structural components of the house have been effected by the wood rot, termite damage, and wood beetle damage. While there is no question that the photographs show that were such damage has occurred it is severe, the Staff needs to know if this level of damage exists throughout the structure, particularly the damage associated with the foundation and sill plate. This information would be significant as the engineer's report uses this foundation and sill plate damage as the main argument within their recommendation to demolish the structure.

The Staff would also note that having asbestos siding and/or lead paint is typical of a house of this age and as such should be an expected issue in any renovation project. As to the issue of the animal feces and insect infestation, this would likely need to be remedied (if it already hasn't been) regardless of the alternative selected.

The Staff would recommend the Applicant provide addition documentation as to the extent of the level of physical damage already included in the submitted documentation and that the extent of this physical damage is a major and imminent threat to public safety.

The additional materials, the Applicant provided more analysis and photographs from the engineer who did the original assessment. In the new materials, the engineer noted the extent of the damage, including the inadequacy of the footing ("100% of its length) and deterioration of the sills ("905 have deficiencies, 50% are not cared their designed loads, and 20% have failed"). They provided additional photographs and description of the brick columns and piers, as well as examples of the sill and framing damage. The engineer explained how the compromised building is unstable and would be subject to collapse with any type of externally-generated forces, such as high winds or earthquake. Lastly, the engineer described what would be involved in trying to fix the problems with the foundation, sills, and framing given the more typical problems of a failing roof and water damage inside the building. They also noted that

after fixing all of the issues with the house, there would likely be little of the original house remaining.

- 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.**

Based on the engineer's and contractor's analysis, the Applicant provided the following costs for various scenarios, as follows:

Demolition and Rebuilding of similar duplex structure:	\$325,363
Renovation of existing building as a duplex structure:	\$401,211
Renovation of existing building as a single-family structure: "similar to duplex renovation"	
Renovation of existing building with allowed rear addition:	\$460,746
Partial Demolition, Partial Addition, and Renovation of existing building:	unknown
Demolition, Combination with 105 Bradley and Construction of Apartment:	\$320,000

The description of the costs related to the renovation scenarios includes some basic analysis of the logistical and architectural issues associated with these alternatives, including that the renovation alternative would require replacement of most of the existing fabric making the renovation result in essentially a new building.

The Staff generally concurs with the cost analysis and the assessment of the alternatives. However, it would note that the costs associated with the renovation alternatives assume a total replacement of all of the components of the building, which based on its assessment of the Applicant's response to Question #1, the Staff has concerns about. Further, the Staff would like to know the cost estimate for the partial demolition, partial addition and renovation alternative.

The Staff would recommend the Applicant provide a cost estimate of the partial demolition / partial addition / renovation alternative.

In the additional materials, the Applicant did provide a cost estimate for this alternative, which was \$421,653. Inclusive of this additional estimate, the complete set of cost estimates is as follows:

<i>Demolition and Rebuilding of similar duplex structure:</i>	<i>\$325,363</i>
<i>Renovation of existing building as a duplex structure:</i>	<i>\$401,211</i>
<i>Renovation of existing building as a single-family structure: "similar to duplex renovation"</i>	
<i>Renovation of existing building with allowed rear addition:</i>	<i>\$460,746</i>
<i>Partial Demolition, Partial Addition, and Renovation of existing building:</i>	<i>\$421,653</i>
<i>Demolition, Combination with 105 Bradley and Construction of Apartment:</i>	<i>\$320,000</i>

The Staff finds that this final cost estimate is in alignment with the previously provided five (5) other cost estimates. Taken together, these estimates show that the cost to either recreate a similar duplex structure or build an apartment of similar size is about \$85,000 to \$180,000 less than the three renovation-related options.

- 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.**

An appraisal was performed late last year in preparation of the submission of this application, documented the value of the property as follows:

As-Is value: \$77,000
Replacement Duplex value: \$295,000
Replacement Single-family value: \$330,000

However the Applicant submitted information from a real estate professional which states the values as follows:

As-is value: \$150,000
New Construction market value: \$322,000

What does not appear to have been provided is the market value of the following alternatives: a renovated duplex structure, a renovated and partially added to duplex structure, and the renovation of the existing structure into a single family house. The Staff would recommend the Applicant provide property valuations for all of the development alternatives and cost alternatives outlined in their submission.

In the additional materials, the Applicant provided more valuations as follows:

Existing Structure renovated with no addition: \$225,000 to \$250,000
Existing Structure renovated with 378 sq. ft. addition: \$225,000 to \$250,000
Existing Structure renovated into single family house: \$225,000 to \$430,000

Taken together, in order of lowest to highest valuation, the alternatives ranks as follows:

As-Is value: \$77,000
As-is value (real estate professional): \$150,000
Existing Structure renovated with no addition: \$225,000 to \$250,000
Existing Structure renovated with 378 sq. ft. addition: \$225,000 to \$250,000
Existing Structure renovated into single family house: \$225,000 to \$430,000
Replacement Duplex value: \$295,000
New Construction market value (real estate professional): \$322,000
Replacement Single-family value: \$330,000

In comparing the cost estimates above to the property valuations, it would appear that all of the renovation-related options and the demolition / reconstruction option as a duplex have costs higher than the valuations. The demolition and replacement as a single family house option would have costs and valuations of about the same amount.

- 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.**

The Applicant provided a cost estimate from the appraiser for the renovation of the existing structure and the demotion of the existing structure and the construction of a new structure.

- 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.**

The Applicant's analysis noted that given the District regulations regarding the setbacks and lot coverage, and the existing conditions on the subject property, a 378 sq. ft. addition could be made to the back of the property. The Applicant further notes that no addition would be possible to the front and sides of the existing house.

Regarding the development rights, the Applicant asserts that if there were any excess development rights to transfer, the administrative and logistical costs would outweigh the benefits.

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 helpful given their limited income tax liability.

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, interior and building material issues. While there is significant discussion of the existing physical conditions and circumstances of the property and the alternative scenarios, it is still not clear to the Staff that conditions and circumstances create an imminent and major threat to public health and safety.

The Staff would note that in comparing the costs of the various alternatives for which cost estimates were provided with the various property values that were provided, any of the alternatives could result in an economic loss to the property owner.

While the Staff finds that the building in its current condition is unsafe, a nuisance and needs significant rehabilitation, the Staff does not find the Applicant has proven the property is an imminent and major threat to public health and safety. A major and imminent threat to public health and safety typically exists when the building is in danger of collapsing. Based on the information submitted, the Staff finds a major and imminent threat has not been proven. Given the information we have at this time, the Staff cannot support the application for demolition.

Taking into account the additional materials provided by the Applicant, the Staff would agree with the Applicant that there is significant structural damage to the building due to insects, water damage, relationship of the structural members to the surrounding grade, previously either incomplete or incompatible alterations, and general deterioration of the exterior features of the house (rotten siding, warped wood members, etc.).

The Staff would also agree that if additional structural loads were placed on the house due to high winds or vibrations, the compromised structure could collapse either quickly or more slowly over time. The Staff would add that the two-story house is within about 7 ft. of 105 Bradley Street (to the north) and about 10 ft. of 99 Bradley Street (to the south), meaning a collapse or shifting of the house from

side to side would endanger the adjacent properties. (The Applicant is also the owner of 105 Bradley Street.)

Lastly, the Staff finds that the renovation alternatives outlined by the Applicant would not create little or no positive value for the property above the costs associated with implementing them and in the end an essentially new house would exist on the property under the renovation options.

At the same time, the Staff finds that there substantial portions of the house that would appear to retain their architectural integrity and configuration (such as front porch, upper levels exterior walls, portions of siding, and some windows and doors), though it is unclear their structural integrity at this point in time. The Staff also finds that while there are deflections in some structural elements, the house as a whole does not appear to be leaning, bowed, or bending.

As such, the Staff would recommend the Applicant provide additional structural analysis documenting that the deteriorated conditions and structural damage at the house creates a major and imminent threat to public safety.

On February 18, 2015, the Staff conducted a site visit with the Applicant and their engineer. This site visit consisted of an exterior inspection of all four elevations of the building, as well as a limited interior inspection in the first room and front portion of the hallway of the lower level unit. No measurements or photographs were taken as part of the inspection. The Staff did discuss their initial reaction with the Applicant at the conclusion of the inspection.

As a result of the site visit, the Staff found that while there was significant deterioration of selected components of the building (including the walls, sills, and foundation), this deterioration was more limited and concentrated than had been expected by the Staff based on the materials submitted in the application package. For example, the rear right hand corner post of the house does have significant water, insect, and termite damage, but the right side elevation as a whole does not. On the left side elevation, there are portions of the sill plate that are substantially deteriorated beyond repair, but there are also sections that little or no deterioration.

What was also discussed and is the focus of the Applicant's revised materials received on April 6, 2015 is the deflection of the left side elevation foundation and the resulting "kick-out" of the façade above it. After the site visit, the Applicant documented the deflection of the foundation and façade above it. Using a plumb bob, seven sets of measurements were taken (four on the left side and three on the right side) from the soffit line to the ground and a profile was drawn reflecting the distance from the plumb bob of the various points of the foundation and façade.

On the left side elevation, the greatest deflection of the foundation occurs in the middle of the house and subsequently the greatest "kick-out" of the façade occurs in that same location (Measurements B and C). While there still is some deflection and "kick-out" at the front (Measurement A) of the house, it is less. Of note, however is that the left rear corner of the house has no deflection in the foundation, but the façade above it appears to be leaning to the right (Measurement D).

On the right elevation, the middle portion shows some small amount of foundation deflection but no "kick-out" of the façade above it (Measurement F). The right rear corner shows the foundation deflection and the façade both leaning to the right (Measurement E). The front

right corner (Measurement G) has little foundation reflection, but does show the façade leaning to the right. The Staff would note, however, that the above ground height of the foundation is less, likely resulting in less severe deflection and “kick-out” movement in general.

Measurements B and C would lead one to believe that the left side of the house is slightly separating from the right side of the house. This documentation would appear to correspond to the Applicant’s documentation of failing internal foundation piers and the front-to back gap in the floor system visible on the hallway adjacent to the front room of the lower level of the house.

However, the house as a whole does not appear to be “leaning” in a uniform, top-to-bottom fashion given the differences in all seven sets of measurements. Rather, the house could have experienced “racking” movement with the sides of the house bowing out in the middle on the left, leaning to the right in the rear, and leaning to the right on the right front corner. It is not clear what is the cause vs. what is the symptom; the deflection of the foundation or the movement within the structural components of the house above the foundation.

In conclusion, the Staff finds that while there has been substantial information provided about the movement of the house, it is not clear yet that the house has experienced a significant enough and uniform enough shift or widespread deterioration that would cause the house to collapse. The Staff would retain its previous recommendation.

Comment on Application Materials by the Office 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. The 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, the Staff will include the report in the file for future reference.

At this time, a report has not been received by the Office of Buildings.

The week of February 16, 2015 (after the February 11, 2015 Commission meeting), the Office of Buildings delivered their analysis of the property to the Staff. This analysis concluded that “this structure is safe and cannot be demolished”. The Office of Buildings did add that “if the structure is left in its current condition over time, it will deteriorate to the point of needing to be demolished,

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 *approval* of the application for a Type IV Certificate of Appropriateness (CA4PH-14-266) for demolition due to a threat to health and safety at **103 Bradley Street** – Property is Martin Luther King, Jr. (Subarea 2) / Beltline, with the following conditions:

1. *The Applicant shall provide additional structural analysis documenting that the deteriorated conditions and structural damage at the house creates a major and imminent threat to public safety, per 16-20.008; and*
2. *The Staff shall review, and if appropriate, approval the final supporting documentation.*