
2.0 DESIGN REVIEW IN DEKALB COUNTY

The DeKalb County Historic Preservation Ordinance was passed in 1994 by the authority of the 1980 Georgia Historic Preservation Act. A copy of the ordinance can be obtained from the DeKalb County Planning Department. This manual does not serve as a substitute for the ordinance, and any property owner interested in the content of the ordinance should obtain a copy as a supplement to this publication.

The primary purpose of the ordinance is stated to be

to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, landscape features and works of art having a special historical, cultural or aesthetic interest or value

The DeKalb County Historic Preservation Commission, a seven-member commission consisting of licensed professionals and others with a demonstrated interest in relevant fields, has been established as the administrative authority for the ordinance. The ordinance lists twelve areas of responsibility for the commission. Of particular interest to these guidelines are their responsibilities to

- 1 *prepare and maintain an inventory of all properties which have the potential for designation as a historic property;*
- 2 *recommend to the County Board of Commissioners specific properties and/or districts to be designated by the ordinance; and*
- 3 *review applications for certificates of appropriateness and grant or deny the same in accordance with the provisions of the ordinance.*

Once a district has been designated, all “material changes in appearance” of any property within a district are prohibited prior to the issuance of a Certificate of Appropriateness by the Historic Preservation Commission.

CERTIFICATE OF APPROPRIATENESS (COA) is defined in the ordinance as “a document evidencing approval by the Historic Preservation Commission of an application to make material change in the appearance of a designated historic property or of a property located within a designated historic district.”

2.1 OBTAINING A CERTIFICATE OF APPROPRIATENESS -WHEN IS DESIGN REVIEW REQUIRED?

Design Review is the process by which the DeKalb County Historic Preservation Commission approves major changes that are planned for locally designated properties and districts and issues Certificates of Appropriateness which allow the proposed changes to take place.

There is a four-step process for obtaining a Certificate of Appropriateness:

STEP 1: Determining Whether a Certificate of Appropriateness Is Needed

STEP 2: Submitting an Application for a Certificate of Appropriateness to the DeKalb County Historic Preservation Commission

STEP 3: Commission Review of the Application/Consultation with Property Owner/Public Hearing Upon Request

STEP 4: Application Approved - Certificate of Appropriateness Issued

OR

Application Denied - Owner Makes Design Changes and Resubmits Application

STEP 1: DETERMINING WHETHER A CERTIFICATE OF APPROPRIATENESS IS NEEDED

Owners planning projects that would constitute a “material change in appearance” to a property located within the district are required to file an application for a COA with the Preservation Commission.

A **MATERIAL CHANGE IN APPEARANCE** is defined by the ordinance as follows:

a change that will affect either the exterior architectural or environmental features of a historic property or any building, site, object, landscape feature or work of art within a historic district such as:

1 A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;

2 Demolition or relocation of a historic structure;

3 Commencement of excavation for construction purposes;

4 A change in the location of advertising visible from the public right-of-way; or

5 The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

Ordinary maintenance or repair (includes painting) of any exterior architectural feature that does not involve a material change in design, material, or outer appearance is excluded from review. Also, interior changes to properties that do not have an effect on exterior appearance are also excluded from review.

Typically, application for a building permit, land development permit, zoning variance, or re-zoning triggers the design review process.

STEP 2: SUBMITTING AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS TO THE HISTORIC PRESERVATION COMMISSION

Applications are to be submitted to the DeKalb County Planning Department.

Applications are to be accompanied by drawings, photographs, plans and other documentation (as required by the Commission) detailing the proposed project.

The professional staff of the DeKalb County Planning Department can act as a resource when planning a project.

STEP 3: COMMISSION REVIEW OF THE APPLICATION/CONSULTATION WITH PROPERTY OWNER/PUBLIC HEARING UPON REQUEST

When reviewing applications, the Commission considers the U.S. Secretary of the Interior's "Standards for Rehabilitation" (see *Section 5.3*) and the following factors:

- ✦ historical and architectural value and significance
- ✦ architectural style
- ✦ scale, height, and setback
- ✦ landscaping
- ✦ general design
- ✦ arrangement
- ✦ texture and materials of the architectural features involved and their relationship to the exterior architectural style
- ✦ pertinent features of other properties in the immediate neighborhood

These design guidelines will also serve as a tool in reviewing applications.

The professional architects, landscape architects, and historic preservation planners serving on the Preservation Commission can act as resources when planning a project.

STEP 4: APPLICATION APPROVED - CERTIFICATE OF APPROPRIATENESS ISSUED

The Commission shall approve or deny an application within 45 days after a complete application has been filed. Failure of the Commission to act within this time period shall constitute approval and no other evidence is needed.

A COA will be issued if the Commission finds that the proposed material change(s) would not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the property or district.

The Commission may approve the application as proposed or with modifications.

A COA becomes void unless construction is begun within 12 months of the date of issuance.

OR

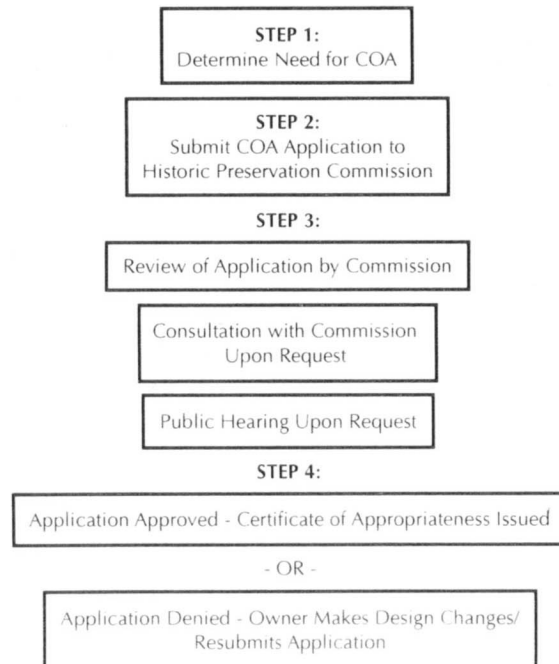
Application DENIED - OWNER MAKES DESIGN CHANGES AND RESUBMITS Application

If an application is denied, the Commission will notify the applicant in writing of its decision and state the reasons for the denial. The Commission may suggest alternative courses of action.

The applicant may make modifications to the plans and may resubmit the application at any time after doing so.

The rejection of an application for a COA shall be binding upon the Development Division of the DeKalb County Public Works Department and no permit shall be issued.

Four Step Process For Obtaining Certificate of Appropriateness (COA)



2.2 COORDINATION WITH OTHER COUNTY ORDINANCES & LAND DEVELOPMENT REGULATIONS

These design guidelines are concerned with changes to the external appearance of historic district properties and do not affect the use of property which is otherwise regulated through the zoning ordinance and building and development codes. For example, a property owner wishing to renovate a residence for use as an office in an area zoned residential would need to file for rezoning; if proposed changes would alter the exterior appearance of the property, the owner would also have to file a “Request for Certificate of Appropriateness” in order to make those changes. The Historic Preservation Commission would not, however, comment on the proposed use of the property.

Applications for building permits, land development permits, and zoning variances are submitted to the Development Division of the DeKalb County Public Works Department. Any applications received for properties located in the historic district will also be reviewed by the Planning Department staff for the Historic Preservation Commission to determine if the property owner needs to submit an application for a Certificate of Appropriateness to the Preservation Commission. Again, the criteria for determining the need for a COA is the standard of a “material change in appearance.”

1 **Building PERMITS** are required for any type of physical improvements with the exception of routine maintenance. Therefore, the only type of building permit that would likely not trigger the design review process are permits for changes to building interiors. It will still be necessary, however, for the Planning Department to review these applications.

2 **LAND DEVELOPMENT PERMITS** are required for new construction and the subdivision of property. The Planning Commission reviews applications to assure that the planned development meets the requirements of the zoning ordinance and also protects the flood plain based on state requirements. The Historic Preservation Commission shall comment on any design proposals submitted with the application, such as land subdivision, lot layout and pattern, and site plan. If rezoning is requested, the Commission shall provide comment, and it may be necessary for the owner to apply for a COA.

3 Requests for **ZONING VARIANCES** are made when a property owner desires to make changes to a property that would violate one or more of the conditions of the existing zoning classification. For example, a property owner may wish to make an addition to the front of a building that would encroach upon the required setback. The Board of Zoning Appeals would have to approve such a request. In cases where requests could relate to an issue addressed in these design guidelines, such as setback or variances that affect lot layout, they shall be passed on to the Preservation Commission staff person for review. The staff person will have the authority to determine if a COA is needed or whether the proposed change is of no consequence under the design guidelines.

4 Applications for **REZONING** are submitted directly to the Planning Department and reviewed by the Planning Commission. The Historic Preservation Commission shall be allowed to comment on such applications to determine if the proposed zoning classification would potentially impact the historic district.

5 There are some types of projects that, while constituting a “material change in appearance,” **do NOT REQUIRE A PERMIT OR VARIANCE** of any kind. For example, driveway changes, cutting trees, placing fences, and so on, do not require any of the above-mentioned permits or applications. The DeKalb County Historic Preservation Commission will identify those types of changes that it intends to review and will work with the enforcement division of the Public Works Department to develop a system for assuring compliance with the ordinance. Such monitoring is typically an administrative function reserved for the appointed staff of the Preservation Commission.

In the case of land development permits, zoning variances, and rezoning, applications for building permits would typically be required at some point and would then trigger the design review process. It is important, however, that the Historic Preservation Commission be brought into the permitting process as early as possible so that property owners are aware of the implications of the design guidelines to their project plans.

2.3 PERIODIC REVIEW of GUIDELINES by PRESERVATION COMMISSION

The Preservation Commission will review the guidelines periodically to gauge the effectiveness and fairness of the guidelines, to ensure the original intent of historic preservation without undue overregulation, and to eliminate coordination problems with other county codes and administrative procedures.

2.4 STATE AND FEDERAL REVIEW PROCESSES

Review of design projects in Druid Hills may also take place at the state and federal levels, under two sets of conditions. The first concerns projects with some level of federal involvement (funding or licensing) that will impact one or more historic properties. According to Section 106 of the **1966 NATIONAL HISTORIC PRESERVATION ACT**, federal agencies must provide the President’s Advisory Council on Historic Preservation an opportunity to comment on the effect of federal, federally assisted, or federally licensed projects involving properties or districts either listed in or eligible for listing in the National Register of Historic Places. Most often it is in fact the State Historic Preservation Office that carries out these reviews. The Secretary of the Interior’s “Standards for Rehabilitation” are always the criteria for evaluation. The comments made are not binding but merely advisory, although this process has in many cases led to modifications of proposals and more sympathetic treatments of historic resources.

Federal involvement will also occur when a property owner wishes to take advantage of **FEDERAL REHABILITATION TAX INCENTIVES** or grants. An income tax credit is available for qualifying rehabilitation projects, and applicants must submit a two-part application to the State Historic Preservation Office. Part One of this application documents the significance of the property while Part Two is a description of the project. After this documentation has been reviewed at the state level, it is sent on to the National Park Service for a final review and a decision concerning the application for tax credits. Again, the Secretary of the Interior’s “Standards for Rehabilitation” are utilized in these evaluations. Persons desiring further information on the tax incentives for historic preservation projects should contact the Historic Preservation Division of the Georgia Department of Natural Resources.

In 1989 the Georgia General Assembly passed a **STATEWIDE PROPERTY TAX DEFERMENT** program for qualified major rehabilitations of properties listed in or determined eligible for listing in the Georgia Register of Historic Places or the National Register of Historic Places—either individually or as a contributing building within a historic district. The law provides for an eight-year freeze on property tax assessments for a historic property that has undergone a “substantial” rehabilitation. As with the federal tax incentives, the application process has two parts. This deferment has been adopted by the DeKalb County Board of Commissioners. For more information on the program, contact the DeKalb County Tax Assessor’s Office and the Historic Preservation Division of the Georgia Department of Natural Resources.