



# CITY OF ATLANTA

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MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
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**CHARLETTA WILSON JACKS**  
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## STAFF REPORT

May 13, 2015

**Agenda Item:** Application for Type III Certificates of Appropriateness (CA3-15-144) for a rear addition at **852 Ashland Avenue**- Property is zoned R-5/Inman Park Historic District (Subarea 1).

**Applicant:** Ute Banse  
1077 Alta Avenue

**Facts:** According to the District inventory sheet, the house was built in 1911. The property is considered contributing to the District. The one-and-a-half story house has a front gable roof with what appears to be a large rear addition with a cross-gable roof. The property is generally flat at its front with a slight slope down towards the rear of the property. The property has its own independent driveway on the right hand side.

The Applicant proposes to remove an existing contemporary rear, wood deck and build a new wood deck and screened porch in its place. The screened porch will have a rear facing gable and two skylights on the left side roof plane. As noted above, the rear of the house already contains a contemporary rear addition to which the new deck and screened porch will be located.

No other renovations are proposed for the house and no other site work is proposed on the property.

**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.
- 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.
  - j. Decks are permitted only when located to the rear of the principal structure. Such decks shall be no wider than the width of the house and shall not project beyond the side façade of the existing house.
  - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
  - q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
    - i. The dimensions of the exposed face of lap siding and wood shingles.
    - ii. The type of brick and pattern of brickwork.
    - iii. The type of stone and pattern of stonework.
    - iv. The material and texture of stucco.

- v. The size and type of doors.
    - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
  - vi. The materials and pattern of roofing.
  - viii. Visible foundation materials.
    - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
  - x. Skylights are permitted where not visible from a public street or park wherever possible. Protruding bubble skylights are prohibited.
2. Setback requirements:
- b. New additions to existing structures: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new additions to existing structures: Rear setbacks shall be subject to the compatibility rule. The compatibility rule shall not apply to the front and side setbacks of any addition to an existing structure, however the front and side yard setbacks of the addition shall not be less than the respective setback, at its closest point, of the existing structure.
4. Principal uses and structures:
- a. Properties that have an underlying zoning designation of R-5 shall be used only for the following principal purposes subject to the following provisions:
    - i. Single-family detached dwelling.
    - v. Floor area ratio shall not exceed 0.50.

### Removal of Existing Deck

The Staff has no concerns about the removal of the contemporary deck. The deck is a non-original / non-historic component of the house that will not result in the loss of significant architectural features that would destroy the structure's historic interpretability or importance.

### Setbacks and General Development Controls

The Staff finds that the addition's setbacks meet the District regulations. In the District, the side yard setbacks for additions are based on the setbacks of the existing house. An addition can't be any closer to the side property lines than the closest point of the existing house. In this case, the addition is even with the rear portion of the existing house on the right and slightly projects from the existing house on the left. In both cases, however, portions of the house on the respective sides are closer to the side property line than the proposed deck (on the right) and the screened porch (on the left). As such, the side yard setbacks meet the requirements. The rear yard setback is determined by the compatibility rule, which requires that the setback be within a range created by the closest and farthest such setback of the contributing houses on the block face. In this case, the allowable rear yard setbacks for the addition would be established by the current rear setbacks of the contributing houses on the block. The rear yard setback of the existing house can be considered (about 48 ft.) and a smaller rear yard setback is found at 840 Ashland Avenue (0 ft.) and 856 Ashland Avenue (3 ft.). As such, the proposed 40.7 ft. rear yard setback to the furthest rear portion of the proposed deck, meets the compatibility rule requirements.

Although not officially the responsibility of the Commission to assess, the Staff found that the maximum lot coverage for the R-5 underlying zoning district (55% of the lot) will not be exceeded by the proposed project. The Applicant's floor area ratio calculations meet the District regulations (50%) as the proposal does not include any new interior space that would be calculated as part of the floor area ratio.

The Staff concurs with the location of the screened porch addition to the rear of the house. This location allows the original house to continue to be the dominant feature of the property. The location of the addition is compatible with the existing house and meets the District regulations.

The proposed deck is located to the rear of the principal structure, is not wider than the existing house, and does not project beyond the sides of the existing house, meeting the three District regulations specifically related to decks.

#### Architectural Elements and Materials

Generally speaking, the Staff has no concerns about the proposed screened porch addition. The rear of the addition will have no visibility from the street and the sides of the addition will have some visibility from the street. The addition is located to the rear of the house; simple, rear facing gable is significantly lower than the existing main roof (meeting the District regulations) and is differentiated on the right side by the slightly lower eave line and off-set from the main massing of the house on the left side where the deck will be. All of these characteristics are compatible with the existing house and meet the District regulations. Generally speaking, the Staff also finds the materials and ornamentation for the addition are compatible with the existing house, including the square columns, simple wood railing, rectangular lattice covering the foundation, asphalt roof material, and eave details similar to the existing house.

The only potential issue with the architectural elements of the screened porch addition would be the two skylights on the left hand roof plane, which face the west side yard of the property. The design of the skylights “deck mounted, flat” meets the District regulations as they are not “protruding bubble skylights”.

Regarding their location, the District regulations permit skylights “where not visible from a public street or park wherever possible.” Regardless of the benefits of skylights for a screened porch, the Staff finds that the skylights would likely be visible from the public street in their current location. If skylights are considered necessary for the project, it would appear that the east facing roof plane (which is more interior to the property and not visible at all from the street) could offer some of the same benefits as the currently proposed location even with the valley created by the existing rear facing gable. The Staff would recommend the Applicant document that an alternative location for the skylights that is not visible from a public street would not accomplish similar results as the currently proposed location.

#### **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 (CA3-15-144) for a rear addition at **852 Ashland Avenue**- Property is zoned R-5/Inman Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall document that an alternative location for the skylights that is not visible from a public street would not accomplish similar results as the currently proposed location, per Section 16-20L.006(1)(q)(x); and
2. The Staff shall review, and if appropriate approve, the final supporting documentation and plans.



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## STAFF REPORT

May 13, 2015

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-15-147) for alterations and an addition at **245 Linkwood Road**- Property is zoned R-3/Collier Heights Historic District.

**Applicant:** Roderick Cloud  
1110 Cascade Road

**Facts:** According to the District inventory sheet the Collier Heights survey book, this single family dwelling was built in 1968 and is considered contributing to the District. The 2008 photograph (no difference was observed in 2012 of 2013 and thus no new photograph was taken) shows the original attached, double-bay carport on the left side of the house, with wrought iron metal posts. The rear of the carport is open to the rear yard. Though not visible in the District inventory photograph, the rear of the carport was apparently extended in the 1970s making the carport deeper.

The Applicant is requesting demolition of the existing carport and its replacement with a sided, double car garage. The existing, concrete, two-part front walk between the front stoop and the driveway would be replaced with a single, concrete front walk directly to the driveway. All of the existing windows and doors except for those in the basement would be replaced to match existing.

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.

**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;
    - (ii) To alter the rear façade or rear roof plane of a structure that is located on a corner lot, as defined by section 16-28.007(3);
  - (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.
    - (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 16-20Q.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;
    - (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, as determined by the commission.
- (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.

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.
- (11) Attached garages and carports.
  - (a) The presence, location, and design of carports or garages for all new principal structures shall be subject to the compatibility rule.
  - (b) The placement and location of attached, new carports and garages on existing principal structures shall meet the compatibility rule.
  - (c) Existing attached carports may be enclosed with garage doors, provided that the alteration is consistent with the original architectural style of the existing structure.
  - (d) Existing attached garages or carports may be fully enclosed into conditioned space provided the original character defining features visible from the public street are retained and are identifiable.
- (15) Paved surfaces.
  - (a) Original or historic paved surfaces shall be retained.
  - (b) Replacement paved surfaces shall be permitted only when original or historic chimneys cannot be rehabilitated.
  - (c) If original or historic paved surfaces cannot be rehabilitated, replacement paved surfaces shall match the original or historic paved surface in layout, patterns, finish, and materials.
  - (d) The layout, pattern, finish and material of new paved areas shall be subject to the compatibility rule.
  - (e) New driveways shall not exceed a width of ten feet between the principal structure and any public street except for the minimum flare required to allow access to double-width carports or garages.
- (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.

### Demolition of the Existing Carport with a Double Garage

The Staff finds that the demolition of the existing carport does not meet the District regulations for several reasons. First, the demolition would “destroy historic materials that characterize the property”. Second, the demolition would result in the loss of significant architectural features that destroy the structure's historic interpretability or importance and thus would require a Type IV Certificate of

Appropriateness. Third, the District regulations only allow for the enclosure of carports under certain conditions.

Further, the photographs provided of the carport do not appear to show any apparent damage or deterioration that would necessitate complete demolition of the existing carport.

Lastly, it is not clear that the proposed garage would meet the District regulations for side and rear yard setbacks. The side yard setback can't be closer to the side property line than the existing house, which in this case does not include the removed portion of the house as that would no longer be standing when the double garage would be built. The rear setback is subject to the compatibility rule for which the Applicant provided no documentation.

The Staff would recommend that the existing carport remain as is, be repaired in-kind or be enclosed using a technique and design allowed by the District regulations.

#### Window and Door Replacement

The Staff finds that the windows are original or historic to the house and that the Applicant has not provided any information as to their deterioration, damage, or the inability to repair them. No rationale was provided supporting their replacement. The photographs provided by the Applicant do not show any significant damage to the existing windows or doors.

The Staff would recommend the existing windows and doors are retained and repaired in-kind.

#### Front Walk

The photograph provided by the Applicant of the front walk area does show water damage, missing pieces and likely subsidence along the front of the house. The walkway is concrete with inset broken clay tiles as the finish material. The Staff does not have concerns about the removal of the existing walkway as it does have substantial damage. Further, it does not have concerns about the proposed replacement walkway if it is replaced in-kind, including the use of broken clay tiles inset into the concrete base. The Staff would recommend the replacement front walkway have the same materials as the existing walkway, including the use of in-set, broken clay tiles as the finish treatment.

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

- (a) Only one component of the proposed project meets the District regulations per Section 16-20Q.006.

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-15-147) for alterations and an addition at **245 Linkwood Road**- Property is zoned R-3/Collier Heights Historic District, with the following conditions:

1. The existing carport shall remain as is, be repaired in-kind or be enclosed using a technique and design allowed by the District regulations; per Section 16-20Q.006(11) and (21);
2. The existing windows and doors shall be retained and repaired in-kind, per Section 16-20Q.006(2)(a)(b) and (c );
3. The replacement front walkway shall have the same materials as the existing walkway, including the use of in-set, broken clay tiles as the finish treatment, per Section 16-20Q.006(15)(c ); and
4. Staff shall review and if appropriate, approve the final plans.





KASIM REED  
MAYOR

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DIRECTOR  
Office of Planning

**STAFF REPORT**  
**May 13, 2015**

**Agenda Item:** Application for a Type II Certificate of Appropriateness (CA2-15-149) for alterations at **57 Forsyth Street (The Healey Building)** - Property is zoned SPI-1 (Subarea 7) /Landmark Building / Site.

**Applicant:** Thomas F. Little  
675 Ponce de Leon Avenue

**Facts:** The Healey Building was designated as a Landmark Building in 1991. This property was renovated in 2001. As part of that renovation, the lower sashes of some of the windows were replaced to match the existing windows. In 2006, the Healey Building Home Owners Association (HOA) hired Wiss, Janney, Elstner (WJE) to do a window condition analysis on the whole building. WJE rated the windows as good, fair or poor. According to the WJE analysis at that time, 60% of the windows on the building were in poor condition. The Staff would note the specific definition of a poor window according to WJE was: “wood is not at all solid, with more than 1/8 inch of soft wood at the surface under paint on some or all parts of sash and frame. In place repair would involve scrape, repaint, reseal as well as some wood replacement.” This assessment was not specific to individual units or sets of windows.

Since that time the Staff has been working with the HOA, their design professionals, and Easements Atlanta, Inc. (which holds a façade easement against the building) on an approach to assess all of the windows in the building, develop a triage strategy to address the problems associated with the windows, and determine the best method to review the repair and/or replacement decision given the condominium ownership structure of the building.

Before the Commission at this time is a proposed approach to reviewing individual window repair and/or replacement decisions for all of the windows in the common areas of the building. The proposed decision making approach would not necessarily be applied to individual condominium unit windows, as the individual unit owners would be responsible for submitting an application and supporting rationale for the repair and/or replacement of their specific windows.

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

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

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

Section 16-20.009:

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

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

While the Applicant's submission doesn't specifically request a repair and/or replacement decision on any specific window unit or window component, it does provide a "logic tree" to be used by the design / window professionals when making an individual assessment of each of the windows in the common area based on accepted historic preservation practices. This is outlined on page A9.00 of the plan set under "Scope of Work" and "Guidelines". This would allow for a common set of criteria to be applied to each repair / replacement decision and for a common repair / replacement technique to be used. This would result in a more orderly approach to the window work, likely a more consistent and cohesive visual result and significantly less application logistics for each individual window decision. The criteria set out four (4) levels of deterioration each with a prescribed response / solution.

A mock-up of each level of deterioration and each prescribed response will be approved by the Staff prior to its use on the common area windows. The Staff would not review each individual window decision.

Given the size of the building, the distance of the windows from the public street, the number of windows, and the condominium form of ownership, the Staff finds that the approach and criteria outlined in the submission are appropriate and meet the Landmark Building / Site regulations.

However, the Staff would recommend that in addition to the review of the mock-ups specified in CA2-15-149, the Staff conduct at least two site visits at the 30% and 60% stages of the common window replacement project to assess adherence to the assessment and decision making strategy outlined in the CA2-15-149. Further, the Staff would recommend that all window repair and/or replacement decisions for upper level windows at the Healey Building in common areas and in individual condominium units use the criteria and approach outlined in CA2-15-149 and the Staff shall be authorized to make the repair / replacement decision based on criteria and approach outlined in CA2-15-149.

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

1. The proposed windows assessment, documentation, and repair / replacement decision process meets the Landmark Building / Site regulations, per Section 16-20.009.

Staff recommends approval of an application for an application for a Type II Certificate of Appropriateness (CA2-15-149) for alterations at **57 Forsyth Street (The Healey Building)** - Property is zoned SPI-1 (Subarea 7) /Landmark Building / Site, with the following condition:

1. In addition to the review of the mock-ups specified in CA2-15-149, the Staff shall conduct at least two site visits at the 30% and 60% stages of the common window replacement project to assess adherence to the assessment and decision making strategy outlined in the CA2-15-149, per Section 16-20.009; and
2. All window repair and/or replacement decisions for upper level windows at the Healey Building in common areas and in individual condominium units shall use the criteria and approach outlined in CA2-15-149 and the Staff shall be authorized to make the repair / replacement decision based on criteria and approach outlined in CA2-15-149.



# CITY OF ATLANTA

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

## STAFF REPORT

**May 13, 2015**

**REVISED**

**May 27, 2015**

*(Revised text shown in italic.)*

**Agenda Item:** Application for a Type III Certificates of Appropriateness (CA3-15-153) for a special exception to allow a 6 foot high fence / gate where otherwise a 4 foot high fence / gate would be permitted at **1073 St. Charles Place** – Property is zoned R-4/Atkins Park Historic District.

**Applicant:** Laura Lively  
1073 St. Charles Place

**Facts:** According to the Atkins Park Historic District Survey, this single family dwelling built in 1920 is considered contributing.

In April, 2014, the Applicant applied for a 6 ft. tall fence located essentially aligned with the front cheek wall of the front porch stairs. The District regulations allow for 4 ft. high fences in the front yard, which based on the District regulations, the Staff considers to be from the front façade of the house to the front property line. The front porch of the subject house has been enclosed at some point in the past. While this is an enclosed space now, the Staff considered still to be architecturally the front porch and thus would not be used to define the front yard. As such, the Staff approved the Type II Staff review application with two options: allow for 4 ft. high fence that would be located essentially aligned with the front cheek wall of the front porch stairs or a 6 ft. tall fence located at or behind the left corner of the front façade of the house.

Given that the Applicant did not agree with the Staff, they have applied for a special exception to allow a taller fence in the front yard (6ft. vs. 4 ft.) then would otherwise be allowed. If the special exception is approved, the actual fence itself could be approved via a new Type II Staff Review application.

*On May 19, 2015, the Applicant submitted additional information and documentation in support of their special exception request. This additional information and documentation is taken into consideration in this revised Staff Report.*

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

Per Section 16-200.006 of the Atlanta Land Development Code, as amended:

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

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

(1) Certificates of Appropriateness.

(D) Type II certificates of appropriateness shall be required for any of the following to the extent they are visible from a public street: Any minor alteration to any façade of any principal structure, fences, walls, retaining walls, decks, skylights, solar panels, mechanical and communication equipment, shutters, awnings, accessory structures or 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.

(2) Variances. Variance applications shall be heard by the urban design 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.

(7) 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, materials, 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. Synthetic materials may be used if visually indistinguishable from the original materials. 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 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 block face."

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

Sec. 16-200.007. Specific Regulations.

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

(1) Development controls for principal structures.

(F) Fences and walls.

- (i) Fences shall not exceed four feet in height when located in the front or the half-depth front yards.
- (ii) Fences and walls shall not exceed six feet in height when located in the side or rear yards.
- (ii) Fences shall be constructed of wood or vinyl picket, wrought iron, cast iron or decorative pre-finished aluminum when located in a front or half-depth front yard. Chain link is prohibited as a fence material when located in a front or half-depth front yard. Materials of fences or walls shall not be restricted in the side or rear yards.
- (iv) Retaining walls located adjacent to a public right-of-way shall have a maximum height of two feet from sidewalk grade and shall be constructed of or faced with natural stone or brick. Railroad lumber, wood, architectural concrete masonry units or other simulated material is not a permitted facing material of retaining walls. The height and materials of retaining walls located in the side or rear yards shall not be restricted.
- (iii) Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence shall not exceed six feet when located in a front or half-depth front yard.

The Applicant submitted a justification that the fence was needed for safety reasons to protect their children from falling off the front steps and onto the top of the fence / gate. In addition, they note the proposed fence / gate would be the same height as their neighbor's current fence and will match the existing style fence that is at the entrance to their street. A letter of support from the neighborhood association mentions additional reasons for the higher fence: the need to protect the children from the "attentions of undesirable persons" and to keep them from wandering into traffic. It also notes they are

in a vulnerable area near North Highland Avenue (the other street of the corner lot) and North Highland Park across the street.

The Applicant must show that they meet one of the four (4) criteria for the special exception.

Regarding the safety / security from undesirable persons and vulnerability of the property, the application (or the neighborhood association letter) does not include information or materials to support their concerns, such as public safety records, crime statistics, examples of other incidents in the area, or similar activity occurring at other properties. This type of information has been used by other applicants to support their requests for increased fence height due to safety and security issues. The Staff would recommend the Applicant provide materials / information supporting their concerns about the safety and security of their property.

*The additional materials provided by the Applicant include crime analysis reports from the Atlanta Police Departments website showing the amount and type of crimes committed around the subject property, including residential and vehicle break-ins, assaults, and homicides. They also reiterated their concern for their children living close to commercial corridor with almost 24 hour a day activity, including heavy night time activity (pedestrian and vehicle) related to the bars and restaurants nearby.*

Regarding the fall hazard of having a 4 ft. tall fence adjacent to the front porch stairs, the Staff does understand that this could be a problem given the steps to the enclosed front porch are four (4) risers high, particularly if the children are climbing on the cheek wall or fall off of the top step. Four step risers would normally be about 28 in. high with the top of a 4 ft. tall fence about 20 in. above that.

*The Staff continues to agree with the fall hazard analysis provided by the Applicant.*

Regarding the relationship between the requested location of their fence vs. their neighbor's fence, the neighbor's fence is permitted to be 6 ft. tall because it is at or just behind the front corner of the front façade of that house. The front façade of the neighbor's house is closer to the street than the front façade of the subject property such that the front edge of the front porch of the subject property is generally aligned with the front façade of the neighbor's house.

Regarding the compatibility of the proposed 6 ft. fence in the requested location in relation to the character of the surrounding neighborhood, the Staff does find that it is not compatible with the character of the neighborhood. While the immediately adjacent character might not be negatively affected due to the relationship between the two houses (and thus the allowed fence location of the neighbor's house), having 6 ft. tall fences at the front edge of the front porch would be a substantial change in the character of the neighborhood which consists of mostly open lawns and walks up to the front façade of the houses and few fences (of any size) in the front yard or near the front porches. The Staff would recommend the Applicant provide materials / information supporting the compatibility of the proposed fence at the proposed location in relationship to the surrounding neighborhood.

*The Staff would note that the front porch of the subject property is enclosed into semi-conditioned space. The Staff would also acknowledge the western portion of the fence would be partially concealed by vegetation. Further, the Staff would add that the proposed fence location would not project beyond the front façade of the main portion of the adjacent house. As such, as seen from the east, the fence would not intrude into the front yard area of the two houses when viewed as an overall space. The vast majority of the open lawn in front of the house of the subject property would still be open and connected to the overall streetscape pattern.*



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

1. *The documentation by the Applicant of the criminal activity in the area, per Section 16-28.008(5)(e);*
2. *The enclosure of the front porch of the subject house into semi-conditioned living space, per Section 16-28.008(5)(e);*
3. *The proposed fence will not project beyond the front edge of the front porch, thus aligning with the overall massing and visual presence of the subject house, per Section 16-28.008(5)(e);*
4. *The minimal effect the proposed fence will have on the overall visual context of the front yard of the subject house and the adjacent house, as well as the overall streetscape character, per Section 16-28.008(5)(e); and*
5. *The visual relationship of the proposed fence to the adjacent house and its front façade, per Section 16-28.008(5)(e).*

Staff recommends *approval* of the Application for a Type III Certificates of Appropriateness (CA3-15-153) for a special exception to allow a 6 foot high fence / gate where otherwise a 4 foot high fence / gate would be permitted at **1073 St. Charles Place.**



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

### STAFF REPORT May 13, 2015

**Agenda Item:** Application for a Type II Certificate of Appropriateness (CA2-15-156) for site work at **201 Washington Street – Central Presbyterian Church** (Landmark Building or Site (LBS) – Property is zoned SPI 1, SA 1 / LBS.

**Applicant:** Alan Wieczynski  
15 Simpson Street, NW

**Facts:** The church complex is located on the southwest corner of Martin Luther King, Jr. Drive and Washington Street. The complex consists of the historic church sanctuary itself (generally centered on the property), as well as two, flat-roofed community and education buildings to the west that connect to the rear corners of the church sanctuary. Further, there is a small, gabled addition on the right side of the church that projects towards Martin Luther King, Jr. Drive. Between the northern most community / education building and the sanctuary addition is an outdoor play space for the day care / pre-school run by the church. To the left of the sanctuary there is a modern, open air courtyard with access from Washington Street.

The property is in a Special Public Interest (SPI) zoning district and as such is subject to review by the Office of Planning's Staff and the potential need for a Special Administrative Permit (SAPs) depending on the scope of the project.

The current proposal consists of the re-building of the contemporary, 1960s open air courtyard / plaza located to the left (south) of the main sanctuary building, as well as the floor of a breezeway that wraps around the east, south, and west sides of the education building. This concrete plaza serves as the roof to interior space below it, which is below the grade of Washington Street. This below grade space is accessed through an exterior set of stairs set within an opening in the central portion of the plaza. The plaza currently consists of concrete paving, brick retaining and cheek walls and a metal fence around its perimeter, including along Washington Street. The proposal would be to remove the concrete paving, install new waterproofing over the building roof underneath and install a new concrete plaza on top of the new waterproofing. The intention is to replicate the existing scoring patterns in the new

concrete. The stairs to Washington Street would be rebuilt and two ramps would be installed on each end with handrails. The exterior stairs down into the office space below would remain as is.

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

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

A Certificate of Appropriateness is required to change the exterior appearance of any Landmark Building or Site.

Section 16-20.009:

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

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

#### Potential SPI-1 Design Review

As noted above, the property is located within the Downtown Special Public Interest #1 (SPI-1) zoning district. It is likely that the proposal will require a Special Administrative Permit (SAP) due to its location in the SPI-1 District. As such, the Staff would still recommend that the Commission allow the Staff to review and approve changes to the proposal to meet any potentially applicable SPI-1 regulations that do not otherwise diminish the historic character of the existing church or the compatibility of the proposed project to the church.

#### Assessment of Plaza / Breezeway Proposal

The Staff has no concerns about the proposed work. It will not affect visually or physically the original and older portions of the complex, including the main sanctuary building. Due to the

location of expansion joints, the new concrete will not be attached to any building on the site. The new features and finishes work will be very similar to the existing finishes, thus retaining the contrast between the contemporary plaza and the original and older portions of the complex. Further, though little is known about the designer or design of the plaza area, it could have achieved historic significance in its own right given its age, purposeful design, and apparent integrity. Nonetheless, its appearance and materials will be largely retained in the rebuilding effort and its most notable feature (the exterior stair down into the office space below), will remain intact.

The Staff finds that the proposal meets all the criteria for work on a Landmark Building / Site.

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

1. The adaptation of the property entails no alteration of the principal facades of the building, per Section 16-20.009(1);
2. The basic distinguishing original qualities and character of the building and its environment will not be destroyed and only secondary, more contemporary material will be removed or altered, per Section 16-20.009(2);
3. The distinctive stylistic features and examples of skilled craftsmanship that characterize the building and site will be kept or replaced in-kind, per Section 16-20.009(4);
4. The contemporary alteration will do not unnecessarily destroy significant historical, architectural or cultural material, and the proposed work is compatible with the size, scale, color, material and character of the property, per Section 16-20.009(6); and
5. The alterations to the building and site will be done in such a manner that if such alterations were to be removed in the future, the essential form and integrity of the building and site would be generally unimpaired, per Section 16-20.009(7).

Staff recommends approval of the application for a Type II Certificate of Appropriateness (CA2-15-156) for site work at **201 Washington Street – Central Presbyterian Church** (Landmark Building or Site (LBS) – Property is zoned SPI 1, SA 1 / LBS, with the following conditions:

1. The Staff shall review, and if appropriate, approve changes to the proposal to meet any potentially applicable SPI-1 regulations that do not otherwise diminish the historic character of the existing church or the compatibility of the proposed project to the church, and
2. The Staff review, and if appropriate approve, the final element details, shop drawings, material specifications, and plans for the project.



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Director, Office of Planning

## STAFF REPORT

**May 13, 2015**

*Updated*

**May 27, 2015**

*(updated information in italics)*

**Agenda Item:** Applications for Type II Certificates of Appropriateness (CA2-15-165) for a revision to plans at **195 Powell Street**– Property is zoned Cabbagetown Landmark District (Subarea 3).

**Applicant:** Richard Danner  
195 Powell Street SE

**Facts:** According to the 2002 inventory, this multi-family building was constructed in 1964 and is considered non-contributing.

In October of 2014 applications for Certificates of Appropriateness (CA3-14-240) for a variance to reduce the front yard setback from a minimum of 21.2 feet (required) to 14.5 feet (proposed) and to allow a front porch configuration that does not meet the compatibility rule and (CA3-14-250) for a front porch addition, were approved with the following conditions:

1. The proposed porches and fenestration shall be consistent with the existing architecture or consistent with the historic houses on the block face, per Section 16-20A.006(15);
2. The new center window on the front façade shall be metal or wood, per Section 16-20A.006(15);
3. The side façade windows shall be wood or metal per Section 16-20A.006(15); and
4. Staff shall review and if appropriate, approve the final plans.

***This application was deferred due to a lack of quorum. The Applicant has submitted updated plans and information since the deferred meeting.***

Analysis: The following code sections apply to this application:  
Per Section 16-20.007

- (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 16-20.009. Same; further standards.

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

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

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

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

- (1) *When required:*

To change the exterior appearance of any portion of a structure within the district
- (2) *Type required:*
  - b) If the proposed alteration for minor façade alterations, fences, walls, accessory structures, decks, paving and satellite dishes meets the requirements of section 16-20A.006, section 16-20A.007, section 16-20A.008, section 16-20A.009, section 16-20A.010, and section 16-20A.011, as applicable, then the director of the commission shall issue the Type II Certificate

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

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

- (1) Minimum standards. These regulations constitute the minimum standards that shall be followed and shall be applied by the commission and director.
- (2) The commission shall apply the standards in section 16-20.009 only if the standards set forth elsewhere in this Chapter 20A do not specifically address the application.
- (3) The compatibility rule.
  - a) In general, the intent of the regulations and guidelines is to ensure that alterations to existing structures and new construction are compatible with the design, proportions, scale, massing, and general character of the contributing buildings in the immediately adjacent environment of the block face, the entire block, a particular subarea (including appropriate reference to subarea style) or the district as a whole. To permit flexibility, many regulations are made subject to the compatibility rule, which states: "The element in question (roof form, architectural trim, etc.) shall match that which predominates on the contributing buildings of the same architectural style and like use on that block face or, where quantifiable (i.e., buildings height and width as measured at front facade, floor height, lot dimensions, etc.), no smaller than the smallest or larger



than the largest such dimension of the contributing buildings of the same architectural style and like use in that block face.”

- b) For the purposes of the compatibility rule, height and width shall be measured at the front façade.
  - c) In any instance where one contributing building of the same architectural style and like use on a block face is higher or wider by more than 10% than any other contributing building of like use on a block face, such structure shall be eliminated in the application of the compatibility rule.
  - d) Those elements to which the rule applies are noted in the regulations by a reference to the “compatibility rule.”
- (4) *Variations.* 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.
    - 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.
  - 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.

- (15) *Alterations and additions to non-contributing buildings.* Alterations and additions to non-contributing buildings shall comply with one of the following:
- a) Alterations and additions shall be consistent with the architectural style of the existing building and the height or width of any alteration or addition shall not exceed the height or width of the existing building, or:
  - b) Alterations and additions shall be representative of a single architectural style chosen from those represented by contributing buildings on the block face where the existing non-contributing building is located, shall comply, as applicable, with Design Standards and Criteria for New Principal Buildings, section 16-20A.006(13), and the height or width of any alteration or addition shall not exceed the height or width of the existing building.

In a previous application, the Applicant was approved to add porches to the front of the building. One of the conditions of approval was for the design of the porches and fenestration to either be internally consistent with the architecture of the existing building or to be internally consistent with the historic houses on the block face. In the original submittal, the Applicant proposed wood railings, wood columns and one double door. While Staff does not have a concern regarding the use of wood railings and columns, Staff finds the proposed fenestration is not consistent with the historic houses on the block face.

In updated elevations submitted by the Applicant, there are now two sets of double doors on the front façade of each unit. Staff finds the revised plans are less consistent with the historic houses on the block face than the original submittal. The site plan indicates the addition of porches on the rear of the building. There are no elevations showing what the rear façade will look like. Staff would note that having double doors on the rear units is consistent with what is seen on the rear of single family homes. Staff recommends the Applicant submit an elevation of the proposed rear elevation.

One of the arguments submitted by the Applicant is there was a similar project approved in 2012 that features a set of double doors on the front façade. In looking at pictures of the finished product, Staff finds the railings are not appropriate and not what Staff expected based on the documentation submitted. Staff would note that project has one double door as opposed to two double doors. Lastly, Staff still finds the currently proposed project should meet the requirements.

***The Applicant submitted an updated picture of the finished product of the project approved in 2012. Staff finds the railings at 212 Berean are consistent with the approval.***

Another argument submitted by the Applicant is that metal columns are not allowed. Staff would note that while metal columns are not allowed, metal railings are allowed. In looking at pictures of the current conditions of the property, there are existing metal railings in the stairwell areas. Staff finds that metal railings are internally consistent with the architecture of the existing building. With that said, Staff would reiterate that the Applicant could use a wood column and railing system as long as the fenestration on the front façade is internally consistent with the historic houses on the block face. If the Applicant wants to use double doors on the front façade without using metal elements for the porch, Staff suggests the Applicant submit a design solution for the front porches that is internally consistent with the architecture of the existing building.

***In updated plans, the porch is indicated as having metal railings, the material of the columns is not indicated. Staff recommends the Applicant clarify the material for the proposed porch columns. In looking at the requirements for porches, Staff finds decorative metal columns are prohibited. Staff finds that simple metal columns are allowed if internally consistent to the architecture of the building. In this case, having simple metal columns and railings are internally consistent to the non-contributing 1960's apartment building.***

*Staff would retain its findings that the alterations should be internally consistent with the existing building or compatible with the architecture of the historic houses on the block face. Staff retains its findings that given their location, the proposed double doors should be allowed on the rear of the building no matter the material of the porches.*

*In the revised elevations, the front elevation features one double door and one window unit. Staff finds the revised door and window design is internally consistent with the existing architecture. In the revised elevations the window in the center has been redesigned. Staff finds the redesigned window is internally consistent with the architecture of the existing building.*

In regards to financial hardship, the Applicant argues the requirement for metal railings places an undue hardship. Staff did not originally require the Applicant to use metal railings as the only option and is not currently requiring the Applicant to use metal railings. In the original Staff report, Staff specified the options as indicated below:

“If the proposed alterations are consistent with the existing architecture, the porch elements should be metal and the fenestration pattern could feature double or single doors and a single or double window. If the proposed alterations are consistent with the historic houses on the block face, the porch elements should be wood and the fenestration pattern could feature a single door and either a single or double window. Staff recommends the proposed porches and fenestration are consistent with the existing architecture or consistent with the historic houses on the block face”

The Applicant argues that custom double doors were ordered and cannot be returned. As indicated above, Staff was very clear that using double doors would require having metal components. The use of wood railings and columns would be allowed in concert with a single door and either paired or single windows. Given the information we have at this time, Staff would retain its original recommendation that the proposed porches and fenestration be consistent with the existing architecture or consistent with the historic houses on the block face. Staff recommends all conditions from the previous application be retained.

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

- (a) The plans meet the regulations per Section 16-20A.006 (14) with the exception of the comments above;

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-15-165) for a revision to plans at **195 Powell Street**– Property is zoned Cabbagetown Landmark District (Subarea 3), with the following conditions:

1. The Applicant shall clarify the material of the proposed porch columns, per Section 16-20A.006(15);
2. The proposed front porches and fenestration shall be consistent with the existing architecture or consistent with the historic houses on the block face, per Section 16-20A.006(15);
3. The previous conditions from application CA3-14-240 and CA3-14-250 shall be retained; and
4. Staff shall review and if appropriate, approve the final plans.



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MAYOR

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

## STAFF REPORT

May 13, 2015

*Updated*

May 27, 2015

*(updated information in italics)*

**Agenda Item:** Application for Type III Certificate of Appropriateness (CA3-15-167) for alterations and an addition at **1148 Avon Avenue** – Property is zoned R-4A/ Oakland City Historic District.

**Applicant:** Monica Woods  
2814 Oxford Drive, Decatur

**Facts:** This single family dwelling was constructed in 1920 and is considered contributing.

***This application was deferred due to a lack of quorum. The Applicant has submitted updated information and plans since the originally scheduled meeting.***

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

### **Section 16-20M.005. Compatibility Rule**

The intent of the Mayor and Council in establishing the regulations of the Oakland City Historic District is to ensure that all work requiring a Certificate of Appropriateness is compatible with the historic design, scale, and general character of the entire district and of the contributing structures in the immediately adjacent environment of a particular block face. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.), the element or building characteristic in question shall be compatible with that which predominates in such like contributing structures on that block face and shall be internally consistent with the historic design of the structure.

### **Section 16-20M.006 General Criteria.**

- (1) Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
- (2) Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
- (3) The commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20M do not specifically address the application.

**Section 16-20M.007. Certificates of Appropriateness.**

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

- (a) Construction of all new principal structures

**Section 16-20M.012. Development Controls**

(1) Front Yards: Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) comply with the compatibility rule.

(2) Side Yards: Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.

(3) Rear Yard: Rear yard setback shall be seven (7) feet.

(4) Off-street parking and driveway requirements:

- (a) Off-street parking shall not be permitted in the front yard or half-depth front yard.
- (b) 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.
- (c) If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.
- (d) The compatibility rule shall apply to the construction of side-by-side driveways and, if permitted, the design thereof.

(5) Floor area ratio shall not exceed 0.50.

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

- (n) Fenestration, if visible from a public street upon completion, shall meet the following requirements:
  - 1. Windows in the front façade shall be predominantly vertical in proportion.
  - 2. If muntins or mullions are used, such muntins 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 casing widths and depths:
  - 4. Replacement windows units shall maintain the size and shape of the original window opening.
  - 5. The compatibility rule shall apply to the following aspects of fenestration:
    - a. The size and shape of individual window openings.
    - b. The overall pattern of fenestration as it relates to the building façade.
    - c. The style of the individual window.
- (p) Subject to the compatibility rule, wood or smooth-finish cementitious lap siding, wood shingles, brick, stone, and true stucco are permissible building materials for the façades of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
- (q) In addition to all other applicable regulations, the compatibility rule shall apply to the following building materials and design elements, if visible from a public street upon completion:
  - 6. The dimensions of the exposed face of lap siding and wood shingles.
  - 7. The type of brick and pattern of brickwork.
  - 8. The type of stone and pattern of stonework.
  - 9. The material and texture of stucco.
  - 10. The size and type of exterior doors. Notwithstanding the compatibility rule, exterior doors shall be wood panel or fixed glass panel in wood frame.
  - 11. The materials and pattern of roofing.
  - 12. Gables and gable returns.
  - 13. Dormers
  - 14. Paving materials for walks and drives.
  - 15. Above-grade foundation materials. Notwithstanding the compatibility rule, foundations shall constitute a distinct building design element and shall contrast with the primary façade's exterior material and exposed concrete or concrete masonry unit (CMU) foundation walls are prohibited as a finished surface.
  - 16. Exterior portions of chimneys. Notwithstanding the compatibility rule, chimneys shall be faced with masonry and siding on chimneys is not permitted.

**Section 16-20M.017. Design Criteria for Alterations and Additions to Contributing Structures.**

(1) Alterations and additions to contributing structures requiring a Certificate of Appropriateness shall comply with one of the following:

- (a) 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 set forth in subsection 16-20M.013 (2) above; or
- (b) Alterations and additions shall not destroy historic materials that characterize the property. The new building



elements and materials may differentiate from the old. To protect the historic integrity of the property and its environment, the compatibility rule shall apply to any new work regarding the massing, size, scale, and architectural features of the property and environment.

### **Front Façade Windows**

In comparing the original survey picture to a picture taken in December of 2014, the historic windows on the front façade have been replaced. Staff finds the new windows do not meet the requirements. The Applicant did not submit any pictures of the existing conditions, therefore it is not clear whether other windows have been replaced or any other work has been done. Staff recommends the Applicant submit current pictures of all exterior elevations of the house. Staff recommends the Applicant submit a narrative that describes any work that has been done without permits. Staff recommends the Applicant clarify when the house was acquired by the current owner and what the condition of the property was at the time of purchase. Staff recommends any windows that have been replaced without permits be removed and new windows installed that match the historic windows indicated on the original survey picture dated February 3, 2003.

*As recommended by Staff, the Applicant submitted pictures of the existing conditions. Most of the existing windows appear to be 9 over 1 and match the windows indicated on the original survey picture. The rear windows do not appear to be original or historic. As recommended by Staff, the Applicant submitted a narrative regarding work done on the house and clarification regarding when the property was acquired. According to the Applicant the only work does is to the interior. The pictures submitted by the Applicant confirm that the house appears largely similar to the original survey picture. The current owner acquired the house in February of 2015.*

*The elevations indicate all of the windows are 1 over 1 instead of 1 over 1. Staff finds the elevations do not accurately depict the existing and proposed conditions. As the majority of the windows will be retained, Staff recommends the elevations accurately depict the existing and proposed conditions.*

### **Site**

The subject property fronts 89' on Avon Avenue and 202' on Princess Avenue. Per regulations, the maximum lot coverage allowed is 55%. The proposed lot coverage is not indicated on the plans. Staff recommends the Applicant provide documentation the project meets the lot coverage requirements. Per regulations, the floor area ratio (FAR) shall not exceed .50. The proposed FAR is not indicated on the plans. Staff recommends the Applicant provide documentation the project meets the FAR requirement.

*The Applicant submitted an updated site plan. The proposed project meets the lot coverage and FAR requirements. In an updated site plan the driveway width will be increased. Part of the driveway will be 20' wide and therefore does not meet the requirements. While Staff does not have concerns regarding the expansion of the driveway, Staff recommends the portion of the driveway in front of the carport is no wider than 10' at any point.*

In measuring the elevations, the rear of the house has increased 2' in depth. This increase in the heated space is not reflected on the site plan or floor plan. Staff recommends the Applicant clarify whether the heated space will be increased. Staff recommends that site plans, elevations, floor plans and roof plans are accurate and internally consistent.

*The Applicant has clarified the heated space is not increasing and the site plan confirms this. Staff retains its recommendation regarding internally consistent plans.*



The Applicant is proposing to add a covered patio at the rear of the house. Per regulations, the side yard setbacks can conform to the existing setbacks of a contributing building. Staff finds the proposed setbacks of the proposed patio meet the requirements. Per regulations, the rear yard setback shall be no less than 7'. Staff finds the proposed rear yard setback meets the requirements.

In looking at the site plan, there is an existing carport indicated. The elevations indicate a different carport on the existing and proposed elevations. It is not clear if there is a new carport proposed. Staff recommends the Applicant clarify the scope of work for the carport. If a new carport is proposed, Staff recommends the new carport meet all the requirements.

***In looking at pictures and the narrative submitted by the Applicant, the carport is existing and not proposed alterations.***

### **Alterations and Additions**

In looking at the elevations submitted, there is a lack of detail regarding the scope of work and the materials. Staff recommends the elevations indicate all proposed work and all material details. According to the Applicant, eight windows are proposed for removal. In looking at the elevations, it appears there will be five windows removed on the left elevation, seven windows removed on the rear and two windows added to the right elevation. Without having pictures of the existing conditions, Staff cannot determine whether some of the windows are historic and which window openings are original. Given the shape and size of many of the windows, Staff has concerns regarding the possible removal of historic windows and the possible alteration of original window openings. Staff reiterates a condition above that recommends the Applicant submit pictures of the existing conditions for all of the elevations.

***As Staff finds the existing rear windows are not original or historic, Staff has no concerns regarding removal and replacement. Staff recommends all new windows are double hung, vertical in proportion and have no more than two windows per unit.***

The Applicant is proposing to raise the ceiling height at the rear of the house and extend the new roof to create a covered patio area. As this is a corner lot, Staff finds the rear of the house will be visible from the street and therefore within the purview of the Commission. While Staff has no general concerns regarding the proposed covered patio, Staff finds the roof over the patio should be separate from the roof over the new rear living space. Staff recommends the roof of the patio is separate from the roof over the rear living space. Staff will not make further comments regarding the windows and doors until we receive pictures of the existing conditions.

***Staff retains its recommendation regarding the patio roof.***

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

- a) The plans meet the regulations, per Sections 16-20M.012 and 16-20M.013 except as noted above;

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA3-15-167) for alterations and an addition at **1148 Avon Avenue** – Property is zoned R-4A/ Oakland City Historic District, with the following conditions:

1. The plans shall be internally consistent and shall accurately depict the existing conditions, all proposed work and all material details, per Section 16-20M.017(1);

2. The portion of the driveway in front of the carport shall be no wider than 10' at any point, per Section 16-20M.012(4)
3. All new windows shall be double hung, vertical in proportion and have no more than two windows per unit, per Section 16-20M.017(1);
4. The roof of the patio shall be separate from the roof over the rear living space, per Section 16-20M.017(1); and
5. Staff shall review and if appropriate, approve the final plans.



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

## STAFF REPORT

May 13, 2015

*Updated*

May 27, 2015

*(updated information in italics)*

**Agenda Item:** Applications for Type III Certificates of Appropriateness (CA3-15-173) for a variance to allow structures in the 100 year flood plain where otherwise prohibited and (CA3-15-121) for site work, alterations, and additions at **801 Lullwater Road**– Property is zoned Druid Hills Landmark District.

**Applicant:** Earl Jackson  
3094 Brook Drive

**Facts:** According to the architectural survey in 2002, this dwelling built in 1947 is contributing.

At the April 22<sup>nd</sup> meeting, this application was deferred to allow the Applicant time to apply for a variance and address the concerns of Staff.

***This application was deferred due to a lack of quorum. Staff met with the Applicant on May 13<sup>th</sup> to discuss the project. The Applicant has submitted revised plans since the deferred meeting.***

**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:

- (4) *Minimum drainage controls:* Structures shall be located so as to preserve the natural terrain of the district. Proper drainageways shall be provided to prevent increased water runoff and erosion, siltation of streams or flooding of property as required by the department of public works.
  - a. No structure shall be permitted within any 100-year floodplain.
- (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.

### **Variance**

Per regulations, no structure shall be permitted within a 100 year flood plain. As the existing house is located within a 100 year flood plain, Staff finds that any proposed additions would be prohibited by the regulations. Staff finds that it is a reasonable request to allow additions and alterations to existing houses. As denial of the variance would not allow any additions to the existing house, Staff finds that denial of the variance would cause a hardship on the Applicant. Given the information we have at this time, Staff supports the proposed variance.

### **Alterations and Additions**

Staff has several concerns regarding the proposed project. In looking at proposed elevations, the existing historic house is unrecognizable. While Staff finds that alterations and additions are allowed to existing homes, Staff finds those alterations and additions should not destroy historic fabric and should allow the architectural form and details of the historic house to be the predominate feature. As currently proposed, Staff cannot discern what the original architecture of the house looks like. Staff

finds the changes currently proposed are not appropriate and should be redesigned. Staff recommends the alterations and additions are redesigned to retain the historic fabric, integrity and form of the existing historic house.

***Staff met with the Applicant regarding the design. The Applicant indicated that part of the design was based on requirements from the Department of Watershed Management (DPW). Staff asked the Applicant to provide documentation regarding restrictions DPW would impose on the project due to its location in the 100 flood plain. At this time, Staff has not received information regarding the restrictions that would be imposed by DPW. There was also discussion regarding changes to window and door openings, however the Applicant has not submitted documentation regarding alterations to the existing house that occurred before the current owner purchased the house. While the Applicant submitted updated plans, the design has not changed. Staff retains its recommendations regarding the design of the additions and alterations.***

In comparing the floor plans, elevations and site plans, the existing and proposed conditions do not appear to be accurate. Staff would also note that the floor plans indicating the second floor are the same floor plan as the first floor plan. As some of the work has already been done without permits, it is important to have accurate as-built drawings of the house before the un-permitted work was done. Staff recommends the Applicant submit accurate site plans, floor plans, roof plans and elevations that depict the as-built conditions (before the un-permitted work was started) and a separate set of site plans, floor plans, roof plans and elevations that indicate the proposed conditions.

***As recommended by Staff, the Applicant submitted updated plans. Staff finds the plans are internally consistent.***

Staff has concerns regarding possible demolition. The floor plans indicate demolition, however the site plan does not indicate any demolition. In looking at the plans, it is difficult to tell how much of the house will be demolished. Per regulations, a partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance. In looking at the pictures and elevations submitted, Staff has concerns that a Type IV for a partial demolition may be required. Staff recommends that all plans clearly indicate any demolition proposed. If a significant portion of the existing house is proposed for demolition, Staff recommends the Applicant submit an application for a Type IV Certificate of Appropriateness.

***In looking at the site plan, it appears a patio, a storage area with living space, a covered parking area with a deck above and retaining walls have already been demolished. While the completed demolition was not properly permitted, Staff finds the partial demolition does not significantly impact the main historic house. As such, Staff finds that a Type IV Certificate of Appropriateness is not required.***

While Staff is supportive of the proposed variance, Staff cannot support the proposed alterations and additions. Given the concerns Staff has regarding possible demolition, the proposed design and the accuracy of the plans, Staff finds that a deferral is appropriate at this time.

***While Staff finds the Applicant has resolved concerns regarding demolition and accuracy, Staff finds the proposed design has not changed. Staff still finds deferral is appropriate at this time.***

**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 (CA3-15-173) for a variance to allow structures in the 100 year flood plain where otherwise prohibited at **801 Lullwater Road**– Property is zoned Druid Hills Landmark District, with the following conditions.

**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 deferral of the Application for Type III Certificate of Appropriateness and (CA3-15-121) for site work, alterations, and additions at **801 Lullwater Road**– Property is zoned Druid Hills Landmark District, to allow the Applicant time to address the following concerns of Staff:

- 1 The alterations and additions shall be redesigned to retain the historic fabric, integrity and form of the existing historic house, per Section 16-20B.003(5); and
2. Appropriate copies of all updated plans and information must be submitted no later than eight days before the deferred meeting.





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Director, Office of Planning

## STAFF REPORT

May 13, 2015

*Updated*

May 27, 2015

*(updated information in italics)*

**Agenda Item:** Application for a Type III Certificates of Appropriateness (CA3-15-163) for consolidation of multiple lots into one lot and (CA3-15-126) for a special exception to allow a fence in the front yard where otherwise prohibited at **381 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4)/Beltline.

**Applicant:** Megan Shannon  
399 Edgewood Avenue

**Facts:** According to Fulton County tax records available online, this existing commercial building was constructed in 1935. In looking at the legislation regarding revisions to this district, the existing building is considered non-contributing.

At the last meeting, this application was deferred to allow the Applicant to apply for a lot consolidation and provide additional information regarding the special exception.

On March 11<sup>th</sup>, an application for a Type III Certificates of Appropriateness (CA3-15-040) for alterations, an addition and site work, was approved with the following conditions:

1. All site work on the adjacent lot (383 Edgewood) shall be eliminated from the plans
2. The plans shall indicate all fenestration with lite divisions are simulated or true divided lite, per Section 16-20C.008(1)(b)(iii);
3. The Applicant shall provide documentation the proposed fenestration meets the style, material, size, shape and overall fenestration pattern, per Section 16-20C.008(1)(b)(i);
4. The Applicant shall provide documentation the proposed lighting meets the light spillage requirements, per Section 16-20C.008(3)(e)(i);
5. The plans shall indicate all material details, per Section 16-20C.008(3)(a)(i);
6. The Applicant shall provide documentation the addition and the stairs meet the setback requirements, per Section 16-20C.007(3); and
7. Staff shall review and if appropriate, approve the final plans and documentation

***At the May 13<sup>th</sup> meeting, this application was deferred due to a lack of quorum. The Applicant has submitted updated plans and information.***

**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.
  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.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.

### **Lot Consolidation**

In looking at the City of Atlanta cadastral maps, the lots proposed for consolidation both front 25' on Edgewood Avenue and have a depth of 85'. The survey submitted by the Applicant indicates the resulting lot consolidation will create one lot with at frontage of 49.59'. The Applicant initially submitted a request for the creation of open space and a courtyard on the vacant lot at 383 Edgewood. The proposed open space and courtyard was meant to be an amenity to the existing building at 381 Edgewood. As the proposed site work is not allowed as a primary use, combining the lots would allow for the open space and courtyard to be an accessory use to the building at 381 Edgewood. Staff would note that if approved, the site work proposed by the Applicant will be reviewed through the staff review process.

In Subarea 4, the requirements for lot consolidations are not based on the compatibility rule. Per regulations, lot consolidations in this subarea must be substantially consistent with the historic character of the district. The Applicant provided an example of one courtyard similar to what they are proposing. While Staff does not have general concerns regarding the proposed lot consolidation, Staff recommends the Applicant provide additional documentation that indicates that the actual lot

consolidation, not just the courtyard project, is substantially consistent with the character of the district.

*The Applicant indicates there are other consolidated lots on the block. The issue is not whether other lots on the block or in the district have been consolidated. The issue is whether the lot created is substantially consistent with the historic character of the district. While having information about the lots on the block is helpful, Staff finds additional information regarding other similar lots in the district is required. Staff retains its original recommendation regarding addition documentation.*

### **Special Exception**

As part of the courtyard project indicated above, the Applicant is proposing a 4' metal fence at the front of the property and wood fence at the rear of the property. As both of the proposed fences are visible from the street, they are currently prohibited by the regulations. According to the Applicant, both fences are needed due to security reasons. According to the Applicant, the lack of a fence and the lack of visibility behind the building have caused people to take up residence behind the building. The Applicant also submitted crime statistics that indicate 4 robberies, 8 aggravated assaults, 4 burglaries and 11 larcenies have occurred within a three block radius in the last several months. Based on the information submitted by the Applicant, Staff finds the Applicant has shown that a fence is needed for security reasons. As the fence is 4' in height and has a similar material design as other commercial fences in the district, Staff finds the proposed fence is appropriate. Given the information we have at this time, Staff supports the proposed special exception.

Staff Recommendations: Based upon the following:

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

Staff recommends approval of an Application for a Type III Certificates of Appropriateness (CA3-15-163) for consolidation of multiple lots into one lot at **381 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4)/Beltline, with the following conditions:

1. The Applicant shall provide additional documentation that indicates the proposed lot consolidation is substantially consistent with the character of the district, per Section 16-20C.004(7)(a); and
2. Staff shall review and if appropriate, approve the final plans and documentation.

Staff Recommendations: Based upon the following:

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

Staff recommends approval of an Application for a Type III Certificates of Appropriateness (CA3-15-126) for a special exception to allow a fence in the front yard where otherwise prohibited at **381 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4)/Beltline.



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
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**CHARLETTA WILSON JACKS**  
Director, Office of Planning

## STAFF REPORT May 27, 2015

**Agenda Item:** Applications for Type III Certificates of Appropriateness (CA3-15-098) for a new single family house at **91 Hogue Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

**Applicant:** April Ingraham  
1656 West Wieuca Road

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

This application is associated with an application for a Type III Certificate of Appropriateness (CA3-15-087) for a replat at 91 and 95 Hogue Street. As Staff recommended denial of the replat application, the Applicant submitted updated site plans and elevations for new construction on the existing lots.

**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.
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.
  - e. Active uses. Ground floor, sidewalk-level uses are further regulated in this district for the purposes of creating vibrant and pedestrian-oriented sidewalks and streets. Active uses, where provided, shall be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses designated in Table 1: Martin Luther King Jr. Landmark District Table of Uses, except that the following non-residential uses shall not be considered as active uses:
    - i. Drive-in and drive-through facilities.
    - ii. Parking and driveways.
    - iii. Accessory non-residential storage areas.

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.-

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.
    - ii. Within the portion of 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 following development controls shall apply:
      - (1) Side yard: Three (3) feet.
      - (2) Front yard: Seven (7) feet.
      - (3) Rear yard: 25 feet.
    - iii. Within the portion of Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the following development controls shall apply:
      - (1) Side yard: Three (3) feet.
      - (2) Front yard: 12 feet.
      - (3) Rear yard: Six (6) feet.

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.
  - d. Loading Areas, Loading Dock Entrances, and Building Mechanical and Accessory Features for All Non-Residential Uses.
    - iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.
    - iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible from any public street.
    - v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.
- 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.
    - 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.

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

- i. Bicycle parking spaces shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock and shall be a type specified by the Director of the Office of Planning as applicable.
    - ii. Bicycle parking shall be located a maximum horizontal distance of 100 feet from a building entrance.
  - 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.

**Site**

This interior lot fronts 25’ on Hogue and has a depth of 140’ on its longest side. Per regulations, the front yard setback is based on the compatibility rule. According to the Applicant, the front yard setbacks on the block face range from 4.8’ to 15.7’. The front yard setback appears to be 23’ or 24’ and therefore does not meet the requirement. Staff recommends the front yard setback meet the requirement. Staff recommends the Applicant clarify how the front yard setback was measured.

Per regulations, the side yard setbacks are based on the compatibility rule. According to the Applicant the setbacks range from 0’-5’ on one side and 2’-10’ on the other side. There is no indication of whether the measurements refer to the right or left elevation. Staff recommends the Applicant clarify which measurements are for the right and left side. The proposed side yard setbacks are 3’ and therefore meet the requirements for both side yard setbacks.

Per regulations, the rear yard setback is based on the compatibility rule and in no case shall be less than 10’. According to the Applicant the rear yard setbacks range from 38.7’-71.6’. The proposed rear yard setback is 50’ and therefore meets the requirements.

Per regulations, the maximum lot coverage allowed is based on the compatibility rule. According to the Applicant, the lot coverage on the block face ranges from 19% to 47%. The proposed lot coverage is 41% and therefore meets the requirement.

As required by the regulations, a walkway from the front entryway to the sidewalk is indicated. It is possible the existing sidewalk may be damaged during construction. If the sidewalk is damaged or destroyed during construction, Staff recommends the sidewalk be repaired or replaced as required by the regulations.

The site plan submitted indicates both 91 and 95 Hogue. There is an indication that an existing masonry wall and stair shall be repaired and retained if damaged. While this note is appropriate, it is not clear whether this note refers to one or both properties. Staff recommends the Applicant submit separate site plans for 91 and 95 Hogue with appropriate notes for both properties.

### **Massing and Building Height**

The proposed two-story house is defined by an 8 in 12 gable roof and a two-story full width porch. Staff finds the overall height and massing appear to be similar to the other two story contributing buildings on the block face. Per regulations, the height is based on the compatibility rule. According to the Applicant, the heights of the houses on the block face range from 19.5' to 32'. The proposed house is 32' and therefore meets the requirements.

### **Overall Design**

Staff finds the proposed house is similar to the historic house at 75 Hogue. Per regulations the general façade arrangement, proportion, roof pitch, roof form and materials are all based on the compatibility rule. In looking at the contributing houses on the block face, Staff finds the general façade arrangement, proportion and roof pitch meet the requirements. Per regulations, the roof form shall match the predominate roof form of the contributing structures on the block face. As the hipped roof is the predominate roof form on the block face, Staff recommends the proposed roof is hipped.

### **Fenestration**

Per regulations, the compatibility rule applies to the fenestration pattern. In comparing the proposed fenestration to the survey pictures, Staff finds the overall fenestration pattern is consistent and compatible with the contributing houses on the block face. One concern is the trim, header and sill details are not clear. Staff recommends all windows have appropriate headers, trim and actual sills. There are large areas of blank space on the side elevations. Staff recommends the addition of windows on the side elevations to eliminate the appearance of blank walls.

### **Porch**

In general, Staff finds the proposed porch and its architectural elements are similar to the house at 75 Hogue. While Staff finds the porch roof, columns, stairs and railings are generally appropriate, Staff recommends the plans indicate the railings will have a two-part top and bottom rail with balustrades that butt joint the top and bottom rail. Per regulations, the first floor height is based on the compatibility rule. The Applicant did not provide information regarding the first floor heights on the block face. Staff recommends the Applicant provide documentation the proposed first floor height meets the requirements.

Per regulations, the porch depth is based on the compatibility rule. In looking at the side elevations, the second floor porch is smaller than the first floor porch and a portion of the second story living space is located over the first floor porch. Staff finds the porch configuration is not consistent or compatible with the other contributing houses on the block face. Staff recommends the first and

second floor porch have the same depth. Staff recommends the Applicant provide documentation the proposed porch depth meets the requirements.

### **Materials**

The materials on the plans are indicated as wood windows, smooth cementitious siding with a 6" reveal, composition shingles and a brick veneer foundation. While Staff finds the materials indicated are appropriate, Staff finds that not all material details are indicated. Staff recommends the plans indicate all building materials.

### **Garage**

The elevations and floor plans indicate an interior garage towards the front of the house. Per regulations, all garages must be detached and behind the principal structure. Staff finds the garage as currently designed does not meet the requirement. Staff recommends the garage is eliminated from the plans and appropriately detached and located to the rear of the principal structure.

Staff recommends approval of an application for a Type III Certificate of (CA3-15-098) for a new single family house at **91 Hogue Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, with the following conditions:

1. The front yard setback shall meet the requirement, per Section 16-20C.007(2)(b);
2. The Applicant shall clarify how the front yard setback was measured, per Section 16-20C.007(2)(b);
3. The Applicant shall clarify which measurements are for the right and left side;
4. The proposed roof shall be hipped, per Section 16-20C.008(1)(a);
5. All windows shall have appropriate headers, trim and actual sills, per Section 16-20C.008910(b);
6. Additional windows shall be added to the side elevation, per Section 16-20C.008(1)(b);
7. The plans shall indicate porch railings with a two-part top and bottom rail with balustrades that butt joint the top and bottom rail, per Section 16-20C.008(2)(b);
8. The first and second floor porch shall have the same depth, per Section 16-20C.008(2)(b);
9. The Applicant shall provide documentation the proposed porch depth meets the requirements, per Section 16-20C.008(2)(b);
10. The Applicant shall provide documentation the proposed first floor height meets the requirements, per Section 16-20C.008(1)(a);
11. The plans shall indicate all building materials, per Section 16-20C.008(1)(a);
12. The garage shall be eliminated from the plans or appropriately detached and located to the rear of the principal structure, per Section 16-20C.005(4)(b); and
13. Staff shall review and if appropriate, approve the final plans.



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
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**CHARLETTA WILSON JACKS**  
Director, Office of Planning

## STAFF REPORT May 27, 2015

**Agenda Item:** Applications for Type III Certificates of Appropriateness (CA3-15-099) for a new single family house at **95 Hogue Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

**Applicant:** April Ingraham  
1656 West Wieuca Road

**Facts:** This is currently a vacant lot. This application is associated with an application for a Type III Certificate of Appropriateness (CA3-15-087) for a replat at 91 and 95 Hogue Street. As Staff recommended denial of the replat application, the Applicant submitted updated site plans and elevations for new construction on the existing lots.

**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.
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.
  - e. Active uses. Ground floor, sidewalk-level uses are further regulated in this district for the purposes of creating vibrant and pedestrian-oriented sidewalks and streets. Active uses, where provided, shall be serviced by plumbing, heating, and electricity and are limited to the residential uses and non-residential uses designated in Table 1: Martin Luther King Jr. Landmark District Table of Uses, except that the following non-residential uses shall not be considered as active uses:
    - i. Drive-in and drive-through facilities.
    - ii. Parking and driveways.
    - iii. Accessory non-residential storage areas.

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.-

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.
    - ii. Within the portion of 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 following development controls shall apply:
      - (1) Side yard: Three (3) feet.
      - (2) Front yard: Seven (7) feet.
      - (3) Rear yard: 25 feet.
    - iii. Within the portion of Subarea 2 lying along the southern side of Irwin Street and the eastern side of Boulevard, the following development controls shall apply:
      - (1) Side yard: Three (3) feet.
      - (2) Front yard: 12 feet.
      - (3) Rear yard: Six (6) feet.

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.
  - d. Loading Areas, Loading Dock Entrances, and Building Mechanical and Accessory Features for All Non-Residential Uses.
    - iii. Building mechanical and accessory features shall not be permitted between the principal building and any public street.
    - iv. Building mechanical and accessory features shall be located to the rear of the principal building and shall be in the location least visible from the public street. Screening with appropriate materials shall be required if the equipment is visible from any public street.
    - v. When located on rooftops, building mechanical and accessory features visible from the public street shall be incorporated in the design of the building and screened with materials compatible with the principal façade material of the building.
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.
    - 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.
- 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

- i. Bicycle parking spaces shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user-supplied lock and shall be a type specified by the Director of the Office of Planning as applicable.
    - ii. Bicycle parking shall be located a maximum horizontal distance of 100 feet from a building entrance.
  - 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.

### **Site**

This interior lot fronts 50' on Hogue and has a depth of 140' on its longest side. Per regulations, the front yard setback is based on the compatibility rule. According to the Applicant, the front yard setbacks on the block face range from 4.8' to 15.7'. The front yard setback appears to be 23' or 24' and therefore does not meet the requirement. Staff recommends the front yard setback meet the requirement. Staff recommends the Applicant clarify how the front yard setback was measured.

Per regulations, the side yard setbacks are based on the compatibility rule. According to the Applicant the setbacks range from 0'-5' on one side and 2'-10' on the other side. There is no indication of whether the measurements refer to the right or left elevation. Staff recommends the Applicant clarify which measurements are for the right and left side. The proposed left side yard setback is 7' and the proposed right side yard setback is indicated on the drawings as 15' but actually measures as 17'. Staff finds it likely that one or both side yard setbacks do not meet the requirements. Staff recommends the side yard setbacks meet the requirements.

Per regulations, the rear yard setback is based on the compatibility rule and in no case shall be less than 10'. According to the Applicant the rear yard setbacks range from 38.7'-71.6'. The proposed rear yard setback is 55' and therefore meets the requirements.

Per regulations, the maximum lot coverage allowed is based on the compatibility rule. According to the Applicant, the lot coverage on the block face ranges from 19% to 47%. The proposed lot coverage is 22% and therefore meets the requirement.

As required by the regulations, a walkway from the front entryway to the sidewalk is indicated. In comparing the site plan to the front elevation, the proposed walkway is either located in the wrong place or the elevations are not correct. Staff recommends all site plans, elevations and floor plans are internally consistent. Staff recommends the proposed walkway is centered on the front entryway. It is possible the existing sidewalk may be damaged during construction. If the sidewalk is damaged or

destroyed during construction, Staff recommends the sidewalk be repaired or replaced as required by the regulations.

The site plan submitted indicates both 91 and 95 Hogue. There is an indication that an existing masonry wall and stair shall be repaired and retained if damaged. While this note is appropriate, it is not clear whether this note refers to one or both properties. Staff recommends the Applicant submit separate site plans for 91 and 95 Hogue with appropriate notes for both properties.

Per regulations, the maximum width for driveways is 12'. The proposed driveway width is more than 12' and therefore does not meet the requirements. Staff recommends the proposed driveway is no more than 12' in width.

There is a notation on the plans regarding mechanical equipment. Staff recommends any mechanical over 30" in height meet the setback requirement. Staff recommends any exterior mechanical equipment be appropriately screened as required by the regulations.

### **Massing and Building Height**

The proposed two-story house is defined by an 8 in 12 gable roof and a two-story full width porch. Staff finds the overall height and massing appear to be similar to the other two story contributing buildings on the block face. Per regulations, the height is based on the compatibility rule. According to the Applicant, the heights of the houses on the block face range from 19.5' to 32'. The proposed house is 32' and therefore meets the requirements.

### **Overall Design**

Staff finds the proposed house is similar to the historic house at 75 Hogue. Per regulations the general façade arrangement, proportion, roof pitch, roof form and materials are all based on the compatibility rule. In looking at the contributing houses on the block face, Staff finds the general façade arrangement, proportion, roof form and roof pitch meet the requirements.

### **Fenestration**

Per regulations, the compatibility rule applies to the fenestration pattern. In comparing the proposed fenestration to the survey pictures, Staff finds the overall fenestration pattern is consistent and compatible with the contributing houses on the block face. One concern is the trim, header and sill details are not clear. Staff recommends all windows have appropriate headers, trim and actual sills. There are large areas of blank space on the side elevations. Staff recommends the addition of windows on the side elevations to eliminate the appearance of blank walls.

### **Porch**

In general, Staff finds the proposed porch and its architectural elements are similar to the house at 75 Hogue. While Staff finds the porch roof, columns, stairs and railings are generally appropriate, Staff recommends the plans indicate the railings will have a two-part top and bottom rail with balustrades that butt joint the top and bottom rail. Per regulations, the first floor height is based on the compatibility rule. The Applicant did not provide information regarding the first floor heights on the block face. Staff recommends the Applicant provide documentation the proposed first floor height meets the requirements.

Per regulations, the porch depth is based on the compatibility rule. In looking at the side elevations, the second floor porch is smaller than the first floor porch and a portion of the second story living space is located over the first floor porch. Staff finds the porch configuration is not consistent or compatible with the other contributing houses on the block face. Staff recommends the first and



second floor porch have the same depth. Staff recommends the Applicant provide documentation the proposed porch depth meets the requirements.

### **Materials**

The materials on the plans are indicated as wood windows, smooth cementitious siding with a 6” reveal, composition shingles and a brick veneer foundation. While Staff finds the materials indicated are appropriate, Staff finds that not all material details are indicated. Staff recommends the plans indicate all building materials.

### **Garage**

The elevations and floor plans indicate an interior garage towards the front of the house. Per regulations, all garages must be detached and behind the principal structure. Staff finds the garage as currently designed does not meet the requirement. Staff recommends the garage is eliminated from the plans or appropriately detached and located to the rear of the principal structure.

Staff recommends deferral of an application for a Type III Certificates of (CA3-15-099) for a new single family house at **95 Hogue Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline, to allow the applicant time to address the following concerns of Staff:

1. The front yard setback shall meet the requirement, per Section 16-20C.007(2)(b);
2. The Applicant shall clarify how the front yard setback was measured, per Section 16-20C.007(2)(b);
3. The Applicant shall clarify which measurements are for the right and left side;
4. The side yard setbacks shall meet the requirements, per Section 16-20C.007(2)(b);
5. All site plans, elevations and floor plans shall be internally consistent;
6. The proposed walkway shall be centered on the front entryway;
7. If the sidewalk is damaged or destroyed during construction, the sidewalk be repaired or replaced as required by the regulations, per Section 16-20C.007(1)(a);
8. The proposed driveway shall be no more than 12’ in width, per Section 16-20C.009(3)(e);
9. Any mechanical over 30” in height shall meet the setback requirement, per Section 16-20C.008(1)(d);
10. Any exterior mechanical equipment shall be appropriately screened, per Section 16-20C.008(1)(d);
11. The Applicant shall submit separate site plans for 91 and 95 Hogue with appropriate notes for both properties;
12. All windows shall have appropriate headers, trim and actual sills, per Section 16-20C.008910(b);
13. Additional windows shall be added to the side elevation, per Section 16-20C.008(1)(b);
14. The plans shall indicate porch railings with a two-part top and bottom rail with balustrades that butt joint the top and bottom rail, per Section 16-20C.008(2)(b);
15. The first and second floor porch shall have the same depth, per Section 16-20C.008(2)(b);
16. The Applicant shall provide documentation the proposed porch depth meets the requirements, per Section 16-20C.008(2)(b);
17. The Applicant shall provide documentation the proposed first floor height meets the requirements, per Section 16-20C.008(1)(a);
18. The plans shall indicate all building materials, per Section 16-20C.008(1)(a);
19. The garage shall be eliminated from the plans or appropriately detached and located to the rear of the principal structure, per Section 16-20C.005(4)(b); and
20. Appropriate copies of all updated plans and information shall be submitted 8 days before the deferred meeting.







**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**  
***REVISED***  
**May 13, 2015**  
***(Revised text shown in italic.)***

**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.

*On April 22, 2015, the Commission deferred the application to allow the Applicant time to respond to the comments and concerns of the Staff and Commission. On May 5, 2015, the Applicant provided revised plans and supporting materials. It is these revised plans and supporting materials that are addressed in this revised Staff Report.*

**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.

*In the revised materials, no additional clarifications were provided regarding the floor area ratio calculations. The Staff would retain its previous recommendation.*

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.

*In the revised materials, no additional clarification was provided regarding the public sidewalk. However, publically available photography would suggest that the northern portion of the property is not in good condition and overgrown. The Staff would retain its previous recommendation.*

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.

*In the revised materials, no additional clarification was provided regarding the tree situation other than the statement that no trees would be impacted. The Staff would retain its previous recommendation.*

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.

*A note has been added to the revised plans meeting this requirement.*

### **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.

*In the revised submission, the roof form of the proposed building is revised to reflect a lower parapet wall / façade wall height and roof top “projection” vs. a more singular roof form. Further, the Applicant included additional comparison properties to document the height of the proposed building is compatible to the scale of the neighborhood. They included contemporary residential buildings on Somerset Terrace and North Avenue, the Barnett Building, and the North High Apartments from the 1940s. While the Staff acknowledges that the two contemporary buildings are four (4) stories tall, they are larger, apartment buildings with significantly more mass to them. Further, the height of the Barnett Buildings and the townhouses across Barnett Street is mitigated by their topography. The Barnett Building is only two stories on its front façade and the first level of the townhouses is blocked along the street by a landscaped berm / hill. The proposed building will be exposed from the grade to the top of the roof on all four sides.*

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.

*In the revised submission, the Applicant included two properties that have garage entrances on the facades that face a public street. The Staff still finds, however, that almost all of the residential buildings in the neighborhood do not have this condition. The fact that two buildings have this condition out of the likely hundreds in the neighborhood doesn't change the Staff findings.*

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.

*The Applicant includes in their revised materials the existence of several newer buildings (contemporary residential buildings on Somerset Terrace and North Avenue, Copenhill Lofts, and a building on Ralph McGill Boulevard) that use traditional materials in a “modern way”. The Staff finds that like the front façade garage entrances, these are the exception to the pattern. Many of the examples provided in the revised submission are more traditional in design and use of materials, even though they might have similar feature, such as a front stoop vs. a front porch as the proposed building.*

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.



*Taking into consideration the additional examples and explanation provided by the Applicant, the Staff still retains its previous conclusion.*

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.  
*It is not clear if the two homes with garages on the front façade cited as examples by the Applicant are “older homes”. The one house with the single, wider garage door would not appear to be an older home.*
- They do not permit slab on grade construction.  
*The revised plans indicate that the garage level of the house will be pavers over a sand/gravel bed. While the overall construction of the house as it relates to this matter will not appear changed from the outside, the technical method of construction will have changed and would technically meet the District regulations.*
- 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.  
*No front porches are included in the revised design, though the Staff finds that the regulations presumed that such architectural components would be a part of a building that is “compatible with the architectural style and scale of the neighborhood.”*
- They require that the exterior facade treatment is to be primarily horizontal lap siding. Synthetic stucco-like materials are prohibited.  
*The primary façade treatment in the revised design is horizontal lap siding.*
- They require wood for all exterior trim. The exterior trim on the proposed building is not specified.  
*A note has been added to the revised plans indicating all exterior trim shall be wood.*
- 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.  
*The Staff finds that the site plan (which includes two trees, two driveways, two front doors, and two walkways) makes it clear that the building is composed of two distinct units.*

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.

*While there have been some changes to the proposed design (including additional / revised fenestration, changes in materials, changes in roof form / configuration), the Staff still finds that the proposed building is not “compatible with the architectural style and scale of the neighborhood” regardless of how that is defined. The vast majority of the buildings in the neighborhood use traditional materials (wood, brick and stone) in mostly pre-World War II architectural styles that have architectural components (roofs, porches, fenestration patterns, driveways / parking, etc.) expected of those styles. As such, the Staff would retain its previous recommendation.*

### **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. 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.



KASIM REED  
MAYOR

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CHARLETTA WILSON JACKS  
DIRECTOR  
Office of Planning

**STAFF REPORT**  
**April 22, 2015**  
**REVISED**  
**May 13, 2015**  
*(Revised text shown in italic.)*

**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.

*On April 22, 2015, the Commission deferred the application to allow the Applicant time to respond to the comments and concerns of the Staff and Commission. On May 7, 2015, the Applicant provided revised plans and supporting materials. It is these revised plans and supporting materials that are addressed in this revised Staff Report. Further, the Staff received comments from the Dept. of Public Works and the Office of Planning Beltline Staff regarding the proposed project.*

**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, and State of Georgia Route Requirements**

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.

*Further, the Staff would recommend that the Staff approve design changes to the proposed project due to any Georgia Department of Transportation requirements along Memorial Drive 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.

*The Staff would retain these two recommendations as the revised submission does not provide any additional information or clarification on these issues.*

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.

*The Staff would retain this recommendation as it relates to notations on the final building permit drawings.*

- **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 (i.e., 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 be maximized.

*It is not clear from the calculation provided how much the pervious paving within the parking lot reduces the overall lot coverage and what the “credit” for each square foot of pervious paving would be. While the amount of pervious paving meets the District regulations (38% of the overall parking lot area) it would appear that the pervious paving material could be extended to fill the total area of each parking space, presuming the hatched area indicates that is the pervious paving area. This would maximize the amount of pervious paving in the parking lot. The Staff would retain its previous recommendation.*

- **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.

*The revised submission includes more architectural articulation for the screen wall, including banding in the brick, a water table, and a multi-part “parapet wall”.*

### **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 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> 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.

*The Staff finds that the calculations align with the proposed floor plans which differ by floor level.*

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 dumpster enclosure will be six (6) ft. tall and sheathed in brick.*

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 revised site plan now notes that the sidewalks and planting strips along Estoria Street and Pearl Street will match the adjacent configurations just north of the properties.*

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 clear zone has been noted at 10 ft. wide. At the same time, the Staff understands that Memorial Drive is a State of Georgia route with specific requirements from the Georgia Department of Transportation that might change the proportion of the clear zone and tree planting zone, as well as their relationship to the curb line and travel lanes. Further, the Beltline Zoning Overlay has its own sidewalk design requirements.*

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.

*While additional information has been added to the site plan regarding the street trees, the Staff would retain its recommendation so that all the specifications for street trees are added to the site plan.*

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.

*A textured concrete band has been added to the street side of the sidewalk as it crosses the driveway.*

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 the revised plans, the parking lot meets the pervious surface requirements. A note has been added indicating the light poles will meet the District regulations. One electric vehicle charging station is provided, but given there are 56 spaces provided in the parking lot, an addition charging station should*

*be provided. Further, no landscaping calculations or sidewalks from the parking lot to Pearl Street are included revised plans. The Staff would retain its previous recommendation.*

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.

*These issues are un-resolved in the revised plans.*

### **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.

*In the revised submission, the Applicant notes that the exposed concrete foundation and first floor of the building is compatible with Building “A” of the Fulton Bag and Cotton Mill complex. This building has a cast in place concrete foundation with concrete framing and stucco panels. Overall this building has a more contemporary, spare look in contrast to the brick buildings of the rest of the Mill complex. While the Staff acknowledges the use of concrete in Building A, it is still concerned about the use of cast in place concrete as a finish surface on an otherwise brick and traditional building. The Staff would retain its previous recommendation.*

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 difference 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.

*In the revised plans, the balcony-related windows have been simplified and made more similar to the rest of the windows on the upper levels. The rest of the windows appear unchanged from the previously submitted version. However, in re-reviewing the fenestration pattern and techniques, the Staff finds that the limited use of the single windows is compatible with the architectural style of the building as they are often found in storage areas or stairwells in these types of buildings. The Staff is still concerned about the large transoms on top of the five floor windows which appear out of scale with the windows below them and incongruous with the rest of the windows on the building. The Staff would recommend the*

*transoms on the fifth floor windows are eliminated from the design and all of the upper level fenestration 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.

*On the revised plans, some of the material notes have been changed, though it appears some were overlooked in making the revisions, such as the note regarding the siding on the front façade. No note was added regarding the use of butt-jointed porch railing pickets. The Staff would retain its previous recommendations.*

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 revised submission includes information about the proposed street number above the main entrance (which meets the District regulations) and the proposed street numbers for prospective tenants, once they and their specific spaces are identified.*

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.

*In the revised submission, the Applicant notes that what the Staff considered the terrace is actually a “pedestrian walkway or ramp for accessibility” which has no height restriction in the District regulations. Currently this area is about eight (8) ft. wide from the face of the building to the edge of the area. While the Staff continues to find that an eight (8) ft. wide area is not just a pedestrian walkway. If it is a “pedestrian walkway or ramp for accessibility” it can be made thinner, with the “excess” width added to the public sidewalk clear zone. The Staff would retain its previous recommendation and add that the terrace can be re-designed into a pedestrian walkway by adding width from the terrace to the clear zone of the public sidewalk.*

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.

*In the revised plans, storefront windows similar to those along the Memorial Drive frontage have been added to the ends of the building, meeting the District regulations.*

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.

*While a note was included in the revised submission, the Estoria Street building's roof plan does not indicate any mechanical equipment on the roof. No additional information was included about the roof of the Memorial Drive building. The Staff would retain its previous recommendation.*

### **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); and
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).

**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 *approval* 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. All of the street lights and street trees shall meet the District regulations, per Section 16-20A.011(12)(b)(3) and (6);
2. 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);
3. 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);
4. *The transoms on the fifth floor windows shall be eliminated from the design and all of the upper level fenestration otherwise meet all District regulations, per Section 16-20.009(6) and (7);*
5. 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);
6. 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);
7. *The height of the terrace in front of the Memorial Drive building shall be reduced to meet the District regulations or the terrace shall be re-designed into a pedestrian walkway by adding width from the terrace to the clear zone of the public sidewalk, per Section 16-20A.011(13)(b); .*
8. 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);
9. *The Staff shall approve design changes to the proposed project due to any Beltline Zoning Overlay Zoning requirements or Georgia Department of Transportation requirements along Memorial Drive that would supersede the District regulations or would be considered an alternative, but still compatible, method for compliance with the District regulations; and*
10. The Staff shall review, and if appropriate approve, 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 May 27, 2015

**Agenda Item:** Application for Type II Certificate of Appropriateness (CA2-15-169) for alterations at **497 Dargan Place** - Property is zoned R-4A/West End Historic District.

**Applicant:** Terica Kindred  
2020 Howell Mill Road, #185

**Facts:** According to the District inventory sheet, this single family dwelling was constructed in the 1900s and is contributing to the District. Based on the photographs and materials provided by the Applicant in this application and an associated Type II Staff Review application (CA2-15-170), the Staff has determined that the current project consists of the following actions / components, some of which have already been completed:

- installation of new vinyl windows;
- installation of a new front door;
- installation of smooth, 6 in. hardiplank siding;
- construction of a rear deck;
- rebuilding / construction of a retaining wall; and
- construction of a privacy fence.

In addition, it would appear that the following work was completed at some point in the past without a building permit:

- installation of a single front door with sidelights; and
- installation of a front porch railing with side-nailed pickets.

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

Per Section 16-20G.005 of the Atlanta Land Development Code, as amended:  
The following general regulations shall apply to the West End Historic District.  
Sec. 16-20G.005. - General regulations.

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

contributing buildings of the same block face." Those elements to which the compatibility rule applies are specified in these regulations by reference to "compatibility rule."

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

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

- (1) Generally: The following building elements and architectural features shall be considered when applying section 16-20.009 of this chapter to the West End Historic District: doors, windows, foundations, finished floor elevations, roofs, roof features, gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvers, walls, fences, and gates.
- (2) Building Façades:
  - (a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.
  - (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
  - (c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.
  - (d) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
- (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.
  - (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.
- (7) Roofs:
  - (a) Replacement roofing materials shall be of the same size, texture and material as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
  - (b) Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
  - (c) The use of synthetic roofing materials is permitted if not visibly distinguishable from the original as viewed from the public street.
  - (d) The shape and pitch of roofs for new construction shall be subject to the compatibility rule.
- (8) Decks: Decks shall be constructed to the rear of the structure and shall not extend beyond the sides of the structure. Decks on the corner lots shall be screened with fencing or vegetation to reduce visibility from the public street.
- (9) Porches:
  - (d) New or replacement porches shall contain balustrades, columns and other features consistent with the architectural style of the house or other original porches in that block. The height of the top rail shall be no more than 33 inches above the finish porch floor, except as required by the City's building code.
- (14) Fences:
  - (a) Fences shall be fabricated of brick, iron, wood or metal pickets. Fence lines shall follow or run parallel to a property line in the front and half-depth front yards. Fences shall not obscure the front façade of the building.
  - (b) Fences located in the front or half-depth front yard shall not exceed four feet in height. Front yard fences may exceed four feet in height provided the height is no more than the height of the adjacent, contiguous fencing on immediately adjacent properties.



- (c) Fences shall not exceed six feet in height when located in the side or rear yards.
  - (d) Chain link fabric is not permitted in a front yard or half depth front yard.
  - (e) Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence shall not exceed six feet when located in a front or half-depth front yard.
  - (f) Walls are only permitted in the rear and side yards only when such yards are not adjacent to a public street and when such walls are located behind the rear façade of the principal structure. When such walls are permitted, they shall be six feet or less in height.
- (15) Retaining Walls:
- (a) The height of existing retaining walls located adjacent to a public right-of-way shall be maintained. New or replacement retaining walls shall be constructed of or faced with concrete stucco, natural stone or brick.
  - (b) The height and materials of retaining walls located in the side or rear yards shall not be restricted. Concrete block may be used, provided a veneer of stone, brick, or concrete stucco is applied.

The District regulations only allow for the replacement of the non-historic elements if the replacement element meets the District regulations. Several of the actions / components of the project don't meet the District regulations and/or the information provided is not clear enough to make a determination.

The recently installed vinyl windows are not permitted. They don't match the original windows or the windows shown in the District inventory photograph and they are slightly smaller than the existing and likely original opening size. The District regulations require that replacement windows and doors must 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, if the muntins and/or mullions are either true divided lights or simulated divided lights with the muntins integral to the sash and permanently affixed to the exterior face of glass. The Staff would recommend the existing windows be replaced with new windows that meet the District regulations and supply documentation supporting that conclusion.

The design of the previously installed front porch railing with side nailed balusters / pickets is not permitted by the District regulations. The District regulations require that new or replacement porches shall contain balustrades, columns and other features consistent with the architectural style of the house or other original porches in that block. Butt jointed pickets would be compatible with the architectural style of the house and would meet the District regulations. The Staff would recommend the front porch railing is replaced with a railing that meets the District regulations, including but not limited to butt jointed pickets.

Without knowing what was or is underneath the asbestos siding that was there until at least September, 2010, the use of cementitious siding (smooth or otherwise) can't be supported by the Staff. The District regulations require that siding repair or replacement matches the original in material, scale and direction. The Staff would recommend the Applicant provide information about the type and condition of the siding that is or was underneath the asbestos siding and any siding work (including repair or replacement) meet the District regulations.

The contemporary front door and sidelights that were previously installed do not meet the District regulations and the Staff has concluded were not permitted. As such this unpermitted work needs to be resolved before the current front door proposal can be addressed. Prior to the contemporary door and side lights being installed, the original District inventory sheet showed two, side-by-side wood and glass doors. Likely one of those doors was installed to allow access to an upstairs apartment, subdivided within the existing house. The Staff finds that this side-by-side door configuration, though it existed at the time of the District's designation, was not original to the house. Given it existed at the time of the District's designation it could remain and be repaired, but any new design configurations would need to meet the District regulations, which essentially require going back to the original design and configuration. The Staff would recommend that existing front door and associated side lights be

replaced with a new front door configuration, design, and materials that meet the District regulations.

There are no details included about the repair / rebuilding of the retaining wall or the construction of the privacy fence. These portions of the project, with the right information and documentation can be reviewed and if they meet the District regulations, approved by the Staff via a Type II Staff Review application.

There are no plans / details for the rear deck. This portion of the project, with the right information and documentation can be reviewed and if it meets the District regulations, approved by the Staff via a Type II Staff Review application.

The Staff would recommend additional information for the privacy fence, retaining wall work, and deck be submitted to the Staff to allow for the further processing the already submitted Type II Staff Review application.

Further, the elevations that were submitted are not accurate in several ways, including:

- There are two windows on the first floor of the front elevation.
- The roof form over the front elevation / left side elevations is not correct.
- The distance between the top of the second floor windows in the frieze trim is in correct.
- The taper of the front porch columns is too extreme and doesn't represent what is out there.

The Staff would recommend the Applicant provide accurate and complete existing and proposed elevations, including details regarding each of the project components.

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

- a) The plans do not meet the regulations, with the exceptions noted in the above analysis, per Section 16-20G.006.

Staff recommends approval of the application for a Type II Certificate of Appropriateness (CA2-15-169) for alterations at **497 Dargan Place** - Property is zoned R-4A/West End Historic District, with the following conditions:

1. The existing windows shall be replaced with new windows that meet the District regulations and the Applicant shall supply documentation supporting that conclusion, per Section 16-20G.006(3);
2. The front porch railing shall be replaced with a railing that meets the District regulations, including but not limited to butt jointed pickets, per Section 16-20G.006(9)(d);
3. The Applicant shall provide information about the type and condition of the siding that is or was underneath the asbestos siding and any siding work (including repair or replacement) shall meet the District regulations, per Section 16-20G.006(2)(d);
4. The existing front door and associated side lights shall be replaced with a new front door configuration, design, and materials that meet the District regulations per Section 16-20G.006(3);
5. Additional information for the privacy fence, retaining wall work, and deck shall be submitted to the Staff to allow for the further processing the already submitted Type II Staff Review application, per Section 16-20G.006(8), (14) and 15);
6. The Applicant shall provide accurate and complete existing and proposed elevations, including details regarding each of the project components; and
7. The Staff shall review and if appropriate approve the final plans, supporting documentation, and materials.



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

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

## STAFF REPORT May 27, 2015

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA2-15-176) for a variance to allow a 6’ high fence/wall where otherwise a 4’ high fence would be permitted at **1154 Lucile Ave.** Property is zoned R 4A / West End Historic District / Beltline.

**Applicant:** Allen Belletti  
103 Kings Highway, Decatur

**Facts:** This existing Multi-family residential structure is considered contributing to the District.

Prior to the submission of this application, completely opaque wooden wall sections were installed over the existing brick lattice fence.

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

Sec. 16-29.001. - Application.

For the purposes of this part, certain terms, words or phrases used herein shall be defined, and requirements, restriction or limitations applied as follows:

(25) Walls and fences:

- a. Wall: Any structure forming a physical barrier or enclosure which is so constructed that 50 percent or more of the gross vertical surface is closed and prevents the passage of light, air and vision through said surface in a horizontal plane.  
Wall, retaining: A structure whose sole function is to contain earth so as to provide a stable surface at a grade higher than the adjacent grade level.
- b. Fence: Any structure forming a physical barrier or enclosure which is so constructed that at least 50 percent of the vertical surface is open to permit the transmission of light, air and vision through said surface in a horizontal plane.

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.

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.
- (14) *Fences:*
  - (a) Fences shall be fabricated of brick, iron, wood or metal pickets. Fence lines shall follow or run parallel to a property line in the front and half-depth front yards. Fences shall not obscure the front façade of the building.
  - (b) Fences located in the front or half-depth front yard shall not exceed four feet in height. Front yard fences may exceed four feet in height provided the height is no more than the height of the adjacent, contiguous fencing on immediately adjacent properties.
  - (c) Fences shall not exceed six feet in height when located in the side or rear yards.
  - (d) Chain link fabric is not permitted in a front yard or half depth front yard.
  - (e) Fences may be constructed on top of a retaining wall. The combined height of the retaining wall and fence shall not exceed six feet when located in a front or half-depth front yard.
  - (f) Walls are only permitted in the rear and side yards only when such yards are not adjacent to a public street and when such walls are located behind the rear façade of the principal structure. When such walls are permitted, they shall be six feet or less in height.

## **Variance Justification**

The Applicant is seeking a variance to allow a 6' high fence/wall in the front and half-depth front yard of this property. In their variance justification the Applicant notes two separate instances of vandalism to the brick lattice fence and has provided pictures of the affected areas documenting these occurrences. No police reports were submitted documenting these events. Receipts for the repair of the wall from an independent contractor were provided to establish the costs associated with the repairs. The Applicant argues that the wooden wall sections which are less than 50% open were installed as a form of protection against future vandalism of the brick lattice. Based on this justification Staff finds that the use of wooden wall sections which are less than 50% open would be acceptable but would suggest that this approach be used as a temporary protective measure and not a permanent one. Staff recommends that the applicant provide a specific date for the removal of the wooden wall sections.

After reviewing the submitted plans and photographic documentation, Staff finds that the height of the wooden wall sections appears to be 4' high which would be in compliance with the height requirement and would not require a variance for its height. Staff recommends that the Applicant submit documentation detailing the height of the current wooden wall sections.

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

- a) The variance request, with the exceptions noted above, meets the regulations per Section 16-20G.005 (3)

## **CA2-15-176**

Staff recommends approval of an Application for a Type III Certificate of Appropriateness (CA2-15-176) for a variance to allow a 6' high fence/wall where otherwise a 4' high fence would be permitted at **1154 Lucile Ave.** Property is zoned R 4A / West End Historic District / Beltline, with the following conditions:

1. The Applicant provide a specific date for the removal of the wooden wall sections, per. Sec.16-20G.005(3);
2. The Applicant shall submit documentation detailing the height of the current wooden wall sections, per. Sec.16-20.008(b)(1); and
3. The Staff shall review and if appropriate, approve the final plans and supporting documentation.



# CITY OF ATLANTA

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

## STAFF REPORT

May 27, 2015

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-15-177) for alterations and an addition at **2931 Baker Ridge Road**- Property is zoned R-4 / Collier Heights Historic District.

**Applicant:** Danny Cargal  
1743 Fernleaf Circle

**Facts:** According to the District inventory sheet, this single family dwelling was built in 1959 and is considered contributing to the District. The 2008 photograph (no difference was seen in 2013, so no new photograph was taken) show the original attached, double-bay carport on the left side of the house with metal posts on a concrete slab. The carport is completely open on the sides and rear.

Recently, the carport was enclosed with one, roll up garage door and full walls with vertical T-1-11-type panels. The rear of the enclosure includes two, double hung windows. The Applicant is requesting approval of the already complete alteration / enclosure of the carport, as well as the replacement of the front stoop / terrace, wrought iron railing with a metal / wood railing.

Based on the photographs provided by the Applicant, it also appears that recently the front walkway was replaced, the front door has been replaced, and the house foundation in the sides and rear has been coated with stucco. It also appears that drainage work has occurred on the property. It is not clear if work has occurred on any of the windows, though they do appear to be freshly painted, repaired, or replaced.

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

**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;
    - (ii) To alter the rear façade or rear roof plane of a structure that is located on a corner lot, as defined by section 16-28.007(3);
  - (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.
    - (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 16-20Q.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.

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.
- (4) Foundations:
  - (a) Replacement foundation materials shall replicate the original or existing materials in size, shape, color, texture and mortar and shall be installed using construction techniques similar to the original or existing.
  - (b) On the front and side facades of new principal structures and additions, foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided if they are compatible with the structure on which they are located and in scale, materials and style with foundations of adjacent and surrounding structures.
- (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 facade 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.
- (11) Attached garages and carports.
  - (a) The presence, location, and design of carports or garages for all new principal structures shall be subject to the compatibility rule.
  - (b) The placement and location of attached, new carports and garages on existing principal structures shall meet the compatibility rule.
  - (c) Existing attached carports may be enclosed with garage doors, provided that the alteration is consistent with the original architectural style of the existing structure.
  - (d) Existing attached garages or carports may be fully enclosed into conditioned space provided the original character defining features visible from the public street are retained and are identifiable.
- (15) Paved Surfaces:
  - (a) Original or historic paved surfaces shall be retained.
  - (b) Replacement paved surfaces shall be permitted only when original or historic chimneys cannot be rehabilitated.
  - (c) If original or historic paved surfaces cannot be rehabilitated, replacement paved surfaces shall match the original or historic paved surface in layout, patterns, finish, and materials.

- (d) The layout, pattern, finish and material of new paved areas shall be subject to the compatibility rule.
  - (e) New driveways shall not exceed a width of ten feet between the principal structure and any public street except for the minimum flare required to allow access to double-width carports or garages.
- (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.

The current Applicant is responsible for all work undertaken on the property since the beginning of the designation process of the District.

#### Alteration / Enclosure of the Carport

Carports can be enclosed with garage doors if the alteration is “consistent with the original architectural style of the existing structure” or enclosed into conditioned space “provided the original character defining features visible from the public street are retained and are identifiable.” The Staff finds that on both accounts the enclosure of the carport does not meet the District regulations. The metal support poles have either been completely removed or enclosed by the wall construction. Further, the wood-grain T-1-11 siding is not compatible with the existing architectural style of the house.

The Applicant provided several examples of garages, enclosed carports in the district and other work. The Staff finds that they are not useful examples as they were either originally built as enclosed garages, originally built as partially enclosed carports (often with rear storage areas), or they were enclosed prior to the District’s designation which governs how such enclosures can take place. None of these circumstances supports the full, incompatible enclosure of a carport after the enactment of the District regulations.

The Staff would recommend that the carport enclosure be revised to retain and expose the original support poles and otherwise meet the District regulations.

#### Front Terrace Railing

The District inventory photograph shows a typical, wrought iron handrail around the front stoop / terrace. The District regulations require that “original or historic porches or stoops, including their component features be retained”. The Staff finds that the wrought iron railing shown in the inventory photograph was original to the house. The District regulations further require that “replacement...component features shall be permitted only when the original or historic porch or stoop or their component feature(s) cannot be rehabilitated” and “the replacement...component features shall match the original in shape, size, internal proportions, and materials.” The Applicant has provided no information supporting the removal of the original railing. Further, the installed railing does not match the original railing in any way. The Staff would recommend the installed front stoop / terrace railing be replaced with a railing that matches the original wrought iron railing in shape, size, internal proportions, and materials.

#### Front Walkway

It is not clear from the District inventory photograph the condition, design, or materials of the previously existing walkway. The Applicant has provided no information about the previous walkway, though given the concrete surface of the front stoop / terrace, the Staff finds that it is likely the front walk was concrete as well. Absent information about the previously existing walkway, the Staff finds the proposed walkway is compatible with the existing house and meets the District regulations.

### Front Door

The District inventory photograph shows what appears to be the original front door on the house, which consisted of a wood, slab door with three cascading rectangular lights in the upper third of the door. The installed door consists of a large glass opening above a raised panel. The District regulations require that “original or historic windows and exterior doors...be retained”, “replacement ...exterior doors be permitted only when the original or historic...exterior doors cannot be rehabilitated” and “...replacement...doors shall match the original or historic in light design, function, materials, shape, and size.” The Applicant has provided no information supporting the removal of the original front door. Further, the installed front door does not match the original front door in any way. The Staff would recommend the installed front door be replaced with a front door that matches the original front door railing in light design, function, materials, shape and size.

### Foundation

It would appear from the photographs provided by the Applicant that the foundation has been recently coated with stucco given the gray color of the stucco. The District inventory photograph does not include any views of the foundation. Based on a review of District inventory photographs, nearby houses have exposed stone (likely granite) or brick foundations with various patterns / designs to the stone and mortar joints. The Staff would recommend that the Applicant provide information about the existing foundation of the house and if that information shows that it was an exposed stone or brick, the stucco be removed from the foundation.

### Windows

The Staff would recommend the Applicant provide information about any work performed on the windows on the front and sides of the house and that based on that information, the Staff determine if any window-related work meets the District regulations.

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

(a)The project does not meet the District regulations per Section 16-20Q.006, with the exceptions noted above;

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-15-177) for alterations and an addition at **2931 Baker Ridge Road**- Property is zoned R-4 / Collier Heights Historic District, with the following conditions:

1. The carport enclosure shall be revised to retain and expose the original support poles and otherwise meet the District regulations; per Section 16-20Q.006(11);
2. The installed front stoop / terrace railing shall be replaced with a railing that matches the original wrought iron railing in shape, size, internal proportions, and materials, per Section 16-20Q.006(10);
3. The installed front door shall be replaced with a front door that matches the original front door railing in light design, function, materials, shape and size, per Section 16-20Q.006(2);
4. The Applicant shall provide information about the existing foundation of the house and if that information shows that it was an exposed stone or brick, the stucco shall be removed from the foundation, per Section 16-20Q.006(4);
5. The Applicant shall provide information about any work performed on the windows on the front and sides of the house and that based on that information, the Staff shall determine if any window-related work meets the District regulations, per Section 16-20Q.006(2); and
6. The Staff shall review and if appropriate, approve the final plans and supporting materials.



## CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

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

### STAFF REPORT May 27, 2015

**Agenda Item:** Application for a Type II Certificate of Appropriateness (CA2-15-179) for alterations at 1041 Oak St. Property is zoned R 4A / West End Historic District.

**Applicant:** Karim Ziyad  
4555 Flatshoals Parkway #706, Decatur

**Facts:** This existing Quen Ann style cottage is considered contributing to the West End Historic District.

Prior to the submission of this application the original chimneys were removed. The Applicant is proposing to install a chimney and to replace water damaged siding. A recently issued general repair permit was reviewed and approved by Staff for the replacement of a small portion of water damaged siding (BB-201502641).

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

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).

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

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

- 1) Generally: The following building elements and architectural features shall be considered when applying section 16-20.009 of this chapter to the West End Historic District: doors, windows, foundations, finished floor elevations, roofs, roof features, gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvres, walls, fences, and gates.
- (2) Building Façades:
  - (a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.
  - (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
  - (c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.
  - (d) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
  - (e) Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
  - (f) Height of the first floor of the front façade above grade shall be subject to the compatibility rule. Notwithstanding the compatibility rule, the first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than seven inches in height. Slab-on-grade construction is not permitted.

- (g) No structure shall exceed that height established by the compatibility rule.
- (6) Chimneys:
  - (a) Chimneys shall match original materials, mortar, color and pattern whenever possible.
  - (b) New chimneys shall be faced with brick or stucco.
  - (c) Siding on chimneys is prohibited.
  - (d) When any portion of a chimney is visible from a public street as a façade element, the chimney shall originate at grade.

### **Photographic documentation**

The Applicant has not submitted photographs of the existing structure. Staff recommends that the Applicant submit photographic evidence which shows the current condition of the entire property and documents all changes which have occurred.

### **Alterations**

The Applicant is proposing to install a new chimney to replace the chimneys which were previously removed. No photographic documentation has been submitted showing the current state of the chimneys. Staff finds that the Inspection which was performed on this property by Office of Buildings Staff on 01/28/2015 (15CAP-00000093) found that both chimneys were removed. Further, the 1990 District inventory shows two chimneys on this structure. Staff recommends the Applicant reinstall both chimneys which were previously removed. The Applicant is proposing a brick chimney which would be faced with a cement wash. The 1990 District Inventory shows that the original chimneys were brick and were not faced with a cement wash. Staff recommends that the proposed chimneys not have a cement wash treatment.

The Applicant is proposing to replace water damaged siding with new wood siding to match the original. Staff finds that a recently issued General Repair Permit was reviewed and approved with conditions by Staff on 04/27/2015. Staff recommends that the Applicant clarify whether the proposed siding replacement is for a different location on the building than was previously reviewed by Staff. If the proposed siding replacement is in a location which was not previously reviewed by Staff, then Staff recommends that the Applicant submit information which details the need for replacement. If the need for replacement is established by photographic documentation, then Staff has no concerns with the replacement as proposed by the Applicant.

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

- a) The project meets the regulations, with the exceptions noted in the above analysis, per Section , 16-20.008, 16-20G.006, & 16-20G.007.

### **CA2-15-179**

Staff recommends approval of an application for Type II Certificate of Appropriateness (CA2-15-179) for alterations at **1041 Oak Street** - Property is zoned R-4A / West End Historic District, with the following conditions:

1. The Applicant shall submit photographic evidence which shows the current condition of the entire property and documents all changes which have occurred, Per Sec. 16-20.008(b)(1);



2. The Applicant shall reinstall both chimneys which were previously removed, per Sec.16-20G.006(6);
3. The proposed chimneys shall not use a cement wash treatment, per Sec.16-20G.007(6)(a);
4. The Applicant shall clarify whether the proposed siding replacement is for a different location on the building than was previously reviewed by Staff, per Sec. 16-20G.005(1)(b);
5. If the proposed siding replacement is in a location which was not previously reviewed by Staff, then the Applicant shall submit information which details the need for replacement, per Sec. 16-20G.006(2)(b); and
6. Staff shall review and if appropriate, approve the final plans an supporting documentation.



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

### STAFF REPORT May 27, 2105

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-15-183) for alterations and an addition at **710 Oakland Avenue**. - Property is zoned R-5 / Grant Park Historic District (Subarea 1).

**Applicant:** David Ogram  
1708 Peachtree Street

**Facts:** The 1900s contributing building appears to be relatively unaltered from its original configuration, though the house has been renovated. The front yard of the property, which faces Oakland Avenue, is relatively flat and even with the public sidewalk. The rear of the property abuts Augusta Place, thus creating two frontages and two “front” yards. The Applicant proposes to build an addition with a porch on the portion of the house facing Augusta Place.

On a regular lot, a rear addition would normally only be subject to the basic requirements of the District, such as setbacks, lot coverage, floor area ratio, etc. and would not be subject to regular design review by the Commission. However, given the double frontage lot, what would normally be a rear addition (and thus not subject to design review by the Commission) is considered a “front” addition and thus subject to all of the requirements that would normally affect the front portion of a new construction or other front façade related work. None of the alterations to the side facades of the house would be subject to review by the Commission or the Staff as they don’t affect a façade that faces a public street.

**Analysis:** The following code sections apply to this application:  
Per Section 16-20K.006 of the Atlanta Land Development Code, as amended:

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

(1) *General Criteria.*

- a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
- b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
- c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the

standards set forth in this Chapter 20K do not specifically address the application.

(2) *Certificates of Appropriateness.*

- c. Type III Certificates of Appropriateness shall be required for:
  2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.

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

(1) *Development Controls.*

- a. *Front Yards:* Front yard setbacks shall either: i) conform to the setback of the previously existing contributing building of like use; or ii) shall be no closer to the street than the closest and no farther from the street than the farthest contributing structure of like use on that side of the block.
- b. *Side Yards:* Side yards shall either: i) conform to the setback of the previously existing contributing building of like use; ii) conform to the setback of the existing building; iii) conform to any existing pattern of unequal side yard setbacks previously established by a majority of the contributing buildings of like use on that side of the block; or iv) be of a width of not less than seven (7) feet.
- c. *Rear Yard:* Rear yard setback shall be seven feet.

(2) *Architectural Standards.*

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

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

B. Design Standards and Criteria for New Principal Structures.

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.).
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
4. All front façades and front porches of the principal structure shall face and be parallel to the lot frontage. Wrap around front porches are permitted.
5. Roof form above the front façade of the principal structure shall be gabled and/or hipped. Roof pitch shall be a minimum of 6 in 12. Roof pitch above porches shall not be restricted.
11. Any façades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
15. On those façades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
  - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.

- c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
  - 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.

### Addition Facing Augusta Place

It is not clear if the proposed lot coverage would meet the zoning regulations, as not lot coverage calculation was included in the plans. Further, the floor area ratio calculations shown on the site plan are not complete. The Staff would recommend the Applicant provide lot coverage and floor area ratio calculations.

The Staff finds that the rear addition's general shape and height and some of the setbacks meet the District regulations. The addition is rectilinear and has a simple rear facing gable with a pitch of more than 6:12. The addition's height is slightly less than the existing house and is less than 35 ft. The porch proposed on the Augusta Place façade of the addition meets the requirements for front porches as to its width and depth.

Regarding the setbacks, it would appear that the north and south side yard setbacks would meet the District regulations as being equal to the existing house's setbacks, but no notes are included in the site plan confirming that compliance. The Staff would recommend the site plan indicate the setbacks of the existing house and proposed addition.

Regarding the front yard setback to Augusta Place, it would be subject to the requirements for front yard setbacks. No information was provided about this setback. In this case, the addition (including the proposed porch) can't be any closer to Augusta Place than the closest contributing house is to Augusta Place. The distance comparison needs to be made to a contributing house (and any portion thereof) that is on the west side of this block of Augusta Place. If there is not a contributing house that is closer to Augusta Place on this same block than the proposed addition is, the project will need to be revised or will need a variance to reduce the Augusta Place setback. The Staff would recommend the Applicant document compliance with the front yard setback requirements in relationship to Augusta Place.

Further, the Staff does have concerns about other elements of the addition. First, the fenestration of the Augusta Place façade must meet the District regulations for fenestration regarding compatibility or percentage. Regarding compliance through the compatibility requirement, the Staff is concerned about the use of the single, un-divided window on the left side of the façade, the size of the paired window in the gable, and the French door onto the porch. The Staff would

recommend the Applicant document compliance with the District's fenestration requirements for the Augusta Place façade of the addition.

Second, the Staff is concerned about the foundation materials, which include unfinished concrete block facing Augusta Place, which is prohibited by the District regulations. The Staff would recommend the foundation materials of the addition meet the District regulations.

#### Alterations to Oakland Avenue Façade

It is not clear the extent of the renovations on this façade as the notes refer to some items that already exist, such as the corner boards and roofing material. Further, it is not clear what "repair/replace deck/ apron" means regarding the front porch floor. Whether it is repair or replacement is a significant difference in relation to the District regulations. Lastly, the Staff has concerns about the removal of the existing cheeks walls and steps as they appear to be in good condition and original to the house.

The Staff would recommend the Applicant clarify all of the renovations to the Oakland Avenue façade of the building and retain all existing original or historic features and architectural components that are in good condition.

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

1. Except as noted above, the proposal meets the District regulations, per Section 16-20K.006 and 16-20K.007.

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-15-183) for alterations and an addition at **710 Oakland Avenue**. - Property is zoned R-5 / Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall provide lot coverage and floor area ratio calculations, per Section 16-20K.007(2)(D);
2. The site plan shall indicate the setbacks of the existing house and proposed addition, per Section 16-20K.007(1) and (2)(D);
3. The Applicant shall document compliance with the front yard setback requirements in relationship to Augusta Place, per Section 16-20K.007(1)( and (2)(D);
4. The Applicant shall document compliance with the District's fenestration requirements for the Augusta Place façade of the addition, per Section 16-20K.007(2)(B)(11) and (2)(D);
5. The foundation materials of the addition meet the District regulations, per Section 16-20K.007(2)(B)(15)(b) and (2)(D);
6. The Applicant shall clarify all of the renovations to the Oakland Avenue façade of the building and retain all existing original or historic features and architectural components that are in good condition, per Section 16-20K.007(2)(D); and
7. The Staff shall review, and if appropriate approve, the final design and supporting documentation.



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

## STAFF REPORT

May 27, 2015

**Agenda Item:** Application for Type III Certificates of Appropriateness (CA3-15-186) for a special exception to install a 6' high fence/wall in the half depth front yard where otherwise a 4' fence is permitted at **634 Rosalia Street**- Property is zoned R-5/Grant Park Historic District.

**Applicant:** Anne Sciarrone  
834 Inman Village Parkway, Suite #100

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

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

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

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

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

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.*

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.

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

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

This corner lots fronts 47.5' on Rosalia Street and has a depth of 130.2' On Waldo. In looking at pictures submitted by the Applicant and survey pictures, there is an existing 6' private fence on a portion of the Waldo Street elevation. Staff would note that the existing fence is clearly in disrepair and requires replacement. As this is a corner lot, 6' privacy fences are not allowed. According to the Applicant, a 4' fence would not allow for the privacy desired. In looking at the site plan, the proposed wall only covers a small portion of the house. It would appear that the proposed wall would mostly create privacy in the yard as opposed to the actual house. Staff finds there are other ways to create privacy (such as plantings) that would allow for a 4' fence that met the requirements. Staff recommends the Applicant clarify why installing a 4' fence and plantings would not alleviate privacy concerns.

The Applicant submitted crime statistics that indicate there is some crime in the area. Staff would note that in looking at the crime statistic map, the majority of the crimes are concentrated north and east of



this particular part of Grant Park. While there are a few incidents within a few blocks, there are not many immediately near the property in question. At this time, Staff is not convinced that the crimes in the area warrant a 6' wall. Staff recommends the Applicant clarify why a 6' is needed to combat security concerns.

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

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

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-15-186) for a special exception to install a 6' high fence/wall in the half depth front yard where otherwise a 4' fence is permitted at **634 Rosalia Street**- Property is zoned R-5/Grant Park Historic District, with conditions:

1. The Applicant shall clarify why installing a 4' fence and plantings would not alleviate privacy concerns, per Section 16-20K.007(2)(B)(14); and
2. The Applicant shall clarify why a 6' is needed to combat security concerns, per Section 16-20K.007(2)(B)(14).



# CITY OF ATLANTA

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

## STAFF REPORT

May 27, 2015

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-15-187) for an addition at 228 Haralson Avenue - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline.

**Applicant:** Small Carpenters At Large  
888 Lake Avenue

**Facts:** According to the Inman Park survey book, this single family house is considered non-contributing. In looking at the Fulton County tax records available online, this house was constructed in 1996.

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

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

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

### Section 16-20L.005 General Regulations.

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

1. General Criteria.
  - a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
  - b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
    - i. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
    - ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
    - iii. Each property shall be recognized as a physical record of its time, place, and use. Changes shall not be undertaken that create a false sense of historical development, such as adding conjectural features or elements from other historic properties.
    - iv. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
    - v. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.
    - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
    - vii. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

- viii. Archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
- ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- x. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
  - c. **Compatibility Rule:** The intent of the Mayor and Council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face, and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.
- 2. Certificates of Appropriateness.
  - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - d. Type III Certificates of Appropriateness shall be required for:
    - ii. All major alterations and additions to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from Certificates of Appropriateness in the Subarea regulations.
- 6. Tree Preservation and Replacement.  
The provisions of the City of Atlanta Tree Ordinance, Atlanta City Code Section 158-26, shall apply to this District.
- 7. Any time the provision 16-20.011(b) of this part is enforced in this District, the Director of the Commission shall notify the Inman Park Neighborhood Association within 10 days and a 30-day period for comment be allowed for the Association. Further, the Director shall regularly send to the Inman Park Neighborhood Association the agenda for each regular meeting and for any special meeting of the Commission in which there is any agenda item for property located within the Inman Park Historic District.

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

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

- 1. Design Standards and other criteria for construction of and for additions to one- and two-family residential structures.
  - f. The Compatibility Rule shall apply to the form and pitch of the primary roof of the principal structure.
  - g. The Compatibility Rule shall apply to the height, scale, and massing of the principal structure. In no case shall the height of a structure exceed 35 feet. (See Section 16-28.022 for excluded portions of structure.)
  - h. Height of the first floor of the front façade above grade shall be subject to the Compatibility Rule. The first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than 7 inches in height. Slab-on-grade construction is not permitted.
  - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
    - i. The style of the individual window.
      - (1) Windows in the front façade shall be predominantly vertical in proportion.

- (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
      - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
    - ii. The size and shape of individual window openings.
    - iii. The overall pattern of fenestration as it relates to the building façade.
  - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system (“EIFS”), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
  - q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
    - i. The dimensions of the exposed face of lap siding and wood shingles.
    - v. The size and type of doors.
      - (1) Exterior doors shall be wood panel or fixed glass panel in wood frame.
    - vi. The materials and pattern of roofing.
    - viii. Visible foundation materials.
      - (1) Foundations shall constitute a distinct building design element and shall contrast with the primary façade siding material. Exposed concrete or CMU foundation walls are prohibited as a finished surface.
2. *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.

## Site

According to the site plan submitted, this interior lot fronts 50’ on Haralson Avenue and has a depth of 150’. In looking at the City of Atlanta cadastral map, the lot in question is not shown. Staff suggests the Applicant work with the Office of Planning subdivision staff to resolve the lot discrepancy issue.

Per regulations, the side yard setback can be no closer to the property line than the existing house. Staff finds the proposed addition is no closer to the property line than the existing house and therefore meets the side yard setback requirements. The rear yard setback requirement is based on the compatibility rule. The Applicant did not submit information regarding the rear yard setbacks of the contributing houses on the block face. Staff recommends the Applicant submit documentation the proposed rear yard setback meets the requirement.

Per regulations the floor area ratio (FAR) can be no more than .50. The proposed FAR is .14 and therefore meets the regulations. Per regulations, the maximum lot coverage allowed is 55%. The proposed lot coverage existing lot coverage is 23% and therefore meets the lot coverage requirement.

## Addition

The Applicant is proposing a new rear porch addition. The overall design, height, massing and materials of the proposed addition are appropriate and compatible with the existing house. As the existing house is non-contributing, Staff has no concerns regarding impacts to historic fabric. Staff has no concerns regarding the proposed addition.

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

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

Staff recommends approval of the Application for a Type III Certificate of (CA3-15-187) for an addition at 228 Haralson Avenue - Property is zoned R-5/ Inman Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The Applicant shall submit documentation the proposed rear yard setback meets the requirement, per Section 16-20L.006(2); and
2. Staff shall review and if appropriate, approve the final plans.



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## STAFF REPORT May 27, 2015

**Agenda Item:** Application for a Type II Certificate of Appropriateness (CA2-15-188) for alterations at **522 Oakland Avenue**- Property is zoned R-5/ Grant Park Historic District (Subarea 1).

**Applicant:** KGB Investments LLC  
260 East Lake Drive

**Facts:** This single family dwelling was constructed in in 1981 and is considered non-contributing.

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

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

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

- (1) *General Criteria.*
  - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
  - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
  - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
  - b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.

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

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

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

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

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.).

15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.

c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.

C. *Design Standards and Criteria for Alterations and Additions to Non-contributing Structures.* Alterations to non-contributing structures, for which a Certificate of Appropriateness shall be required, shall be consistent with and reinforce the architectural character of the existing structure or shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above.

The Applicant is proposing to remove the existing vinyl siding and install cementitious siding. As this is a non-contributing house, Staff has no concerns regarding the destruction of historic materials. Staff has no concerns regarding the installation of cementitious siding. Staff recommends the new siding is indicated as smooth cementitious siding with a 4" to 6" reveal.

**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(2)(B).

Staff recommends approval of the application for a Type II Certificate of (CA2-15-188) for alterations at **522 Oakland Avenue**- Property is zoned R-5/ Grant Park Historic District (Subarea 1), with the following condition:

1. The new façade material shall be indicated as smooth cementitious siding with a 4"-6" reveal, per Section 16-20K.007(C).





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

## STAFF REPORT May 27, 2015

**Agenda Item:** Application for a Type II Certificate of Appropriateness (CA2-15-189) for alterations at **698 Peoples St.** Property is zoned R 4A / West End Historic District / Beltline.

**Applicant:** Brandy Morrison  
485 Oakland Ave. SE

**Facts:** This existing Queen Ann style cottage is considered contributing to the West End Historic District.

The Applicant is proposing to replace damaged siding and portions of damaged porch columns.

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

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).

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

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

- 1) Generally: The following building elements and architectural features shall be considered when applying section 16-20.009 of this chapter to the West End Historic District: doors, windows, foundations, finished floor elevations, roofs, roof features, gutters, downspouts, cornices, siding, porches, steps, terraces, dormers, shutters, awnings, gateways, archways, louvres, walls, fences, and gates.
- (2) Building Façades:
  - (a) All new construction shall conform to the existing building orientation by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main façade shall face the principal street whenever possible.
  - (b) At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distance from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
  - (c) All building materials, which upon completion are visible from the public right-of-way, are subject to the compatibility rule.
  - (d) Siding repair or replacement shall match the original in material, scale and direction. For new construction and additions, brick, wood or horizontal smooth cementitious siding is permitted.
  - (e) Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
  - (f) Height of the first floor of the front façade above grade shall be subject to the compatibility rule. Notwithstanding the compatibility rule, the first floor of the principal structure shall be on foundations and shall be elevated above grade at the front façade a minimum of two entrance risers each of which shall be not less than seven inches in height. Slab-on-grade construction is not permitted.
  - (g) No structure shall exceed that height established by the compatibility rule.
- (16) Ornaments:
  - (a) Architecturally significant ornaments, such as corner boards, cornices, brackets, downspouts, railings, columns, steps, doors and window moldings, shall be retained.
  - (b) Replacement ornaments shall be permitted only when originals cannot be rehabilitated.

- (c) Installation of new ornaments, where none previously existed, shall be permitted only when it is in accordance with the architectural style of the original structure.
- (17) Public Sidewalks and Planting Strips:
  - (a) Existing public sidewalks, planting strips, and associated topography shall be retained.
  - (b) The public sidewalk shall be the same width as the sidewalk on abutting properties.
  - (c) The compatibility rule shall apply to public sidewalk paving materials.
  - (d) Where a public sidewalk to be replaced is adjacent to poured concrete, original concrete hexagonal pavers or poured concrete with stamped hexagonal motif, the new sidewalk shall be poured concrete bordered with brick laid flat.

### **Alterations**

The Applicant is proposing to replace portions of damaged siding on all four facades of the building with siding which matches the original in size, material, and direction. From the general photographs submitted by the Applicant the existing siding appears to be in various stages of deterioration and siding is missing in several areas. The general photographs also show large sections of non-original wood siding which is also in a state of deterioration. While the Staff finds the alterations generally appropriate and has no concerns with the replacement of siding as proposed, it would recommend that additional detailed photographs be provided which show specific examples of deteriorated areas.

The Applicant is proposing to replace damaged bases on the front porch columns. The photographs submitted by the Applicant show these features to be in states of deterioration or that they are not original to the column. The Applicant is also proposing to replace a non-original capitol with one which matches the original capitols found on other porch columns. Staff has no general concerns with the proposed alterations but recommends that the replacement ornamental features match the original in design and materials.

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

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

### **CA2-15-198**

Staff recommends approval of an Application for a Type II Certificate of Appropriateness (CA2-15-189) for alterations at **698 Peeples St.** Property is zoned R 4A / West End Historic District / Beltline, with the following conditions:

1. Detailed photographs shall be provided which show specific examples of deteriorated areas, per Sec. 16-20G.006(2)(d)
2. The replacement ornamental features shall match the original in design and materials, Per Sec. 16-20G.006(16); and
3. Staff shall review and if appropriate, approve the final plans and supporting documentation.



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

## STAFF REPORT May 27, 2015

**Agenda Item:** Application for a Type II Certificate of Appropriateness (CA2-15-190) for alterations and new signage at **541 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 4)/Beltline.

**Applicant:** Jennifer C Hiding  
994 Grant Terrace SE

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

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

On May 22, 2013, an application for a Type II Certificate of Appropriateness (CA2-13-111) for signage and renovations was approved with conditions. This current application is for revisions and additions to the previously approved application.

On February 12, 2014, an application for a Type III Certificate of Appropriateness (CA2-14-018) for new construction and additions was approved with conditions. This current application is for signage.

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

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

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

(3) Landmark Districts:

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

Per Section 16-20C.003:

The following regulations shall apply to the entire Landmark District inclusive of all subareas. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the

Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

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

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

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

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

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

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

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

Per Section 16-20.009. Further standards.

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

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8)

(1) *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.

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.

Although this submission includes proposed elevations for exterior work to the existing building, all of the proposed exterior work was approved in a previous application. The only scope of work for the current application is for signage and lighting.

### **Signage and Lighting**

The Applicant is proposing to install a new steel blade sign. Staff finds the materials, design, height above the sidewalk and location is appropriate. Per regulations, projecting signs cannot exceed 8 sq. ft. in sign area. The proposed sign is less than 8 sq. ft. and therefore meet the requirement. Per regulations, the square footage of the sign cannot exceed 10% of the wall area. Staff finds the proposed sign meets the wall percentage requirement. As this a historic building, Staff recommends the sign be anchored into the mortar joints to avoid damaging the historic brick.

The Applicant is proposing goose neck lighting for the exterior of the sign and flood lights for the exterior of the building. Staff has no general concerns regarding the installation of lighting. As required by the regulations, the proposed lighting is located no less than 8' above the sidewalk. Per regulations, lighting shall minimize light spillage by providing cutoff luminaries that have a maximum 90-degree illumination. Staff recommends the Applicant provide documentation the proposed lighting meets the light spillage requirements.

### **Beltline SAP Review**

In addition to being in the Martin Luther King, Jr. Landmark District, the existing building is also in the Beltline Overlay. As such, the Applicant may need a special administrative permit (SAP) for the proposed signage and lighting. It is possible the Beltline SAP review may necessitate changes to the project to meet the requirements. Staff recommends any changes necessitated by the Beltline SAP review be approved by Staff.

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

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

Staff recommends approval of the Application for a Type II Certificate of (CA2-15-190) for alterations and new signage at **541 Edgewood Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 5)/Beltline, with the following conditions:

1. The sign shall be anchored into the mortar joints, per Section 16-20.009
2. The Applicant shall provide documentation the proposed lighting meets the light spillage requirements, per Section 16-20C.008(3)(e)(i);
3. Any changes necessitated by the Beltline SAP review shall be approved by Staff and
4. 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 May 27, 2015

**Agenda Item:** Application for Type III Certificates of Appropriateness (CA3-15-191) for a variance to allow an accessory structure in the Atlantis Avenue front yard where otherwise prohibited at **936 Austin Avenue** - Property is zoned R-5/Inman Park Historic District (Subarea 1) / Beltline.

**Applicant:** Robert A. Hahn  
936 Austin Avenue

**Facts:** This lot is located on the north side of Austin Avenue. The property is generally level with the sidewalk in its front portion, then drops down towards the rear. There is an existing curb cut, gravel driveway and gravel parking pad off of Atlantis Avenue near where the garage would be located.

The District regulations specifically allow for “accessory structures” (without qualification or limitation) to be reviewed as a Type II Staff Review. Further, the District regulations do not have architectural / design qualifications for accessory structures. However, the location, setback, height, size, and other quantitative requirements of the District regulations must be met. The location of the accessory structure triggers the need for the variance, given its location in the Atlantis Avenue front yard of the double frontage lot and its location between the principal structure and Atlantis Avenue.

There is no work proposed to the principal structure or on the rest of the site.

**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.
  - c. Type II certificates of appropriateness shall be reviewed by the director of the commission and shall be required for:
    - i. All alterations to existing structures where visible from a public street or park, unless such alterations or additions are specifically exempted from certificates of appropriateness in the subarea regulations.
    - ii. Fences, walls, accessory structures, decks, rear porches, and paving.
  - 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.
    - v. Variances and special exceptions
3. Variances, Special Exceptions, and Appeals.
- Variance applications, applications for Special Exceptions, and appeals from these Regulations shall be heard by the Commission. The Commission shall have the authority to grant or deny variances from the provisions of this Chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, and criteria for decisions regarding such variances shall be the same as those specified in Chapter 26 of this Part 16. The Commission shall have the authority to grant or deny applications for Special Exceptions pursuant to the standards in Chapter 25. The Commission shall have the authority to grant or deny applications for appeal pursuant to the standards in Section 16-30.010 and the appeal provisions for said decision, set forth in Section 16-30.010(e), shall also apply to the Commission's decision.

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:

2. Setback requirements:
  - a. New construction: The following setback requirements and maximum floor area ratio shall apply to all permitted uses of new construction: Front, side, and rear setbacks shall be subject to the compatibility rule.
  - 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.
    - ii. Two-family dwelling, subject to the limitations and requirements set forth herein.
    - iii. In no case shall there be more than one principal building and one principal use on a lot.
    - iv. A lot shall not be used for more than two dwelling units.
    - v. Floor area ratio shall not exceed 0.50.
5. Limits on two-family development. In order to preserve the character of single-family pattern of development and to preserve the historic pattern of development in which accessory buildings are visually subordinate to principal residential buildings, the following regulations shall apply:
  - a. Principal buildings that are designed as two-family dwellings shall conform to the historic pattern in which the two dwelling units are attached and are either side by side or one unit is located above the ground floor unit. The compatibility rule shall apply to the configuration of the duplex structure.
  - b. Where an accessory building is used as a detached single-family dwelling, the following limits shall apply:
    - i. The accessory dwelling unit shall not exceed 1,200 square feet or 40 percent of the area of the principal building, whichever is less.
    - ii. For the purposes of subsection 6.g.v below, which limits the total allowable area of the accessory building to 30 percent of the principal building, the square footage of the accessory dwelling unit shall not be included when calculating the total area of the accessory building.
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.
  - f. The following regulations shall apply to all permitted accessory uses and structures:
    - i. Except in the case of home occupation, no accessory use shall be of a commercial nature.
    - ii. No accessory structure shall be constructed until construction of the principal structure has actually begun, and no accessory structure shall be used or occupied until the principal structure is completed and in use.
    - iii. Accessory structures shall not cover more than 25 percent of the rear yard.
    - iv. Accessory structures shall be placed behind the principal structure; side and rear setbacks shall not be less than three feet.
    - v. Accessory structures shall not exceed 25 feet in height or the height of the principal structure, whichever is less, and shall not contain a total floor area greater than 30 percent of the floor area of the principal structure.

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.

### **Documentation / Existing Conditions**

An existing conditions survey or proposed site plan was not included in the submission. The Staff would recommend the Applicant provide an existing conditions survey / site plan and a proposed site plan. In addition, the Staff is concerned about the shape of the lot, given the City's cadastral map does not show frontage along Atlantis Avenue for this property. The Atlantis Avenue portion of the property is shown as a separate Atlantis Avenue-facing lot. The lot configuration must be resolved prior to the finalization of the variance request as the lot shape and size is directly related to the variance topic. The Staff would recommend the Applicant provide information about the lot size, shape, and configuration and resolve any differences with the City's plat maps through the appropriate land division review process.

The Staff would add that to avoid a variance for parking in the front yard or for a driveway more than 10 ft. wide, the existing curb cut and driveway must be used to access the proposed garage. They can be paved, but they cannot get any wider or more expansive.

### **Variance Analysis**

The Applicant submitted a variance analysis that was previously sent to Commission members. The Staff finds the Applicant has met the criteria for several reasons. First, while double frontage lots do exist in the district, they are not common. Second, the “second” frontage along Atlantis Avenue functions more many (though not all lots) as the rear access to the properties along Austin Avenue. Third, the location of the garage is consistent with the architectural form and organization of the house as the façade of the house facing Atlantis Avenue is, architecturally, the rear façade of the house. The garage will not be out of place in the yard associated with this façade.

Further, the District regulations are specifically geared to accommodate accessory uses and structures to the rear of the houses which is where the garage is essentially located, given the functionality of the property. The Staff would note that the property’s relationship to Austin Avenue reinforces the characteristic that the functional rear yard is the back of the property and reduces any potential negative effects of the rear frontage of the house facing Austin Avenue.

As to the ability to put the garage somewhere else on the lot, the Staff finds that there are no other reasonable options. Even if it were large enough to accommodate a garage, the Austin Avenue front yard of the property would be an even more problematic location both functionally and architecturally, and would be even less aligned with the intent of the regulation.

The Staff would recommend approval of the variance request.

### **General Development Controls**

Though the Staff has recommended approval of the variance request, it still has concerns about the garage as an accessory structure. The accessory structure would appear to have room for living space in the second level given the roof pitch and dormers. If there is a second dwelling unit included in the proposal, the accessory dwelling unit cannot contain more than 1,200 sq. ft. of floor area or 40% of the floor area of the principal structure, whichever is less. It is not clear the functionality of the second level of the accessory structure. The Staff would recommend the functionality of the second level of the garage be clarified.

Further, the accessory structure cannot cover more than 25% of the rear yard. Given the lack of a proposed site plan, this cannot be determined by the Staff.

In addition, total floor area of the accessory structure cannot be greater 30 percent of the floor area of the principal structure. If the second level is considered a secondary dwelling unit; the District regulations exclude the dwelling unit square footage from the calculation. As such, the rest of the floor area of the accessory structure (which in this case is a garage) is included in the calculation. No such calculations were included in the submission. The Staff would recommend the Applicant provide all the necessary calculations to confirm compliance with all accessory structure and secondary dwelling unit requirements.

The District regulations also limit the total floor area ratio of the property to .50 of the net lot area. No such calculations were included in the submission. The District regulations limit the lot coverage allowed to 55%. The Applicant has not provided an overall lot coverage ratio. The Staff would recommend the Applicant provide a floor area and overall lot coverage ratios and these ratios shall meet the District regulations.

## Setbacks

Given the lack of a site plan, it is not possible to confirm compliance with the setback requirements. The side and rear yard setbacks can't be less than three (3) ft. for an accessory structure. In most cases, accessory structures would be in the rear yard of a non-double frontage lot and as such there would be no need for a front yard setback requirement in the regulations. Further, given that the Staff knows of no contributing accessory structures in a front yard in the District, the typical compatibility rule comparison of contributing building of like use isn't feasible. Similarly, using non-like buildings (such as single family houses either contributing or non-contributing) would also be inconsistent. As such, the Staff finds that the rear yard setback requirement for accessory structures should be used on the Atlantis Avenue frontage of the property. The Staff would recommend the Applicant document compliance with the setback requirements for accessory structures.

At the same time, the Staff understands that there are several recently built houses (non-contributing) at the eastern end of Atlantis Avenue closer to Freedom Park. These houses likely have front yard setbacks greater than 3 ft. As such, the Staff would strongly suggest that the Atlantis Avenue setback of the accessory structure be similar to the setbacks of the houses that face Atlantis Avenue.

## Height

The height of the accessory structure is limited to 25 ft. or the height of the principal structure, whichever is less. The measurement is taken at the front façade of each structure to the highest point of that façade, be it the front wall or the peak of the roof. No information was provided by the Applicant regarding the height of the principal structure, which is a one-story bungalow. Given the height of the accessory structure is 19 ft. 8 in.; it would meet the 25 ft. height requirement. The Staff would recommend the Applicant provide the height of the principal structure and if the principal structure is less than 19 ft. 8 in. in height, the height of the accessory structure be reduced to be equal to or less than the height of the principal structure.

## Staff Recommendation: Based upon the following:

- 1) The lack of information about the lot and the apparent difference from the City's play map as to its size, shape, and configuration; and
- 2) The variance request meets all of the variance criteria, per Section 16-26.003.

Staff recommends deferral of an application for Type III Certificates of Appropriateness (CA3-15-191) for a variance to allow an accessory structure in the Atlantis Avenue front yard where otherwise prohibited at **936 Austin Avenue** - Property is zoned R-5/Inman Park Historic District (Subarea 1) / Beltline, to allow time for the Applicant to address the following comments and concerns:

1. The Applicant shall provide an existing conditions survey / site plan and a proposed site plan;
2. The Applicant shall provide information about the lot size, shape, and configuration and shall resolve any differences with the City's plat maps through the appropriate land division review process;
3. The functionality of the second level of the garage shall be clarified, per Section 16-20L.006(5);
4. The Applicant shall provide all the necessary calculations to confirm compliance with all accessory structure and secondary dwelling unit requirements, per Section 16-20L.006(5) and (6);
5. The Applicant shall provide a floor area and overall lot coverage ratios and these ratios shall meet the District regulations, per Section 16-20L.006(4);
6. The Applicant shall document compliance with the setback requirements for accessory structures, per Section 16-20L.006(6)(f);
7. The Applicant shall provide the height of the principal structure and if the principal structure is less than 19 ft. 8 in. in height, the height of the accessory structure be reduced to be equal to or less than the height of the principal structure, per Section 16-20L.006(6)(f); and
8. The Staff shall review and if appropriate, approve the final plans and supporting documentation.





# CITY OF ATLANTA

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CHARLETTA WILSON JACKS  
Director, Office of Planning

## STAFF REPORT May 27, 2015

**Agenda Item:** Applications for Type III Certificates of Appropriateness (CA3-15-196) for a to allow a deck to the side of the principal structure; a reduction in the interior side yard setback from 7' (required) to 5' (proposed); a reduction in the half depth front yard from 30' (required) to 10' (proposed); an increase in the width of the driveway from 10' (required) to 20' (proposed); for a lack of a paved walkway from the front porch to the sidewalk; and a double car width garage entrance on the front façade, and (CA3-15-192) for alterations and additions at **778 Hill Street**– Property is zoned R-5/ Grant Park Historic District (Subarea 1).

**Applicant:** Michael Edey  
423 G556 John Wesley Dobbs Avenue

**Facts:** According to the Grant Park Inventory sheet this existing dwelling built in 1905 is considered contributing.

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

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

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

- (1) *General Criteria.*
  - a. Notwithstanding any other provision herein, no Certificate of Appropriateness shall be required unless, at a minimum, the work would otherwise require a building permit.
  - b. Except as otherwise provided herein, the procedures for determining the appropriate type of certificate shall be those specified in section 16-20.008 of the zoning code.
  - c. In Residential Subarea I, the commission shall apply the standards referenced in 16.20.009 only if the standards set forth in this Chapter 20K do not specifically address the application.
- (2) *Certificates of Appropriateness.*
  - a. Type I Certificates of Appropriateness for ordinary repairs and maintenance shall not be required in this district. Painting or repainting of any structure, or portion thereof, does not require a Certificate of Appropriateness.
  - b. Type II Certificates of Appropriateness shall be required for: minor alterations to those facades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
  - c. Type III Certificates of Appropriateness shall be required for:
    1. All new principal structures
    2. All major alterations and additions to existing structure, with respect to any façade that faces a public street.
  - d. Type IV Certificates of Appropriateness shall be required for demolition or moving of any contributing principal structure. A partial demolition of a contributing principal structure shall require a Type IV Certificate of Appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
- (3) *Subdivisions.* In addition to the requirements of the subdivision and zoning ordinances, including but not limited to

sections 15-08.002(a)(2) and 15-08.005(d)(6), all subdivisions of lots shall conform to the historic platting pattern in the district with regard to lot size, dimensions, and configurations.

(4) *Tree Preservation and Replacement.* The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.

(5) *Paved surfaces.* The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

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

(1) *Development Controls.*

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

(2) *Architectural Standards.*

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

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

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

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.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front facade and a minimum of seven (7) feet in depth. Side porches shall be a minimum of four (4) feet in depth. Porches may be enclosed by screen wire only, provided all the main features of a porch are maintained in place and the screening materials can be removed at a future date with minimal damage to said features.
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.
6. The height of the principal structure shall not exceed thirty-five (35) feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two (2) entrance step risers each of which shall be no less than six (6) inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.
8. Garages entrances are prohibited on the front facade. Single car-width garage entrances are permitted on the half depth front yard façade of the structure. Double car-width garage entrances are permitted at the rear of the structure.
9. Decks, Balconies and Upper Level Terraces:
  - a. Decks shall be permitted only when located to the rear of the principal structure.



- b. Decks shall be permitted at any level.
  - c. Balconies and upper level terraces shall be permitted.
10. Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
  11. Any facades that face a public street shall consist of fenestration that is either: 1)substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15% and no greater than 40% of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed twenty-eight (28) square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed sixteen (16) square feet.
  12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding “bubble” skylights are prohibited.
  13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.
  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.
  15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
    - a. Paving materials for walks and drives: Black asphalt is prohibited.
    - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front facade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standard, unfinished concrete block and stacked stone is prohibited.
    - c. Siding/Veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
    - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
    - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
    - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.
- E. *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. Repairs or replacement of existing brick sidewalks shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
  3. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
  4. Sidewalks crossing driveways shall be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons shall not interfere with the visual field of the pedestrian path.

5. Curbing shall be granite; poured concrete shall not be used. Curbing shall be at least six inches in height from street level.

6. Historic materials such as brick, granite, and cobblestones shall be reused where possible.

7. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district shall be a red brick color.

(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.

### **Variance Request**

When the application for an addition was submitted, a variance to reduce the rear yard setback was also submitted. After a preliminary review, Staff found that additional variances were needed.

#### **A Variance to Reduce the Half Depth Front Yard from 30' (required) to 10' (proposed)**

While the front entrance of the existing house is on Hill Street, this corner lot fronts 50' on Little Street and has a depth of 80' on Hill Street. As such, the front of the house faces the half depth front yard. Staff initially advertised a variance to reduce the half depth front yard from 30' (required) to 10' (proposed). This was based on the written measurement that indicates the existing house has a 30' half depth front yard setback. In measuring the updated site plans, the half depth front yard is 8.5'.

The elevations indicate a porch addition in the half depth front yard. As the proposed addition is uncovered, Staff finds what is actually proposed is a deck. Staff finds the deck should either be eliminated or redesigned to be an actual porch. If a porch is proposed, then no variance is needed as porches can be up to 10' in the setback. Staff recommends the variance for the half depth front yard be eliminated.

#### **A Variance to Reduce the Interior Side Yard Setback from 7' (required) to 5' (proposed)**

The Applicant requested a reduction in the interior side yard setback from 7' (required) to 5'. The lot in question is unusual as it is only 4000 sq. ft., has a lot coverage of 78% and the existing house faces the long side of the lot which greatly reduces the available space in the interior side yard. Given the existing conditions of the lot, Staff finds that denial of the variance request would not allow the Applicant to construct a reasonable addition. Staff supports the variance for a reduction in the interior side yard setback.

#### **A Variance to Increase the Width of the Driveway from 10' (allowed) to 20' (proposed) and a Variance to Allow a Double Car Width Garage Entrance on the Front Façade**

Initially Staff thought the Applicant was proposing a two car garage and therefore advertised a variance to allow a double car width garage in the half depth front yard. While the Applicant is proposing a double carport instead, Staff finds the requirement that does not allow two car garages in the half depth yard still applies to the project. While Staff finds that off-street parking is allowed, Staff finds that allowing a single carport instead of a double carport does not place a significant hardship on the Applicant. As Staff does not support a double carport, Staff finds that a 20' driveway is not needed. Given the information we have at this time, Staff cannot

support the proposed variances. Staff recommends the variances related to the carport and driveway is eliminated.

#### **A Variance for a lack of a Paved Walkway from the Front Porch to the Sidewalk**

As there is no walkway indicated from the proposed porch to the sidewalk, Staff advertised a variance. Staff finds there is no hardship in installing a paved walkway from the porch to the street. Staff finds there is only a short distance from the stairs to the sidewalk and therefore the walkway would be minimal. Staff finds that denial of the variance does not place a significant hardship on the Applicant. Staff recommends the variance related to the walkway is eliminated.

#### **A Variance to Allow a Deck to the Side of the Principal Structure**

As previously mentioned, the front of the house is actually in the half depth front yard. The part of the house that functions as the rear is actually a side yard. The regulations require decks to be located at the rear of the principal structure, therefore the proposed deck requires a variance. As the area in question functions as the rear of the house, Staff finds the proposed deck is appropriately placed. Staff finds that locating the proposed deck to the rear of the house would not allow for the proposed carport. Given the location of the existing house, the carport cannot be placed elsewhere. Staff finds the size of the lot and location of the existing house is unusual. Staff finds the proposed deck will not create a public detriment. Staff supports the proposed variance.

#### **Site Plan**

As previously indicated, this corner lot fronts 50' on Little Street and has a depth of 80' on Hill Street. The Applicant is proposing additions on the interior side yard and the rear of the house. As Staff supports the interior side yard variance request, Staff has no concerns regarding the proposed setback. Per regulations, the rear yard setback shall be no less than 7'. Staff finds the rear yard setback has been met. As the proposed addition in the half depth front yard is no closer than the existing house, Staff finds the half depth front yard requirement has been met.

Given the size of the lot, the maximum FAR (floor area ratio) allowed is the lesser of 3750 sq. ft. or .65 of the net lot area. There is a provision that allows for no less than 1800 sq. ft. The proposed total heated space is 1484 sq. ft. and therefore meets the requirements. Per underlying zoning, the maximum lot coverage allowed is 55%. The lot, in its current state has lot coverage of 78%. The Applicant is proposing to remove large amounts of paving in order to reduce the lot coverage to 54%. Staff finds the proposed lot coverage meets the requirements.

Per regulations, a walkway from the front porch to the sidewalk is required. As Staff does not support a variance from the walkway requirement, Staff recommends the site plan indicate an appropriate walkway. The Applicant is proposing a double carport and 20' wide driveway. As Staff does not support a variance for the walkway and carport, Staff recommends the proposed driveway is no more than 10' wide. Staff recommends the proposed carport be constructed to fit no more than one car.

The Applicant is proposing a 4' tall retaining wall and a 4' tall fence. It is not clear if the fence is located on top of the retaining wall. It is also not clear what the design and material of the fence is. Staff recommends the Applicant clarify the location, material and design of the proposed fence.

#### **Building Facades**

The Commission reviews the facades that face a public street. This is a corner lot, therefore Staff will comment on the Hill Street and Little Street elevations.

## Windows and Doors

In looking at pictures submitted by the Applicant, it is not clear what the design or condition of the existing windows and doors are. In looking at the original survey pictures, there is a mix of non-historic windows and historic 4 over 1 windows. In looking at the proposed elevations, the windows are indicated as 6 over 1, however the typical window detail is indicated as 3 over 1. At this time, it is not clear what the proposal for the windows is. Staff recommends the Applicant clarify the proposal for the windows and doors.

On the Hill Street elevation, there is an existing door with windows on either side and single windows on the right and left of the façade. It appears the Applicant is proposing to remove all the windows and doors on the Hill Street elevation, in order to install a door with side lites and three window units. While the proposal meets the requirements for new construction, Staff has concerns regarding the destruction of historic fabric. Staff recommends all windows and doors fit within the original openings. Staff recommends the shutters are eliminated from the elevations.

## Alterations

The Applicant is proposing to raise the wall height, roof height and gable height. Staff finds the change in the roof height, wall height and gable height are not in keeping with the existing house. Staff recommends the roof height, wall height and gable height be retained.

In looking at survey pictures, the Hill Street elevation originally had a porch that included a roof. The Applicant is proposing to extend the existing porch without adding a roof. As indicated in the variance section, decks are not allowed in the half depth front yard. As such, Staff recommends an appropriate roof is added to the porch in the half depth front yard. Staff would note the existing porch has a depth of 8', therefore the depth of the extension meets the requirements.

Currently, the stairs for the porch lead to the side. The proposed porch alterations include moving the stairs to the front as opposed to the side. While Staff has no general concerns regarding the reconfiguration of the stairs, Staff recommends the front stairs be centered on the door.

## Addition

The Applicant is proposing additional living space and a carport. As indicated in the variance section, Staff finds the carport should be constructed for a single car. In looking at the overall design, materials and massing of the proposed addition, Staff does not have concerns.

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

- 1) Some of the variance requests meet some the criteria, per Section 16-20K.006(3);

Staff recommends approval of an application for a Type III Certificate of Appropriateness (CA3-15-196) to allow a deck to the side of the principal structure; a reduction in the interior side yard setback from 7' (required) to 5' (proposed); a reduction in the half depth front yard from 30' (required) to 10' (proposed); an increase in the width of the driveway from 10' (required) to 20' (proposed); for a lack of a paved walkway from the front porch to the sidewalk; and a double car width garage entrance on the front façade at **778 Hill Street**– Property is zoned R-5/ Grant Park Historic District (Subarea 1), with the following conditions:

1. The variance for the half depth front yard shall be eliminated;
2. The variances related to the carport and driveway shall be eliminated; and
3. The variance related to the walkway shall be eliminated.

**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 an application for a Type III Certificate of Appropriateness (CA3-15-192) for alterations and additions at **778 Hill Street**– Property is zoned R-5/ Grant Park Historic District (Subarea 1), with the following conditions:

1. The proposed driveway shall no more than 10' wide, per Section 16-20K.007(1)(d)(3);
2. The proposed carport shall be constructed to fit no more than one car, per Section 16-20K.007(2)(b)(8);
3. The Applicant shall clarify the location, material and design of the proposed fence, per Section 16-20K
4. The Applicant shall clarify the proposal for the windows and doors, per Section 16-20K.007(2)(D);
5. All windows and doors shall fit within the original openings, per Section 16-20K.007(2)(D);
6. The shutters shall be eliminated from the elevations, per Section 16-20K.007(2)(D);
7. The roof height, wall height and gable height shall be retained, per Section 16-20K.007(2)(D);
8. An appropriate roof shall be added to the porch in the half depth front yard, per Section 16-20K.007(2)(D);
9. The front stairs shall be centered on the door, per Section 16-20K; and 16-20K.007(2)(D);
10. Staff shall review and if appropriate, approve the final plans.



# CITY OF ATLANTA

**M. KASIM REED**  
MAYOR

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## STAFF REPORT May 27, 2015

**Agenda Item:** Application for Type III Certificates of Appropriateness (CA3-15-030) for a new single family house at **805 Cherokee Avenue** – Property is zoned PD-MU/ Grant Park Historic District (Subarea 1).

**Applicant:** Gail Glozier  
3763 Rogers Bridge Road, Duluth

**Facts:** In May of this year, the conditions of the rezoning for the current PDMU were revised. As one of the revised conditions impacted this application, this case was deferred to allow time for the revised conditions to be approved.

In 2005, the property in question, along with the rest of the block fronting Cherokee Avenue between Grant Park Place and Augusta Avenue, was rezoned to the Planned Development – Mixed-use zoning classification (PD-MU), while retaining the Grant Park Historic District overlay (Z-05-128). This rezoning was site plan specific and included numerous conditions. In 2007, the conditions to the PD-MU rezoning were amended and reduced to 31 total conditions, with again retaining the previous site plan and Grant Park Historic District overlay (Z-07-119).

Overall, the PD-MU property consists of several components. At the northeast corner is a proposed mixed-use and townhouse site, fronting Cherokee Avenue and Grant Park Place are five (5) single-family house lots, and internal to the property are nine (9) townhouse lots. The property is served by a system of access roads, with a large green space between the two east-west rows of townhouses. At the southeast corner of the property is an existing, one-story duplex that has been retained as part of the redevelopment of the site. The site previously consisted of a non-contributing commercial building (the former Taco Mac), associated parking, and vacant land / former house lots.

Before the commission now is a single family house with frontage on Cherokee Avenue and Grant Park Place. Of the 31 conditions included in the revised PD-MU rezoning, the Staff finds that 14 conditions either directly relate to the construction of a single family house or could affect the design of the house.

Given the organization and conditions of the PD-MU rezoning, the relationship between the PD-MU rezoning and the District overlay requirements is as follows: First, the site plan, setbacks, orientation, size, and arrangement of the property are fixed and as such are not subject to the District overlay regulations. Second, the PD-MU rezoning conditions expand the role of the existing District overlay regulations as they relate to architectural elements without generally adding more specifics or subject requirements. Thirdly, there are some topics that are in the District overlay regulations that are not covered by or dealt with in the PD-MU rezoning and as such remain as currently written in the District overlay.



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

(Those District regulations that would otherwise apply, but are superseded by the PD-MU site plan or conditions have been removed from the listing of applicable District regulations set out below.)

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

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

(2) Certificates of Appropriateness.

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

1. All new principal structures;

Per Section 16-20K.007:

(1) *Development Controls.*

D. *Off-street parking and driveway requirements:*

1. Off-street parking shall not be permitted in the front yard or half-depth front yard.
2. The commission shall have the authority to vary section 28.006(10) relative to the requirement for an independent driveway connected to a public street.
3. If constructed, independent driveways within the front yard or half-depth front yard shall be a maximum of ten (10) feet wide and shall have a maximum curb cut of ten (10) feet, exclusive of the flare.

(2) *Architectural Standards.*

(A) *Statement of Intent.* The purpose of these regulations is to set forth basic, minimum standards of architectural design and construction that are compatible with and complementary to the existing historic residences within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of these regulations to limit the design of new housing to replication of styles of existing structures, but to foster residential design that, with regard to massing, size, scale, materials, and architectural 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.).
2. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
3. Front porches on the principal structure shall be required and shall be a minimum of one-third the width of the front façade and a minimum of seven feet in depth. Side porches shall be a minimum of four feet in depth.
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.
6. The height of the principal structure shall not exceed 35 feet. (See section 16-28.022 for excluded portions of structures.)
7. The first floor of the principal structure shall be on foundations and elevated above the grade a minimum of two entrance step risers each of which shall be no less than six inches in height. All front steps shall have closed risers and closed ends. Access ramps shall be permitted.  
Any portion of a chimney that is located on any facade that faces a public street shall originate at grade.
11. Any facades that face a public street shall consist of fenestration that is either: 1) substantially consistent with fenestration on contributing structures of like use in the district, or 2) shall be no less than 15 percent and no greater than 40 percent of the total surface wall area. Windows may be individual or grouped. No individual window unit shall exceed 28 square feet. Within each individual window unit, no individual window sash, either fixed or operable, shall exceed 16 square feet.
12. When practical, skylights should be located where least visible from the public street. If skylights are visible from the public street, the glass shall be tinted to match the surrounding roof area. Protruding “bubble” skylights are prohibited.
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.
15. On those facades of any structure that face a public street, the following regulations on building materials shall apply. Alternate materials may be submitted for review by the commission.
- a. Paving materials for walks and drives: Black asphalt is prohibited.
  - b. Visible foundation materials: Foundations shall constitute a distinct building design element and shall contrast with the front façade siding material. Brick, stone, concrete, stucco, and architectural concrete masonry units (C.M.U.) shall be permitted. Standards, unfinished concrete block and stacked stone is prohibited.
  - c. Siding/veneer: Horizontal lap siding, vinyl siding, aluminum siding, shingles, brick, hard stucco, and stone shall be permitted. Stacked stone is prohibited.
  - d. Roofing: Asphalt shingles, wood shingles, metal shingles, slate, and pre-finished metal panels shall be permitted.
  - e. Chimneys: Brick, stone, or architectural concrete masonry units (C.M.U.) shall be permitted. Siding is prohibited.
  - f. Fences: Brick, stone, wire mesh, architectural C.M.U., or vertical pickets made of ornamental metal, wood or simulated wood shall be permitted in the front yard and half depth front yard.

(E) *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. Repairs or replacement of existing brick sidewalks shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
- 3. Repairs or replacement of concrete sidewalks adjacent to existing brick sidewalks on the same linear block, or in blocks where brick sidewalks are installed, shall be constructed of brick on a concrete base and laid in a pattern to match the existing pattern on abutting properties or elsewhere in the district.
- 4. Sidewalks crossing driveways shall be brick on a concrete base and laid in a pattern to match the existing sidewalk on abutting properties or elsewhere in the district. Driveway aprons shall not interfere with the visual field of the pedestrian path.
- 5. Curbing shall be granite; poured concrete shall not be used. Curbing shall be at least six inches in height from street level.
- 6. Historic materials such as brick, granite, and cobblestones shall be reused where possible.
- 7. All American with Disabilities Act (ADA) Detectable Warning Devices installed in this district shall be a red brick color.

The PD-MU rezoning and conditions make the District overlay requirements, which normally only apply to the front façade of the house, apply to any façade that faces interior alleys, the primary access, the secondary access and the green space within the development. As such, Staff finds the front and rear elevations are within the purview of the Commission. On May 4, 2015, the conditions of the original rezoning were modified.

**General Development Controls, Setbacks, and Parking**

The lot in question fronts 48.44’ on Cherokee Avenue and has a depth of 79.89’ on Grant Park Place. The lot frontage, depth, and shape match the PD-MU site plan. The PD-MU rezoning does not include any floor area ratio or lot coverage limitations.

Per the PD-MU site plan and conditions, the front yard setback shall be at least 10’, the side yard setbacks shall be at least 4’ and the rear yard setback can be 0’. Staff finds all of the setback requirements have been met.

The PD-MU rezoning and conditions require two (2) parking spaces for each single family house, either in attached or detached garages. The proposed house includes an attached garage with two parking spaces. Staff finds the parking requirement has been met. Staff would note that the revised PD-MU conditions specifically allow for two-car garage doors in the half depth front yard for this specific property. Per district requirements, the driveway can be no wider than 10’. Staff recommends the proposed driveway is no wider than 10’.

## Site Plan Features

Per district regulations, a walkway from the front entryway to the sidewalk is required. In looking at the site plan, a combination stair that leads to the sidewalk is provided. As required by the revised PDMU conditions, the existing sidewalk will be repaired when needed and replaced per the historic district requirements if damaged beyond repair. As required by the PDMU rezoning conditions, the site plan indicates a plan for tree replacement.

## Massing, Style, Building Height, and Roof Plan

The proposed two story house is defined by a hipped roof with small decorative gables and a 3/4 width porch. Staff finds the overall design and massing is similar to other historic houses in the district.

Per the PD-MU rezoning and conditions, and District overlay regulations, the maximum height allowed is 35'. The proposed height is about 36' to the roof peak. As the allowed height is measured to the midpoint of the roof, Staff finds the height requirement has been met. The house is elevated above grade at least two entrance steps, which meets the District regulations.

## Windows and Doors

A single front door is parallel and facing the street frontage as required.

The Grant Park regulations allow the proposed fenestration to be either consistent with other contributing houses in the District or meet the fenestration percentage requirement (15%-40%). The Staff would consider this requirement to be further refined by Conditions #9 and #10 of the PD-MU rezoning require that the house "be designed to be consistent with the historic architectural style of the Grant Park neighborhood and to comply with Grant Park's historic zoning regulations".

Staff finds the proposed simulated divided lite windows are appropriate in regards to design, location and number of windows. The material details are not indicated on the plans. Staff recommends the material details of the windows are indicated on the plans. Per historic district requirements, grouped windows cannot exceed 28 sq. ft. Staff finds there are windows on the left and rear elevation that exceed the maximum 28 sq. ft. allowed. Staff recommends that all window units be no larger than 28 sq. ft.

## Porches

Per district regulations, the porch depth shall be no less than 7'. Staff finds the porch depth requirements have been met. Staff finds the overall architectural details are appropriate.

## Building Materials

The following building materials are indicated: 5" smooth cementitious siding, brick foundation, wood railings, wood deck and wood stairs on the right elevation. Staff finds the materials currently indicated are appropriate. Staff finds that all material details are not indicated on the plans. Staff recommends all material details are indicated on the plans.

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

1) The plans meet the regulations with the exception of the comments noted above;

Staff recommends approval of the application for a Type III Certificate of (CA3-15-030) for a new single family house at **805 Cherokee Avenue** – Property is zoned PD-MU/ Grant Park Historic District (Subarea 1) , with the following conditions:

1. The proposed driveway shall be no wider than 10', per Section 16-20K.007(1)(D);

2. All window units shall be no larger than 28 sq. ft., per Section 16-20K.007(2)(B)(11);
3. The plans shall indicate all material details; and
4. 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 May 27, 2015

**Agenda Item:** Application for a Type III Certificate of Appropriateness (CA3-14-419) for an addition at **2974 Hardman Court** – Property is zoned R-LC-C.

**Applicant:** James Donnelly  
2974 Hardman Court

**Facts:** This property was rezoned with 11 other properties in 1987 (Z-87-12) to Residential-Limited-Commercial. As part of that rezoning, four conditions were placed on the properties, including the following:

“Any additional construction shall be of the same architectural character as the existing structures as determined by the Urban Design Commission.”

In April, 2013, the Commission approved renovations to the then existing house via CA2-13-082. In the current application, the Applicant is proposed to make a rear addition to the renovated house that includes a deck and outdoor stair system between the addition and the house, as well as widen an existing driveway and create a concrete parking court to allow access to basement level parking spaces.

At the January 14, 2015 meeting, this application was deferred to allow the Applicant time to apply for a north side yard setback variance to reduce the transitional yard from 20 ft. required to 7 ft. proposed. On May 15, 2015, the Board of Zoning Adjustment approved variance application (V-15-06) to reduce the transitional north side yard setback from 20’ to 7’ for an addition.

Given the approval of the variance by the BZA, the original plans submitted to the Commission at the end of 2014 will be used moving forward and are the subject of this Staff Report.

**Analysis:** Based on the requirement that “additional construction shall be of the same architectural character as the existing structures”, the Staff finds that the following code sections of the Historic Preservation Ordinance should be applied to this application.

Sec. 16-20.009. Some; further 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.

### **Demolition**

The Applicant is proposing to demolish an existing set of rear stairs and gravel/concrete parking area. The Staff finds demolition of the existing stairs and site features will not impact the historic fabric of the main historic structure. The Staff has no concerns regarding the proposed demolition.

### **New Addition**

Per the regular zoning district and conditions of the rezoning, there are several general development controls related to this property. Any expansion to the house shall not exceed 50% of the existing structure. The Staff finds this to mean the footprint of the addition (excluding the outside deck and stairs) must be 50% or less of the footprint of the existing house (also excluding any outside stoops, decks, etc.).

The Applicant provided calculations that indicate the proposed addition is less than 50% of the existing structure, though it is not clear which portions of the addition and house were included in this calculation. For example, the main portion of the addition is 650 sq. ft. (32.5' by 20') but there is a small connecting hallway from the addition to the house which does not appear to be accounted for in the calculations. Further, it is not clear if the size of the existing house is just its footprint or its actual floor area which could include some square footage in the attic, which has access through an exterior fixed stair.

The Staff would recommend the Applicant clarify their calculations for the size of the addition vs. the size of the house.

The side yard setbacks shall be no less than 7' on one side and 20' where adjacent to a residential use on the north side. As the variance to reduce the north side yard setback was approved, the

Staff has no concerns regarding the side yard setbacks both on the north or south. The rear yard setback shall be no less than 20', which the Staff finds has been met. Per the regular zoning district, there are maximum bulk limitations. The Staff suggests the project meet the maximum bulk limitation requirements.

The proposed addition is not wider than the existing house and the proposed ridgeline is significantly lower than the ridgeline of the main historic structure. As such, the Staff finds the historic house remains the dominant feature on the property, both physically and visually. The proposal includes a stucco foundation, 6" cementitious siding and windows (6 over 6 rectangular lights, double hung) that are somewhat similar to the design of the existing windows (9 over 9 square lights, double hung). While a masonry (i.e. brick) addition would be preferable, the Staff finds the difference in façade and foundation material will clearly delineate the proposed addition from the existing historic house. The Staff would recommend the windows on the proposed addition have the same light pattern as the windows in the existing house. The Staff would further recommend the siding on the proposed addition be smooth.

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

- 1) The plans meet the regulations, except as noted above, per Section 16-20.009.

Staff recommends approval of the application for a Type III Certificate of Appropriateness (CA3-14-419) for an addition at **2974 Hardman Court** – Property is zoned R-LC-C., with the following conditions:

1. The Applicant shall clarify the calculations for the size of the addition vs. the size of the house, per Z-87-12, Condition #3;
2. The windows on the proposed addition have the same light pattern as the windows in the existing house, per Section 16-20.009(1) and (5);
3. The siding on the proposed addition shall be smooth, per Section 16-20.009 (1) and (5);
4. The Staff shall review and if appropriate approve the final plans and supporting materials.