

Chief Executive Officer  
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director  
Andrew A. Baker, AICP

**Application for Certificate of Appropriateness**

Date Received: \_\_\_\_\_ Application No.: \_\_\_\_\_

Address of Subject Property: 900 Clifton Road NE, Atlanta GA 30307

Applicant: Sean Martin E-Mail: themartinator@comcast.net

Applicant Mailing Address: 900 Clifton Road NE, Atlanta GA 30307

Applicant Phone(s): 770-309-4543 Fax: N/A

Applicant's relationship to the owner: Owner ☐ Architect: ☐ Contractor/Builder ☐ Other ☐

\*\*\*\*\*  
Owner(s): Sean & Judy Martin E-Mail: themartinator@comcast.net

E-Mail: \_\_\_\_\_

Owner(s) Mailing Address: Same as above

Owner(s) Telephone Number: 404-647-4543

Approximate age or date of construction of the primary structure on the property and any secondary structures affected by this project: Residence was built in 1950.

Nature of work (check all that apply):

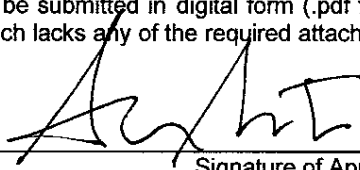
New construction ☐ Demolition ☐ Addition ☐ Moving a building ☐ Other building changes ☐  
New accessory building ☐ Landscaping ☐ Fence/Wall ☐ Other environmental changes ☐  
Sign installation or replacement ☐ Other ☐

Description of Work:

The project consists of re-landscaping the front yard and installing a paver extension to the driveway (A landscape design has been submitted with this application) to help us conduct a 2-point turn in order to avoid backing onto Clifton Road NE, which can be very busy at times during the day. We have encountered many dangerous situations when backing onto Clifton Road NE given the speeding traffic and blind turns near us. We have also enclosed various supporting exhibits (Please refer to exhibits A through I).

Please note that the final landscape plan does NOT include the flagstone walkway which is shown on the design drawing.

This form must be completed in its entirety before the Planning Department accepts it. The form must be accompanied by supporting documents (plans, material, color samples, photos, etc.). Provide eight (8) collated sets of the application form and all supporting documentation. If plans/drawings are included, provide eight (8) collated sets on paper no larger than 11" x 17" and three (3) additional sets at scale. All documents submitted in hard copy must also be submitted in digital form (.pdf format). All relevant items from the application checklist must be addressed. An application which lacks any of the required attachments shall be determined incomplete and will not be accepted.

 3/2/18  
Signature of Applicant/Date

Revised 1/26/17

**EXHIBIT 'A'**  
**900 Clifton Road NE**  
**RATIONALE FOR PAVER EXTENSION TO DRIVEWAY:**

**Background & Rationale:**

- We believe that the driveway extension will not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic district.
- We believe that by reason of unusual circumstances (As explained in detail below and via attachments), the strict application of any provision of the Historic Preservation Ordinance would result in an exceptional practical difficulty and undue hardship.
- We are facing a situation that is beyond our control and this is a problem unique to our specific property/location.

**The Project**

Our front yard landscape plans involved adding a driveway extension made of decorative pavers in order to help us conduct a 2-point turn so to avoid having to back onto Clifton Road NE.

- As explained below, being able to do so is a matter of health and welfare not only to us, but also to the public.
- While we don't intend to use the driveway extension as a parking pad on a regular basis, it will also provide a temporary area for work vehicles to park without having to block Clifton Road NE and impede the regular flow of traffic.

**The Unusual Circumstances (Property + Location + Homeowner)**

**A. Unique Property**

- 900 Clifton Road NE is a non-historic home built in 1950.
- The original configuration of our home and driveway prevented us from making a 2-point turn. The only way for us to enter Clifton Road NE was by backing onto the road. The original driveway has a unique and limiting configuration:
  - Our home was designed with a basement level one-car garage and a narrow, curved driveway. Exiting the garage forces you to drive backwards uphill while maneuvering the curved driveway and avoiding the retaining wall that holds up the steps to the front door (please see **Exhibit 'C'** for supporting photos).
  - Unlike most of our neighbors on Clifton Road NE, our home does not have a wide enough driveway or a rear parking lot that provides a mechanism for turning vehicles around.

- For a detailed comparison of Clifton Road NE neighbors ingress/egress capabilities vs. ours please refer to **Exhibit 'F'**.

#### **B. Unique Location on Clifton Road NE**

- While the posted speed limit is 25 MPH, vehicles routinely travel in excess of that speed, particularly when travelling downhill (our side of the road).
- Clifton Road NE does not have any traffic calming devices.
- Clifton Road NE is a busy road and one of the primary ways to access Emory University, Emory Village, Emory Hospital and Egleston Hospital.
- Traffic on Clifton Road NE often includes large Emory buses, large trucks, ambulances and Emory students in both cars and bicycles.
- Our home is located on the downhill side (as you drive South) of Clifton Road NE and is essentially in the middle of an elongated S-curve that creates blind spots for drivers on both sides of the street as they approach our driveway (please refer to aerial view in **Exhibit 'D'**).
- Our section of Clifton Road NE is very narrow and barely accommodates thin bike lanes on each side. As a result, when work or delivery trucks are parked on the street, it forces traffic to use the oncoming lane. This is a common hazard.
- We have encountered many dangerous situations when backing onto Clifton Road NE, which not only potentially endangered us, but also other drivers.
- These risks are even more acute for visitors who are not familiar with the road.
- In the 1.5 years we have lived at this location there have been several traffic accidents within a quarter mile of our home – three of these accidents specifically involved vehicles crashing into telephone poles.
- Traffic occasionally comes to a standstill in front of our home (heading North towards Emory University) during morning rush hour or if a vehicle has been parked nearby on the road. During these situations it is even more difficult & dangerous to back onto Clifton Road NE. These risks are heightened at night.
- Given these traffic conditions, many of our neighbors have parking pads in their front yard in order to help them make 2-point turns and avoid backing onto busy Clifton Road NE.
  - Please note that all of these homes also have rear parking areas that enable them to make 2-point turns there while we don't have that option (Please refer to photos of these parking pads in **Exhibit 'E'**).

**C. Unique Homeowner Characteristic:** One of the drivers in this household suffers from rheumatoid arthritis, which limits the mobility of their neck, which creates further limitations and risk if forced to back up onto busy Clifton Road NE.

# MARTIN RESIDENCE

900 CLIFTON ROAD N/E  
ATLANTA

Flagstone walkway not installed

120 SQ. FT.  
FLAGSTONE  
WALKWAY WITH  
STEP

CORAL BARK  
JAPANESE MAPLE

EXISTING AZALEA

5 ENCORE  
AZALEA  
3 GAL

1 LACE LEAF  
JAPANESE  
MAPLE

18 PERENNIALS  
1 GAL

5 ENCORE  
AZALEAS  
3 GAL

EXISTING  
CLEVERA

CYPRESS / HINOKI / CRISPII  
7 GAL / 3 GAL

4 TO 5 STONE STEPPERS

9 ENCORE AZALEAS 3 GAL

3 GREEN GIANT  
6'-9"  
(ALTER: 15 GAL)

6 TOR - DECORATIVE  
BOULDERS, EARTH TONES

7 VARIGATED  
HOSTA 1 GAL

7 FLATS SEASONAL  
COLOR

21 MIXED PERENNIALS  
1 GAL

2500 SQ. FT.  
ZOYSIA SOD

380 SQ. FT.  
TOR -  
PAVER  
DRIVE

9 KOREAN  
BOXWOOD 3 GAL

EXISTING POPLAR

3 SASANQUA  
CAMELLIA  
15 GAL  
(ALTER 7 GAL)

3 EXISTING DOGWOODS

Upgraded to larger  
Boxwoods on street facing  
side to aid in screening

Japanese Maple replaced  
with larger Holly Tree and  
upgraded to larger Azaleas to  
aid in screening from ROW



## Exhibit C - Size, Material & Landscape Concealment

- The depth of the extension was designed for a standard sedan and as you can see from the photo below barely accommodates a standard pick up truck.
- The decorative pavers were selected to be as aesthetically pleasing as possible and sit on a permeable base of crushed gravel in order to aid in rainwater absorption and reduce runoff.
- Per an email exchange with Mr. Cullison, various aspects of the surrounding landscaping were upgraded (e.g. Larger boxwoods & azaleas and swapped out Japanese Maple with a larger Holly tree) to screen the pad as much as possible from the right-of-way.





## Exhibit C – Existing Drive

- Existing driveway is curved, narrow (9.9 feet / 119 inches) and abuts a retaining wall.





## Exhibit C – Landscape Screening from Right-of-Way

- View from across the street showing lack of substantial adverse effect / low visibility from right-of-way.





## Exhibit C – Landscape Screening from Right-of-Way

- Large Holly tree and several large azaleas (upgrades from original landscape plan) were upgraded to provide screening from Northbound orientation.





## Exhibit C – Landscape Screening from Right-of-Way

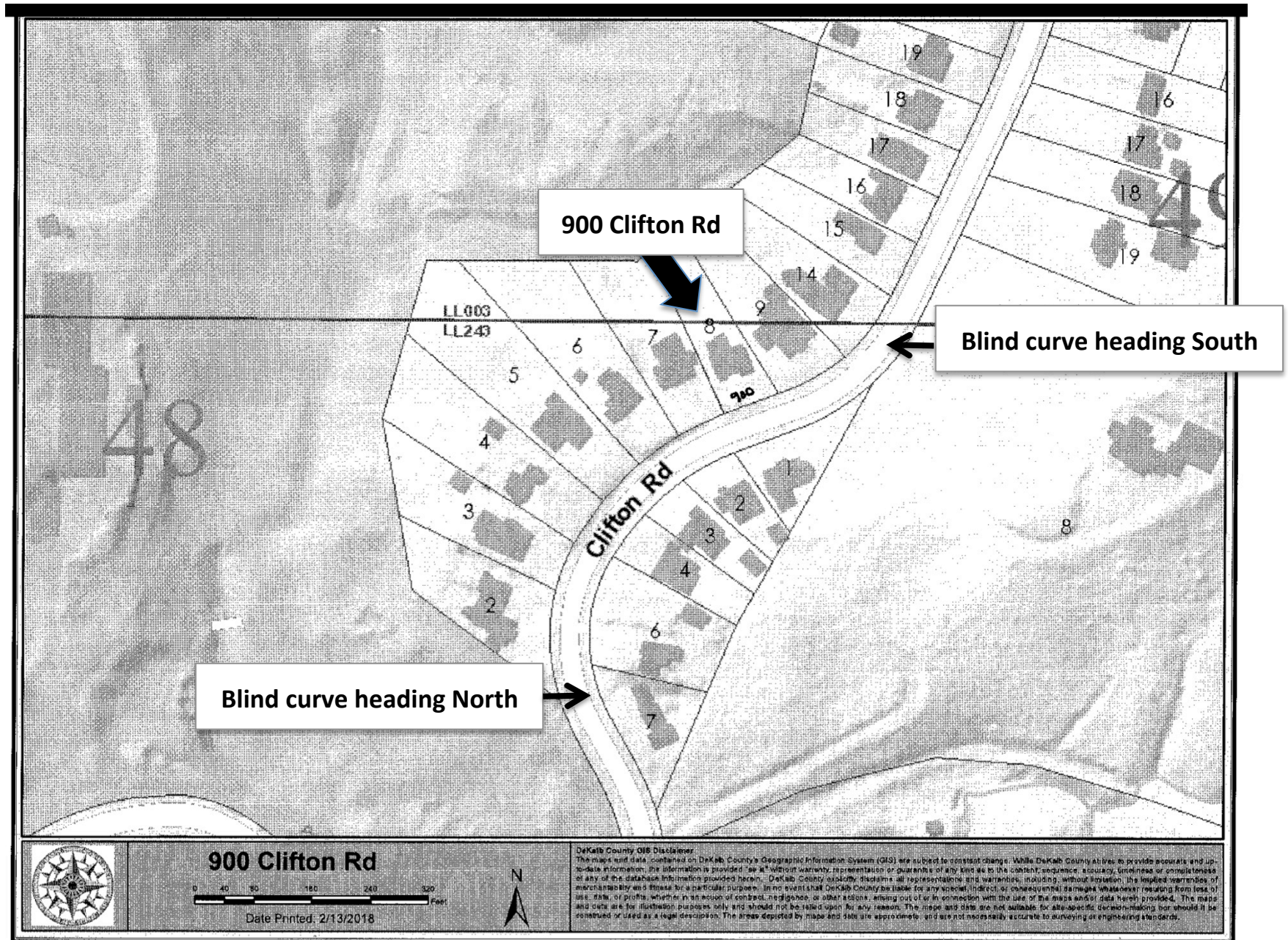
- 3 large Sasanqua camelias were planted on Southbound orientation of property to aid the boxwoods in screening.





## EXHIBIT D – AERIAL VIEW

### 900 Clifton Road NE Is Situated Between Two Blind Curves that Significantly Limit Visibility





## Exhibit E - Parking Pads on Clifton Road NE (1 of 7)





## Parking Pads on Clifton Road NE (2 of 7)





## Parking Pads on Clifton Road NE (3 of 7)





## Parking Pads on Clifton Road NE (4 of 7)





## Parking Pads on Clifton Road NE (5 of 7)





## Parking Pads on Clifton Road NE (6 of 7)





## Parking Pads on Clifton Road NE (7 of 7)





Note: This survey might not be 100% accurate as it was conducted via observation and without trespass

**EXHIBIT 'F'**

Assessment of ingress / egress capability from East Clifton Road Intersection to 845 Clifton Road (bottom of hill)

**Neighbor Driveway & Parking Comparison**

Clifton Road NE			Front Facing	Curved or	Ability to	
			Attached	Straight	Turn Vehicle	
	Parking	Material	Basement	Drive on	Around	
	Pad	Used for	Level	Approach	in Rear or Side of	
House #	In Front Yard	Parking Pad	Garage	to Street	Property	Comments / Additional Details
870	YES	Loose Gravel	NO	Straight	YES	Informal parking pad on South of front yard
876	NO		NO	Curved	YES	
880	NO		NO	Straight	YES	
886	NO		NO	Straight	YES	
892	NO		NO	Straight	YES	
898	YES	Brick & concrete	NO	Straight	YES	
900	TBD	Decorative Pavers	YES	Curved	NO	APPLICANT ADDRESS
904	NO		NO	Curved	YES	
914	NO		NO	Straight	YES	
924	NO		NO	Straight	YES	
932	NO		NO	Straight	YES	
936	NO		NO	Straight	YES	
940	NO		NO	Straight	YES	
944	NO		NO	Curved	YES	Paved parking for 6+ cars on side of house
950	NO		NO	Straight	YES	
956	NO		NO	Straight	YES	
962	YES	Concrete	NO	Straight	YES	Driveway has been widened in front
968	NO		NO	Straight	YES	Curved drive wraps around rear of house (2 cut ins)
East Side of Street above / West Side Below						
865	NO		NO	Straight	NO	
869	NO		NO	Straight	YES	
879	NO		NO	Straight	YES	
885	NO		NO	Straight	YES	
889	NO		NO	Straight	YES	
899	NO		NO	Curved	YES	
929	NO		NO	Straight	YES	
935	YES	Concrete	NO	Straight	YES	
941	YES	Asphalt	NO	Curved	YES	
943	NO		NO	Straight	YES	
955	NO		NO	Curved	YES	
965	NO		NO	Straight	YES	Drive and garage actually on E. Clifton

## Exhibit 'G'

### 900 Clifton Road NE - Project Timeline

- J. Martin has a phone conversation with David Cullison on **11/8/17**, which clarifies the need to share our plans with Mr. Cullison in order to determine if the project requires a CoA
- S. Martin sends Mr. Cullison an email with landscape plan inquiring as to whether we need to apply for a CoA on **11/11/17** [Exhibit 'H']
  - We wait through the holidays and never hear back so assume that a CoA is not needed
- On **1/30/18** work commences (Landscape is paid an initial payment)
- On **1/30/18** – Landscaper's office gets a call and sends me the following email:
  - *"I just got a call from a lady saying that she sees trucks in the street and has seen no sign that work is being done at your house. She said something about the sign being from DeKalb Preservation. I couldn't really understand her I just said I would contact the homeowner."*
- On **2/2/18** at 11:21am – code enforcement officer Emeric stops by since the county has received a complaint. I explain that I believe I have done everything appropriately and provide him a copy of the 11/11/17 email & plan to Mr. Cullison – officer Emeric states that he believes I've behaved responsibly and will add this email to file in order to close it out.
- On **2/4/18** a layer of gravel is spread out as the base for the paver extension.
- On **2/9/18** the paver extension is 99% complete and I provide landscaper with additional payment via check.
- On **2/13/18** at noon I receive a voicemail from the office Emeric asking me to call him back. I immediately call him back. He informs me that Mr. Cullison has advised him to tell me that I now do need to apply for a CoA.
  - This second contact with officer Emeric comes 11 days after his initial visit – unfortunately, the installation of the pavers has taken place during this 11-day gap in communication.
- On **2/13/18** in the late morning I also leave Mr. Cullison a voicemail given that I am confused by the recent news and wish to discuss the matter with him to better understand the situation.
- On **2/13/18** at around 2pm I meet with Mr. Cullison at the DeKalb County offices on West Ponce to discuss the situation. Mr. Cullison kindly explains the situation in detail and provides helpful counsel. I commit to submit our CoA application on 3/2/18.



## EXHIBIT 'H'

From: Comcast themartinator@comcast.net  
Subject: 900 Clifton Rd NE Landscape Design  
Date: November 11, 2017 at 10:28 AM  
To: David Cullison dccullis@dekalbcountyga.gov

SM

Mr. Cullison,

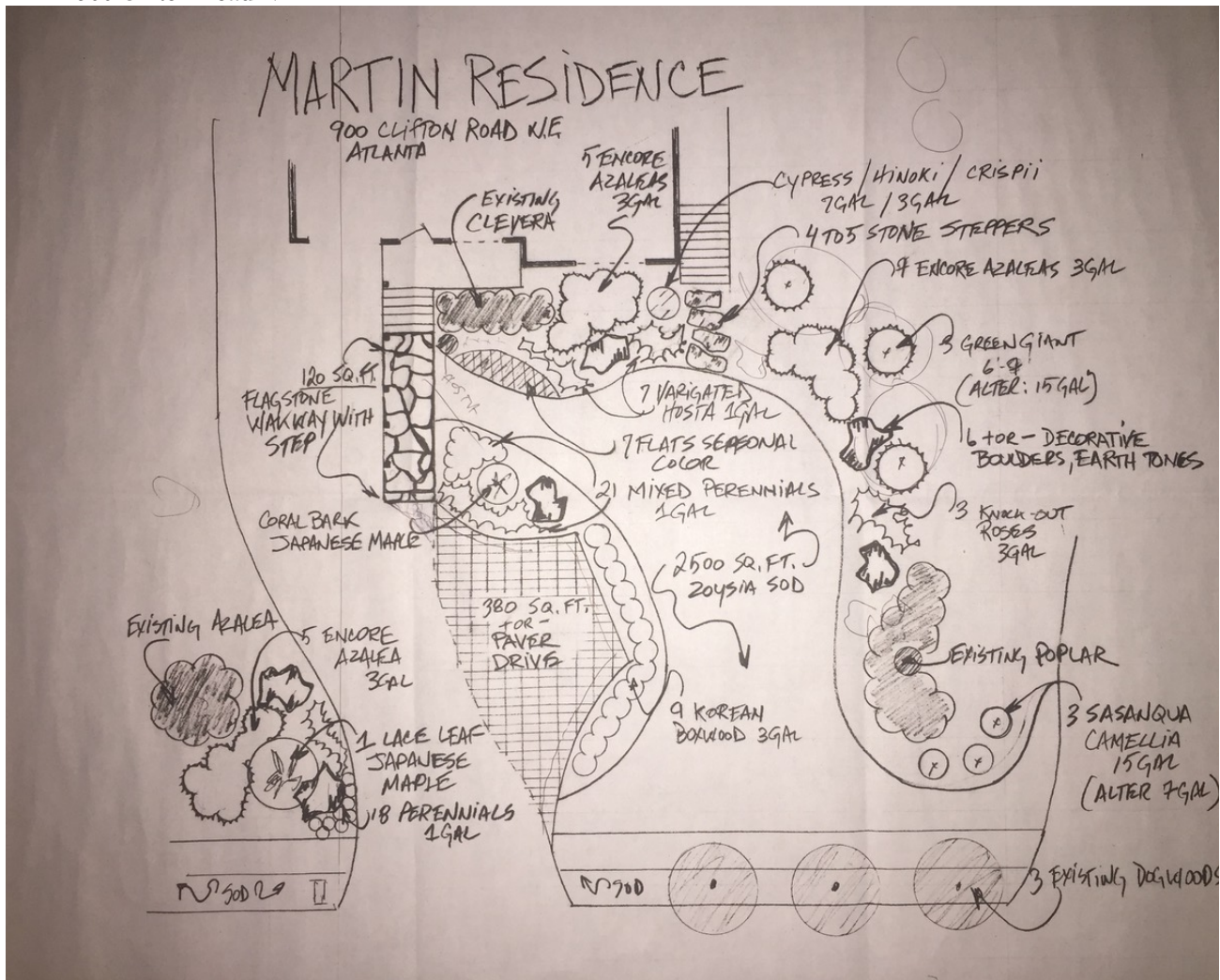
My wife spoke to you briefly on Wednesday about our front yard landscape plans that involve adding a small and unobtrusive area of pavers to help us conduct a 2-point turn in order to avoid backing onto Clifton Road NE, which can be very busy at times during the day. We have encountered many dangerous situations when backing onto Clifton Road NE given the speeding traffic and blind turns near us.

Attached is the current design plan\* in order for you to determine whether a certificate of appropriateness is needed.

(\* Please note that we are not considering the flagstone walkway shown on the plan)

Thank you very much for your consideration & guidance regarding this matter.

Sean Martin  
900 Clifton Road NE



## **EXHIBIT 'I'**

### **PRESERVATION OF CONSTITUTIONAL RIGHTS FOR PROPERTY OWNER AT 900 CLIFTON ROAD NE, ATLANTA GA 30307**

The Applicant respectfully submits that, should the DeKalb County Historic Preservation Commission refuse to grant the requested Certificate of Appropriateness, such an action would be unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and a denial of due process of law under the United States Constitution and the Constitution of the State of Georgia.

Refusal to issue the requested Certificate of Appropriateness would deprive the Applicant of a reasonable use of the Subject Property and would be insubstantially related to the health and welfare of the public while substantially harming the Property owner.

Applicant specifically objects to the standing of any party that opposes this Application for Certificate of Appropriateness.

Respectfully submitted this 2nd day of March, 2018.