



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 June 10, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-198) for alterations and additions at **707 Hill Street**– Property is zoned R-5/ Grant Park Historic District (Subarea 1).

Applicant: John Nowak
707 Hill Street

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.*
 - (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.
- (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

- (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. 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.

(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.

Site Plan

The lot in question fronts 134' on Hill Street, 200' on Bass Street and 134' on Woodson Street. The existing house is located to one side of the lot, away from Bass Street. As all of the additions and alterations involve adding dormers and extending the roof height, Staff finds that setbacks and lot coverage are not impacted. As additional heated space will be added, Staff finds the floor area requirement must be met. While Staff finds the project likely meets the FAR requirement, Staff recommends the Applicant provide documentation the FAR requirement has been met.

Alterations

The Commission reviews the facades that face a public street. As this is both a corner lot and a double frontage lot, Staff will comment on the Hill Street (east), Bass Street (north) and Woodson Street (west) elevations.

The Applicant is proposing to add two gable roofs at the rear of the house on the west elevation and a roof alteration on the north elevation. In looking at the overall design, materials, massing, fenestration, location and architectural details of the proposed alterations, Staff finds most of the alterations are appropriate.

Staff has concerns regarding the proposed solar tubes and the proposed roof alteration on the north elevation. Per regulations, "bubble" or protruding skylights are prohibited. As such, Staff recommends the elevations indicate flat panel skylights on the west elevation. Staff suggests that all solar tubes be indicated as flat panel skylights. In looking at the north elevation, Staff has concerns regarding the proposed knee walls. Staff recommends the north elevation be redesigned to either have a true dormer or a roof design that does not include knee walls.

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 (CA3-15-198) for alterations and additions at **707 Hill Street**– Property is zoned R-5/ Grant Park Historic District (Subarea 1), with the following conditions:

1. The Applicant shall provide documentation the FAR requirement has been met, per Section 16-06B.008(5);
2. The elevations shall indicate flat panel skylights on the west elevation, per Section 16-20K.007(2)(B)(12);
3. The north elevation shall be redesigned to have a true dormer or a roof design that does not include knee walls, per Section 16-20K.007(2)(D); and
4. Staff shall review and if appropriate, approve the final plans.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 10, 2015

Agenda Item: Application for Type II Certificates of Appropriateness (CA2-15-201) for alterations at **727 Ormewood Avenue** - Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Stephanie Capezzuto
727 Ormewood Avenue

Facts: According to the Grant Park Inventory sheet this existing dwelling built in 1916 is considered contributing.

On October 26, 2011, the Commission approved an application for Type II Certificates of Appropriateness (HD-11-199) to allow window replacement, siding and other renovations with the following conditions:

1. The Applicant shall provide documentation the FAR requirement has been met, per Section 16-07.008(5)(a);
2. The Applicant shall provide documentation the lot coverage requirement has been met, per Section 16-07.008(6);
3. The Applicant shall clarify what changes are proposed for the front bay roof area;
4. The Applicant shall clarify if any siding work is proposed;
5. The Applicant shall submit plans that include all material details and a scope of work; and
6. Staff shall review and if appropriate, approve the final plans.

Analysis: The following code sections apply to this application:

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

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

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

Per Section 16-20K.007:

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

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

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

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

(2) *Architectural Standards.*

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

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

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

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

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

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

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

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

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

1. Alterations and additions shall be consistent with and reinforce the historic architectural character of the entire existing contributing structure and shall comply with the applicable regulations for new construction set forth in subsection 16-20K.007(2)(B) above; or

2. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize the property. The new work may differentiate from the old. To protect the historic integrity of the property and its environment, any new work will be compatible with the massing, size, scale and architectural features of the property and environment.

In Grant Park, the Commission reviews alterations that face a public street. As this is an interior lot, Staff will only comment on changes to the front façade and site conditions.

Changes from Previous Approval

In comparing updated pictures submitted by the Applicant to survey pictures, Staff finds there are few alterations that were not approved in the previous application. It appears the front façade windows have been replaced. As the previous windows shown in the survey picture were historic, Staff finds any replacement windows should match the material, design, location and size of the previous windows. Staff finds the new windows do not match the historic windows. Staff recommends new windows be installed on the front façade that have the same materials, headers, sills, trim and size of the previously existing historic windows.

Previously, the porch was configured with stairs that exited to the side. The porch is now configured with stairs that are centered on the front entry. Staff finds the location of the stair is appropriate. As the added stair changes the front yard setback, Staff recommends the Applicant provide documentation the stairs meet the setback requirement. There is a stair railing and porch railing that have been added the house. As replacement of both railings is currently proposed, Staff has no further comments on the existing railings.

Front Porch Alterations

The Applicant is proposing to install a new roof over the existing porch. Staff finds the proposed roof form, pitch and design are consistent and compatible with the existing house and other similar porches in the district. The Applicant is proposing to install new porch railings and columns. As the existing railings are not historic, Staff has no concerns with the proposed replacement. Staff finds the materials and design of the railings and columns are appropriate. The Applicant is proposing to remove the existing stair railing and replace it with masonry cheek walls. Staff finds the proposed cheek walls are more appropriate than the previous railing. Staff finds the cheek walls are consistent and compatible with the existing house.

Staff Recommendation: Based upon the following:

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

Staff recommends approval of the application for a Type II Certificate of Appropriateness (CA2-15-201) for alterations at **727 Ormewood Avenue** - Property is zoned R-5/Grant Park Historic District (Subarea 1), with the following conditions:

1. New windows shall be installed on the front façade that have the same materials, headers, sills, trim and size of the previously existing historic windows, per Section 16-20K.007(2)(D)
2. The Applicant shall provide documentation the front stairs meet the setback requirement, per Section 16-20K.007(1)(A); and
3. Staff shall review and if appropriate, approve the final plans.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT **June 10, 2015**

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4PH-15-202) for demolition due to a public threat to health and safety at **1141 Whiteoak Avenue**- Property is zoned R-4A/ Oakland City Historic District.

Applicant: City of Atlanta Office of Code Compliance
818 Pollard Boulevard

Facts: According to the Oakland City Inventory, this single family dwelling is considered a contributing building.

Analysis: The following code sections apply to this application:

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

The following general regulations shall apply to the Oakland City Historic District.

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

(a) *When required:*

iii. To demolish or move any contributing structure, in whole or in part, within the district.

(b) *Type required:*

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

Per Section 16-20.008

(d) Type IV Demolitions: Demolition of a Landmark Building or Site, a building or site in a Landmark District or a contributing building or site in a Historic District, constitutes an irreplaceable loss to the quality and character of the City of Atlanta.

Therefore, all demolitions of said specified buildings or sites shall require a type certificate of appropriateness. Said certificates shall be granted according to the following procedures and standards:

(1) Conditions: Type IV certificates of appropriateness shall be issued by the commission only when (1) or both of the following two (2) conditions have been established pursuant to the standards and criteria required below:

a. The demolition is required to alleviate a threat to public health and safety;

(2) Standards and criteria: The standards and criteria required to be shown in order to establish the existence of the conditions specified in subsection (d)(1) above shall be as follows:

a. Threats to public health and safety:

To prove the existence of a threat to public health and safety, the applicant must establish, and the commission must find, the following:

Type IV and In-Rem Process

Generally, if an Applicant is applying for a demolition based on a public threat to health and safety, the Applicant is required to provide information and documentation for all the questions in the application. In this particular case, the property has gone through the In Rem process and the Applicant is the City of Atlanta. Below is a description of the In Rem process as described by the Office of Code Compliance:

“The In Rem process, as defined is the process “against the property” versus against the individual owner. The cases that are handled by my office are cases where the Code Enforcement Officer (CEO) has been unsuccessful in either identifying the owner, the owner is out of state or out of this jurisdiction, the owner is indigent or the owner is deceased and heirs either cannot be identified or fail to bring the property into compliance. The cases are due to code violations of Section 19 of the Atlanta Housing Code. Most remain open and vacant. The properties are problematic as they tend to be a refuge for criminals and or a danger to the public at large. The properties effect the quality of life for the neighbors as well as a safety hazard.

The In Rem board meets once a month to assist in the decision making of the City as to the action that should be taken to bring the properties into compliance either by demolition or cleaning and boarding the house. The resultant is a lien on the property for the expense incurred by the City to correct the non-compliance. The Board consists of individuals who are not City employees, who have been appointed by the Mayor and approved by City Council.”

The Applicant is not the owner and the In Rem process does not allow for repair, renovations or sale of the property. Staff finds the questions regarding cost, taxes, alternative uses, and property values are useful for informational purposes but do not always apply in City of Atlanta In Rem cases. Staff finds the most relevant questions in this case are the following:

1. Demonstrate through independent analysis and supporting information that a major and imminent threat to public safety exists; and
2. Present all reasonable alternatives for rectifying the threat and analysis of all such alternatives

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

The following is the Applicant’s answer to this question:

“Inspections by officers of the Atlanta Police Department, Community Service Division and Fire Department has established the primary threat to public safety.”

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

The following is the Applicant’s answer to this question:

“The property cannot be secured against unforced entry and rebuilding damaged structural members in the roof, front and rear walls would be necessary. Once cannot forecast the amount of time the property will continue to stand without collapsing or instruction by squatters. The City seeks demolition as the most effective measure to safeguard the public”

Pictures

In looking at survey pictures taken at the time of the districts designation and updated pictures in 2012, the side gabled house appears to be occupied and in good condition. In looking at recent pictures taken by the Applicant, it appears a tree fell on the center of the house. Portions of both the front and rear of the house have collapsed. With a large part of the roof damaged or missing, the house is open to the elements. While portions of the sides of the house appear intact, there is evidence of structural issues. Staff finds that cleaning, closing and securing this property would be nearly impossible. There are pictures that indicate some of the historic windows are completely intact and other windows are in repairable condition. If demolition is approved, Staff recommends any intact or repairable windows be saved.

In looking at the residential assessment form, there are several items both interior and exterior that need to be renovated, repaired or replaced. The form indicates the total cost for repairs as \$44,753.38. Staff finds the cost of building an identical new house would likely exceed the costs of repairing the existing structure. Considering the amount of replacement that would be required to make the house habitable, Staff finds there would likely be little of the historic fabric left.

By definition an open and vacant property is a threat to public health and safety. Staff finds the current condition of the building and the difficulty in securing it makes it a public threat to health and safety.

Documentation

In the package submitted by the Applicant, there are several documents regarding the demolition request. On April 6, 2015, a registered letter regarding the August 23rd In-rem hearing was sent to the owner. On April 16, 2015, the In-Rem hearing was advertised. On April 23, 2015, the In Rem board voted to demolish the building and a certified letter was sent to the owner regarding the order. In looking at the sign in sheets submitted, it does not appear that anyone connected to the property or from the neighborhood attended the meeting. In looking at the information submitted by the Applicant, it appears several attempts have been made to contact the owner indicated in the records. At this time, the owner has not responded. Staff would note that the first complaint regarding the property was received on September 16, 2013. It would appear that this property has been in disrepair for over a year and no one has come forward resolve the issues.

Conclusions

As the existing building has partially collapsed, is open and vacant and is nearly impossible to secure, Staff finds the Applicant has proven that a public threat to health and safety exists. The City cannot repair, renovate or sell the property. As such, Staff finds the Applicant has proven there are no reasonable alternatives to rectifying the threat. The property has been vacant for more than a year and six weeks have passed since the In Rem Board ordered the house be demolished. While Staff finds the threat could be resolved without demolition, there would likely be little historic fabric left. As there appears to be no one that can be found that can in fact rectify the threat, Staff finds that demolition is necessary. Given the information we have at this time, Staff supports the proposed demolition.

Staff Recommendation: Based upon the following:

- a) The Applicant has proven a public threat to health and safety, per Section 16-20.008;
- b) The Applicant has proven there are not alternatives to rectifying the public threat to health and safety; and
- c) No person or organization has taken responsibility for the property.

Staff recommends approval of the application for a Type IV Certificate of (CA4PH-15-202) for demolition due to a public threat to health and safety at **1141 Whiteoak Avenue**- Property is zoned R-4A/ Oakland City Historic District, with the following conditions:

1. Any intact or repairable windows shall be saved;
2. The Applicant shall provide archival quality pictures of the existing property; and
3. Staff shall review and if appropriate, approve the final documentation.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 10, 2015

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4PH-15-203) for demolition due to a public threat to health and safety at **649 Lexington Avenue**- Property is zoned R-4A/ Adair Park Historic District (Subarea 1)/Beltline.

Applicant: City of Atlanta Office of Code Compliance
818 Pollard Boulevard

Facts: According to the Adair Park Inventory, this single family dwelling was built in 1925 and is considered a contributing building. In a survey picture taken in November of 2010, the structure appears to be in good condition and appears to be occupied.

Analysis: The following code sections apply to this application:

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

The following general regulations shall apply to the Adair Park Historic District.

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

(a) *When required:*

iii. To demolish or move any contributing structure, in whole or in part, within the district.

(b) *Type required:*

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

Per Section 16-20.008

(d) Type IV Demolitions: Demolition of a Landmark Building or Site, a building or site in a Landmark District or a contributing building or site in a Historic District, constitutes an irreplaceable loss to the quality and character of the City of Atlanta.

Therefore, all demolitions of said specified buildings or sites shall require a type certificate of appropriateness. Said certificates shall be granted according to the following procedures and standards:

(1) Conditions: Type IV certificates of appropriateness shall be issued by the commission only when (1) or both of the following two (2) conditions have been established pursuant to the standards and criteria required below:

a. The demolition is required to alleviate a threat to public health and safety;

(2) Standards and criteria: The standards and criteria required to be shown in order to establish the existence of the conditions specified in subsection (d)(1) above shall be as follows:

a. Threats to public health and safety:

To prove the existence of a threat to public health and safety, the applicant must establish, and the commission must find, the following:

Type IV and In-Rem Process

Generally, if an Applicant is applying for a demolition based on a public threat to health and safety, the Applicant is required to provide information and documentation for all the questions in the application. In this particular case, the property has gone through the In Rem process and the Applicant is the City of Atlanta. Below is a description of the In Rem process as described by the Office of Code Compliance:

“The In Rem process, as defined is the process “against the property” versus against the individual owner. The cases that are handled by my office are cases where the Code Enforcement Officer (CEO) has been unsuccessful in either identifying the owner, the owner is out of state or out of this jurisdiction, the owner is indigent or the owner is deceased and heirs either cannot be identified or fail to bring the property into compliance. The cases are due to code violations of Section 19 of the Atlanta Housing Code. Most remain open and vacant. The properties are problematic as they tend to be a refuge for criminals and or a danger to the public at large. The properties effect the quality of life for the neighbors as well as a safety hazard.

The In Rem board meets once a month to assist in the decision making of the City as to the action that should be taken to bring the properties into compliance either by demolition or cleaning and boarding the house. The resultant is a lien on the property for the expense incurred by the City to correct the non-compliance. The Board consists of individuals who are not City employees, who have been appointed by the Mayor and approved by City Council.”

The Applicant is not the owner and the In Rem process does not allow for repair, renovations or sale of the property. Staff finds the questions regarding cost, taxes, alternative uses, and property values are useful for informational purposes but do not always apply in City of Atlanta In Rem cases. Staff finds the most relevant questions in this case are the following:

1. Demonstrate through independent analysis and supporting information that a major and imminent threat to public safety exists; and
2. Present all reasonable alternatives for rectifying the threat and analysis of all such alternatives

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

The following is the Applicant’s answer to this question:

“Inspections by officers of the Atlanta Police Department - Community Service Division has established the primary threat to public safety.

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

The following is the Applicant’s answer to this question:

“The property must be secured against unforced entry and completion of replacement of the roof, missing or damaged systems including heating, cooling, electrical, and plumbing. The City seeks demolition as the most effective measure to safeguard the public”

Pictures

In looking at survey pictures taken at the time of the districts designation and updated pictures in 2012, this hipped roof house appears to be occupied and in good condition. In looking at pictures submitted by the Applicant, there appears to large amounts of overgrowth outside of the building and trash inside the building. It also appears that a portion of the rear of the house has been damaged by a tree. While there appears to be issues with the property, the house appears to be largely intact. While interior renovations are clearly needed, the pictures do not indicate there are any structural issues. It appears the house can be easily boarded and secured.

In looking at the inspection form, there are several items both interior and exterior that need to be renovated, repaired or replaced. The form indicates the total cost for repairs as 32,034.54. Staff finds the cost of building an identical new house would far exceed the costs of repairing the existing structure. Staff finds the cost to repair the building is not unreasonable. Staff finds that demolishing the building as opposed to repairing it would be a loss for the district as a whole.

Notwithstanding Staff's findings regarding the condition of the building, by definition an open and vacant property is a threat to public health and safety. Despite the fact the house is intact, its status as an open a vacant property makes it a public threat to health and safety. Staff finds the threat could be eliminated if the house were properly cleaned and closed or properly renovated and occupied.

Documentation

In the package submitted by the Applicant, there are several documents regarding the demolition request. On April 11, 2014, a first violation was reported. There were notices sent in January and February of 2015 regarding the two separate public hearings. On March 26, 2015, the In-Rem board approved the demolition of the property. In looking at the sign-in sheets for the meeting, there was no one present to speak in support or opposition of the proposed demolition. A registered letter regarding the demolition decision was sent to the owner on March 26, 2015. It has been less than three months since the decision of the board was sent and it has been more than a year since the first complaint was reported regarding the property.

Conclusions

Staff finds the existing building has not suffered a fire and is largely intact with the exception of the rear of the structure. Staff finds the cost to demolish the existing house and build a new house would far exceed the estimated repair and renovation costs. Staff acknowledges the City cannot repair, renovate or sell the property. While Staff finds that an open and vacant building is a threat to public health and safety, Staff finds that properly boarding and securing the building should be the first step to rectifying the threat before demolition can be considered.

While the property has been vacant for over a year, Staff would note that several building around the City have been vacant for several years due to the down turn in the economy. Staff finds the low value of the property is likely to change in the next few years as the market continues to improve. Staff finds demolishing a building that is in good condition and could potentially be renovated is a detriment to the historic district. Based on the information we have at this time, Staff cannot support the proposed demolition. Staff recommends the existing property is properly cleaned, closed and secured.

Staff Recommendation: Based upon the following:

- a) The Applicant has proven a public threat to health and safety, per Section 16-20.008;
- b) The Applicant has not proven there are not alternatives to rectifying the public threat to health and safety;

Staff recommends denial of the application for a Type IV Certificate of Appropriateness (CA4PH-15-203) for demolition due to a public threat to health and safety at **649 Lexington Avenue**- Property is zoned R-4A/ Adair Park Historic District (Subarea 1)/Beltline, with the following condition:

1. The existing property shall be properly cleaned, closed and secured.



CITY OF ATLANTA

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MAYOR

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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

June 10, 2015

Agenda Item: Application for a Type IV Certificate of Appropriateness (CA4PH-15-204) for demolition due to a public threat to health and safety at **991 Metropolitan Parkway**- Property is zoned R-4A/ Adair Park Historic District (Subarea 1)/Beltline.

Applicant: City of Atlanta Office of Code Compliance
818 Pollard Boulevard

Facts: According to the Adair Park Inventory, this existing duplex was built in 1925 and is considered a contributing building. In a survey picture taken in November of 2010, the structure appears to be in fair condition.

Analysis: The following code sections apply to this application:

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

The following general regulations shall apply to the Adair Park Historic District.

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

(a) *When required:*

iii. To demolish or move any contributing structure, in whole or in part, within the district.

(b) *Type required:*

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

Per Section 16-20.008

(d) Type IV Demolitions: Demolition of a Landmark Building or Site, a building or site in a Landmark District or a contributing building or site in a Historic District, constitutes an irreplaceable loss to the quality and character of the City of Atlanta.

Therefore, all demolitions of said specified buildings or sites shall require a type certificate of appropriateness. Said certificates shall be granted according to the following procedures and standards:

(1) Conditions: Type IV certificates of appropriateness shall be issued by the commission only when (1) or both of the following two (2) conditions have been established pursuant to the standards and criteria required below:

a. The demolition is required to alleviate a threat to public health and safety;

(2) Standards and criteria: The standards and criteria required to be shown in order to establish the existence of the conditions specified in subsection (d)(1) above shall be as follows:

a. Threats to public health and safety:

To prove the existence of a threat to public health and safety, the applicant must establish, and the commission must find, the following:

Type IV and In-Rem Process

Generally, if an Applicant is applying for a demolition based on a public threat to health and safety, the Applicant is required to provide information and documentation for all the questions in the application. In this particular case, the property has gone through the In Rem process and the Applicant is the City of Atlanta. Below is a description of the In Rem process as described by the Office of Code Compliance:

“The In Rem process, as defined is the process “against the property” versus against the individual owner. The cases that are handled by my office are cases where the Code Enforcement Officer (CEO) has been unsuccessful in either identifying the owner, the owner is out of state or out of this jurisdiction, the owner is indigent or the owner is deceased and heirs either cannot be identified or fail to bring the property into compliance. The cases are due to code violations of Section 19 of the Atlanta Housing Code. Most remain open and vacant. The properties are problematic as they tend to be a refuge for criminals and or a danger to the public at large. The properties effect the quality of life for the neighbors as well as a safety hazard.

The In Rem board meets once a month to assist in the decision making of the City as to the action that should be taken to bring the properties into compliance either by demolition or cleaning and boarding the house. The resultant is a lien on the property for the expense incurred by the City to correct the non-compliance. The Board consists of individuals who are not City employees, who have been appointed by the Mayor and approved by City Council.”

The Applicant is not the owner and the In Rem process does not allow for repair, renovations or sale of the property. Staff finds the questions regarding cost, taxes, alternative uses, and property values are useful for informational purposes but do not always apply in City of Atlanta In Rem cases. Staff finds the most relevant questions in this case are the following:

1. Demonstrate through independent analysis and supporting information that a major and imminent threat to public safety exists; and
2. Present all reasonable alternatives for rectifying the threat and analysis of all such alternatives

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

The following is the Applicant’s answer to this question:

“Inspections by officers of the Atlanta Police Department - Community Service Division has established the primary threat to public safety.

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

The following is the Applicant’s answer to this question:

“The property must be secured against unforced entry and completion of replacement of the roof, missing or damaged systems including heating, cooling, electrical, and plumbing. The City seeks demolition as the most effective measure to safeguard the public”

Pictures

In looking at survey pictures taken at the time of the districts designation, this existing duplex appears to be occupied and in good condition. In looking at updated survey pictures taken in 2010, the duplex appears to be in fair condition. It is not clear whether the building was occupied in 2010. In looking at pictures submitted by the Applicant, there appears to large amounts of overgrowth and trash outside of the building. While there appears to be issues with the property, including some missing windows, the house appears to be largely intact. While interior renovations are clearly needed, the pictures do not indicate there are any structural issues. It appears the house can be easily boarded and secured.

In looking at the inspection form, there are several items both interior and exterior that need to be renovated, repaired or replaced. The form indicates the total cost for repairs as \$49,479.38. Staff finds the cost of building an identical new house would far exceed the costs of repairing the existing structure. Staff finds the cost to repair the building is not unreasonable. Staff finds that demolishing the building as opposed to repairing it would be a loss for the district as a whole.

Notwithstanding Staff's findings regarding the condition of the building, by definition an open and vacant property is a threat to public health and safety. Despite the fact the house is intact, its status as an open a vacant property makes it a public threat to health and safety. Staff finds the threat could be eliminated if the house were properly cleaned and closed or properly renovated and occupied.

Documentation

In the package submitted by the Applicant, there are several documents regarding the demolition request. On August 28, 2012, the first violation was reported. There were notices sent on February 10th and February 27th of 2015 regarding the public hearing. There was an advertisement for the March 26th meeting posted on March 19th. On March 26, 2015, the In-Rem board approved the demolition of the property. In looking at the sign-in sheets for the meeting, there was no one present to speak in support or opposition of the proposed demolition. A registered letter regarding the demolition decision was sent to the owner on March 26, 2015. It has been less than three months since the decision of the board was sent and it has been more than 2 ½ years since the first complaint was reported regarding the property.

Conclusions

Staff finds the existing building has not suffered a fire and is largely intact. Staff finds the cost to demolish the existing house and build a new house would far exceed the estimated repair and renovation costs. Staff acknowledges the City cannot repair, renovate or sell the property. While Staff finds that an open and vacant building is a threat to public health and safety, Staff finds that properly boarding and securing the building should be the first step to rectifying the threat before demolition can be considered.

While the property may currently be vacant, Staff would note that several building around the City have been vacant for several years due to the down turn in the economy. Staff finds the low value of the property is likely to change in the next few years as the market continues to improve. Staff finds demolishing a building that is in good condition and could potentially be renovated is a detriment to the historic district. Based on the information we have at this time, Staff cannot support the proposed demolition. Staff recommends the existing property is properly cleaned, closed and secured.

Staff Recommendation: Based upon the following:

- a) The Applicant has proven a public threat to health and safety, per Section 16-20.008;
- b) The Applicant has not proven there are not alternatives to rectifying the public threat to health and safety;

Staff recommends denial of the application for a Type IV Certificate of Appropriateness (CA4PH-15-204) for demolition due to a public threat to health and safety at **991 Metropolitan Parkway**- Property is zoned R-4A/ Adair Park Historic District (Subarea 1)/Beltline, with the following condition:

1. The existing property shall be properly cleaned, closed and secured.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT June 10, 2015

Agenda Item: Review and Comment (RC-15-205) for alterations, an addition, and site work at **57 Woodcrest Avenue** - Property is zoned R-4 / Brookwood Hills Conservation District.

Applicant: Frank Neely
1447 Peachtree St.

Facts: According to the Brookwood Hills Inventory, the single-family dwelling was built in 1930 and is considered contributing to the District.

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

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

Sec. 16-20.009. Same; further standards.

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

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

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

Brookwood Hills Conservation District does not have specific architectural regulations similar to Atlanta's Historic or Landmark Districts, therefore the Commission should refer to "Further Standards" listed in Chapter 20 of the Zoning Ordinance, which normally apply to all locally designated districts and properties.

Side Addition

The Applicant is proposing to add a second story to a one-story portion of the the right side elevation for a new interior stairway. This addition will match the new roofline created by the proposed covered porch addition serving to unify the design of the two additions. It will use wood siding and new windows to match the design of those found elsewhere on the structure. Staff has no concerns with the design of this addition.

Rear Addition

The Applicant is proposing to enclose the existing rear porch into heated space, and construct a new rear porch. The proposed rear addition will consist of a gambrel dormer identical to those found elsewhere on the house, and will match the existing ridgeline of the existing house which will minimize the visibility of this addition from the street. The proposed rear porch will use columns and railings which match those on the front porch, and will sit on a brick foundation which will have access stairs on the left side elevation. This addition will be sided with wood clapboard siding to match the siding found on the existing building. The Applicant is also proposing to install a new colonial style rear entry door on the rear addition, and two new garage doors on the right side of the addition. Staff finds that these features, with the exception of the two garage doors, reinforce the Colonial Revival style of the existing structure and has no concerns with the proposed addition or its component features. However, the Staff suggests the design of the addition incorporate some differentiation from the existing house.

Alterations

The Applicant is proposing to remove several windows on the right and left elevations, as well as remove the existing chimney on the left façade and replace it with a new brick chimney in a new location on the same façade. These changes are due to the redefining of the existing interior spaces as a result of the rear addition. As Staff has a concern regarding the destruction of

historic materials, Staff suggests that the Applicant revise their plans to retain the existing windows and chimney.

Site work

The Applicant is proposing to install a new oval shaped turf yard to the rear of the house. From the drawings it is unclear whether the installation of this new turf yard would require the removal of a portion of the existing brick driveway. Staff suggests that the Applicant clarify the relationship between the new turf yard and the existing brick drive.

The drawings appear to show a new design for the steps leading down from the existing brick wall from one level of the backyard to the other. Staff suggests the Applicant clarify whether there will be any changes to the existing steps.

Staff Recommendation: The Staff recommends that the Commission send a letter with comments to the Applicant.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT June 10, 2015

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-15-213) for alterations and site work at **817 West Peachtree Street – Biltmore Hotel** (Landmark Building or Site (LBS) – Property is zoned SPI 16, SA 1 / LBS.

Applicant: Trever Townsend, ASD
55 Ivan Allen, Jr. Boulevard

Facts: The hotel building is located on the east side of West Peachtree Street between 6th Street and 5th Street. The proposal involves the ground level portion of the building at the corner of 6th Street and West Peachtree Street. An existing restaurant/café is being renovated into a new restaurant. To accomplish this renovation, the Applicant is proposing to:

1. Expand two existing louver / vent openings on the 6th street elevation of the building;
2. Replace the existing fabric on the canopy sign over the West Peachtree (and only) entrance to the restaurant with new fabric to incorporate the new restaurant logo / graphics;
3. Install a new, internally lit pylon sign;
4. Add a walkway connection directly from West Peachtree Street to the entrance of the restaurant;
5. Add an additional step up from 6th Street to allow the raising of the existing patio to match the threshold of the entrance to the restaurant; and
6. Expand the existing patio facing West Peachtree 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.

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-16 Design Review

As noted above, the property is located within the Midtown Special Public Interest #16 (SPI-16) zoning district. It is likely that the proposal will require a Special Administrative Permit (SAP) due to its location in the SPI-16 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-16 regulations that do not otherwise diminish the historic character of the property or the compatibility of the proposed project to the property.

Assessment of Design Changes

Generally speaking, the Staff has no concerns about the proposed work. While the change in the louver / vent size will affect visually and physically the historic fabric of the building, the amount of change in relationship to the overall building is minimal. The change in the fabric of the existing awning will not have any effect on the historic fabric and a cloth awning is compatible with the historic character of the building. The Staff finds that the new patio area,

raised existing patio area, and new walkway from West Peachtree Street are compatible with the historic character of the building and will have a minimal visual effect on it.

The Staff's only concern about the proposed work is the new, internally lit pylon sign. First, it is not clear the design, location, or height of the sign. There is no indication of the new sign on any of the plans or in the plan notes. The existing brick monument sign is shown as remaining on the plans. Second, the Staff finds that internal illumination and certain materials (such as various plastics) are not compatible with the historic character of the building. There are a variety of exterior illumination techniques and materials that could be used that would be compatible with the historic character of the building. The Staff would add that a new pylon or monument sign would be subject to review by the SPI 16 regulations and might not be allowed by those regulations. The Staff would recommend the Applicant clarify the sign proposal and that the final sign proposal meet all of the Landmark Building / Site regulations.

Staff Recommendation: Based upon the following:

1. The adaptation of the property entails minimal alteration of the principal facades of the building, per Section 16-20.009(1);
2. Except as noted above, the basic distinguishing original qualities and character of the building and its environment will not be destroyed and only very small amounts of the historic 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 substantially retained, per Section 16-20.009(4);
4. Except as noted above, the contemporary alterations 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 (CA2-15-213) for alterations and site work at **817 West Peachtree Street – Biltmore Hotel** (Landmark Building or Site (LBS) – Property is zoned SPI 16, 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-16 regulations that do not otherwise diminish the historic character of the property or the compatibility of the proposed project to the property;
2. The Applicant shall clarify the sign proposal and that the final sign proposal shall meet all of the Landmark Building / Site regulations; and
3. The Staff review, and if appropriate approve, the final element details, shop drawings, material specifications, and plans for the project.



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CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT
May 13, 2015
Updated
June 10, 2015

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-15-158) for a new single family house at **654 Woodward Ave.** Property is zoned R-5/Grant Park Historic District (Subarea 1).

Applicant: Jacque Edmonds
Po Box 675935

Facts: According to the Grant Park Inventory sheet this property is currently a vacant lot.

Analysis: The following code sections apply to this application:

Sec. 16-07.008. - Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) Front yard: There shall be a front yard having a depth of not less than 30 feet.
- (2) Side yard: There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet, except for zero-lot-line development where no side yard is required along the internal lot line.
- (3) Rear yard: There shall be a rear yard of not less than seven feet except for zero-lot-line units where the internal side or rear lot line may be reduced to zero feet.
- (4) Accessory structures: Accessory structures, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- (5) Maximum floor area within this district:
 - a. For a single-family detached dwelling on a lot which meets the minimum lot area requirement described in section 16-07.007(2): The maximum floor area ratio shall not exceed 0.50 of the net lot area.
 - b. For a single-family detached dwelling on a lot which does not meet the minimum lot area requirement described in section 16-07.007(2):

1. The maximum floor area allowed shall not exceed the lesser of either: (i) 3,750 square feet of floor area; or (ii) a maximum floor area ratio of 0.65 of the net lot area unless otherwise permitted as stated in subpart 2 below;
 2. If the floor area ratio does not allow it least 1,800 square feet of floor area, a dwelling of such size may be built provided that all other provisions of this part shall apply unless relief from such provisions has been granted by the board of zoning adjustment.
- c. For a duplex: The maximum floor area ratio shall be 0.60 of the net lot area.
 - d. For a two-family dwelling that is not a duplex: The maximum floor area ratio within this district shall not exceed 0.50 of the net lot area for the main unit of a two-family dwelling, provided however that the secondary dwelling unit shall not exceed 750 square feet.
- (6) Maximum lot coverage: Maximum lot coverage within this district shall not exceed 55 percent of the net lot area.

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

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

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 façades of any contributing principal structure that face public streets; fences; walls; accessory structures; decks; and paving. If the proposed alteration meets the requirements of section 16-20K.007, then the director of the commission shall issue the Type II Certificate. If the proposed alteration does not meet the requirements of section 16-20K.007, the director of the commission shall deny the application. Appeals from said decision of the director regarding the issuance and/or denial of Type II Certificates may be taken by any aggrieved person by filing said appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.
 - (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) 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.
- (4) Financial Hardship Exemptions.
 - A. These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the commission may allow reasonable exemptions from these regulations to a property owner's principle residence on the ground of economic hardship to the property owner.
 - B. The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.
 - C. The commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - 1. The present income of the property owner(s) and those occupying the property;
 - 2. The age of the property owner;
 - 3. The length of time the property owner has resided in the neighborhood or in the residence for which the exemption is sought;
 - 4. The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
 - 5. The costs associated with adherence to these regulations;
 - 6. The degree of existing architectural significance and integrity of the structure; and
 - 7. The purpose and intent of this chapter.
 - D. The commission shall consider these factors and shall grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.
- (5) 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.
- (6) Tree Preservation and Replacement. The provisions of City of Atlanta Tree Ordinance, Atlanta City Code section 158-26, shall apply to this district.
- (7) Paved surfaces: The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.

(Ord. No. 2000-20, § 3, 4-11-00; Ord. No. 2002-3, § 1, 1-29-02)

Sec. 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 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.
 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 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 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 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.
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.
8. Garages entrances are prohibited on the front façade. 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 façade that faces a public street shall originate at grade.
 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.
 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, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, 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 feet in height may be erected in a front yard. Other than retaining walls, walls shall not be erected in a front yard or a half-depth front yard.
 - b. Fences and walls not exceeding six feet in height may be erected in the side or rear yards.
 - c. In a half-depth front yard, when a fence exceeds four feet in height, the standard zoning requirements for a variance are in effect. Where no sidewalk exists, the fence shall be set back three 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 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.
 - 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. 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.
- (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.

(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.

(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.

Siteplan

As this is a non-conforming lot given its size and frontage, the maximum FAR (floor area ratio) allowed is the lesser of .65 of the net lot area or 3,750 sq. ft. If the above provisions do not allow for 1,800 sq. ft., the underlying zoning allows for an 1,800 sq. ft. house to be built providing that no other variances are granted for the property. Staff has concerns that the proposed structure exceeds 1,800 sq. ft. Staff recommends that the Applicant provide a detailed FAR breakdown to verify that the structure is no larger than 1,800 sq. ft.

The applicant has submitted plans which show the total square footage for the new house would be 2,121 sq. ft. which exceeds the 1,800 sq. ft. allowance for this lot in its non-conforming condition. Staff recommends that the Applicant revise their design to show a house which is no larger than 1,800 sq. ft.

The front yard setback can either be based on the compatibility rule or the previously existing contributing building of like use. The proposed front yard setback is 12.2'. The Applicant has not submitted information regarding the previously existing building of like use or the range allowed by the compatibility rule. Staff recommends that the Applicant provide justification for the 12.2' front yard setback based on either the setback of the previously existing building of like use or the compatibility rule.

The Applicant has submitted information which shows the front yard setbacks for the contributing buildings of like use on this block face. According to these measurements, the front yard setback range for this block face is a minimum of 11.4 feet and a maximum of 23.1 feet. The proposed setback of 12.2 feet falls within this range and therefore meets the front yard setback requirement.

Of the side yard setback options, the regulations allow the side yard setbacks to be based on a previously existing historic house on this site. The other options do not apply to this situation. The proposed structure has a west side yard setback of 4.4' and an east side yard setback of 4.6'. The Applicant has not submitted materials regarding the side yard setbacks of the previously existing building of like use. Staff recommends that the Applicant provide justification for the side yard setbacks based on the previously existing building of like use.

The Applicant has not submitted information detailing the setbacks of the previously existing building of like use on this lot. Staff recommends that the Applicant submit documentation which shows the setbacks of the previously existing building of like use.

Per regulations the rear yard setback shall be no less than 7'. Staff finds the rear yard setback is 7' and therefore meets the rear yard setback requirement.

As required by the regulations, the site plan indicates a walkway from the porch to the front property line and a brick herringbone sidewalk which would be installed to match the pattern and materials of the existing sidewalks.

Massing and Building Height

The proposed two story house is defined by a 9 in 12 gable roof and a full width porch with a shed roof. Per regulations, the maximum height allowed is 35'. The Grant Park Historic district regulations do not specify how the height should be measured. As such, Staff finds the standard City measurement should be used. In looking at the front façade, Staff finds the height requirement has been met. In looking at the contributing houses on the block, the houses are all one story and most have a gable roof. While Staff finds the overall height, massing and design of the proposed dwelling is not similar to the historic houses on the block, Staff finds the regulations have been met.

Building Facades

The Commission reviews the facades that face a public street. This is an interior lot, therefore Staff will only comment on the front façade.

Windows and Doors

A single front door is parallel and facing Woodward Avenue as required. Staff finds the design of the proposed door is appropriate to the style of the house.

The Applicant is proposing to install 1 over 1, double hung windows on the front facade. The Grant Park regulations allow for windows to either be compatible with the windows on contributing houses or are no less than 15% and no more than 40% of the wall surface. Staff finds the design of the windows is appropriate. Further, Staff finds the proposed windows meet the fenestration percentage requirement.

The plans indicate a gable vent without trim will be installed on the front façade. Staff recommends that the front gable vent have trim matching the window trim on the front façade.

The Applicant has revised their drawings to show a front gable vent with trim which matches the window trim on the front façade.

Building Materials

The proposed materials include horizontal cementitious siding, wood and brick columns, architectural shingles for the roof, wood corner boards and wood spindles. The material for the windows is not indicated. Staff recommends the plans indicate an appropriate material for the windows on the front façade. The material for the front door is not indicated. Staff recommends that an appropriate material for the front door be indicated on the plans. The material for the stairs is not indicated. Staff recommends an appropriate material for the porch stairs be indicated on the plans. The foundation material on the front façade appears to be a wood band. Staff finds that a wood band for the foundation material is not appropriate. Staff recommends the plans indicate an appropriate foundation material on the front façade.

The Applicant has submitted drawings which indicate wood windows, a wood door, and a CMU porch foundation with a stucco treatment. Staff finds these materials to be appropriate for these features. The material for the front porch stairs is not indicated on the new drawings. Staff would retain its recommendation that the Applicant indicate an appropriate material for the front porch stairs on the plans.

Porch

Per regulations, the minimum allowed depth for the front porch is 7'. Staff finds that the proposed porch is 8' and therefore meets this requirement. The porch features columns and railings that are compatible with other similar porches in the district. Staff finds the overall decorative details of the proposed front porch are consistent and compatible with the house style. Given the height of the foundation, Staff finds a railing is not required to meet safety code. As such, Staff suggests the porch railing is no more than 30" in height to be compatible with other similar historic porches. The plans indicate the front steps will be open ended. Per the regulations, front steps are required to be closed ended. Staff recommends that front steps have closed ends.

The Applicant has submitted drawings which indicate that the front porch steps will have closed ends.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above Section 16-20K.006, 16-20K.007, and 16-07.008;

Staff recommends deferral of the Application for a Type III Certificate of Appropriateness (CA3-15-160) for a new single family house at **654 Woodward Ave.** Property is zoned R-5/Grant Park Historic District (Subarea 1), to allow the Applicant time to address the following Staff concerns:

1. *The Applicant shall revise their design to show a house which is no larger than 1,800 sq. ft., per Sec. 16-07.008(5)(b)(2);*
2. *The Applicant shall submit documentation which shows the setbacks of the previously existing building of like use, per Section 16-20K.007(1)(a);*
3. An appropriate material for the porch stairs shall be indicated on the plans, per Section 16-20K.007(2)(B)(15).