

DeKalb County Historic Preservation Commission

Tuesday, January 16th, 2024 - 6:00 P.M.

Staff Report

New Construction Agenda

L. 1176 Lullwater Road, Dunlavy Law Group. Construct new house. **1246821.**

Vacant Lot (18 054 06 001)

This property is located in the Druid Hills Character Area #1 and the Druid Hills National Register Historic District.

- 07-18 1176 Lullwater Road (DH), John Carpentier. Comment only on a proposed house location. 1235073. **For comment only.**
- 07-21 1176 Lullwater Road, Price Residential Design. Build a new house on a wooded lot. 1245085. **Approved.**
- 11-21 1176 Lullwater Road, Dave Price, Price Residential Design. Modify previously approved COA to reduce the footprint of the house and to decrease the overall size. 1245291. **Denied.**
- 07-23 1176 Lullwater Road, Elizabeth Finnerty c/o Battle Law, P.C. Build a house. 1246538. **Denied.**
- 08-23 1176 Lullwater Road, Elizabeth Finnerty c/o Battle Law, P.C. Build a house. 1246598. **Deferred.**
- 09-23 1176 Lullwater Road, Elizabeth Finnerty c/o Battle Law, P.C. Build a house. 1246598. **Approved with modifications.**

Summary

The applicant proposes building a new house on a previously undeveloped lot.

Summary January 2023

The application submitted for review in August of 2023 was approved and a Certificate of Appropriateness was issued. On December 5th, 2023, the issued Certificate of Appropriateness was appealed by the Board of Commissioners and the decision of the historic preservation commission was reversed. A reason for the appeal was not provided by the Board of Commissioners.

The applicants have submitted a new application that proposes the same scope of work that was approved by the preservation commission aside from the following changes:

- 1) The proposed driveway has been shortened to address stream buffer comments
- 2) The proposed rain garden located on rear of the property has been relocated out of the 75-foot stream buffer
- 3) Stone veneer materials proposed for the main property have been removed from the application. The applicant now proposes brick in the place of the stone veneer on the main property.
- 4) The upper floor window on the front elevation of the proposed main property has been modified to match the size of the other upper floor windows.

The applicant has requested consideration for an exception under the conditions of undue hardship, as noted in DeKalb County Code Sec. 13.5-11:

"Where by reason of unusual circumstances, the strict application of any provision of this chapter would result in exceptional practical difficulty or undue hardship upon any owner of any specific property, the preservation commission in passing upon applications shall have power to vary or

modify strict adherence to said provisions or to interpret the meaning of said provisions so as to relieve such difficulty or hardship; provided such variance, modifications, or interpretation shall remain in harmony with the general purpose and intent of said provisions so that the architectural or historical integrity or character of the property shall be conserved and substantial justice done. In granting variations, the preservation commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this chapter. An undue hardship shall be a situation beyond the control of the applicant, which is a problem unique to a specific property or in order to comply with this chapter, the person will violate another ordinance of DeKalb County. The burden of demonstrating the existence of the hardship by a preponderance of evidence shall be with the applicant.”

The applicant states that it is not possible to build on the lot without being out of compliance with either the Druid Hills Design Guidelines or the County’s stream buffer regulations. Since the lot was created through subdivision by a previous owner, the applicant states that the characteristics of the lot that would prevent that it be built upon are unique and were not created by the current owners.

Summary August 2023

The front façade is the similar to that which was approved in July 2021. It is 3.5 narrower and the height 1.25’ shorter. The location is 7.65’ from the property line as opposed to 5’ in the previous application. The applicant says the nearest part of the house to the right-of-way house is 68’, 7’ closer than the previously approved house. The survey shows the neighboring house set back 97.1’ from the ROW, resulting in the façade of the new house being 29.1 closer to the street than that of the neighboring house.

A major difference is the reduction of the left side to pull it back from the stream. A brick section runs straight back 32.5’ from the front facade, then turns 45 degrees and changes material to HardiePlank. The applicant states the 45-degree wall will not be visible from the right-of-way. The left side of the house and the narrow rear walls are now brick. The roof pitch is steeper, 10:12 rather than 8:12. The windows will be wood with simulated divided lights.

The tree survey is more complete than the one submitted in 2021. Tree removal is similar as approved in in the previous application with only one additional healthy tree being removed. The tree preservation note says no new trees are to be planted but the site plan shows two beech trees, which were included in the 2021 plan.

Excerpts from the 2018 and 2021 staff reports are below.

Partial Summary July 2018

This lot was split off from the original lot (to the north) in 1993 or 1994. It has never been developed and is heavily wooded. It is much smaller than other lots in the area. There are many topographical problems with this property limiting the buildable area.

The adjacent house, 1166 Lullwater, is set back about 93’ from the right-of-way. The setbacks of nearby houses on Lullwater are all more than 93’, with those across the street all over 100’. The next house on the north side faces North Decatur Road and its rear is about 130’ from the proposed building site.

A small stream runs across the rear of the property and diagonally away from the property on the north side. The grade on the south (left) side of the lot is the same as that of the adjacent house, but then drops off to the right and drops off steeply to the rear. A portion of the property is in the floodplain. While this limits development, it does not prohibit it. Staff recommends the commission accept the county's determination on the stream buffer variance and not require the 75' setback set out in the Design Manual.

The grade drops about 7' from the left front corner of the unbuildable area to the right front corner.

Partial Summary July 2021

1. The applicant states the proposed location will minimize grading and tree loss. The location will maximize the use of the topography, as there are few flat areas on the lot. The applicant has submitted a state water determination form that states no buffer is required, due to the concrete/brick wall along the stream. The site is 75 feet from the sidewalk in front of the lot, 5 feet from the south side property line, and more than 40 feet from the rear property line. It adheres closely to the south side property line to make the best of the topography.
2. The house will be a two-story Colonial Revival house with an attic and basement. The house will have a side gabled roof, clad in fiberglass shingles and a chimney on the exterior of the north elevation. There will be a hipped-roof dormer set into the center of the surface of the front elevation of the roof. A cornice with decorative dentils will extend from the front elevation to both side elevations. The house will be clad in brick in a running bond pattern. Granite will clad the front porch/terrace and front half of the foundation of the house. Windows will be equally spaced across the front elevation and they will have a 6/6 pattern. Those on the first floor will have decorative cast stone lintels. The window above the front entrance will be paired, six-light casement windows. The front entrance will have a hipped roof, with a dentil cornice and tapered columns.

The rear elevation has a rear projecting gabled wing, clad in cement fiber siding. The core, side-gabled portion of the house will be clad in brick in a running bond pattern. There will be a rear porch on the first floor and a screen porch extending from the basement. The majority of windows will be six-over-six, but the rear elevation also includes two-light fixed windows and four-over-four double hung windows.

The left side elevation has cement fiber siding and paired casement windows above the cornice line. It is clad in brick veneer with a soldier course at the terrace/porch height and is inset with mixture of 6/6 and 4/4 double hung windows. Above the cornice line, the right-side elevation has cement fiber siding and a 9-light casement windows. The windows are paired around the chimney, transitioning from pairs of 4/4 double hung windows on the second floor, to 6/6 double hung windows on the first floor, and 6-light fixed windows on the basement level. The front portion of the house has a mixture of double hung windows.

3. The garage projects from the basement level on the front elevation. There will be a screened front porch on top, with a flat roof. The large, screened panels will have decorative cast stone lintels. The garage will be clad with granite and the porch in brick veneer. The concrete driveway will enter the parcel at the high point of the lot, in the southeast corner. It will extend to the basement level garage and include a turn around. The applicant proposes a 1.5' high wall next to the driveway due to the topographic change from the street level.

4. The materials proposed for the new construction are fiber glass shingles, cement fiber board, granite, and brick.
5. The tree plan shows 28 existing trees on the site including 8 specimen-sized trees. The applicant proposes to remove 9 trees (1,10,11,12,13,14,15,22,23) three of which are specimen trees (1,12,13). Two of the specimen trees (1 and 12) are damaged, based on the submitted documentation. Applicant also proposes to maintain an existing hedge at the sidewalk to partially buffer the house.

Recommendation

Approve. The proposed changes will not conflict with the guidelines and will not have substantial adverse effect on the property or district.

Relevant Guidelines

5.0 Design Review Objective (p45) - When making a material change to a structure that is in view from a public right-of-way, a higher standard is required to ensure that design changes are compatible with the architectural style of the structure and retain character-defining features. When a proposed material change to a structure is not in view from the public-right-way, the Preservation Commission may review the project with a less strict standard so as to allow the owner more flexibility. Such changes, however, shall not have a substantial adverse effect on the overall architectural character of the structure.

7.1 Defining the Area of Influence (p64) Guideline - In considering the appropriateness of a design for a new building or addition in a historic district, it is important to determine the area of influence. This area should be that which will be visually influenced by the building, i.e. the area in which visual relationships will occur between historic and new construction.

7.2 Recognizing the Prevailing Character of Existing Development (p65) Guideline - When looking at a series of historic buildings in the area of influence, patterns of similarities may emerge that help define the predominant physical and developmental characteristics of the area. These patterns must be identified and respected in the design of additions and new construction.

7.2.2 Directional Emphasis (p67) Guideline - A new building's directional emphasis should be consistent with dominant patterns of directional emphasis within the area of influence, if such patterns are present.

7.2.3 Shape: Roof Pitch (p68) Guideline - The roof pitch of a new building should be consistent with those of existing buildings within the area of influence, if dominant patterns are present.

7.2.3 Shape: Building Elements (p68) Guideline - The principal elements and shapes used on the front facade of a new building should be compatible with those of existing buildings in the area of influence, if dominant patterns are present.

7.2.3 Shape: Porch Form (p68) Guideline - The shape and size of a new porch should be consistent with those of existing historic buildings within the area of influence, if dominant patterns are present.

7.2.4 Massing (p69) Guideline - The massing of a new building should be consistent with dominant massing patterns of existing buildings in the area of influence, if such patterns are present.

7.2.5 Proportion (p70) Guideline - The proportions of a new building should be consistent with dominant patterns of proportion of existing buildings in the area of influence, if such patterns are present.

7.2.6 Rhythm (p71) Guideline - New construction in a historic area should respect and not disrupt existing rhythmic patterns in the area of influence, if such patterns are present.

- 7.2.7 Scale/Height (p72) Guideline* - New construction in historic areas should be consistent with dominant patterns of scale within the area of influence, if such patterns are present. Additions to historic buildings should not appear to overwhelm the existing building.
- 7.2.7 Scale/Height (p72) Guideline* - A proposed new building should appear to conform to the floor-to-floor heights of existing structures if there is a dominant pattern within the established area of influence. Dominant patterns of cornice lines, string courses, and water tables can be referenced to help create a consistent appearance.
- 7.2.8 Individual Architectural Elements (p73) Guideline* - New construction and additions should be compatible and not conflict with the predominant site and architectural elements—and their design relationships—of existing properties in the area of influence.
- 7.3.2 New Construction and Subdivision Development (p75) Guideline* - To be compatible with its environment, new construction should follow established design patterns of its historic neighbors, including building orientation, setback, height, scale, and massing.
- 7.3.2 New Construction and Subdivision Development (p75) Guideline* - New construction should respect the historic character that makes the area distinctive, but it should not be a mere imitation of historic design.
- 7.3.3 Demolition and Relocation (p75) Guideline* - Historic buildings and structures should not be demolished unless they are so unsound that rehabilitation is not possible. Historic buildings should not be moved off the property or relocated on the site, nor should other buildings be moved onto the site.
- 8.2 Trees (p78) Recommendation* - The mature hardwood forest within the Druid Hills Local Historic District should be perpetuated through a district-wide replanting program. Trees should be replaced when mature trees are lost to age or damage or are removed for safety reasons. Replacement trees should be of identical or similar varieties to the original trees. A diversity of tree types is recommended to perpetuate the existing character of most tree groupings. Replacement trees of adequate size (1.5" caliper minimum) are recommended. Existing ordinances that provide for the protection and replacement of the district's tree resources should be applied to development activities within Druid Hills.
- 8.3 Protection of the Historic Watershed Design and Design Concept (p79) - Guideline* - All construction within the Druid Hills Local Historic District should follow a 75' setback requirement from the top of bank of creek corridors and drainage ways, as delineated on the official "Historic District Map."
- 9.4 Enclosures and Walls (p90) Guideline* - Fences and walls should not be built in front yard spaces and are strongly discouraged from corner lot side yard spaces. Retaining walls should only be used in situations where topography requires their use.
- 9.4 Enclosures and Walls (p90) Recommendation* - Fences are appropriate in rear yard spaces. Rear yard fences should be coordinated with existing county codes. Suggested materials include wood and chain link. Vinyl- covered chain link fencing, typically in bronze, brown, or black, assist in making fences less obtrusive. Vines are suggested to "soften" the appearance of metal chain link fencing. If wood fencing is used, the paint color and design should be compatible with the architecture of the adjacent residence. Fence heights can range from 4' to 6' depending on the reason for the enclosure.
- 9.5 Parking (p90) Guideline* - Parking should be addressed in a manner that does not distract from the overall character of the district. Parking to serve private residential lots should be accommodated on-site, when at all possible, using the pathway of original drives and parking. Front yard parking should not be allowed unless it is a public safety issue. When front yard parking is necessary, it should be added in a manner that does not destroy the unbroken landscaped character of the front yard spaces in Druid Hills. Rear yard spaces should be considered for expansion of parking areas.
- 9.5 Parking (p90) Guideline* - Curb cuts should not be added or expanded in order to protect the character of the district's streets.

9.7 Residential Landscape Design (p91) Recommendation - For residential yards, created without the assistance of landscape designers, historic landscape plans for other residential lots within the district should be used for guidance. These plans can be interpreted to create a new landscape plan that is based on historic traditions. Care should be taken to select designs for yards of similar size containing houses of similar style and scale.