



# CITY OF ATLANTA

JAHNEE PRICE  
Commissioner

ANDRE DICKENS  
MAYOR

DEPARTMENT OF CITY PLANNING  
55 Trinity Avenue, S.W. SUITE 3350 – ATLANTA, GEORGIA 30303-0308

DOUG YOUNG  
Interim Director, Office of Design

## MEMORANDUM

**TO:** Atlanta Urban Design Commission  
**FROM:** Matt Adams, Interim Executive Director  
**ADDRESS:** 1001 Metropolitan Parkway SW  
**APPLICATION:** CA2-22-593  
**MEETING DATE:** February 8, 2023

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### FINDINGS OF FACT:

**Historic Zoning:** Adair Park Historic District

**Other Zoning:** R-4A

**Date of Construction:** 1925

**Property Location:** West side of Metropolitan Parkway.

**Contributing (Y/N)?:** Yes

**Building Type / Architectural form/style:** Bungalow

**Project Components Subject to Review by the Commission:** Alterations

**Project Components NOT Subject to Review by the Commission:** n/a

**Relevant Code Sections:** Sec. 16-20I

**Deferred Application (Y/N)?:** No

**Previous Applications/Known Issues:** Yes, 22CAP-00001805, 22CAP-00001835

**SUMMARY CONCLUSION / RECOMMENDATION:** Approval with Conditions

**CONCLUSIONS:** The following conclusions pertinent to this request are in accordance with Sec. 16-20I of the Zoning Ordinance of the City of Atlanta.

The Applicant received two stop work orders for unpermitted alterations on 11/16/22 (22CAP-00001805) and 11/22/22 (22CAP-00001835). These alterations included replacement of four windows on the right elevation and installation of a new handrail on the front porch.

The handrail installed is wood and matches the deteriorated handrail that was present. Staff does not have any concerns with this replacement.

The four windows which were installed on the right elevation do not meet district regulations in terms of material. The windows are the correct style (one-over-one, double hung) and the correct size; however, the material does not meet the compatibility rule. The Applicant will remove the non-compliant vinyl windows. The Applicant will submit specifications for one-over-one, double-hung replacement windows of wood construction, which meet the compatibility rule, to Staff for approval.

**STAFF RECOMMENDATION: Approval with the Following Conditions:**

- 1.) The Applicant will remove the non-compliant vinyl windows.
- 2.) The Applicant will submit specifications for one-over-one, double-hung replacement windows of wood construction, which meet the compatibility rule, to Staff for approval.
- 3.) Staff shall review, and if appropriate, issue final approval of all materials.

cc: Applicant  
Neighborhood  
File



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Jahnee Prince  
Commissioner

DOUG YOUNG  
Interim Director, Office of Design

## MEMORANDUM

**TO:** Atlanta Urban Design Commission  
**FROM:** Matthew Adams, Interim Executive Director  
**ADDRESS:** 812 Lullwater  
**APPLICATION:** CA2-22-598  
**MEETING DATE:** February 8, 2023

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### FINDINGS OF FACT:

**Historic Zoning:** Druid Hills Landmark District    **Other Zoning:** N/A

**Date of Construction:** 1956

**Property Location:** East block face of Lullwater Rd., north of the Ponce De Leon Ave. intersection.

**Contributing (Y/N)?:** N

**Building Type / Architectural form/style:** Compatible Infill

**Project Components Subject to Review by the Commission:** Window Replacement

**Project Components NOT Subject to Review by the Commission:** N/A

**Relevant Code Sections:** Sec. 16-20 & Sec. 16-20B

**Deferred Application (Y/N)?:**

**Previous Applications/Known Issues:**

**SUMMARY CONCLUSIONS / RECOMMENDATIONS:** Approval with conditions.

**CONCLUSIONS:** The following conclusions pertinent to this request are in accordance with Sec. 16-20 & Sec. 16-20A of the Zoning Ordinance of the City of Atlanta.

The Applicant is proposing the replacement of all windows and doors on the property. While the windows and doors in question are original to the structure, the structure itself is noncontributing to the District. Because of this Staff has no general concerns with the proposal, but would recommend that the replacement windows match the style of the house by having 6 over 6 unclad wood windows with any simulated lite divisions being permanently affixed to the exterior of the glass. Regarding the doors, Staff would recommend that any replacement for the front and side doors match the design and style of the existing door.

**STAFF RECOMMENDATION: Approval with the following conditions:**

1. The replacement windows shall match the style of the house by having 6 over 6 unclad wood windows with any simulated lite divisions being permanently affixed to the exterior of the glass
2. Any replacement for the front and side doors shall match the design and style of the existing door; and,
3. Staff shall review and if appropriate, approve the final plans and documentation.

Cc: Applicant  
Neighborhood  
File



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DOUG YOUNG  
Interim Director, Office of Design

## MEMORANDUM

**TO:** Atlanta Urban Design Commission  
**FROM:** Matt Adams, Interim Executive Director  
**ADDRESS:** 1037 Metropolitan Parkway SW  
**APPLICATION:** CA3-22-591  
**MEETING DATE:** February 8, 2023

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### FINDINGS OF FACT:

**Historic Zoning:** Adair Park Historic District

**Other Zoning:** R-4A

**Date of Construction:** 1925

**Property Location:** West side of Metropolitan Parkway.

**Contributing (Y/N)?:** Yes

**Building Type / Architectural form/style:** Bungalow

**Project Components Subject to Review by the Commission:** Addition, Alterations

**Project Components NOT Subject to Review by the Commission:** n/a

**Relevant Code Sections:** Sec. 16-20I

**Deferred Application (Y/N)?:** No

**Previous Applications/Known Issues:** Yes, 22CAP-00000876

**SUMMARY CONCLUSION / RECOMMENDATION:** Deferral until the March 8, 2023 hearing of the Urban Design Commission

**CONCLUSIONS:** The following conclusions pertinent to this request are in accordance with Sec. 16-20I of the Zoning Ordinance of the City of Atlanta.

A stop-work order was placed on the property on May 27, 2023, for construction without permits. The property currently has a half-completed second story addition. Staff is concerned with the plans submitted, as they show the property before the alterations were made, not the current condition. Staff acknowledges that the proposal is to return the house to the pre-alteration design, but the existing does not accurately depict all features. For example, prior to the unpermitted work there was a shed dormer on the front elevation, which is not shown. The amount of porch supports is greater than what previously existed. The Applicant will update the existing elevations using historic images of the property to accurately depict the state prior to the unpermitted work. The framing of the second story has removed the original porch roof, including the distinctive rafter tails. The proposed elevation does not show this detail. The Applicant will update the proposed elevations to illustrate an exact reconstruction of the porch roof, which was removed. The Applicant will remove the framing for the non-compliant second story addition that was added to the property unpermitted. The Applicant will re-build the hipped roof to the original scale, complete with the historic exposed rafter tails.

### **Foundation**

Images of the property show that a significant portion of the left side foundation is missing. Nowhere in the scope of the project is this addressed. It is not clear if the foundation was removed as part of the unpermitted work. The Applicant will clarify the reason for the brick foundation removal. The Applicant will submit a scope of work for the proposed foundation repair.

### **Siding**

The Applicant proposes use of wooden lap siding on all elevations. There is no extant siding present on the structure. Staff is not concerned with this proposal. It appears that several varieties of siding were used over time to clad the exterior, many in the non-historic period. The Applicant will install wooden lap siding, with a reveal between 4-6 inches. The Applicant will provide specifications for the proposed replacement siding.

### **Windows**

Photos show that all the windows on the structure are either no longer extant or are non-historic vinyl, without exterior muntins. No specifications have been provided for the proposed replacement windows; however, they must meet the compatibility rule. It is not clear if the extant, non-compliant windows (which are boarded over in the photos submitted by the Applicant are also proposed for replacement), but Staff strongly encourages that all windows should be replaced and brought into compliance. The windows are depicted as six-over-six, double-hung windows, with a four-over-four window in the gable. Staff requires compatibility data to determine the appropriateness of this design (the non-compliant vinyl windows are not original and cannot be used for compatibility purposes). The Applicant will provide compatibility data for the proposed window replacements. The Applicant will provide specifications for the proposed window

replacements, once compatibility data has been confirmed. The windows on the front elevation are also not original. The proposed window replacements should match the size of the original openings present on the remaining elevations for consistency of design. Staff would also note that the windows should be placed so that they do not interfere with the original placement of the porch posts on the porch. The Applicant will match the size of the window openings on the front elevation to the historic scale present on the side elevations.

### **Doors**

No information has been provided regarding exterior door replacement. Staff does note that in the photos from the stop-work order it appears as though two historic doors were removed from the house and stored inside the house. The Applicant will restore and replace the doors that were removed from the structure.

### **Dormer**

Historic photos of the property show that there was a shed dormer above the porch. The proposed elevations show this dormer replaced by a single egress window. This feature does not appear to be original to the structure, and Staff is not concerned with its replacement.

### **Porch**

The front porch on the resource has been enclosed at least since 1991, when the Adair Park Historic District was initially designated with the city. Staff is not concerned with the continued enclosure of the porch; however, when originally enclosed the historic square porch supports remained in place on the front façade of the house, retaining a record of the original appearance. Since that time, it has again been enclosed with an additional layer of siding hiding those supports. Staff is in support of restoring those columns (now enclosed within the wall) and adding the proposed lap siding between, to reference the original porch form. The positioning of windows on the front façade should also be referential to the historic porch supports. The proposal also adds additional square columns directly adjacent to the steps, Staff has reviewed historic photos of the house, which show only one support on each side of the steps. In addition, there was an opening between this support and the beginning of the enclosure wall. The Applicant's plans show this being enclosed as well. Staff cannot support the extension of the wall further, and the knee wall has been removed. The Applicant will not further enclose the front entry. The Applicant will expose the historic square porch supports to illustrate the original porch design on the front façade. The Applicant will not add additional non-historic porch supports to the front elevation.

### **Driveway/ Parking Pad**

The current driveway/parking pad is non-complaint, extending almost the full width of the property, and covering the entire front yard. No site plan has been included in the application, so it is not clear to Staff, what the Applicant's is to bring the parking into compliance. The Applicant will clarify the scope of work in regards to the non-compliant driveway/parking pad. The Applicant will supply a site plan for the property.

**STAFF RECOMMENDATION: Deferral until the March 8, 2023 hearing of the Urban Design Commission to allow the Applicant to address the following:**

- 1.) The Applicant will update the existing elevations using historic images of the property to accurately depict the state prior to the unpermitted work.
- 2.) The Applicant will update the proposed elevations to illustrate an exact reconstruction of the porch roof, which was removed.
- 3.) The Applicant will remove the framing for the non-compliant second story addition that was added to the property unpermitted.
- 4.) The Applicant will re-build the hipped roof to the original scale, complete with the historic exposed rafter tails.
- 5.) The Applicant will clarify the reason for the brick foundation removal.
- 6.) The Applicant will submit a scope of work for the proposed foundation repair.
- 7.) The Applicant will install wooden lap siding, with a reveal between 4-6 inches.
- 8.) The Applicant will provide specifications for the proposed replacement siding.
- 9.) The Applicant will provide compatibility data for the proposed window replacements.
- 10.) The Applicant will provide specifications for the proposed window replacements, once compatibility data has been confirmed.
- 11.) The Applicant will match the size of the window openings on the front elevation to the historic scale present on the side elevations.
- 12.) The Applicant will restore and replace these doors that were removed from the structure.
- 13.) The Applicant will expose the historic square porch supports to illustrate the original porch design on the front façade.
- 14.) The Applicant will not add additional non-historic porch supports to the front elevation.
- 15.) The Applicant will clarify the scope of work in regards to the non-compliant driveway/parking pad.
- 16.) The Applicant will supply a site plan for the property.
- 17.) The Applicant will submit all revised materials to Staff no later than eight (8) days prior to the next hearing of the Urban Design Commission.
- 18.) Staff shall review, and if appropriate, issue final approval of all materials.

cc: Applicant  
Neighborhood  
File





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Interim Director, Office of Design

## MEMORANDUM

**TO:** Atlanta Urban Design Commission  
**FROM:** Matthew Adams, Interim Executive Director  
**ADDRESS:** 3042 West Peek Rd NW  
**APPLICATION:** CA2-22-477  
**MEETING DATE:** February 8, 2023

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### FINDINGS OF FACT:

**Historic Zoning:** Collier Heights Historic District **Other Zoning:** R-3

**Date of Construction:** 1954

**Property Location:** South block face of West Peek Rd NW, near the intersection of Caron Circle NW.

**Contributing (Y/N)?:** Yes

**Building Type / Architectural form/style:** Single Family Detached / Ranch

**Project Components Subject to Review by the Commission:** Exterior replacement or alteration of garage doors, doors, and windows.

**Project Components NOT Subject to Review by the Commission:** Rear elevations and interior work. Other repair work such as fascia repairs.

**Relevant Code Sections:** Sec. 16-20 and Sec. 16-20Q.

**Deferred Application (Y/N)?:** October 26th; November 9th; November 21st; December 14th; January 11, 2023; January 25th

**Previous Applications/Known Issues:** 22CAP-00000390

**SUMMARY CONCLUSION / RECOMMENDATION:** Approval with Conditions.

**CONCLUSIONS:** The following conclusions pertinent to this request are in accordance with Sec. 16-20 and Sec. 16-20Q of the City of Atlanta Zoning Ordinance.

UPDATED REPORT: *The Original Report is provided in Italics.* The Updated Report is provided in non-Italics text.

*The applicant submittal includes a mix of interior and exterior proposed work and product information that cannot be consistently used across the entire structure or does not comply with the regulations. Staff is therefore recommending a Deferral to the November 9, 2022 to allow the applicant to revise the application submittals and scope for what is within the purview of the Urban Design Commission.*

*Sec. 16-20Q.005. - General regulations. (1)(v) Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize a property, shall be preserved.*

**DOES COMPLY**

*Based on the cluttered submittal, the exterior work involves windows, doors, and garage door work. The existing windows based on the submittal appear to be vinyl. Specific door information has not been provided. No loss of historic materials is anticipated at this time.*

The applicant has provided additional information in an improved submittal. The exterior work proposed involves windows, doors, and garage door work. The former front garage wall, which had been removed is being reconstructed. The garage area was likely a carport originally. No loss of historic materials is expected.

*Sec. 16-20Q.005. - General regulations. (1)(vi) Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and materials.*

**DOES NOT COMPLY / DOES COMPLY**

*The applicant is proposing vinyl replacement windows, where vinyl, at least partially exist. Vinyl windows are not original to the house. The proposed door is craftsman's oriented and is not a match for a mid-century modern ranch. Garage door information has not been provided, though its possible at this portion of the structure was a carport. Insufficient information has not been provided to prove the original state of the "garage".*

The applicant has provided additional information in an improved submittal. The applicant is proposing to replace the former vinyl windows with wood windows. The proposed front door, side lites, and garage door are generally acceptable within the era of the structure.

*Sec. 16-20Q.005. - General regulations. (1)(ix) New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

**DOES NOT COMPLY / DOES COMPLY**

*The proposed work does not destroy historic materials, however, may disrupt historic features and spatial relationships that characterize the property. Additional information is required is to ensure that integrity of the property and its environment is maintain.*

The proposed work based on the documentation does not destroy historic materials. Historic features and spatial relationships that characterize the property are maintained.

*Sec. 16-20Q.006. - Specific regulations. (2) Windows and doors.*

*a) Original or historic windows and exterior doors shall be retained.*

*b) Replacement windows or exterior doors shall be permitted only when the original or historic windows and exterior doors cannot be rehabilitated.*

- c) *If original or historic windows or exterior doors cannot be rehabilitated, replacement windows and doors shall match the original or historic in light design, function, materials, shape, and size.*
- d) *Replacement windows and doors for non-original or non-historic windows and doors shall be compatible with the architectural style of the structure or shall be subject to the compatibility rule.*
- ~~e) *On existing principal structures, new doors and windows in new openings, when permitted, shall be compatible in scale, size, proportion, placement and style to existing windows and doors.*~~
- ~~f) *On the front and side façades of new principal structures and additions, the ratio of openings to solid; the scale, size, proportion, and location of all openings; and the design, light patterns, and material of windows and doors shall be established by the compatibility rule.*~~

**DOES NOT COMPLY / DOES COMPLY**

- a) *Original or historic windows do not appear to be present. Exterior doors information is not complete.*
- b) *Original or historic windows do not appear to be present. Replacement is allowed. Exterior door information is not complete.*
- c) *Original or historic windows do not appear to be present. Replacement is allowed. Exterior door information is not complete.*
- d) *The proposed windows are vinyl, and the doors are craftsman/prairie style oriented. The door is not acceptable for a ranch house. The compatibility rule is based on original features of contributing structures which would require wood or aluminum (metal) windows.*
- (a) *Original or historic windows and doors are not present on the property.*
- (b) *Original or historic windows and doors are not present on the property, therefore replacements are acceptable.*
- (c) *Original or historic windows and doors are not present on the property. Based on staff research and the era of the home, the applicant is proposing windows and doors are that in keeping with the architectural style of the property, previously existing elements, and the compatibility rule.*
- (d) *The proposed replacement windows and doors are compatible with the architectural style of the structure and are compatible with the block face.*

Staff shall propose a condition to ensure that the window configuration within the window frame opening is consistent with the architectural style and the block face, ensuring that the mullion, mullion reveal, and window location within the framing complies with this provision of the Zoning Ordinance.

*Sec. 16-20Q.006. - Specific regulations. (3) Storm doors, storm windows, security doors and exterior window treatments, shutters and awnings.*

- a) *Shutters and awnings shall not be added to the structure if they were not original to the structure.*
- b) *Original or historic shutters and awnings shall be retained.*
- c) *Replacement shutters and awnings shall be permitted only when original or historic shutters and awnings cannot be rehabilitated.*
- d) *If original or historic shutters and awnings cannot be rehabilitated, any replacement shutters and awnings shall match the original or historic shutters and awnings in design, materials and configuration.*
- ~~e) *On the front and side façades of new principal structures and additions, storm doors, security doors, storm windows, or security windows shall not cover or obscure significant architectural details.*~~

**DOES NOT COMPLY / DOES COMPLY**

- a) *The applicant has not indicated if the shutters are to be repaired, removed, or replaced.*
- b) *Insufficient evidence is available to determine if the shutters are original or historic.*
- c) *Insufficient evidence is available to determine if the shutters are original or historic, and the condition thereof.*
- d) *The applicant has not indicated any proposed work regarding the shutters.*

*The applicant has not indicated if the existing storm door is to be removed, replaced, or repaired.*

The applicant is not indicating the removal or repair of the existing shutters. The applicant is removing the existing storm door. The existing storm door is not historic; therefore no loss of historic materials will occur.

*Sec. 16-20Q.006. - Specific regulations. (9) Decks, patios and terraces.*

- a) *Decks, patios and terraces shall be constructed to the rear of the structure and shall not extend beyond the sides of the structure.*
- b) *Decks, patios and terraces on corner lots shall be screened with vegetation to reduce visibility from the public street.*

**DOES COMPLY**

*The applicant is proposing a rear deck, which is located at the rear of the structure and does not extend beyond the sides of the structure.*

*Sec. 16-20Q.006. - Specific regulations. (10) Porches and stoops.*

- a) *Original or historic porches or stoops, including their component features shall be retained.*
- b) *Replacement porches or stoops or their component features shall be permitted only when the original or historic porch or stoop or their component feature(s) cannot be rehabilitated.*
- c) *If the original or historic porch or stoops or their components cannot be rehabilitated, the replacement porch or stoop or their component features shall match the original in shape, size, internal proportions, and materials.*
- ~~d) *Porches or stoops shall be a part of new principal structures or additions based on the compatibility rule and if present the front or side façade shall contain railings and decorative features consistent with the architectural style of the principal structure or shall be subject to the compatibility rule.*~~
- ~~e) *Porches may be enclosed with screen wire or glass if the character defining features of the porch are maintained.*~~

**DOES NOT COMPLY**

The applicant has provided an improved application submittal. The new information indicates a brick stoop. The existing appears to be concrete, an original or historic element. Staff shall propose a condition to ensure that the concrete stoop is retained.

*Sec. 16-20Q.006. - Specific regulations. (11) Attached garages and carports.*

- a) *The presence, location, and design of carports or garages for all new principal structures shall be subject to the compatibility rule.*
- b) *The placement and location of attached, new carports and garages on existing principal structures shall meet the compatibility rule.*
- c) *Existing attached carports may be enclosed with garage doors, provided that the alteration is consistent with the original architectural style of the existing structure.*
- d) *Existing attached garages or carports may be fully enclosed into conditioned space provided the original character defining features visible from the public street are retained and are identifiable.*

**DOES NOT COMPLY / DOES COMPLY**

*The applicant has not provided the proposed garage doors to ensure the doors are consistent with the original architectural style of the existing structure.*

The applicant is proposing to reconstruct the front elevation of the enclosed carport and install a garage door on the left elevation. The proposed work meets the regulations of the district.

**ORIGINAL REPORT (10/26)**

**STAFF RECOMMENDATION: Deferral to the November 9, 2022 Urban Design Commission and the applicant shall provide the following:**

1. *The applicant shall prepare and submit a compatibility study based on all the contributing structures located on the south block face of West Peek NW. The compatibility study shall be submitted in PDF format and indicate the following per Sec. 16-20Q.006(2), Sec. 16-20Q.006(3), and Sec. 16-20Q.006(11):*
  - a. *A photo of the subject property from the front elevation in landscape to be sized a minimum of 5 inches by 7, with a caption of the subject property address.*
  - b. *A Table indicating the subject property, the subject properties window material; window style; window configuration (lite pattern); door material; door configuration; and garage door configuration. The photo provided shall clearly support the Table.*
2. *The following window, door, garage door, and screen door(s) information shall be provided per Sec. 16-20Q.006(2), Sec. 16-20Q.006(3), and Sec. 16-20Q.006(11):*
  - a. *A complete and conclusive Window and Door Schedule. The Window and Door Schedule shall identify each window and door opening, have the existing frame size, existing material, proposed frame size, proposed material. This includes the garage door and screen door.*
  - b. *The floor plan shall be updated with matching identifying openings.*
  - c. *Elevation photographs shall be provided in landscape ensuring that each window is clearly visible, multiple elevation photos may be required. Caption each photo with the cardinal elevation. Identify openings to match other documents.*
  - d. *The customer detailed proposal, or similar shall be proposed for all products. Each product to be ordered shall be matched to the identifying openings. The customer detailed proposal must include a graphic or added as an additional column in the Window and Door Schedule.*
  - e. *Provide a typical window section (vertical, sideways) indicating the window location within the window framing, including mullion information.*
3. *The applicant shall provide revised scope, window and door schedule, product information, detailed customer proposal (proposed order form) and other information as required within the text of the staff report to ensure compliance with the Collier Heights Historic District regulations.*
4. *All documentation shall be provided in a combined PDF format and receive no later than eight (8) days before the Urban Design Commission meeting.*

**UPDATED REPORT (02/08)**

**STAFF RECOMMENDATION: Approval with the following condition(s):**

1. The applicant shall provide a revised Window and Door Schedule for all windows and doors that are subject to the purview of the Urban Design Commission per Sec. 16-20Q.006(2).
2. All paired sash windows shall feature a mullion with a reveal. The mullion may be added after market with a plank made of pressured treated wood. The mullion shall be approximately 2 inches in width and project from the window framing a minimum of one-half inch. The applicant shall provide a typical window section (horizontal, top-down) indicating the window location within the window framing including mullion information per Sec. 16-20Q.006(2).
3. The applicant shall retain the existing concrete stoop. The concrete stoop may be replaced in-kind with like material and texture if documentation is provided to staff to indicate that it cannot be repaired per Sec. 16-20Q.006(10).
4. The applicant shall provide unaltered photographs of the proposed brick to be used. The photographs should be from multiple angles and have a minimum of five (5) bricks. The bricks shall match as close as possible to the brick on the existing structure per Sec. 16-20Q.006(1) and Sec. 16-20Q.005(1)(v).
5. Staff shall review and if appropriate, approve the final plans and documentation.

cc: Applicant  
Neighborhood  
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JAHNEE PRINCE  
Commissioner

DOUG YOUNG  
Interim Director, Office of Design

## MEMORANDUM

**TO:** Atlanta Urban Design Commission  
**FROM:** Matthew Adams, Interim Executive Director  
**ADDRESS:** 44 HUNTINGTON RD NE  
**APPLICATION:** RC-22-600  
**MEETING DATE:** February 8, 2023

### FINDINGS OF FACT:

**Historic Zoning:** Brookwood Hills Conservation District

**Other Zoning:** R-4

**Date of Construction:** 1926

**Property Location:** North block face of Huntington Road NE, between the intersections of Peachtree St NE and Northwood Ave NE.

**Contributing (Y/N)?:** Yes

**Building Type / Architectural form/style:** Single Family Detached House

**Project Components Subject to Review by the Commission:** Front Yard Walkway

**Project Components NOT Subject to Review by the Commission:** N/A

**Relevant Code Sections:** Sec. 16-20.

**Deferred Application (Y/N)?:** N

**Previous Applications/Known Issues:**

**SUMMARY CONCLUSION / RECOMMENDATION:** The Urban Design Commission adopt the staff report as the Commission comments and forward to applicant.

**CONCLUSIONS:** The following conclusions pertinent to this request are in accordance with Sec. 16-20 of the City of Atlanta Zoning Ordinance.

The applicant is proposing a new walkway from the front door to sidewalk, two retaining walls, and may potentially include the removal of existing trees. The removal of trees shall comply with all provisions of the City of Atlanta Tree Ordinance. Staff suggest that all original or historic materials be retained on site and reused.

Sec. 16-20.009. - Same; further standards. (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

**DOES COMPLY**

The proposed improvements do not destroy original qualities or character of the environment. It is not uncommon for direct access to the front door from the sidewalk.

Sec. 16-20.009. - Same; further standards. (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.

**DOES COMPLY**

The proposed improvements do not destroy significant historical, architectural, or cultural material. The design is compatible and simple and does not impact the character of the environment. If any materials are being impacted, staff suggest that these materials should be retained on site and reused.

Sec. 16-20.009. - Same; further standards. (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.

**DOES COMPLY**

The proposed improvements, if removed would maintain the essential form and integrity of the site.

**STAFF RECOMMENDATION: The Urban Design Commission adopt the staff report as the Commission comments and forward to applicant.**

cc: Applicant  
Neighborhood  
File





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[www.atlantaga.gov](http://www.atlantaga.gov)

Jahnee Prince  
Commissioner

DOUG YOUNG  
Interim Director, Office of Design

## MEMORANDUM

**TO:** Atlanta Urban Design Commission

**FROM:** Matthew Adams, Interim Executive Director

**ADDRESS:** 250 Auburn Ave.

**APPLICATION:** RC-23-033

**MEETING DATE:** February 8, 2023

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### FINDINGS OF FACT:

**Historic Zoning:** Martin Luther King, Jr. Landmark District (Subarea4) **Other Zoning:** N/A

**Date of Construction:** 1912 – Designed By William Augustus Edwards, built by Robert E. Pharrow.

**Property Location:** East block face of Lullwater Rd., north of the Ponce De Leon Ave. intersection.

**Contributing (Y/N)?:** Y

**Building Type / Architectural form/style:** Tudor Revival.

**Project Components Subject to Review by the Commission:** Zoning Change

**Project Components NOT Subject to Review by the Commission:** N/A

**Relevant Code Sections:** Sec. 16-20 & Sec. 6-4043

**Deferred Application (Y/N)?:**

**Previous Applications/Known Issues:**

**SUMMARY CONCLUSIONS / RECOMMENDATIONS:** Send a letter with comments to the Secretary of the Zoning Review Board.

CA2-22-598 – 812 Lullwater Rd.  
February 8, 20023  
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**CONCLUSIONS:** The following conclusions pertinent to this request are in accordance with Sec. 16-20 & Sec. 6-4043 of the Code of Ordinances of the City of Atlanta.

The proposed zoning change would waive Sec. 16-29.001(73)(a)(2) of the Land Development Code which prohibits new supportive housing within 2000 feet of an existing supportive housing facility. Staff finds that the proposal would not impact the Commission's ability to apply Sec. 16-20 and Sec. 16-20C to the property. Staff also understands that the project has support from the neighborhood groups that are impacted as well as the support of NPU M. As such, Staff has no concerns with the proposal.

**STAFF RECOMMENDATION: Send a letter with comments to the Secretary of the Zoning Review Board.**

Cc: Applicant  
File



# CITY OF ATLANTA

ANDRE DICKENS  
MAYOR

DEPARTMENT OF CITY PLANNING  
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Jahnee Prince  
Commissioner

DOUG YOUNG  
Interim Director, Office of Design

**TO:** Atlanta Urban Design Commission  
**FROM:** Matthew Adams, Interim Executive Director  
**ADDRESS:** 320 North Highland Ave and 346 Copenhill Ave.  
**APPLICATION:** CA3-22-457, CA3-22-462 & CA3-22-589  
**MEETING DATE:** February 8, 2023

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## FINDINGS OF FACT:

**Historic Zoning:** Inman Park Historic District (Subarea 1)    **Other Zoning:** MRC-3-C/Beltline.

**Date of Construction:** 1928 (320 North Highland) and 1920 (346 Copenhill).

**Property Location:** Northeast corner of North Highland Ave. and Copenhill Ave.

**Contributing (Y/N)?:** Yes

**Building Type / Architectural form/style:** Industrial/Commercial, Single Family Residential.

**Project Components Subject to Review by the Commission:** Additions, Alterations, Moving of a Historic Structure, New Construction of Mixed Use Buildings.

**Project Components NOT Subject to Review by the Commission:** N/A

**Relevant Code Sections:** Section 16-20 & Sec. 16-20L.

**Deferred Application (Y/N)?:** Yes.

- **January 25, 2023** - Updated text in Arial Font.
- **February 8, 2023** – Updated text in Bold Arial Font.

**Previous Applications/Known Issues:** At the October 26, 2022 Public Hearing, the Commission approved CA4PH-22-454 for the moving of a contributing building. **At the January 25, 2023 Public Hearing, the Commission Approved CA3-22-590.**

## SUMMARY CONCLUSIONS / RECOMMENDATIONS:

CA3-22-457: Approval with conditions.

CA3-22-462: Approval.

CA3-22-589: Approval.

**CONCLUSIONS:** The following conclusions pertinent to this request are in accordance with Section 16-20 & Sec. 16-20L of the Zoning Ordinance of the City of Atlanta.

**CA4PH-22-454: Moving of a contributing single family house - 346 Copenhill - (BLDG D):**

The review of the application to move the single-family house (given that the house is being moved internal to the site and not actually being demolished) will assess the rationale for the move, the logistical and design problems the house's current location presents to the project, the impact of the move on the context and interpretability of the house, and the ability and logistics of moving the house. The review will not address the more typical demolition-related criteria about threat to public health and safety and comparative cost analysis.

The narrative in the application includes several reasons for moving the house, most of which the Staff generally concurs with. The application notes issues related to disruption of the built pattern on and within the site, the continued isolation of the house in relation to its existing surrounding context, and the historic existence of a single family structure on the proposed receiving site.

The Staff would note a couple of key considerations regarding the move of the house. The proposed move will not remove the house from the District, the Subarea, or the block face. The house will be moved approximately 80 ft. to the south of its current position along Copenhill Avenue. In addition, the house will maintain its east-facing orientation at its new location. By placing the house at the corner of Copenhill Avenue and North Highland Avenue, the house will achieve a certain increase in appropriate context by way of eliminating vacant space or a parking lot on one side of the house. Given that the house will still be located on the same block face and will retain same exterior appearance with some alterations, the Staff finds the interpretability of the house will not be diminished by its move.

The narrative also provides a general description of the logistics of moving house and whether or not the house can actually be moved.

While the Staff supports the moving of the house internal to the lot on the same block face, it does find that additional information and background should be provided by the Applicant.

Staff would recommend that the Applicant provide a general description of the logistics of moving the house, along with a written structural analysis by a qualified professional and/or professional house moving firm confirming the structural soundness of the house and its ability to withstand the move.

Staff would recommend that the Applicant provide a written, step-by-step, detailed moving plan and associated specifications describing how the house will be moved.

Staff would recommend that the Applicant provide a detailed rehabilitation plan equivalent to that which would be required for a certificate of appropriateness for the rehabilitation of any house in the District.

Staff would recommend that the Applicant complete and install at the relocated house an interpretive panel which, at a minimum, describes the history of the house using professionally-accepted archival resources, when and how the house was moved, and photographs of the house in its previous location.

Staff would recommend that the house not be either prepared for moving or be moved until such time as a land disturbance permit or similar permit is issued by the City of Atlanta for the remainder of the project.

**CA3-22-589 - Variance**

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The Applicant is requesting a variance to reduce the allowable rear yard setback from approximately 12' 9" (required) to 0' (proposed) and to allow additions with 0 foot side yard setbacks which are closer to the side lot lines than the existing structure at 320 North Highland Ave.

**After reviewing the updated information, including the accurate measurements of the comparable property at 312 North Highland Ave. as having a maximum rear yard setback of 14' 10" and a minimum rear yard setback of 5' 3", and the existence of the 12' wide alleyway to the rear of the property which can be used to satisfy up to 6' of any required setback, Staff finds that the variance for the rear yard setback is not required.**

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

The Applicant cites the shape of the lot.

- Side yard setback request: MET
- Rear yard setback request: MET

How would the application of the zoning ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship?

The Applicant states that there are only two contributing structures on the subject block face from which comparisons can be made.

- Side yard setback request: NOT MET
- Rear yard setback request: NOT MET

**The Applicant has updated their response to state that the irregular shape of the lot would prevent the project from meeting the minimum and maximum setback range. Staff finds that this does not address a hardship with the side yard setback, which is not based on the compatibility rule but cannot be closer to the side yard than the existing structure. However, Staff also finds that the relatively small area of buildable space to the rear of the historic building compared to the large area to the east of the historic building, Staff finds that the development potential of the lot would be severely restricted. As such, Staff finds that a hardship is present relative to the side yard setbacks.**

- **Side yard setback request: MET**

What conditions are peculiar to this particular piece of property?

The Applicant cites the previous consolidation of the lot, along with its double frontage nature.

- Side yard setback request: NOT MET
- Rear yard setback request: NOT MET

**The Applicant cites the previous consolidation, the shape, and the historic rail-road spurs which were previously removed, and the alley as evidence of the lots peculiar state. Staff would note that the self-imposed conditions based on the consolidation to be applicable for a variance request, but would agree with the rest of the Applicant's analysis.**

- **Side yard setback request: MET.**

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

The Applicant discusses the conformity of the proposed setbacks with the surrounding block.

- Side yard setback request: MET
- Rear yard setback request: MET

Staff finds that the Applicant's arguments do not meet the criteria for granting a variance for the following reasons:

Side Yard Setback Request: The Applicant's analysis appears to be based on the assumption that side yard setbacks for additions are based on the compatibility rule. The District regulations, however, state specifically that additions are not subject to the compatibility rule in regards to their setbacks, but that the setbacks can be no closer to the side lot line than the existing structure. For this reason, the Applicant's responses to two of the criteria are unrelated to the actual requirements of the District.

Rear Yard Setback Request: While the Applicant has documented the shape of the lot and the small number of contributing structures on the block face, the Applicant has not demonstrated how these conditions present a hardship for the project. The Applicant also does not show how the consolidation of the lots relates to the rear yard setback variance request. Staff would note that the variance process is intended to address issues that would otherwise be insurmountable, not to permit preferred designs that do not meet the regulations when compliance with the Zoning Ordinance is possible.

Given this analysis, Staff recommends the Applicant provide documentation speaking to the second and third variance criteria.

**Based on the updated responses, Staff supports the Applicant's request for a variance to allow additions with 0 foot side yard setbacks which are closer to the side lot lines than the existing structure.**

#### CA3-22-590 - Variance

The Applicant is requesting a variance to allow a 0' rear yard setback that is not based on the compatibility rule and to allow a 0' side yard setback that is not based on the compatibility rule at 346 Copenhill Ave.

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

The Applicant cites the shape of the lot and the absence of contributing structures on the block face.

- Side yard setback request: MET
- Rear yard setback request: MET

How would the application of the zoning ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship?

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The Applicant cites the absence of contributing structures for measurements to be made off of and the topography of the site.

- Side yard setback request: MET
- Rear yard setback request: MET

What conditions are peculiar to this particular piece of property?

The Applicant cites the properties status as the only lot facing the subject block face and the 5' topographic change of the property along the street. Staff would note that there are actually two structures fronting this block face, but given the Commission's approval of CA4PH-22-454, the contributing structure previously on the site will be moved to another block face.

- Side yard setback request: MET
- Rear yard setback request: MET

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

The Applicant discusses the conformity of the proposed setbacks with the surrounding block.

- Side yard setback request: MET
- Rear yard setback request: MET

Staff finds that the Applicant's arguments meet the criteria for granting a variance and supports the Applicant's request.

**CA3-22-462 - Variance**

The Applicant is requesting a variance to allow an addition to a historic building that would destroy historic materials and spatial relationships that characterize the property.

Staff would note that after a full review of the project, several other needed variances have been identified. Staff would also note that other variances which are not necessary (i.e. the reduction of the non-applicable I-1 setback) have been submitted by the Applicant.

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

The Applicant cites the condition of the property and its need for stabilization. However, Staff finds that this condition does not relate to the size, shape, or topography of the site. The Applicant also cites lack of head height on the second level, though Staff would note that the lack of head height is due to the second floor level being raised which is a self-imposed condition. Staff recommends the Applicant provide information showing how the size, shape, or topography of the site require the addition that is proposed. – **NOT MET**

Updated information showing that the size, shape, or topography of the site requires the increased height for the addition to the contributing structure has not been received. The Applicant has, however, provided documentation showing that the change is needed to meet IBC requirements for habitable space ceiling height. - MET

How would the application of the zoning ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship?

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The Applicant states that the hardship of the application of the Zoning Ordinance would be the inability to make repairs and alterations to the structure. Staff would note that repairs to stabilize historic buildings typically do not require full story additions. Staff recommends the Applicant show how the application of the Zoning Ordinance would prevent repairs from occurring in a manner prescribed by the Inman Park Historic District regulations. – **NOT MET**

Updated information showing how the application of the zoning ordinance would prevent repairs from occurring in a manner prescribed by the Inman Park Historic District regulations has not been received. The Applicant has, however, provided documentation showing that the regulations would prevent raising the roof structure to add interior head height to the structure. While Staff finds this evidence to be compelling, it does not readily tie the question of a hardship to the situation as alternative designs have not been provided for review. As such, Staff recommends the Applicant provide information documenting alternatives to the proposed design that would either eliminate or greatly reduce the requested variance, such as lowering the ceiling height of the first floor. – **NOT MET**

**The Applicant has provided an updated analysis showing what while the floors could be altered to meet the minimum required headspace without raising the roof, the resulting design would create a condition that is not conducive to the continued use of the property regardless of the Applicant’s preferred design or programming. - MET**

What conditions are peculiar to this particular piece of property?

The Applicant cites multiple renovations to the structure which have caused “questionable” structural integrity and the need to stabilize the building. Staff would note that no information, such as a letter from a licensed structural engineer familiar with historic buildings, has been received. The Applicant also cites that raising the roofline would stabilize the structure and the desire to “showcase” the skylights and metal truss framing. While Staff finds there could be some merit in the need to stabilize the structure, Staff also finds that preferential design considerations such as the desire to “showcase” specific features would not speak to the criteria. Staff recommends the Applicant provide documentation from a licensed structural engineer with experience working with historic buildings attesting to the structural integrity of the current structure and also showing that raising the roofline is the only feasible means of addressing any structural concerns. – **NOT MET**

The Applicant has provided updated information including a structural report from a state licensed professional speaking to the structural soundness of the subject property. In this report, the professional identifies several areas of concern but does not specify that the proposal sought by the Applicant (i.e. raising the existing roof) is the only feasible means of addressing the structural issues. The Applicant has provided documentation showing that the current second story would not meet IBC requirements for habitable space head height. While Staff finds this evidence to be compelling, it does not readily tie the question of a peculiar condition of the lot to the to the situation current proposal. As such, Staff would again recommend that the Applicant provide information documenting alternatives to the proposed design that would either eliminate or greatly reduce the requested variance. – **NOT MET**

**The Applicant has provided documentation of the ability of the floor height to be altered so as to not impact the roof. Based on this information, there - MET**

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



The Applicant states that the proposed roofline changes would not negatively impact the public and will allow adequate head height for the raised second level. While Staff would again reiterate that the need for additional head height is a self-imposed condition, Staff finds that the position of the proposed changes would be minimally visible from the Right of Way. Staff would note, however, that placing the changes even further back on the structure could eliminate visibility from the public Right of Way. – **MET**

Staff finds that the Applicant's arguments do not meet the criteria for granting a variance. Staff cannot support the requested variance at this time.

The purpose of the variance process is to address hardships that cannot be overcome without the granting of a variance, not to approve a preferred design solution when others may be present. As the information provided to date has not shown that there is an unavoidable hardship on the site, Staff cannot support the variance request as it is currently argued. Staff would note for the benefit of the Applicant's revised argument that the financial cost of compliance with the zoning ordinance, whether it be for financial projections, pro-forma, anticipated rental rates, or other financially related items cannot be taken into consideration when granting a variance.

**Based on the updated responses, Staff supports the Applicant's request.**

**CA3-22-457 – Alterations, Additions, New Construction**

**The Applicant has withdrawn Building C from consideration at this time and will re-apply for that portion of the project at a future date.**

The District regulations contain both qualitative and quantitative requirements relating to alterations, additions, and new construction. If an item is not listed below, Staff found the associated regulation was met.

**Alterations - 320 N. Highland Existing Structure – Building A**

*Windows and Doors*

The Applicant is proposing the removal and replacement of the windows and doors on the structure. No information has been received which would allow Staff to properly review this request. As such, Staff recommends the Applicant provide photographs of each window and door proposed for replacement that have been keyed to a marked up existing floor plan. Staff further recommends that those windows and doors which Staff finds to be original or historic, and repairable in condition be retained and repaired.

Based on the photographs provided, along with archival photographs of the subject property taken in 1960, Staff finds that the windows on the front façade are likely historic if not original to the structure. As such, Staff cannot support their replacement without further investigation of their condition.

Regarding the doors of the proposed structure, Staff only has concerns with the proposed carriage door. The design proposed by the Applicant takes references from Firehouse No. 6, a historic 1894 firehouse in the Martin Luther King, Jr. Landmark District. Staff is concerned with this proposal for several reasons. Firstly, Staff has not received any documentation showing that the subject property was originally or historically a Firehouse. Secondly, the use of an ornate door from a firehouse of a higher or academic architectural style that is nearly 40 years older than the subject property would be conjectural at best. As such, Staff recommends that any replacement carriage style door be consistent with the industrial style of the structure.

**The revised plans show compliance with this recommendation.**

*Façade alterations*

The Applicant is proposing alterations to the east side façade to facilitate the addition of the existing structure to a new proposed structure (Building C) and alterations to the rear of the structure for a new proposed structure (Building B). These alterations would include the removal of wall sections to connect the existing building with the new structures. While Staff is not concerned with the loss of materials on the rear façade, Staff does find that the proposed alterations to the east side façade of Building A would result in a loss of approximately 40% of that façade. Staff recommends the demolition of the east side façade of Building A be reduced to the minimum required for the proposed interior programming.

While the amount of the east side façade proposed for demolition has been reduced somewhat, there is still a considerable portion of the historic structure that would be lost. As such, Staff recommends the project be redesigned to reduce the amount of the east side façade of Building A that will be demolished by half.

**The revised plans show compliance with this recommendation.**

Alterations to the west side façade are also proposed to accommodate a new interior stairwell. The proposal would remove brick and replace it with windows. Staff finds that the resulting loss in historic brick is avoidable with the removal of the windows from the area currently occupied by the historic brick. As such, Staff recommends the windows be removed from the west side stairwell alteration and the historic brick be retained in place.

The revised plans show compliance with this recommendation.

*Rooftop Addition*

As the proposed addition is the subject of an as yet undecided variance request as to its massing. As such, Staff will not perform an in-depth analysis of the proposal at this time. However, regarding the general design of the proposal, Staff finds that the exposing of an interior truss system which was never intended to be an exterior feature of the structure would not meet the District regulations. As such, Staff recommends the Applicant revise the plans for the rooftop addition to retain the existing spatial relationships as it relates to interior and exterior features.

As the current proposal still maintains the truss as a visible feature of the building, Staff will revise this recommendation so that it is clearer in its intent. Staff recommends that the truss system on the 320 North Highland Ave. building not be visible on the exterior of the structure.

**The updated plans show compliance with this recommendation.**

New Structures/Additions – 320 N Highland & 346 Copenhill Buildings B, C, D, & E

*Height*

Regarding the height calculations, the Subarea 1 regulations contained in Sec. 16-20L.006 do not specify how the height of structures other than one or two family residences are to be determined. As such, Staff finds that the general regulations in Sec. 16-20L.005 would apply. While the height of structures is mentioned in Sec.16-20L.005(1)(d), staff finds that this section defines how the compatibility rule is to be applied where it is invoked by the subarea regulations and would not provide for its use otherwise. This

finding is further supported by the existence of direct invocations of the compatibility rule where it is intended to be used in the specific subarea regulations.

Because of this, Staff finds that the regulations contained in Sec. 16-20L.005(1)(b) would apply. This section makes specific reference to the project type proposed by the Applicant as follows:

Per Sec. 16-20L.005(1)(b): “In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multi-family residential, institutional, commercial, industrial, and mixed-use structures in Subarea 1”

These regulations also specify the following for determining the size, scale and proportion, and massing:

Per Sec. 16-20L.005(1)(b)(ix): New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.”

Staff finds that Sec. 16-20L.005(1)(b)(ix) would require the Applicant to show that the proposed project is compatible with the size, scale and proportion, and massing of the property and the environment. Staff finds that it would be appropriate to limit the comparisons to historic structures of a similar typology or general use within the District. This process is consistent with other reviews that have been performed for multi-family, commercial, and mixed-use properties in Subarea 1. Further, Staff finds that this method would serve the intent of the regulations as expressed in the entirety of Sec. 16-20L.005(1)(b) by allowing for additions and new construction that are compatible in their size, scale and proportion, and massing to contributing structures while also allowing for the proposed structures to be contemporary in their design.

Staff would recommend that the Applicant provide comparisons to justify the size, scale and proportion, and massing of the proposed additions and new construction on the North Highland Ave. and Copenhill Ave. lots which are taken from contributing properties of a similar style or general use in the District.

The Applicant has provided documentation from similar historic buildings in the surrounding area. In looking at these buildings, Staff finds that several are on the different subareas, and some are outside of the District boundaries. Staff finds that using these properties for comparisons would be inappropriate as they would not be in the immediate environment of the District. The only properties provided by the Applicant which Staff would be comfortable using for comparisons would be 1080 Euclid Ave. and 1083 Austin Ave. which contain heights of 45’ 5” and 42’ 2” respectively.

However, given that the analysis does not contain information on the subject block, which contains a number of contributing non single or two family structures, Staff is not comfortable with making a determination as to whether the proposal meets the requirements of Sec. 16-20L.005(1)(b)(ix) at this time. Further, the information provided only provides information on height and excludes information on the scale, proportion, and massing. As such, Staff finds this recommendation has not been fully met. For the Applicant’s benefit, Staff would need information detailing the building width, height, setback, and information on the massing such as vertical wall to fenestration proportions, before a final determination can be made.

**Height information for the contributing structures on the block has been provided by the neighborhood. As information on these structures has not been received from the**

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**Applicant, Staff finds the use of the neighborhood's documentation to be appropriate. The documentation shows the height of the contributing buildings to be between 19' and 35'. Staff finds that buildings A, B, and D would meet this height requirement. Building E is currently shown as 36'. As such, Staff Recommends that Building E be no taller than 35'.**

**Staff would still retain the portions of the recommendation regarding the proportion and massing of the proposal. Given the evidence of historic properties that are not single or two family structures on the block, Staff would revise the recommendation to limit the comparisons to those properties on the same block.**

#### *Setbacks*

Staff has not received compatibility information justifying the proposed side and rear yard setbacks of the proposed structures. Staff would also note that as both Building B and C are attached to the historic structure located at 320 N. Highland Ave (Building A) the regulations would prohibit their placement between the structure and the Copenhill Ave half-depth front yard. As such, Staff recommends that the Applicant provide a Compatibility Rule study justifying the proposed setbacks for Buildings B, C, D, and E.

The Applicant has applied for variances to address the issues with the side and rear yard setbacks.

#### *Paving*

The District regulations limit the width of driveways for Commercial and Multi-Family uses to 24 feet excluding the driveway apron flare at the street. The proposed driveway widens to approximately 25 feet at the lot line before the driveway apron begins. Staff recommends the proposed driveway be no wider than 24 feet for its entire length.

The revised drawings show compliance with the 24' driveway limitations. As such, Staff finds this recommendation has been met.

While not subject to the Commission's review, Staff has concerns regarding the portions of the structure and balconies that will encroach on the neighboring alleyways. As the alleyways in question are privately owned by the adjacent property owners, any encroachments or improvements would need to be agreed to by all parties. Staff would recommend that the Applicant discuss the question of whether the projections into the alleyways would be considered an encroachment with the Office of Zoning and Development and the Atlanta Department of Transportation.

#### *Design of New Construction*

While the overall height, proportion, and massing of the proposal requires additional information, Staff finds it appropriate to provide commentary on the design of the new structures proposed by the Applicant. Staff would note that the comments at this time will leave out questions of scale, massing, and proportion except as it relates to the internal consistency of the proposal.

In looking at the proposed designs for the new structures, Staff has a few concerns. Firstly, while Staff finds that the two story connection between building A and B is generally compatible with the historic structure while also creating a necessary hyphen, Staff also finds that a reduction or elimination of the second story of the connection (Level 2 on Sheet A1.2) would reduce the need for the removal of historic material on the east side façade of Building A. As such, Staff

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recommends the Applicant explore alternatives for the connection on level 2 between Buildings A and B that would reduce the need for historic materials to be removed from Building A.

**Given the revisions to the east side façade of Building A mentioned above, Staff finds this recommendation has been met.**

Regarding Building C, Staff is concerned with the overall massing of the structure as it compares to the historic building on the site, and the other adjacent new construction. While the topography of the site presents challenges to the design, Staff would generally expect for the overall design to be cohesive in terms of massing. Staff would recommend that the massing of Building C be reduced so as to be more compatible with buildings A and B.

Regarding Building D, while this structure would be moved from its original location, Staff is concerned with the finished grade of the structure in its new location as it would have a considerable increase in the overall height of the left side façade when compared to the original design. While again, Staff understands the challenges presented by the topographic changes, Staff is also aware of some grading that will be taking place as part of the project related to Building D. As such, Staff recommends the Applicant detail the grading that is currently proposed for the entire 320 North Highland Ave. parcel. Staff further recommends the Applicant provide design alternatives that would soften the overall massing of the proposed left elevation of Building D.

**The updated plans have addressed Staff's comments by adding a window to the front façade of the foundation area, and by removing the faux masonry railing from the side addition. The resulting changes create a more cohesive massing and will mitigate the effects of the grade change on the resulting design. As such, Staff finds this condition has been met.**

In general, Staff has no concerns with the materials or façade composition of building E as currently proposed.

Regarding the design of the proposal as a whole, the Commission only has purview over the portions visible from the public right of way. This would exclude any portions that are hidden by new or existing buildings from review. In general, Staff finds that the designs of the new construction focus on metal and masonry as their primary façade materials. In a few instances, stone panels are used as accents. Staff can find no evidence of stone paneling being used as accents on the contributing structures on the site, and therefore has concerns with its use on the new construction. As such, Staff recommends the stone paneling be removed from all new construction and additions in favor of brick or similar masonry materials.

**STAFF RECOMMENDATION CA3-22-462 (Variance): Approval.**

**STAFF RECOMMENDATION CA3-22-589 (Variance): Approval**

**STAFF RECOMMENDATION CA3-22-457 (Alterations, Additions, New Construction): Approval with the following conditions:**

1. The Applicant shall provide photographs of each window and door proposed for replacement that have been keyed to a marked up existing floor plan, per Sec. 16-20L.005(1)(b)(ii);
2. Those windows and doors which Staff finds to be original or historic, and repairable in condition shall be retained and repaired, per Sec. 16-20L.005(1)(b)(ii);

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3. **Building E shall be no taller than 35', per Sec. 16-20L.005(1)(b)(ix);**
4. The Applicant shall provide comparisons to justify the proportion and massing of the proposed additions and new construction on the North Highland Ave. and Copenhill Ave. lots which are taken from contributing properties of a similar style or general use **on the same block as the subject property**, per Sec. 16-20L.005(1)(b)(ix);
5. The Applicant shall discuss the question of whether the projections into the alleyways would be considered an encroachment with the Office of Zoning and Development and the Atlanta Department of Transportation;
6. The Applicant provide a Compatibility Rule study justifying the proposed setbacks for Buildings B, C, D, and E, per Sec. 16-20L.006(2)(a);
7. The massing of Building C shall be reduced so as to be more compatible with buildings A and B, per Sec. 16-20L.005(1)(b)(ix);
8. The Applicant shall detail the grading that is currently proposed for the entire 320 North Highland Ave. parcel.
9. The stone paneling shall be removed from all new construction and additions in favor of brick or similar masonry materials, per Sec. 16-20L.005(1)(b)(iii); and,
10. **Staff shall review and if appropriate, approve the final plans and documentation.**

cc: Applicant  
Neighborhood  
File



# CITY OF ATLANTA

ANDRE DICKENS  
MAYOR

DEPARTMENT OF CITY PLANNING  
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JANIDE SIDIFALL  
Interim Commissioner

DOUG YOUNG  
Interim Director, Office of Design

**TO:** Atlanta Urban Design Commission  
**FROM:** Matthew Adams, Interim Executive Director  
**ADDRESS:** 581, 591, & 601 Edgewood Ave.  
**APPLICATION:** CA3-22-434  
**MEETING DATE:** January 25, 2023

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## **FINDINGS OF FACT:**

**Historic Zoning:** Martin Luther King, Jr. Landmark District (Subarea 4)      **Other Zoning:** N/A

**Date of Construction:** 1930

**Property Location:** North block face of Edgewood Ave. between the Bradley St. and Cornelia St. intersections.

**Contributing (Y/N)?:** Two Contributing Commercial structures, several non-contributing infill structures.

**Building Type / Architectural form/style:** Early 20<sup>th</sup> Century Commercial.

**Project Components Subject to Review by the Commission:** Alterations, New Construction, Financial Hardship Exemption.

**Project Components NOT Subject to Review by the Commission:** N/A

**Relevant Code Sections:** Sec. 16-20 & Sec. 16-20C

**Deferred Application (Y/N)?:** Yes.

- Updated text for the January 25, 2023 meeting are in Arial Font.
- Updated text for the February 8, 2023 meeting are in **Bolded Arial Font**.

**Previous Applications/Known Issues:**

At the January 25, 2023 meeting, the Commission reviewed and approved CA3-22-435 for a financial hardship exemption.

**SUMMARY CONCLUSION / RECOMMENDATION CA3-22-434: Approval with conditions.**

**CONCLUSIONS:** The following conclusions pertinent to this request are in accordance with Sec. 16-20 & Sec. 16-20C of the Zoning Ordinance of the City of Atlanta.

CA3-22-435 – Financial Hardship Exemption

The Applicant is applying for a financial hardship exemption to waive the height requirements of the Landmark District regulations. The height of additions and new construction in subarea 4 of the Landmark District are based on the compatibility rule and can be no taller than 1.5 times the height of the tallest contributing structure on the block face up to a maximum of 55' for properties east of the I-75/85 corridor. Staff would note for the benefit of the Commission Members and the Applicant that this compatibility analysis has not been provided.

In looking at the Elevation provided by the Applicant, Staff finds that the height of the tallest contributing structure on the block, 591 Edgewood Ave., is 23 feet 10 inches. This would mean that any addition or new construction could be no taller than 35 feet 9 inches. As the Applicant is proposing a structure that is 65 feet tall, the requested exemption would apply to both the maximum height allowed by the Compatibility rule and to exceed the height maximum allowed by the Subarea 4 regulations of the Landmark District.

Variations from the height requirements of the Landmark District regulations are prohibited and cannot be approved by City Staff, the Commission, or any other Board or Official with the City of Atlanta. However, as this would only apply to variances governed by CH 25 of the Zoning Ordinance, and the Financial Hardship Exemption is governed by Sec. 16-20C.004(6), Staff finds that this prohibition would not apply to the present request.

To qualify for a financial hardship exemption, the Applicant must first show that the relief requested is required to continue using the structure(s) for their intended use. After this burden of proof has been established, the Commission must consider the following criteria:

1. The present and future income of the property owner(s) and those occupying the property;
2. The availability, at present or in the future, of other sources of income revenue, including loans, grants, and tax abatements;
3. The costs associated with adherence to the District regulations in comparison to the costs associated with achieving the same proposal without the District regulations;
4. The degree of existing architectural importance and integrity of the structure; and,
5. The purpose and intent of this chapter.

Staff finds that the first requirement, *to show that the relief requested is necessary in order to continue utilizing the structure(s) for their intended purposes*, speaks to the ability of an existing contributing structure to continue to be used for the intended use and would not apply to additions or related new construction. Staff finds that there are two contributing structures on the subject properties that are currently used as eating/drinking establishments and retail uses. Staff has not received any evidence showing that the exemptions that are currently requested are required for the continued use of either of these properties. Instead, the responses only speaks to an alleged financial hardship in having the addition/new construction conform to the zoning requirements of the District.

As the first burden of proof has not been met, Staff finds that any consideration of the financial hardship criteria would be moot. However, should the Commission wish to consider the exemption, Staff would note that they find the Applicant's responses do not meet the criteria for granting this exemption. Firstly, no information regarding the future income of the property owner and those occupying the property if the zoning regulations are not waived has been received. Secondly, no analysis has been received regarding the impact that a Transfer of Development Rights (which the properties would qualify for based on their being contributing structures in a Landmark District) or Historic Preservation Tax Credits would have on the



financial concerns. And lastly, Staff would note that among the goals stated in the the Purpose and Intent of the Landmark District are to preserve historic structures and to ensure that contemporary infill is compatible with the character and spatial relationships with the District. Staff finds that these goals are equal in their importance and that one should not be overlooked or waived because the other is being met.

Staff finds that the Applicant has not established the burden of proof that the financial hardship is required for the continued use of the two historic structures on the site and that, while moot, the remaining criteria for granting the exemption have not been met. As such, Staff cannot support the requested exemption.

The Applicant has provided updated information including a narrative responses as well as engineering reports speaking to the repairs needed, and the costs associated with those repairs, for the existing structures. While Staff finds that the Applicant's estimates do not take into account potential flexibilities offered under the City's adoption of the International Existing Building Code, it is important to note that those flexibilities take the form of ad-hoc conversations and agreements with building code officials and are not standardized in a prescriptive way that could be anticipated as part of a cost estimate. For this reason, Staff finds that the Applicant has established that the current proposal could be necessary to the continued operation of the structure.

The remainder of the Applicant's responses speak to the criteria the Commission is tasked with considering when granting a financial hardship exemption. Of the Applicant's responses, Staff notes only one omission mentioned by previous Staff Reports: that of the availability of Historic Preservation Tax Credits and what their impact on the property could be. However, given that these credits are not a guarantee, and considering the other documentation provided by the Applicant, Staff finds that requiring the Applicant to provide documentation on the potential of these credits would not be productive.

Given the documentation provided and the Applicant's responses to the previous report, Staff supports the request for a financial hardship exemption.

#### CA3-22-434 – New Construction

##### Alterations to the historic structures

The Applicant is proposing alterations to the historic structures but has not provided sufficient information to review those changes. Staff recommends that the Applicant provide existing and proposed elevations which detail the changes proposed to the historic structures and label all materials.

**The Applicant is proposing the removal and replacement of windows and doors on both of the historic structures on the site. Staff has not received the required documentation for the replacement of windows and doors such as photographs that are labeled to correspond to a keyed floorplan. As such, Staff recommends the Applicant submit photographs of each window and door proposed for replacement on the historic structures that have been labeled to correspond to a keyed floorplan. Staff further recommends that any window or door that Staff finds to be original or historic and repairable in condition be retained and repaired. Staff further recommends that any replacement window or door meet the District regulations.**

##### New construction

The Applicant proposes a new multi-family structure that will connect to the existing historic structures on the site. While Staff finds that the overall design, other than the height of the portions within the Landmark District, would be compatible with the existing site and the District, Staff has a few concerns with the proposal and provided materials. Staff would note that given the lack of information provided and the

preliminary nature of the drawings, many of these concerns may be revised by future revisions and other concerns may be created by those same revisions.

Staff has only received elevations of the Edgewood Ave. façade of the structure. While Staff understands that portions of the Bradley and Cornelia St. portions of the structure would not be in the District, the Commission would still need to approve the designs of those portions of the structure. As such, Staff recommends that elevations of all 4 sides of the structure be provided, with the zoning of the site marked on the elevations to illustrate the areas that the Commission has purview over.

Staff Retains this recommendation. Staff would note that the intent of this condition is to have the horizontal zoning of the site detailed on the elevations to clearly depict the portions of the Bradley St. and Cornelia St. elevations that would be subject to the Commission's Review. Without this information, it would be difficult to accurately determine whether these façades meet the District regulations.

**The Applicant has provided updated plans that show how the Landmark District zoning intersects the Bradley St. and Cornelia St. façades.**

The submission does not label any of the materials that will be used on the exterior of the structure. While Staff understands that applications before the Commission are preliminary in nature, typically only at 50-60% completion, Staff would still expect to see some materiality shown on the plans even if it is not final. As such, Staff recommends that the elevations show the materials that are proposed for the new construction portion of the project. Staff further recommends that all building materials meet the District regulations.

**Based on the updated plans which show how the Landmark District zoning intersects the Bradley St. and Cornelia St. façades, Staff finds that the proposal includes the use of lap siding and board and batten siding within the Landmark District boundaries. Staff finds that these materials would not meet the District regulations and recommends that the board and batten siding and lap siding be removed from the Bradley St. and Cornelia St. Facades and be replaced with a brick or masonry material meeting the District regulations. Staff would note that the District regulations would also apply to the interior courtyard façades in regards to their design, material, and composition. Given that Staff has already provided a recommendation that all materials meet the District regulations, Staff finds that an additional condition requiring the interior courtyard façade materials to meet the District regulations is not necessary.**

The Applicant has provided updated elevations showing the proposed primary building materials. Of these materials, Staff finds that the use of vinyl windows within the Landmark District portion of the project would not meet the Landmark District Regulations. As such, Staff recommends that any windows on the portions of the new structures and additions in the Martin Luther King, Jr. Landmark District be metal framed with any simulated lite divisions being dimensional and permanently affixed to the exterior of the glass.

**Staff Retains this recommendation.**

The Edgewood Ave. elevation shows several balcony spaces. Generally, Staff would recommend that these be recessed balconies that do not extend from the façade of the building. The intended effect would be for the balconies to function as a "cut out" similar to the fenestration pattern on the rest of the façade as opposed to an external appendage of the façade. As such, Staff recommends the Applicant provide information detailing how the balconies will be attached to the building.

Staff Retains this recommendation. Staff further recommends that any balconies within the Martin Luther King, Jr. Landmark District appear as fully recessed cut-outs of the associated building façade.

**Staff Retains this recommendation.**

Information detailing the design, materials, and layout of the paving, both on the internal courtyard and the courtyards proposed on the Edgewood Ave. facades have not been received. Staff recommends the Applicant provide information detailing the plans for the courtyards, both internal and street-fronting, for review.

Staff Retains this recommendation.

**The Applicant has provided a response that the courtyard along Edgewood Ave. would use brick pavers. Staff has no concerns with this material. Likewise the Applicant has stated that the interior courtyards would be comprised of concrete. Staff has no concerns with this proposal. While this area is not visible to the public, the Landmark District regulations would still apply.**

Given Staff's lack of support for the requested financial hardship exemption, Staff recommends that the portions of the project which are zoned as part of the Landmark District conform to the height requirements of the District regulations.

**Given the Commission's approval of the financial hardship exemption, Staff withdraws this recommendation.**

**STAFF RECOMMENDATION CA3-22-434: Approval with the following conditions:**

- 1. The Applicant shall submit photographs of each window and door proposed for replacement on the historic structures that have been labeled to correspond to a keyed floorplan**
- 2. Any window or door that Staff finds to be original or historic and repairable in condition shall be retained and repaired**
- 3. Any replacement window or door shall meet the District regulations**
- 4. the board and batten siding and lap siding be removed from the Bradley St. and Cornelia St. Facades and be replaced with a brick or masonry material meeting the District regulations.**
5. All building materials shall meet the District regulations, per Sec. 16-20C.008(1)(a)(ii);
6. The Applicant shall provide information detailing how the balconies will be attached to the building, per Sec. 16-20C.008(1)(a)(i);
7. Any balconies within the Martin Luther King, Jr. Landmark District appear as fully recessed cut-outs of the associated building façade, per Sec. 16-20C.008(1)(a)(i);
8. The Applicant shall provide information detailing the plans for the courtyards, both internal and street-fronting, for review, per Sec. 16-20C.008(1)(a)(ii); and,
9. Staff shall review and, if appropriate, approve the final plans and documentation.

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