

Application to Appeal a Decision of the DeKalb County Historic Preservation Commission

APR 27 2017

All appeals must comply with the procedures set forth herein.

DR

Application to appeal a decision of the Historic Preservation Commission on application for a certificate of appropriateness must be filed within fifteen (15) calendar days after the issuance or denial of the certificate of appropriateness.

To be completed by County:

Date Received:

To be completed by appellant:

Name: BARBARA MILLER GOLDMAN

Address of appellant:

735 BRIARPARK COURT NE, ATL GA 30306

Address of Property:

OLD BRIARCLIFF ROAD

The Manuel Mabul Government Center 1300 Commerce Drive Decatur, Georgia 30030 voice 404.371
www.co.dekalb.ga.us/planning

This appeal is a review of the record of the proceedings before the preservation commission by the governing authority of DeKalb County, Georgia. The governing authority is looking for an abuse of discretion as revealed by the record. An abuse of discretion exists where the record presented to the governing authority shows that the preservation commission: (a) exceeded the limits of its authority; (b) that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) or the guidelines adopted by the preservation commission pursuant to section 13.5-6 or; (c) that the preservation commission's decision was otherwise arbitrary and capricious.

If the governing authority finds no abuse of discretion, then it may affirm the decision of the preservation commission. If the governing authority finds that the preservation commission abused its discretion in reaching a decision, then it may; (a) reverse the preservation commission's decision, or; (b) it may reverse the preservation commission's decision and remand the application to the preservation commission with direction.

Date(s) of hearing, if any:

Date of Historic Preservation Commission decision: 4-17-17

In the space provided below the Appellant must describe how the preservation commission's decision constitutes an abuse of discretion. Specifically, the appellant must, citing to the preservation commission's written decision, show at least one of the following: that the preservation commission exceeded the limits of its authority, or that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) of the DeKalb County Code or on the guidelines adopted by the preservation commission pursuant to section 13.5-6 of said code or that the preservation commission's decision was otherwise arbitrary and capricious.

Grounds for appeal:

I believe the role of the Historic Planning Commission is to maintain the appearance of a property in a historic neighborhood. I question their ability to determine the layout of a three building development on 2.2 acres in an old growth forest along a 2 lane road that is becoming more impassable each day. At the first of the three meetings, the developer's drawing showed the buildings set back with a veil of trees in front. At the final meeting we learned that the buildings would be close to the road with a corner of the building approximately 100 feet from my house. This was not addressed by the Commission. It is too close.

The appellant may submit a written supplementary explanation in support of the appeal. The supplementary explanation shall be submitted with the appeal. The supplementary explanation may not exceed three pages and must be typewritten and double-spaced using a twelve-point font with a one-inch margin on all four sides. The governing authority will not consider text in excess of the page limit set forth herein.

Date: 4-26-17 Signature: Barbara M. Goldman

Instructions: The appellant shall also deliver copies of this appeal to the planning department and the county attorney. The appellant and any person who has filed a statement in opposition to, or in support of the appeal may attend the meeting at which the appeal is considered and may be called upon by any member of the governing authority to provide information or answer questions. There shall be no other public participation in the appeal.



Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

Homeowners Building Affidavit

Date: _____

Applicant: _____ Phone: (____) _____

Address: _____

This Homeowner's Permit is for: New Home Addition Renovation

Work Description: _____

The following permit(s) will be required and will be made under separate application:

Heating Plumbing Electrical

I, the undersigned homeowner, certify the following to be true and accurate:

- A.
- B. The property described in this permit application is currently owned and occupied by the undersigned homeowner and applicant agrees that all electrical, plumbing, heating and air conditioning work is subject to a separate application not covered by this permit.
- C. Applicant will function as the general contractor or subcontractor, and accept inherent responsibilities for the authorized work by the approved master permit. Applicant is authorized to directly supervise and manage all work not performed by licensed contractors and is aware that he cannot delegate that responsibility to any person who does not have a license which covers the scope of work to be managed or supervised.
- D. Applicant agrees to build in accordance with the DeKalb County's Codes and any other applicable laws and codes. Applicant understands that inspections must be performed in an established sequence and that work performed out of sequence may be ordered removed. All non-compliant work must be corrected or may be subject to an order to remove.
- E. Applicant further affirms that he/she is aware that a permit issued may be suspended or revoked wherever the permit was issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of any applicable code.
- F. Applicant further affirms that he/she is aware that any knowingly false statement made in the permit application may subject said applicant to prosecution for violation of Georgia Criminal Code, Section 16-10-20 (False Swearing) and a possible fine of not more than \$1,000.00 or imprisonment for not less than one (1) or more than five (5) years, or both.

Signature of Homeowner

Printed Name of Homeowner

Sworn to and subscribed before me this _____ day of _____, 20_____

Signature & Seal of Notary Public

My Commission Expires

For Official Use Only	
<input type="checkbox"/> ID Signature of Manager / Supervisor _____	<input type="checkbox"/> Proof of Ownership

MAY - 4 2017
DC

Opposition to the Appeal of a Historic Preservation Commission Decision

Property Address: 1551 Briarcliff Rd, Atlanta, GA 30306
Date of HPC Decision: 4/17/2017
Appellant: Barbara Miller Goldman
Respondent: Residential Recovery Fund, LLC ("Minerva Homes")
Respondent Address: 2292 Henderson Mill Rd, Atlanta, GA 30345

FIRST: The appeal does not meet the requirements for an appeal

The appeal itself is not valid, since it does not meet the requirements for an appeal, as described in Dekalb Code Sec. 13.5-8(12). The appellant has not claimed that an abuse of discretion exists as required by the Code, but instead just expresses displeasure with the decision reached by the Historic Preservation Commission (HPC). To be a valid appeal, the appellant must show that one of the following apply:

- a) the *"commission exceeded the limits of its authority"* (it did not); or
- b) the *"commission's decision was not based on factors set forth in section 13.5-8(3) or the guidelines adopted by the preservation commission pursuant to section 13.5-6"* (the HPC's decision was properly formed using all of the criteria outlined in these sections); or
- c) the *"commission's decision was otherwise arbitrary and capricious"* (it was not).

Therefore, we feel the grounds for appeal do not meet the required standards for an appeal, and should therefore be dismissed.

SECOND: Contrary to the appellant's statement, the listed issues were all reviewed in great detail by the Historic Preservation Commission during its deliberations.

We realize that it is not the Board of Commissioners' role to consider the detailed design issues that were raised by the appellant. However, it is important to note that these issues were all raised at the three HPC meetings (two deferrals and the final approval

meeting), together with a wide array of other issues that fall under the responsibility of the HPC. In reaching its decision, the HPC considered these issues and rendered its decision in full compliance with the requirements of the Historic Preservation Ordinance.

In the event you wish to review the specific areas of concern outlined in the appeal, we have addressed them below:

1. The appellant questions the ability of the HPC to determine the layout of a three building development on 2.2 acres.

Response: The HPC has been reviewing a wide variety of projects in the Druid Hills Historic District for many years, including many multiple building projects. They clearly have the ability to understand and assess a multi-building project. (As a side note, the project is only two buildings, not three).

2. The appellant states that the site is an old growth forest.

Response: This is incorrect. The site is not an old growth forest, as confirmed in writing by a certified arborist. This was also confirmed via a site visit by a Druid Hills Civic Association board member who had a career with the US Forestry Service. The HPC already considered this issue and reached the same conclusion.

3. The appellant states that the commission did not address the proximity of the buildings to the appellant's house.

Response: This is incorrect. The commission paid very close attention to both the surrounding neighborhood and the proximity to Old Briarcliff Road. In the initial two meetings, the HPC members made a series of comments regarding the original land plan and architecture. In response to these comments, the applicant incorporated a long list of changes to the final version of the plans to ensure the new project would fit appropriately into the Druid Hills Historic District.

These changes included: a) moving a building farther from the street; b) reducing the height of both buildings closest to the street; c) adding infill tree planting along the street frontage to further nestle the buildings into the forest and buffer the neighbors; d) adjusting the roof pitch; e) adjusting color tones; f) preserving roughly half the site with a perpetual conservation easement.

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To be completed by County:
Date Received:

To be completed by appellant:
Name: Carol S. Tarver
Address of appellant:

791 Briar Park Court NE Atlanta GA 30306

Address of Property: Parcel along Old Briarcliff Road to be subdivided as proposed from the parent property at 1551 Briarcliff Rd., Atlanta, GA 30306

This appeal is a review of the record of the proceedings before the preservation commission by the governing authority of DeKalb County, Georgia. The governing authority is looking for an abuse of discretion as revealed by the record. An abuse of discretion exists where the record presented to the governing authority shows that the preservation commission: (a) exceeded the limits of its authority; (b) that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) or the guidelines adopted by the preservation commission pursuant to section 13.5-6 or; (c) that the preservation commission's decision was otherwise arbitrary and capricious.

If the governing authority finds no abuse of discretion, then it may affirm the decision of the preservation commission. If the governing authority finds that the preservation commission abused its discretion in reaching a decision, then it may; (a) reverse the preservation commission's decision, or; (b) it may reverse the preservation commission's decision and remand the application to the preservation commission with direction.

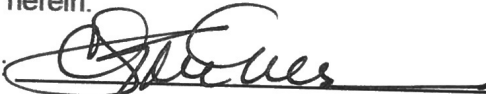
Date(s) of hearing, if any: April 17, 2017

Date of Historic Preservation Commission decision: April 17, 2017

In the space provided below the Appellant must describe how the preservation commission's decision constitutes an abuse of discretion. Specifically, the appellant must, citing to the preservation commission's written decision, show at least one of the following: that the preservation commission exceeded the limits of its authority, or that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) of the DeKalb County Code or on the guidelines adopted by the preservation commission pursuant to section 13.5-6 of said code or that the preservation commission's decision was otherwise arbitrary and capricious.

Grounds for appeal: The preservation commission's decision was arbitrary and capricious and demonstrated an abuse of its discretion as described in the accompanying supplemental explanation.

The appellant may submit a written supplementary explanation in support of the appeal. The supplementary explanation shall be submitted with the appeal. The supplementary explanation may not exceed three pages and must be typewritten and double-spaced using a twelve-point font with a one-inch margin on all four sides. The governing authority will not consider text in excess of the page limit set forth herein.

Date: April 29, 2017 **Signature:** 

Instructions: The appellant shall also deliver copies of this appeal to the planning department and the county attorney. The appellant and any person who has filed a statement in opposition to, or in support of the appeal may attend the meeting at which the appeal is considered and may be called upon by any member of the governing authority to provide information or answer questions. There shall be no other public participation in the appeal.

My name is Carol S. Tarver and I live at 791 Briar Park Court NE Atlanta, GA 30306. As allowed under DeKalb County Code section 13.5-8(12d), I am providing the following supplementary explanation to my appeal. This explanation is provided as evidence of how I am adversely affected by the resolution adopted by the DeKalb County Historic Preservation Commission at its April 17, 2017 hearing to approve the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC (“Minerva USA”). The proposed development aims to divide the parent property at 1551 Briarcliff Road (Druid Hills) into two parcels and develop one of those parcels by constructing two multifamily buildings.

I contend that the preservation commission’s decision was arbitrary and capricious and demonstrated an abuse of its discretion by not adequately considering the historical value and significance of the parcel proposed to be subdivided from the parent property as described in section 13.5-8(3).

I believe this decision to be not in keeping with its principle mandate to protect and preserve the entire historic area that this project affects, in particular, my subdivision, Old Briar Park Court. Our homes are in the process of a historic district designation, as we are a well-preserved collection of mid-century modern residential architecture and site planning. The homes in the district represent notable regional examples of an expression of modern design philosophy attributable to the Bauhaus Art School, founded by Walter Gropius in the Weimar Republic of Germany in 1919. This minimalist approach which features clean lines with bold, simple coloration is reflected in many of

the district's homes, particularly those designed by architect Andre Steiner who studied at the Bauhaus School in 1932. The Bauhaus had a major impact on art and architecture trends in the United States in the decades following its demise during World War II, as many of its artists and designers, including Steiner, fled to the U.S. to escape the Nazi regime. For Atlanta, Mr. Steiner's work in the district, including his personal residence which he occupied for forty years, are important preserved examples of this international design phenomenon. In fact, Mr. Steiner is credited with bringing the Bauhaus Modern style to Atlanta per a 2010 article in the Times of DeKalb entitled, "The Ranch House in DeKalb County". The other homes in the neighborhood are also well-worthy of the deliberate protection of historic preservation. Their designs represent interesting and well-preserved variations of mid-century ranch home design that, while not as purely representative of the Bauhaus design philosophy as the Steiner homes, contribute to a harmonious modern aesthetic rarely found so intact in other neighborhoods in the region.

Our neighborhood is now vulnerable to the completion of this project. The incompatible, over bearing, inappropriate development both within and adjacent to its boundaries, is in complete opposition to our homes and its existence diminishes the historic character of Briar Park Court. Please reconsider this decision and do what is right to preserve and protect the pre-existing historic homes.

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To be completed by County:

Date Received:

To be completed by appellant:

Name: Frederic and Judy Shaw

Address of appellant:

765 Briar Park CT NE, Atlanta, GA 30306

Address of Property: Parcel along Old Briarcliff Road to be subdivided as proposed from the parent property at 1551 Briarcliff Rd., Atlanta, GA 30306

This appeal is a review of the record of the proceedings before the preservation commission by the governing authority of DeKalb County, Georgia. The governing authority is looking for an abuse of discretion as revealed by the record. An abuse of discretion exists where the record presented to the governing authority shows that the preservation commission: (a) exceeded the limits of its authority; (b) that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) or the guidelines adopted by the preservation commission pursuant to section 13.5-6 or; (c) that the preservation commission's decision was otherwise arbitrary and capricious.

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Date(s) of hearing, if any: April 17, 2017

Date of Historic Preservation Commission decision: April 17, 2017

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Grounds for appeal: The preservation commission's decision was arbitrary and capricious and demonstrated an abuse of its discretion as described in the accompanying supplemental explanation.

The appellant may submit a written supplementary explanation in support of the appeal. The supplementary explanation shall be submitted with the appeal. The supplementary explanation may not exceed three pages and must be typewritten and double-spaced using a twelve-point font with a one-inch margin on all four sides. The governing authority will not consider text in excess of the page limit set forth herein.

Date: 4/30/17 **Signature:** *Frederic Shaw*
Judy K Shaw

Instructions: The appellant shall also deliver copies of this appeal to the planning department and the county attorney. The appellant and any person who has filed a statement in opposition to, or in support of the appeal may attend the meeting at which the appeal is considered and may be called upon by any member of the governing authority to provide information or answer questions. There shall be no other public participation in the appeal.

Our name is Frederic and Judy Shaw and we live at 765 Briar Park Court NE, Atlanta. As allowed under DeKalb County Code section 13.5-8(12d), we are providing the following supplementary explanation to our appeal. This explanation is provided as evidence of how we are adversely affected by the resolution adopted by the DeKalb County Historic Preservation Commission at its April 17, 2017 hearing to approve the Certificate of Appropriateness (COA) application 21354 filed by Residential Recovery Fund, LLC (“Minerva USA”). The proposed development aims to divide the parent property at 1551 Briarcliff Road (Druid Hills) into two parcels and develop one of those parcels by constructing two multifamily buildings.

Our reading of the Design Manual indicates that the preservation commission’s decision was arbitrary and capricious and demonstrated an abuse of its discretion by 1) interpreting Sections 8.1 (“Open Space Linkages”) of the Design Manual too narrowly, and 2) failing to inquire into the possibility of destroying “unknown archaeological materials” at the site, guided by Section 10.0.

Section 8.1 of the Manual states that “... the green spaces [of Druid Hills] are connected by the stream corridors that extend through them. It is imperative that the large scale, historic, public and private open spaces be preserved to provide a rich habitat for plants and wildlife and also to protect the stream corridors... (emphasis added) (p. 77)” The drafters were careful to specify not just the green spaces themselves for protection, but also “the stream corridors [i.e., ‘linkages’] that extend through them.”

We heard expert testimony presented at the Commission indicating that rainwater drains through a steep ravine inside the proposed Minerva building site a short distance north into Peavine Creek. This testimony indicated that the Minerva development could have an adverse environmental effect on drainage through the property into Peavine Creek. As we read the Manual, this violates the Guideline in Section 8.1 that requires, “the conservation of major open spaces and the linear system of parks and green spaces that buffer the stream corridors (p. 77).” We respectfully ask that the COA be remanded to the Commission in accordance with this conservation guideline.

In December, we heard from a knowledgeable neighbor that the building site may contain military embankments and trenching dating back to the Battle of Atlanta in 1864. This is supported by a historical marker on the site (“4th A.C. at Durand’s Mill”). The guideline in Section 10.0 of the Manual states that, “When planning new construction, ... minimize disturbance of terrain to reduce the possibility of destroying unknown archaeological materials (emphasis added).” In addition, it recommends that developers “Hire qualified professionals to survey areas where major terrain alteration is planned to identify potential archaeological resources.” To our knowledge, the Commission did not take into account “unknown” or “potential” archaeological materials. We respectfully ask that the COA be remanded to the Commission so that this can be done.

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To be completed by County:
Date Received:

To be completed by appellant:
Name: _____ Jean Krugman

Address of appellant: 741 Briarpark Court NE Atlanta GA 30306

Address of Property: Parcel along Old Briarcliff Road to be subdivided as proposed from the parent property at 1551 Briarcliff Rd., Atlanta, GA 30306

This appeal is a review of the record of the proceedings before the preservation commission by the governing authority of DeKalb County, Georgia. The governing authority is looking for an abuse of discretion as revealed by the record. An abuse of discretion exists where the record presented to the governing authority shows that the preservation commission: (a) exceeded the limits of its authority; (b) that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) or the guidelines adopted by the preservation commission pursuant to section 13.5-6 or; (c) that the preservation commission's decision was otherwise arbitrary and capricious.

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Grounds for appeal: The preservation commission's decision was arbitrary and capricious and demonstrated an abuse of its discretion as described in the accompanying supplemental explanation.

The Commission took an unnecessarily restricted view of its mandate, which is to preserve _____ **" a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the county, state or nation;**

Residents__of the adjoining neighborhood presented arguments maintaining that the natural urban forest is part of the continuing value of green space in the heritage of this county

The mission statement of the DHCA includes these words: "**preserve the beauty, serenity, and unique heritage of the Druid Hills neighborhood.**" Allowing the destruction of 400 trees to construct a multi-family dwelling in an area already famous for its traffic congestion does not further this mission.

Although the Commission argued that the plot in question is not strictly within the Olmstead design district, it is part of the Druid Hills Historic District, whose guiding principles are inspired by those of Olmstead and should not be dismissed in this case

**"Open Space and Parkland Preservation and Conservation
Open Space Linkages -**

The open spaces, preserved in Olmsted's original concepts for Druid Hills, remain as major open spaces today. These green spaces are connected by the stream corridors that extend through them. It is imperative that the large scale, historic, public and private open spaces be pre- served to provide a rich habitat for plants and wildlife and also to protect the stream corridors. The park-like character created by these large open spaces is reinforced by the unbroken landscapes of the residential settings."

The fact that the Commission ignored the significance of the preservation of the natural environment in maintaining the overall aesthetic of our beautiful neighborhood, and approved the development with only a stipulation to reduce the size of the entrance sign on Old Briarcliff Road can only be described as capricious.

The appellant may submit a written supplementary explanation in support of the appeal. The supplementary explanation shall be submitted with the appeal. The supplementary explanation may not exceed three pages and must be typewritten and double-spaced using a twelve-point font with a one-inch margin on all four sides. The governing authority will not consider text in excess of the page limit set forth herein.

Date: _April 28 2017_____ **Signature:** Jean Krugman

Instructions: The appellant shall also deliver copies of this appeal to the planning department and the county attorney. The appellant and any person who has filed a statement in opposition to, or in support of the appeal may attend the meeting at which the appeal is considered and may be called upon by any member of the governing authority to provide information or answer questions. There shall be no other public participation in the appeal.

My name is Jean Krugman and I live at 741 Briarpark Court, Atlanta GA 30306. As allowed under DeKalb County Code section 13.5-8(12d), I am providing the following supplementary explanation to my appeal. This explanation is provided as evidence of how I am adversely affected by the resolution adopted by the DeKalb County Historic Preservation Commission at its April 17, 2017 hearing to approve the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC (“Minerva USA”). The proposed development aims to divide the parent property at 1551 Briarcliff Road (Druid Hills) into two parcels and develop one of those parcels by constructing two multifamily buildings.

I contend that the preservation commission’s decision was arbitrary and capricious and demonstrated an abuse of its discretion by not adequately considering the historical value and significance of the parcel proposed to be subdivided from the parent property as described in section 13.5-8(3).

“The Druid Hills Local Historic District is a cultural landscape within a natural setting that contains remnants of a mature hardwood forest within a system of creek corridors. The district is located in the Georgia Piedmont within the Peavine and Lullwater Creek Watershed. The district; portions of Edgewood, Kirkwood, Candler Park, Lake Claire, and Poncey Highlands; and the City of Decatur are included in this watershed. This watershed is located near the sub- continental divide, which separates the Atlantic Ocean and Gulf of Mexico drain- age areas. Illustration F: Peavine/Lullwater Creek Watershed Map shows the ex- tent of the entire watershed on a USGS base map.

This hydrological system was protected by F. L. Olmsted in his original design for Druid Hills and by the later subdivision designers as well. Roads and subdivision lots followed the natural topography, causing minimal disruption to the landscape. Long rectangular lots with houses sited toward the front of their lots fostered the preservation of drainage ways and stream corridors within rear yard spaces. Significant expanses of the natural landscape surrounding the creek corridors were preserved in the overall plan.”

Two acres of old urban forest will be destroyed by the proposed Minerva development. The Commission took a narrow view of its mandate to preserve, by focusing on codified design elements rather than the overall impact on the character of Druid Hills.

Certain elements are widely accepted as public goods, contributing to everyone's quality of life. We understand that we live in a community and that individual legal rights, while recognized, should sometimes be examined in the light of their effect on the larger community. Obvious examples are the threat to clean air and water, public safety, and the preservation of structures and environments with historical or aesthetic value. All of these values, incorporated in the founding principles of Druid Hills, and of critical importance to the well-being of its residents, including my family, come into question when we consider this proposal.

Atlanta has long been distinct among large cities because of its trees. Druid Hills is widely recognized as outstanding in integrating architectural design with its wooded

topography. However, over the years we have lost a great deal of the tree canopy to development. Agencies such as Trees Atlanta are nationally seen as critical in maintaining this distinction, and neighborhood groups like ours work to stop the creeping erosion of the beauty of the city. The Commission was easily persuaded to dismiss the extensive report provided by Trees Atlanta which detailed the significant losses that will occur; the notion that these will be offset by 'landscaping' is ludicrous.

This proposal to destroy just two more acres of forest for the benefit of faceless investors is part of the gradual process that leads to the sterile anonymity of so many big cities. It is no argument to say that because this process has begun it should be continued. We are coming to understand that further loss of tree canopy, more impermeable surfaces, and higher density construction will eventually erode the public goods that encourage us to live and work in this area. It is critical to find the balance between growth and respect for the interdependence of the human and natural environment.

I appeal to DeKalb County to reconsider the narrow priorities involved in the definition of preservation and to adopt a more far-seeing standard in weighing the appropriateness of this destructive development.

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To be completed by County:

Date Received:

To be completed by appellant:

Name Katherine M. McRitchie

Address of appellant:

1616 Briarcliff Rd. NE #6, Atlanta,

GA.30306

Address of Property: Parcel along Old Briarcliff Road to be subdivided as proposed from the parent property at 1551 Briarcliff Rd., Atlanta, GA 30306

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13.5-6 of said code or that the preservation commission's decision was otherwise arbitrary and capricious.

Grounds for appeal: The preservation commission's decision was arbitrary and capricious and demonstrated an abuse of its discretion as described in the accompanying supplemental explanation.

The appellant may submit a written supplementary explanation in support of the appeal. The supplementary explanation shall be submitted with the appeal. The supplementary explanation may not exceed three pages and must be typewritten and double-spaced using a twelve-point font with a one-inch margin on all four sides. The governing authority will not consider text in excess of the page limit set forth herein.

Date: 04-28-17 _____

Signature Katherine M. McRitchie

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My name is Kathy McRitchie and I live at 1616 Briarcliff Rd. NE, #6, Atlanta, GA 30306. As allowed under DeKalb County Code section 13.5-8(12d), I am providing the following supplementary explanation to my appeal. This explanation is provided as evidence of how I am adversely affected by the resolution adopted by the DeKalb County Historic Preservation Commission at its April 17, 2017 hearing to approve the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC (“Minerva USA”). The proposed development aims to divide the parent property at 1551 Briarcliff Road (Druid Hills) into two parcels and develop one of those parcels by constructing two multifamily buildings.

I contend that the preservation commission’s decision was arbitrary and capricious and demonstrated an abuse of its discretion by not adequately considering the historical value and significance of the parcel proposed to be subdivided from the parent property as described in section 13.5-8(3).

My neighbors and I will be adversely affected by this development because it will introduce extremely hazardous traffic conditions onto Old Briarcliff Rd. The blind curve and descent from the north off Briarcliff Rd. hinders the quick deceleration that would be required to either turn safely into the development or avoid impact with those attempting to turn into or out of it. Old Briarcliff is already heavily used as a shortcut between Briarcliff Rd., the CDC, Emory University and its medical center. Per DeKalb County, the road does not qualify for traffic calming measures since it is a route routinely used by emergency vehicles. State DOT data confirm that accidents at its intersection with

Briarcliff are already routine (there have been 6 accidents on the road in the past year and one of those resulted in 2 injuries). I believe that allowing this development to create new or exacerbate existing dangerous road conditions is inconsistent with the thoughtful site and road planning of inherent to the Olmsted design legacy.

This parcel is a key also part of a very unique and rare contiguous urban forest and important watershed. Trees Atlanta issued a letter in support of the community's opposition to this development and they have concluded that, "deforestation around Fox 5's tower would incur significant loss to the surrounding neighborhood in terms of carbon sequestration, wildlife habitat, air quality and general public health". They further state that, "the steep grade of the land renders it unsuitable for responsible development and would be tremendously destructive to the woodland and watershed". I believe that loss of such a prominent portion of this rare urban forest is inconsistent with the historic district's goal to protect the historic landscape design through preservation and rehabilitation of the natural elements, namely the urban forest and Peavine/Lullwater Creek system, on which it was based.

This proposed development will also significantly alter a historic landscape and disrupt the harmony between the built and natural environments of the adjacent Briarpark Court neighborhood; a neighborhood nominated last year as a DeKalb County Historic District, a nomination recently approved by the Historic Preservation Division of the Georgia Department of Natural Resources and now very slowly working its way through the county's review process.

I ask the Commissioners to consider that by including this undeveloped tract of forest, the vision of the historic district was clear: conservation, not development. This decision should not be borne of a debate about the building massing, style, materials, color and placement on this lot. The debate should be whether to allow the destruction of this rare and important forest that will be lost forever if the approval of this application is allowed to stand. This isn't just about the views from my windows, my property value or my love of trees. This is truly about fighting for the health of our environment, the safety of me, my family and my neighbors and the quality of our lives. I implore the Commissioners to consider that this proposal is inappropriate and clearly inconsistent with the vision and mandate of the historic district, therefore I respectfully ask that you deem it as such and reject the Historic Preservation Commissions approval of this application.

To conclude, I believe that this development is a threat to public health and safety and will have severely negative impacts on a rare contiguous urban forest and a very special historic neighborhood. I respectfully ask the Commission to overturn the Historic Preservation Commission's arbitrary and capricious decision to approve this Certificate of Appropriateness.

Application to Appeal a Decision of the DeKalb County Historic Preservation Commission

All appeals must comply with the procedures set forth herein.

Application to appeal a decision of the Historic Preservation Commission on application for a certificate of appropriateness must be filed within fifteen (15) calendar days after the issuance or denial of the certificate of appropriateness.

To be completed by County:
Date Received:

To be completed by appellant:

Name: Russ Haynie

Address of appellant: 751 Briar Park Court NE, Atlanta, GA 30306

Address of Property: Parcel along Old Briarcliff Road to be subdivided as proposed from the parent property at 1551 Briarcliff Rd., Atlanta, GA 30306

This appeal is a review of the record of the proceedings before the preservation commission by the governing authority of DeKalb County, Georgia. The governing authority is looking for an abuse of discretion as revealed by the record. An abuse of discretion exists where the record presented to the governing authority shows that the preservation commission: (a) exceeded the limits of its authority; (b) that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) or the guidelines adopted by the preservation commission pursuant to section 13.5-6 or; (c) that the preservation commission's decision was otherwise arbitrary and capricious.

If the governing authority finds no abuse of discretion, then it may affirm the decision of the preservation commission. If the governing authority finds that the preservation commission abused its discretion in reaching a decision, then it may; (a) reverse the preservation commission's decision, or; (b) it may reverse the preservation commission's decision and remand the application to the preservation commission with direction.

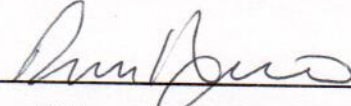
Date(s) of hearing, if any: April 17, 2017

Date of Historic Preservation Commission decision: April 17, 2017

In the space provided below the Appellant must describe how the preservation commission's decision constitutes an abuse of discretion. Specifically, the appellant must, citing to the preservation commission's written decision, show at least one of the following: that the preservation commission exceeded the limits of its authority, or that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) of the DeKalb County Code or on the guidelines adopted by the preservation commission pursuant to section 13.5-6 of said code or that the preservation commission's decision was otherwise arbitrary and capricious.

Grounds for appeal: The preservation commission's decision was arbitrary and capricious and demonstrated an abuse of its discretion as described in the accompanying supplemental explanation.

The appellant may submit a written supplementary explanation in support of the appeal. The supplementary explanation shall be submitted with the appeal. The supplementary explanation may not exceed three pages and must be typewritten and double-spaced using a twelve-point font with a one-inch margin on all four sides. The governing authority will not consider text in excess of the page limit set forth herein.

Date: 5/2/2017 **Signature:** 

Instructions: The appellant shall also deliver copies of this appeal to the planning department and the county attorney. The appellant and any person who has filed a statement in opposition to, or in support of the appeal may attend the meeting at which the appeal is considered and may be called upon by any member of the governing authority to provide information or answer questions. There shall be no other public participation in the appeal.

My name is Russ Haynie and I live at 751 Briar Park Court NE, Atlanta, GA 30306. As allowed under DeKalb County Code section 13.5-8(12d), I am providing the following supplementary explanation to my appeal. This explanation is provided as evidence of how I am adversely affected by the resolution adopted by the DeKalb County Historic Preservation Commission at its April 17, 2017 hearing to approve the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC (“Minerva USA”). The proposed development aims to divide the parent property at 1551 Briarcliff Road (Druid Hills) into two parcels and develop one of those parcels by constructing two multifamily buildings.

I contend that the preservation commission’s decision was arbitrary and capricious and demonstrated an abuse of its discretion by not adequately considering the historical value and significance of the parcel proposed to be subdivided from the parent property as described in section 13.5-8(3).

Destruction of this forest is inappropriate. Ruining this watershed and wildlife habitat is inappropriate. Clogging narrow, ill-prepared Old Briarcliff Rd. with even more cars than it barely manages to service today is inappropriate. Making our community streets unsafe by allowing this impossible entrance on a blind curve and descent mere yards from Briarcliff Rd. is inappropriate. Building homes beneath an 1140 tall broadcast tower and knowingly exposing future occupants to danger from falling ice and debris or structural failure is inappropriate. And last but certainly not least, cramming 24 condominiums regardless of their style, materiality, shape, color or form, on a small

wooded lot that serves as a critical buffer between the Fox 5 facility and tower and the adjacent historic single family homes of Briar Park Court is inappropriate. The Druid Hills Historic District Design Manual states, "it is imperative that the large scale, historic, public and private open spaces be preserved to provide a rich habitat for plants and wildlife and to protect the stream corridors." We believe there was one reason this tract was included on the map and within the mandate of the historic district: so that it would be preserved. Trees Atlanta states in their letter of support for our alliance's cause, "Deforestation around Fox 5's tower would incur significant loss to the surrounding neighborhood in terms of carbon sequestration, wildlife habitat, air quality, and general public health."

Trees, not condos, are the best neighbors for Fox 5's facility and tower. The existing mature trees screen the station's facility audibly and visually and provide an important buffer against falling ice and debris from the tower. I don't dispute the rights of Fox 5 as a private landowner. But I believe they exercised those rights with the choice to install this extremely tall tower; a choice that should obligate them to maintain this natural buffer between the tower and my neighborhood. An obligation I believe the charter of the historic district mandates this Historic Preservation Commission enforce but that it failed to do so. By allowing this historically platted lot to be carved-up and developed densely piece by piece and from edge to edge today, the opportunity to see future use of the full, intact parcel that would preserve this important buffer and edge of the larger contiguous forest is forever lost.

I and the alliance of over 150 community members that I led to fight this development remain unconditionally opposed to this development and I respectfully ask the Commissioners to reject the Historic Preservation Commission's approval of this application. Our alliance was quite dismissively told by the HPC to negotiate with this developer and I understand that doing so would have made the HPC's and now your decision easier, but we could not collaborate on plans that would destroy this historic forest. The Design Manual gave the HPC a clear mandate and unprecedented opportunity to preserve this historic forest. With a motion to reverse its arbitrary and capricious decision to approve this application, the DeKalb County Commission can establish a strong precedent that ties our neighborhood's commitment to preserve not only our historic built but also our natural environment. You clearly have the mandate. All that is left to know now is whether you have the will to serve the best interests of your constituents.

Opposition to the Appeal of a Historic Preservation Commission Decision

Property Address: 1551 Briarcliff Rd, Atlanta, GA 30306

Date of HPC Decision: 4/17/2017

Appellant: Barbara Miller Goldman

Respondent: Residential Recovery Fund, LLC (“Minerva Homes”)

Respondent Address: 2292 Henderson Mill Rd, Atlanta, GA 30345

FIRST: The appeal does not meet the requirements for an appeal

The appeal itself is not valid, since it does not meet the requirements for an appeal, as described in Dekalb Code Sec. 13.5-8(12). The appellant has not claimed that an abuse of discretion exists as required by the Code, but instead just expresses displeasure with the decision reached by the Historic Preservation Commission (HPC). To be a valid appeal, the appellant must show that one of the following apply:

- a) the *“commission exceeded the limits of its authority” (it did not)*; or
- b) the *“commission’s decision was not based on factors set forth in section 13.5-8(3) or the guidelines adopted by the preservation commission pursuant to section 13.5-6” (the HPC’s decision was properly formed using all of the criteria outlined in these sections)*; or
- c) the *“commission’s decision was otherwise arbitrary and capricious” (it was not)*.

Therefore, we feel the grounds for appeal do not meet the required standards for an appeal, and should therefore be dismissed.

SECOND: Contrary to the appellant’s statement, the listed issues were all reviewed in great detail by the Historic Preservation Commission during its deliberations.

We realize that it is not the Board of Commissioners’ role to consider the detailed design issues that were raised by the appellant. However, it is important to note that these issues were all raised at the three HPC meetings (two deferrals and the final approval

meeting), together with a wide array of other issues that fall under the responsibility of the HPC. In reaching its decision, the HPC considered these issues and rendered its decision in full compliance with the requirements of the Historic Preservation Ordinance.

In the event you wish to review the specific areas of concern outlined in the appeal, we have addressed them below:

1. The appellant questions the ability of the HPC to determine the layout of a three building development on 2.2 acres.

Response: The HPC has been reviewing a wide variety of projects in the Druid Hills Historic District for many years, including many multiple building projects. They clearly have the ability to understand and assess a multi-building project. (As a side note, the project is only two buildings, not three).

2. The appellant states that the site is an old growth forest.

Response: This is incorrect. The site is not an old growth forest, as confirmed in writing by a certified arborist. This was also confirmed via a site visit by a Druid Hills Civic Association board member who had a career with the US Forestry Service. The HPC already considered this issue and reached the same conclusion.

3. The appellant states that the commission did not address the proximity of the buildings to the appellant's house.

Response: This is incorrect. The commission paid very close attention to both the surrounding neighborhood and the proximity to Old Briarcliff Road. In the initial two meetings, the HPC members made a series of comments regarding the original land plan and architecture. In response to these comments, the applicant incorporated a long list of changes to the final version of the plans to ensure the new project would fit appropriately into the Druid Hills Historic District.

These changes included: a) moving a building farther from the street; b) reducing the height of both buildings closest to the street; c) adding infill tree planting along the street frontage to further nestle the buildings into the forest and buffer the neighbors; d) adjusting the roof pitch; e) adjusting color tones; f) preserving roughly half the site with a perpetual conservation easement.

Opposition to the Appeal of a Historic Preservation Commission Decision

Property Address: 1551 Briarcliff Rd, Atlanta, GA 30306

Date of HPC Decision: 4/17/2017

Appellant: Frederic and Judy Shaw

Respondent: Residential Recovery Fund, LLC (“Minerva Homes”)

Respondent Address: 2292 Henderson Mill Rd, Atlanta, GA 30345

The appellant states that the Commission *“demonstrated an abuse of its discretion by interpreting Sections 8.1 (Open Space Linkages) of the Design Manual too narrowly”*, quoting Section 8.1 of the ordinance which states that *“large scale historic, public and private open spaces be preserved to provide a rich habitat for plants and wildlife and also to protect the stream corridors”*

RESPONSE: In their deliberations, the Commission correctly noted that the site is not listed as open space in Section 8.1 or 4.1.2 of the Druid Hills Historic District Design Manual. They also noted that the applicant still made the effort to meet the general intent of the ordinance by designing the plan to protect the stream corridor by committing to place the corridor in a perpetual conservation easement so it will remain protected forever.

That appellant states that the Commission *“did not take into account unknown or potential archeological materials”* due to the existence of a historical marker for 4th A.C. at Durand’s Mill.

RESPONSE: In their deliberations, the historic preservation specialist on the Commission confirmed that the Durand’s Mill site is ¼ mile to the north of the subject site, and has no connection to the subject, other than being in general proximity to the area.

Based on their clear and thoughtful deliberations and a focused adherence to the Historic Preservation Ordinance, the Commission’s decision was in no way arbitrary or capricious.

Opposition to the Appeal of a Historic Preservation Commission Decision

Property Address: 1551 Briarcliff Rd, Atlanta, GA 30306

Date of HPC Decision: 4/17/2017

Appellant: Jean Krugman

Respondent: Residential Recovery Fund, LLC (“Minerva Homes”)

Respondent Address: 2292 Henderson Mill Rd, Atlanta, GA 30345

The appellant states that the Commission *“took an unnecessarily restricted view of its mandate, which is to preserve a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the county, state or nation”*, and referenced a code section that *“open spaces, preserved in Olmstead’s original concepts for Druid Hills, remain as major open spaces today”*.

RESPONSE: In their deliberations, the Commission correctly noted that the site was not part of either the original Olmstead land plan or the subsequent Kauffmann land plan, as they are identified in maps D and E in the Design Manual. Also, this private property is not designated as an open space on map C in the Design Manual.

Based on their clear and thoughtful deliberations and a focused adherence to the Historic Preservation Ordinance, the Commission’s decision was in no way arbitrary or capricious.

Opposition to the Appeal of a Historic Preservation Commission Decision

Property Address: 1551 Briarcliff Rd, Atlanta, GA 30306

Date of HPC Decision: 4/17/2017

Appellant: Katherine M. McRitchie

Respondent: Residential Recovery Fund, LLC (“Minerva Homes”)

Respondent Address: 2292 Henderson Mill Rd, Atlanta, GA 30345

Rather than explaining why the Commission’s decision was arbitrary or capricious, the appellant lists a collection of reasons why she personally does not like the project, primarily due to her opinion that the new project will *“disrupt the harmony between the natural and built environments of the adjacent Briarpark Court neighborhood”* and concludes that the project *“is a threat to public health and safety”*.

The only issue raised that lightly touches on the parameters of the Historic Preservation ordinance is the appellant’s statement that due to traffic on Old Briarcliff road, the proposed development *“is inconsistent with the thoughtful site and road planning of inherent to the Olmstead design legacy”*.

RESPONSE: Old Briarcliff Road was not part of Olmstead’s land plan area, as identified in map D of the Ordinance. The Commission correctly pointed out that the design of existing roads and the area traffic patterns are not within their mandate pursuant to the Historical Preservation Ordinance.

Based on their clear and thoughtful deliberations and a focused adherence to the Historic Preservation Ordinance, the Commission’s decision was in no way arbitrary or capricious.

Opposition to the Appeal of a Historic Preservation Commission Decision

Property Address: 1551 Briarcliff Rd, Atlanta, GA 30306

Date of HPC Decision: 4/17/2017

Appellant: Carol S. Tarver

Respondent: Residential Recovery Fund, LLC (“Minerva Homes”)

Respondent Address: 2292 Henderson Mill Rd, Atlanta, GA 30345

The appellant does not provide any reason why the commission’s decision was arbitrary or capricious. Instead, the applicant discusses the architectural style of her own neighborhood.

RESPONSE: When designing the architecture for the subject property, we selected the Prairie style from the Druid Hills Design Manual. The Commission commented that the design meets the requirements and intent of the Druid Hills Historic Preservation District ordinance, while having the added benefit of visually tying in with the mid-century modern design of the homes in the abutting non-historic community.

Based on their clear and thoughtful deliberations and a focused adherence to the Historic Preservation Ordinance, the Commission’s decision was in no way arbitrary or capricious.

Opposition to the Appeal of a Historic Preservation Commission Decision

Property Address: 1551 Briarcliff Rd, Atlanta, GA 30306

Date of HPC Decision: 4/17/2017

Appellant: Jonathan R. Haynie

Respondent: Residential Recovery Fund, LLC (“Minerva Homes”)

Respondent Address: 2292 Henderson Mill Rd, Atlanta, GA 30345

The appellant does not list any examples of how the Commission’s decision was arbitrary or capricious, but instead lists a series of personal opinions about what is appropriate and inappropriate – as though the appellant was responding to a rezoning application versus a Historic Preservation Commission decision.

The appellant does attempt to make a land use argument that the site should remain untouched so that it can provide a buffer for his house from the Fox 5 station, which is 700 feet away.

RESPONSE: It is not the Commission’s mandate to make zoning and land use decisions. In their deliberations, the Commission did acknowledge the substantial preservation of half the site in its existing forested state, to be preserved via a perpetual preservation easement. Also, they acknowledged the new infill tree planting along the Old Briarcliff Road frontage, intended to preserve and maintain the visual aesthetics and character of the existing road.

Based on their clear and thoughtful deliberations and a focused adherence to the Historic Preservation Ordinance, the Commission’s decision was in no way arbitrary or capricious.



Michael L. Thumond
Chief Executive Officer

DeKalb County Government Historic Preservation Commission

330 Ponce De Leon Avenue Suite 500
Decatur, GA 30030
404/371-2155 or 404/371-2835(Fax)



April 19, 2017

CERTIFICATE OF APPROPRIATENESS

SITE ADDRESS	1551 Briarcliff RD Atlanta, GA 30306
PARCEL ID:	18-057-05-019
APPLICATION DATE	January 27, 2017
APPLICANT	Residential Recovery Fund (Minerva Usa)
MAILING ADDRESS	2292 Henderson Mill Rd Atlanta, GEORGIA 30345

THIS IS TO ADVISE YOU THAT THE DEKALB COUNTY HISTORIC PRESERVATION COMMISSION, AT ITS REGULARLY SCHEDULED PUBLIC MEETING ON APRIL 17, 2017, REACHED THE FOLLOWING DECISION ON THIS APPLICATION:

ACTION: MODIFIED APPROVAL

Divide the property into two parcels, with the new parcel containing 2.2 ± acres. Develop the smaller property with two buildings and related structures, pavements, retaining walls, trails, grading, tree replacement, landscaping and related elements as set out in the plans presented to the preservation commission on April 17, 2017. The application for a sign was denied for not meeting the guidelines, but a new application may be submitted for a revised version. The preservation commission determined that these changes meet the guidelines and would not have a substantial adverse effect on the historic district. The application for a sign was not approved for not meeting the guidelines, but a new application may be submitted for a revised version.

Decision of the DeKalb County Historic Preservation Commission

Name of Applicant: _____ Residential Recovery Fund, LLC ("Minerva USA") _____

Address of Property: _____ 1551 Briarcliff Road _____

Date(s) of hearing if any: _____ 4-17-17 _____

Case Number: _____ 21354 _____

Approved Denied Deferred

Approval: The Historic Preservation Commission, having considered the submissions made on behalf of the applicant and all other matters presented to the Preservation Commission finds that the proposed change(s) will not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic district and hereby approves the issuance of a certificate of appropriateness.

Any conditions or modifications are shown below.

Pursuant to Code of DeKalb County, § 13.5-8(3), the Preservation Commission has considered the historical and architectural value and significance; architectural style; scale; height; setback; landscaping; general design; arrangement; texture and materials of the architectural features involved and the relationship of such texture and materials to the exterior architectural style; pertinent features of other properties in the immediate neighborhood, as prescribed generally by county code and specifically by the district design guidelines.

This application relates to an existing building, pursuant to the authority granted to the Preservation Commission by Code of DeKalb County, § 13.5-8(3), the Preservation Commission has also used the Secretary of the Interior's Standards for Historic Preservation Projects, including the Standards for Rehabilitation therein as a guidelines. The Preservation Commission finds that all relevant guidelines have been met.

Additional pertinent factors:

Divide the property into two parcels, with the new parcel containing 2.2 ± acres. Develop the smaller property with two buildings and related structures, pavements, retaining walls, trails, grading, tree replacement, landscaping and related elements as set out in the plans presented to the preservation commission on April 17, 2017. The application for a sign was denied for not meeting the guidelines, but a new application may be submitted for a revised version. The preservation commission determined that these changes meet the guidelines and would not have a substantial adverse effect on the historic district.

Application is approved with conditions or modifications without conditions or modifications .

Conditions or modifications (if applicable):

The application for a sign was not approved for not meeting the guidelines, but a new application may be submitted for a revised version.

Denial: The Preservation Commission has determined that the proposed material changes in appearance would have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district /or, the applicant has not provided sufficient information for the Preservation Commission to approve the application . Specifically, the Preservation Commission finds as follows:

Deferral: The Preservation Commission has deferred action on this application for the following reasons:

The application will be re-heard by the Historic Preservation Commission at its meeting on

Date: 4/19/17

Signature: 
Chair, DeKalb County
Historic Preservation Commission

DeKalb County Historic Preservation Commission

Monday, April 17, 2017 - 7:00 P.M.

Staff Comments

New Construction Agenda

R. 1551 Briarcliff Road (DH), Residential Recovery Fund, LLC ("Minerva USA"). Divide the parent property into two parcels and develop one of those parcels, with the development including the construction of two multifamily buildings. 21354

Primary structure built 1965. (18-057-05-019)

This property is not located in a National Register Historic District or in an identified character area.

4-98 1551 Briarcliff Road, WAGA License, Inc. Remove existing TV tower and construct a new tower a short distance to the north. **Approved**

2-03 1551 Briarcliff Road (DH), Neil Mazur. Install 15-foot diameter television dish behind the main building. **Approved**

5-07 1551 Briarcliff Road (WAGA) (DH), Global Data Services Corporation. Install satellite dish behind the building. 13453 **Approved**

4-091551 Briarcliff Road (WAGA) (DH), David Budwash. Enclose metal shed behind main building. 15744 **Approved**

11-10 1551 Briarcliff Road (DH), Rick Underwood. Install fencing at nonhistoric building. 16774. **Approved as modified**

5-15 1551 Briarcliff Road (WAGA) (DH), Neil Mazur for WAGA/Fox Television Stations, Inc. Replace a nonhistoric guard booth. 19884 **Approved**

5-16 1517 (1551) Briarcliff Road (DH), MH Briarcliff LLC. Develop the property with twelve townhomes and twelve flats. 20733 **Approved with modifications**

7-16 1517 Briarcliff Road (DH), MH Briarcliff LLC ("Minerva Homes"). Design details for the previously approved townhouses and flats, and the landscape plan for the development. 20912 **Approved**

7-16 1551 Briarcliff Road (DH), Neil Mazur for WAGA-TV/Fox Television Stations, Inc. Install light poles in the rear parking lot and to the north of the main building. 20905 **Approved**

This is a nonhistoric property. (*Druid Hills Design Manual*, Glossary, page ii: **Nonhistoric** — Nonhistoric properties within the district are those properties built after 1946. Nonhistoric properties are identified on the Historic District Map.)

All the text below was pulled forward from the February staff report and do not reflect changes since then.

A fenced gravel drive runs east off Old Briarcliff Road to the tower. The property is south of this drive. The drive can be seen on aerial photos as a linear break in the tree cover. The proposed entry drive at the north end of the project is set roughly even with the south end of Briar Park Court. Topographically, the property drops in elevation from the south to the north, at the same time dropping from Old Briarcliff Road on the northeast to a small tributary of Peavine Creek to the southeast. The northern part of the property is relatively flat, but the rest is steep. The property is heavily wooded, but the tree survey shows only four specimen trees, two of which will be saved. A 33" red oak and a 36" tulip poplar will be removed. The tree protection sheet in the file lists about 195 trees on the lot and identifies those that will remain and those that will be removed. The tree protection plan shows the locations of the trees to be preserved as well as identifying new plantings. Most, if not all, of the new trees are native to this area.

The applicant has modified the application to cover not only the development, but also to divide the parent property (1551 Briarcliff Road, Fox 5) into two parcels. The Fox 5 property will surround the new property on three sides and Old Briarcliff Road will be the fourth side. The Briar Park Court subdivision is located on the other side of Old Briarcliff Road. Emory University property borders the Fox 5 property on the north east.

The applicant proposes building two multifamily buildings with associated pavement, retaining walls and minor structures. The layout is basically the same as presented at the February meeting, but the building designs and other elements have been modified.

The applicant identifies the two proposed buildings as Building A, to the north, and Building B, to the south. The buildings are very similar in design, with the primary difference being the size of the footprint. Building A will be about 225' long by 70' wide and Building B will be about half that at 110±' long and 62' wide. Both buildings have three stories over a basement parking garage. The garage is above ground in some places. The basement FFE of Building A is 884' and the first floor FFE is 894'. The basement FFE of Building B is 890' and the first floor FFE is 900. The buildings will rise 45' from the first floor FFE to the third floor ceiling.

The exposed basement walls of both buildings will be clad with stone on three sides, but the rear will be concrete. The stone will continue up to the bottom of the first floor windows. Stone will also be used tall vertical elements on both buildings and around the entry on Building A. Elsewhere the buildings will be clad with brick and painted stucco, with small areas of fiber-cement lap siding. The light gray and dark gray in the drawing represent different colors of painted stucco rather than different materials. The hipped roof is on several planes. The roof has a low pitch and wide eaves.

A driveway will enter the property near the north end in front of Building A. The drive will run across the face of building A, then divide into a "T" with the eastern arm running south of Building A to provide access to the basement parking area and a dumpster enclosure. A 3-space parking area will be built across the distribute Building A. The western arm of the driveway leads to the basement parking area for Building B and a 4-space surface parking area. A mail kiosk will be set in an angle of the "T" intersection.

The previous site plan shoed "pocket parks", but these are not shown on the new site plan. Staff has asked the applicant is if the parks are still part of the plan. A retention pond was previously shown at the north end of the property, but is not shown in the material presented this month.

Two specimen trees and multiple smaller trees will be removed. The smaller trees are not noted in the tree planting plan and no information has been provided about the size or species of any of the trees being removed.

There is a required 75' stream buffer along the stream at the southeast edge of the development. With the exceptions noted below, there will be no work in the buffer except clearing invasive and overgrown plants, installing a mulched trail and installing new plants. No trees will be removed to make the trail. The county environmental inspector, Greg Hubbard, has reviewed the plan for compliance with the stream buffer requirements set out in the development code. He has determined that the projection of retaining walls and parts of the buildings into the buffer is minimal enough that it would be eligible for a stream buffer variance. The wall and buildings would project into the buffer less than 10' and the decks would project less than 25'.

The applicant proposes building a 10'8" long by 5' tall sign at the entrance. The sign will be brick, stone and wood to match the materials of the buildings, and will have a concrete cap.

Staff sent questions to the applicant in the week before the meeting. The applicant has responded, but staff has not had an opportunity to review the answers.

This property is across Old Briarcliff Road from the historic Briar Park Court subdivision, Briar Park Court has filed an application for DeKalb County historic district designation, but the application has not yet been processed. Staff believes the district meets all the criteria for designation. The State Historic Preservation Office has reviewed the application and recommended the application be approved. The Druid Hills Civic Association has expressed support for approval. The application and supporting materials are included in the record for this application.

Staff recommends the commission review the application in light of the effect of Briar Park Court as well as the other standards in the Design Manual.

March Recommendation

Staff does not have enough information to make a recommendation. This may change when the when the staff has the opportunity to review the applicant's responses.

If the application is approved, staff recommends it be with the modification that any changes in the plans required during the lot division or permitting process are reported to the preservation commission staff and that if staff determines it is necessary, a new CoA application will be filed to address those changes. This is what should happen in any case, but does not always.

The average grade at Building A is shown as 890' elevation. The average grade at Building B is shown as 895'. Both buildings rise to 45' above average grade.

The site plan identifies two areas as "pocket parks". One of these is adjacent to Old Briarcliff Road south of Building B and the second is a linear element running parallel to the stream at the southeast side of the property. This puts it to the east of Building B and the south of Building A. The linear park is noted as being "native forest" and having a mulched trail. A triangular area along Old Briarcliff Road is shown in the same way as the pocket parks, but is not labeled.

Much of the property is steep and extensive fill and grading will likely be necessary. Staff has requested the applicant provide a grading plan. The tree protection plan shows heavy dark lines that seem to represent retaining walls. Staff has asked the applicant to clarify this. These lines run roughly along both long sides of Building A, along all sides of Building B, along the east side of the entry drive, at the east end of the visitor parking and along the south side of the "T" part of the drive. A row of bald cypress trees will be planted between Building A and the east property line. This appears as if it is meant to screen the retaining wall.

February Recommendation

As of February 12 the applicant has not provided sufficient information to make a review. Staff recommends either deferral to allow the applicant time to provide more documentation, or denial based on DeKalb County code section 13.5-8. Certificates of Appropriateness, which states in part, "All applications for certificates of appropriateness shall be accompanied by drawings, photographs, plans and documentation as required by the preservation commission."

Requests for information made by staff on 2-9-17:

- *Please provide more detailed architectural drawings.*
- *Do the heavy black lines on the site plan represent retaining walls? If so, please provide elevations for the top and bottom of the walls.*
- *What material will be used on the exposed side of the retaining walls?*
- *How long and wide are the buildings?*
- *I assume "trash" south of Buildable A means dumpsters. How will these be screened?*
- *Please provide an illustration of the I.D. Monument at the entrance.*
- *Is a fence required around the retention pond? If so, what kind of fence will be used?*
- *What kind of stone will be used?*
- *Please bring a brick sample to the meeting.*
- *The elevations are not labeled on the drawings of Building B. It appears that they are in the same order as the drawings for Building A on the previous page. Is this correct?*
- *Are the unlabeled gray areas on the basement level of both buildings exposed concrete?*
- *Please provide a planting list.*

R. 1551 Briarcliff Road (DH), Residential Recovery Fund, LLC ("Minerva USA").

page five

- *Rather than just showing the location of the buildings overlaid on the aerial photo, I need something to show what part of the Fox 5 property is included in the application. The commission and I need to be able to identify the specific area to be reviewed. I only need a digital version for now, but at the meeting I will need a hardcopy for the file.*
- *The area between the linear pocket park and the stream is not labeled. I assume it will be left as it is since it is in the stream buffer, but I want to confirm that—will it be left as is?*
- *Will the windows have metal frames with no grids? If not, please describe the windows.*
- *Please provide a grading plan. Again, I only need a digital version for now, but at the meeting I will need a hardcopy for the file.*

April Recommendation

No recommendation on the overall application. Since the property is not residentially zoned, a sign is appropriate, but this particular design is too large. Staff recommends denial of the sign.

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.
- 7.2.1 *Building Orientation and Setback* (p66) Guideline - The orientation of a new building and its site placement should appear to be consistent with dominant patterns within the area of influence, if such patterns are present.
- 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.

R. 1551 Briarcliff Road (DH), Residential Recovery Fund, LLC ("Minerva USA").

- 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.
- 7.2.7 *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.
- 8.1 *Open Space and Parkland Preservation and Conservation* (p77) Guideline - The original layout of Druid Hills should be preserved through the conservation of major open spaces and the linear system of parks and green spaces that buffer the stream corridors. Retaining these spaces, both public and private, by limiting their uses to passive activities will perpetuate the park-like character in the district today. An exclusive palette of native vegetation is recommended for these spaces to protect and enhance the ecology.
- 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."
- 9.3 *Vegetation* (p83) Recommendation – The plant list is intended to assist in the selection of appropriate plant materials. Olmsted's list and the list from the Georgia Landscapes Project provide guidance in selecting materials appropriate for historic landscape projects. There are other sources that can be consulted to identify additional plants used by Olmsted in Druid Hills, such as historic planting plans and particularly the archival record at the Olmsted National Historic Site in Brookline, Massachusetts. The Olmsted list presented in this document should be considered a beginning. Residents of Druid Hills are encouraged to add to this list with historic plants that can be documented as having been used by Olmsted. The native list should be used for natural areas within the district, such as creek corridors and drainage ways. Places within the district where the retention of healthy ecological environments is critical are best landscaped with native varieties. Since native plants have been available since the colony of Georgia was established in 1733, native plants are also appropriate for historic landscapes.

AA. 1551 Briarcliff Road (DH), Residential Recovery Fund, LLC ("Minerva USA").

page seven

- 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.
- 9.6 *Accessory Buildings* (p91) Guideline - New accessory buildings, such as garages and storage houses, are to be located in rear yard spaces and visually buffered from adjacent property owners and the public right-of-way. Accessory buildings that complement the architecture of the adjacent residence do not require the same level of buffering and may remain more visible within the local district. If the new building will be visible from the street, it should respect the established setbacks and orientations of the historic buildings in the area.
- 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.
- 9.8 *Signage Within Residential Areas of the Local Historic District* (p92) Guideline - Signage is incompatible with the residential character found in most areas of the local historic district. Permanent signs are prohibited in residentially-zoned areas. Public signage within public right-of-ways in the district should be designed to be compatible with the character of the district.
- 11.0 *Nonhistoric Properties* (p93) Guideline - In reviewing an application for a Certificate of Appropriateness for a material change to a nonhistoric building, the Preservation Commission should evaluate the change for its potential impacts to any historic development (architecture and natural and cultural landscapes) in the area of influence of the nonhistoric property. Guidelines presented in *Section 7.0: Additions and new Construction* are relevant to such evaluations.

Cullison, David

From: Dan Cotter <dcotter@minerva-usa.com>
Sent: Tuesday, February 21, 2017 5:18 PM
To: Cullison, David
Cc: Brian Davison
Subject: RE: Old Briarcliff Flats

David,

Thanks for your time on the phone today. I am writing to confirm that we would like the lot division to be part of the COA application for Fox 2. I will send you a copy of the Lot Division application after submitting it on the 2nd floor.

As discussed, we will send you the COA application revisions by noon on March 9th. We will get them to you earlier, if possible.

Cheers,

Dan

Dan Cotter | Development Analyst
Minerva USA

2292 Henderson Mill Road, Atlanta, GA 30345
Direct 678.808.8002
Cell 941.713.1845
dcotter@minerva-usa.com

From: Dan Cotter
Sent: Tuesday, February 21, 2017 3:02 PM
To: dcullis@dekalbcountyga.gov
Subject: RE: Old Briarcliff Flats

David,

RE: #1 below, I set up a meeting with Anthony Hicks.

All my best,

Dan

Dan Cotter | Development Analyst
Minerva USA

2292 Henderson Mill Road, Atlanta, GA 30345
Direct 678.808.8002
Cell 941.713.1845
dcotter@minerva-usa.com

From: Dan Cotter
Sent: Tuesday, February 21, 2017 1:51 PM

To: dcullis@dekalbcountyga.gov

Cc: Brian Davison <bdavison@minerva-usa.com>

Subject: Old Briarcliff Flats

David,

I am following up on my voicemail regarding the Old Briarcliff Flats:

- 1) Can you recommend someone that we should meet with to discuss fire access?
- 2) As I recall, we cannot get the final Lot Division sign-off unless and until the COA is granted. That said, it would be helpful to submit the application now, so we can get the review process started and incorporate any other feedback. Would that be acceptable?
- 3) If I remember correctly, the March 3 deadline is for new COA applications only. If that's the case, what is the latest we can send you the revisions for the March 20 meeting, to give you a reasonable amount of time to review them before writing your report?

Thanks,

Dan

Dan Cotter | Development Analyst

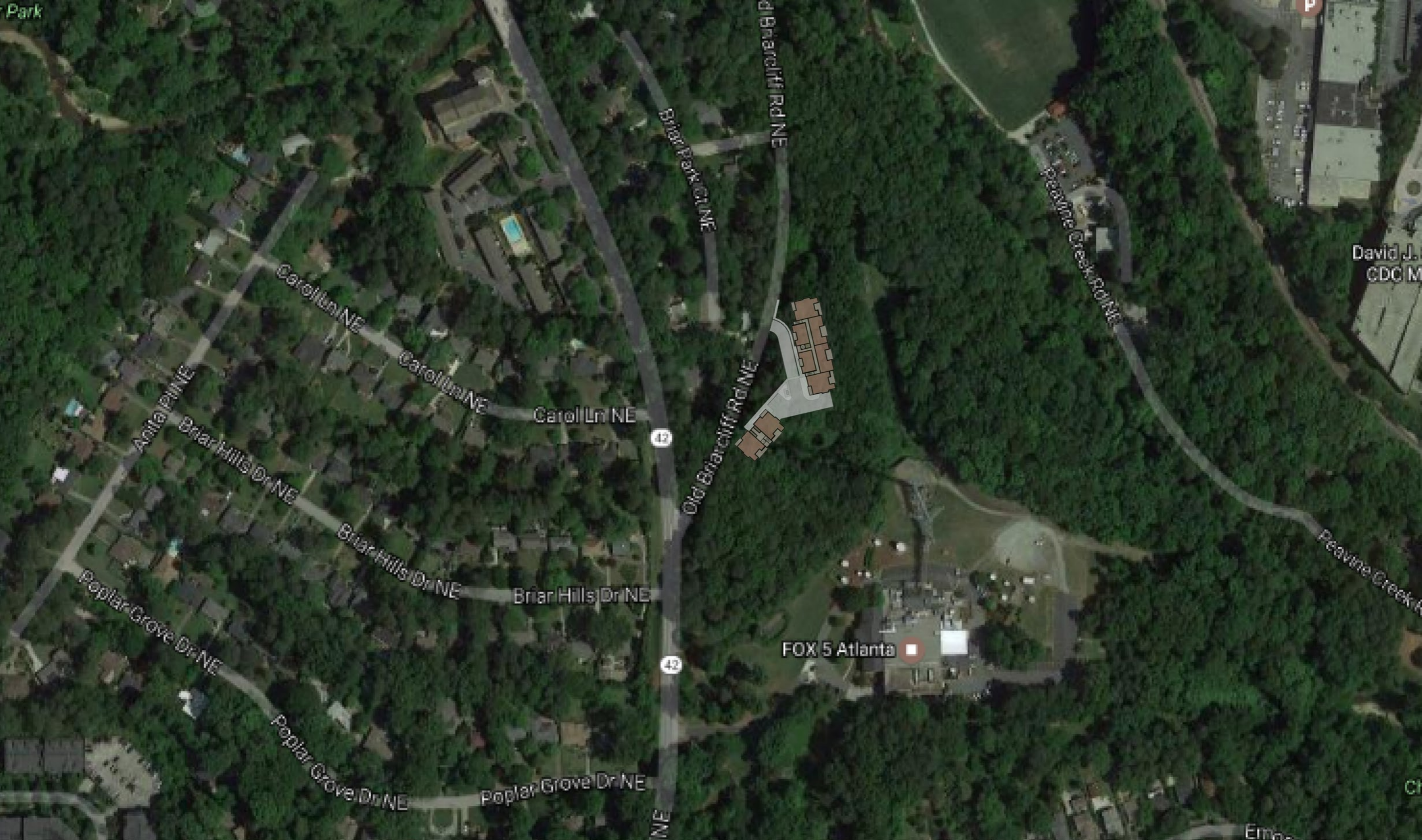
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dcotter@minerva-usa.com



Cullison, David

From: Dan Cotter <dcotter@minerva-usa.com>
Sent: Friday, February 10, 2017 3:58 PM
To: Cullison, David
Cc: Brian Davison
Subject: RE: Fox 2 HPC Staff Report

David,

Thanks for your thoroughness. Could you please forward my email response below to the HPC members, so they have some time to digest it before the meeting? If you will indulge me, I would also like to make a couple corrections for your report:

- 1) Fox's gated gravel road runs to the tower's northernmost guy wire anchor, to the north of our proposed buildings. The gate and access road will be shifted slightly north onto Fox's property to provide additional room for plantings between Building A and Old Briarcliff Rd. Fox's road width, materials, and so on, will be unchanged.
- 2) Our driveway is 26' wide (as required by the fire code). The graphic scale on the Landscape Plan is incorrect. We will fix it promptly.

All my best,

Dan

Dan Cotter | Development Analyst
Minerva USA

2292 Henderson Mill Road, Atlanta, GA 30345
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dcotter@minerva-usa.com

From: Cullison, David [<mailto:dccullis@dekalbcountyga.gov>]
Sent: Friday, February 10, 2017 1:35 PM
To: Dan Cotter <dcotter@minerva-usa.com>
Cc: Brian Davison <bdavison@minerva-usa.com>
Subject: FW: 1551 Briarcliff 3 with attachment

David Cullison
Senior Planner
DeKalb County Department of Planning & Sustainability
330 W. Ponce de Leon Avenue
Third Floor
Decatur, GA 30030
404/371-2247
404/371-4556 (fax)

The DeKalb County zoning map is now on-line at <http://maps.dekalbcountyga.gov/parcel/>. The DeKalb County Zoning Ordinance is now on-line at http://planningdekalb.net/?page_id=756#articles.

Please visit the Planning & Sustainability web site at www.planningdekalb.net for information about procedures to obtain certificates of occupancy or building permits.

From: Cullison, David
Sent: Friday, February 10, 2017 1:34 PM
To: 'Dan Cotter'
Cc: Brian Davison (bdavison@minerva-usa.com)
Subject: RE: 1551 Briarcliff 3

I've attached my draft report. I wanted to send it this morning, but our computers have been down. I did not receive your email until after I had written the report.

I also showed the plans to some of our reviewers and they think there are significant problems with fire department access and suggest you schedule a meeting.

David Cullison
Senior Planner
DeKalb County Department of Planning & Sustainability
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From: Dan Cotter [<mailto:dcotter@minerva-usa.com>]
Sent: Friday, February 10, 2017 12:06 PM
To: Cullison, David
Subject: RE: 1551 Briarcliff 3

David,

The retaining walls and the basement levels visible from the right-of-way and internal road will be granite to match the buildings. The walls on the back side will be stucco, with the intention that they will be obscured by plantings to blend into the forest, rather than becoming a dominant feature.

The dumpster enclosure will have stone structural accents with wood in a linear manner to match the buildings.

The monument at the entrance is yet to be designed. It will be low, modest, and free standing, in the same natural materials as the building.

We are planning the pond to be less than 4' deep, so it will not require a fence.

We intend to leave the stream buffer as natural forest. However, it will be gently groomed. Brian is scheduled to walk the site today with Chris Liggett of the Druid Hills Civic Association (ex U.S. Forestry Service) and someone from the South Fork Conservancy to determine the best way to keep the forest natural but aesthetically pleasing. Our intention is for there to be a low-impact pedestrian trail meandering through the trees. Post-construction, the buffer area and the forest preserve will be placed in a permanent conservation easement.

As you noted, the elevations for Building B are in the same order as Building A. In a few minutes, you will receive a Drop Box link with the labels added. The planting list is on page 2 of the Tree Plan that we submitted. It is attached for reference. If you did not receive it or you need extra copies, of course please let us know.

Today, we are preparing a revised boundary exhibit and a grading plan with the dimensions you requested. I'll send digital versions of the plans as they become available.

Lastly, we can certainly bring a brick sample.

I trust this addresses all your questions from yesterday. Please email or call me if you have anything additional.

Thank you, and best regards,

Dan

**Dan Cotter | Development Analyst
Minerva USA**

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Cell 941.713.1845
dcotter@minerva-usa.com

From: Cullison, David [<mailto:dcullis@dekalbcountyga.gov>]
Sent: Thursday, February 9, 2017 4:31 PM
To: Dan Cotter <dcotter@minerva-usa.com>
Cc: Brian Davison <bdavison@minerva-usa.com>
Subject: FW: 1551 Briarcliff 3

Dan,

I'm sending these to you piecemeal to give you more time to respond, rather than holding everything to the end and dropping it all on you at once.

Please provide more detailed architectural drawings.

Do the heavy black lines on the site plan represent retaining walls? If so, please provide elevations for the top and bottom of the walls.

What material will be used on the exposed side of the retaining walls?

How long and wide are the buildings?

I assume "trash" south of Buildable A means dumpsters. How will these be screened?

Please provide an illustration of the I.D. Monument at the entrance.

Is a fence required around the retention pond? If so, what kind of fence will be used?

David Cullison
Senior Planner

DeKalb County Department of Planning & Sustainability
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From: Cullison, David
Sent: Thursday, February 09, 2017 2:52 PM
To: Dan Cotter (dcotter@minerva-usa.com)
Cc: Brian Davison (bdavison@minerva-usa.com)
Subject: FW: 1551 Briarcliff 2

Dan,

What kind of stone will be used?

Please bring a brick sample to the meeting.

The elevations are not labeled on the drawings of Building B. It appears that they are in the same order as the drawings for Building A on the previous page. Is this correct?

Are the unlabeled gray areas on the basement level of both buildings exposed concrete?

Please provide a planting list.

David Cullison
Senior Planner
DeKalb County Department of Planning & Sustainability
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From: Cullison, David
Sent: Thursday, February 09, 2017 12:47 PM
To: 'Dan Cotter'
Cc: Brian Davison
Subject: RE: 1551 Briarcliff

Dan,

Rather than just showing the location of the buildings overlaid on the aerial photo, I need something to show what part of the Fox 5 property is included in the application. The commission and I need to be able to identify the specific area to be reviewed. I only need a digital version for now, but at the meeting I will need a hardcopy for the file.

The area between the linear pocket park and the stream is not labeled. I assume it will be left as it is since it is in the stream buffer, but I want to confirm that—will it be left as is?

Will the windows have metal frames with no grids? If not, please describe the windows.

Please provide a grading plan. Again, I only need a digital version for now, but at the meeting I will need a hardcopy for the file.

Thank you.

David Cullison
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From: Dan Cotter [<mailto:dcotter@minerva-usa.com>]
Sent: Friday, February 03, 2017 4:18 PM
To: Cullison, David
Cc: Brian Davison
Subject: RE: 1551 Briarcliff

David,

Sure! Please see the attached satellite overlay that shows our project as it relates to the rest of the Fox 5 property.

Also attached are photos of the public notice signs.

Thanks,

Dan

Dan Cotter | Development Analyst
Minerva USA
2292 Henderson Mill Road, Atlanta, GA 30345
Direct 678.808.8002
Cell 941.713.1845

dcotter@minerva-usa.com

From: Cullison, David [<mailto:dccullis@dekalbcountyga.gov>]
Sent: Thursday, February 2, 2017 9:31 AM
To: Dan Cotter <dcotter@minerva-usa.com>
Subject: 1551 Briarcliff

Dan,

Please send me a survey, site plan or similar document showing the boundaries of your project as it relates to the rest of the Fox 5 property. Thanks.

David Cullison
Senior Planner
DeKalb County Department of Planning & Sustainability
330 W. Ponce de Leon Avenue
Third Floor
Decatur, GA 30030
404/371-2247
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<Staff report temp 2.docx>

Cullison, David

From: Dan Cotter <dcotter@minerva-usa.com>
Sent: Friday, February 10, 2017 12:06 PM
To: Cullison, David
Subject: RE: 1551 Briarcliff 3
Attachments: Fox 2 Tree Plan 2017-01-26.pdf

David,

The retaining walls and the basement levels visible from the right-of-way and internal road will be granite to match the buildings. The walls on the back side will be stucco, with the intention that they will be obscured by plantings to blend into the forest, rather than becoming a dominant feature.

The dumpster enclosure will have stone structural accents with wood in a linear manner to match the buildings.

The monument at the entrance is yet to be designed. It will be low, modest, and free standing, in the same natural materials as the building.

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Lastly, we can certainly bring a brick sample.

I trust this addresses all your questions from yesterday. Please email or call me if you have anything additional.

Thank you, and best regards,

Dan

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Minerva USA

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Direct 678.808.8002

Cell 941.713.1845

dcotter@minerva-usa.com

From: Cullison, David [<mailto:dccullis@dekalbcountyga.gov>]
Sent: Thursday, February 9, 2017 4:31 PM
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Cc: Brian Davison <bdavison@minerva-usa.com>
Subject: FW: 1551 Briarcliff 3

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Please provide more detailed architectural drawings.

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What material will be used on the exposed side of the retaining walls?

How long and wide are the buildings?

I assume "trash" south of Buildable A means dumpsters. How will these be screened?

Please provide an illustration of the I.D. Monument at the entrance.

Is a fence required around the retention pond? If so, what kind of fence will be used?

David Cullison
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From: Cullison, David
Sent: Thursday, February 09, 2017 2:52 PM
To: Dan Cotter (dcotter@minerva-usa.com)
Cc: Brian Davison (bdavison@minerva-usa.com)
Subject: FW: 1551 Briarcliff 2

Dan,

What kind of stone will be used?

Please bring a brick sample to the meeting.

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Are the unlabeled gray areas on the basement level of both buildings exposed concrete?

Please provide a planting list.

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From: Cullison, David
Sent: Thursday, February 09, 2017 12:47 PM
To: 'Dan Cotter'
Cc: Brian Davison
Subject: RE: 1551 Briarcliff

Dan,

Rather than just showing the location of the buildings overlaid on the aerial photo, I need something to show what part of the Fox 5 property is included in the application. The commission and I need to be able to identify the specific area to be reviewed. I only need a digital version for now, but at the meeting I will need a hardcopy for the file.

The area between the linear pocket park and the stream is not labeled. I assume it will be left as it is since it is in the stream buffer, but I want to confirm that—will it be left as is?

Will the windows have metal frames with no grids? If not, please describe the windows.

Please provide a grading plan. Again, I only need a digital version for now, but at the meeting I will need a hardcopy for the file.

Thank you.

David Cullison
Senior Planner
DeKalb County Department of Planning & Sustainability
330 W. Ponce de Leon Avenue
Third Floor
Decatur, GA 30030
404/371-2247
404/371-4556 (fax)

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From: Dan Cotter [<mailto:dcotter@minerva-usa.com>]

Sent: Friday, February 03, 2017 4:18 PM

To: Cullison, David

Cc: Brian Davison

Subject: RE: 1551 Briarcliff

David,

Sure! Please see the attached satellite overlay that shows our project as it relates to the rest of the Fox 5 property.

Also attached are photos of the public notice signs.

Thanks,

Dan

Dan Cotter | Development Analyst

Minerva USA

2292 Henderson Mill Road, Atlanta, GA 30345

Direct 678.808.8002

Cell 941.713.1845

dcotter@minerva-usa.com

From: Cullison, David [<mailto:dccullis@dekalbcountyga.gov>]

Sent: Thursday, February 2, 2017 9:31 AM

To: Dan Cotter <dcotter@minerva-usa.com>

Subject: 1551 Briarcliff

Dan,

Please send me a survey, site plan or similar document showing the boundaries of your project as it relates to the rest of the Fox 5 property. Thanks.

David Cullison

Senior Planner

DeKalb County Department of Planning & Sustainability

330 W. Ponce de Leon Avenue

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Cullison, David

From: Dan Cotter <dcotter@minerva-usa.com>
Sent: Friday, February 10, 2017 12:06 PM
To: Cullison, David
Subject: RE: 1551 Briarcliff 3
Attachments: Fox 2 Tree Plan 2017-01-26.pdf

David,

The retaining walls and the basement levels visible from the right-of-way and internal road will be granite to match the buildings. The walls on the back side will be stucco, with the intention that they will be obscured by plantings to blend into the forest, rather than becoming a dominant feature.

The dumpster enclosure will have stone structural accents with wood in a linear manner to match the buildings.

The monument at the entrance is yet to be designed. It will be low, modest, and free standing, in the same natural materials as the building.

We are planning the pond to be less than 4' deep, so it will not require a fence.

We intend to leave the stream buffer as natural forest. However, it will be gently groomed. Brian is scheduled to walk the site today with Chris Liggett of the Druid Hills Civic Association (ex U.S. Forestry Service) and someone from the South Fork Conservancy to determine the best way to keep the forest natural but aesthetically pleasing. Our intention is for there to be a low-impact pedestrian trail meandering through the trees. Post-construction, the buffer area and the forest preserve will be placed in a permanent conservation easement.

As you noted, the elevations for Building B are in the same order as Building A. In a few minutes, you will receive a Drop Box link with the labels added. The planting list is on page 2 of the Tree Plan that we submitted. It is attached for reference. If you did not receive it or you need extra copies, of course please let us know.

Today, we are preparing a revised boundary exhibit and a grading plan with the dimensions you requested. I'll send digital versions of the plans as they become available.

Lastly, we can certainly bring a brick sample.

I trust this addresses all your questions from yesterday. Please email or call me if you have anything additional.

Thank you, and best regards,

Dan

Dan Cotter | Development Analyst
Minerva USA

2292 Henderson Mill Road, Atlanta, GA 30345

Direct 678.808.8002

Cell 941.713.1845

dcotter@minerva-usa.com

From: Cullison, David [<mailto:dccullis@dekalbcountyga.gov>]
Sent: Thursday, February 9, 2017 4:31 PM
To: Dan Cotter <dcotter@minerva-usa.com>
Cc: Brian Davison <bdavison@minerva-usa.com>
Subject: FW: 1551 Briarcliff 3

Dan,

I'm sending these to you piecemeal to give you more time to respond, rather than holding everything to the end and dropping it all on you at once.

Please provide more detailed architectural drawings.

Do the heavy black lines on the site plan represent retaining walls? If so, please provide elevations for the top and bottom of the walls.

What material will be used on the exposed side of the retaining walls?

How long and wide are the buildings?

I assume "trash" south of Buildable A means dumpsters. How will these be screened?

Please provide an illustration of the I.D. Monument at the entrance.

Is a fence required around the retention pond? If so, what kind of fence will be used?

David Cullison
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From: Cullison, David
Sent: Thursday, February 09, 2017 2:52 PM
To: Dan Cotter (dcotter@minerva-usa.com)
Cc: Brian Davison (bdavison@minerva-usa.com)
Subject: FW: 1551 Briarcliff 2

Dan,

What kind of stone will be used?

Please bring a brick sample to the meeting.

The elevations are not labeled on the drawings of Building B. It appears that they are in the same order as the drawings for Building A on the previous page. Is this correct?

Are the unlabeled gray areas on the basement level of both buildings exposed concrete?

Please provide a planting list.

David Cullison
Senior Planner
DeKalb County Department of Planning & Sustainability
330 W. Ponce de Leon Avenue
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Cc: Brian Davison
Subject: RE: 1551 Briarcliff

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To: Cullison, David

Cc: Brian Davison

Subject: RE: 1551 Briarcliff

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Dan

Dan Cotter | Development Analyst

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From: Cullison, David [<mailto:dccullis@dekalbcountyga.gov>]

Sent: Thursday, February 2, 2017 9:31 AM

To: Dan Cotter <dcotter@minerva-usa.com>

Subject: 1551 Briarcliff

Dan,

Please send me a survey, site plan or similar document showing the boundaries of your project as it relates to the rest of the Fox 5 property. Thanks.

David Cullison

Senior Planner

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Cullison, David

From: Dan Cotter <dcotter@minerva-usa.com>
Sent: Friday, March 17, 2017 4:03 PM
To: Cullison, David
Cc: Brian Davison; Eric Brock (ebrook@brockhudgins.com)
Subject: RE: 1551 Briarcliff
Attachments: 20170317_Fox 2_A102.pdf

David, please see our responses in [blue](#).

Dan Cotter | Development Analyst Minerva USA

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From: Cullison, David [<mailto:dccullis@dekalbcountyga.gov>]
Sent: Friday, March 17, 2017 1:27 PM
To: Dan Cotter <dcotter@minerva-usa.com>
Subject: 1551 Briarcliff

How tall is the ridge from FFE? [Added to sections on sheet A102.](#)

On the building elevations the areas identified as painted stucco are shown as dark gray on the first and second floors and light gray on the third floor. Are these just color choices and do not represent different materials? [Correct](#)

What kind of stone will be used to veneer the basement level? [Granite](#)

What are the tall stone elements on the front and near the north end? [We are using cultured stone veneer that will look similar to the granite on the vertical chimney elements. We can't carry the chimney elements to the ground because of the parking under the building, and the granite is too heavy to support on the elevated parking structure.](#)

Cullison, David

From: Dan Cotter <dcotter@minerva-usa.com>
Sent: Friday, March 17, 2017 7:04 PM
To: Cullison, David
Cc: Brian Davison; Eric Brock (ebrook@brockhudgins.com)
Subject: RE: More questions from David

David – see below in blue.

Dan Cotter | Development Analyst Minerva USA

2292 Henderson Mill Road, Atlanta, GA 30345
Direct 678.808.8002
Cell 941.713.1845
dcotter@minerva-usa.com

From: Cullison, David [<mailto:dccullis@dekalbcountyga.gov>]
Sent: Friday, March 17, 2017 3:37 PM
To: Dan Cotter <dcotter@minerva-usa.com>
Subject: 1551 Briarcliff

Dan,

The parks are not shown in the new material. Can you provide that?

We added some proposed infill trees along Old Briarcliff as shown on the page 2 of tree plan, to add a lower level canopy for screening. The rest of the park area will be lightly groomed to keep the trees healthy and preserve the open feeling of the mature forest. After construction, the area south and west of the buildings will be put into a permanent conservation easement.

The height of the sign is partially obscured by a note. Is it 5.0 feet?

Correct.

What are the species of the trees being removed?

We will provide a list on Monday.

Please provide a more detailed plan showing the species and sizes of trees being removed, not just specimen trees.

OK

David Cullison
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Cullison, David

From: Russ Haynie <russ.haynie@gmail.com>
Sent: Friday, February 10, 2017 6:37 AM
To: Cullison, David
Subject: Summary of community opposition to Minerva Homes' CoA application for 1551 Briarcliff Road
Attachments: Old Briarcliff Forest Letter of Support_Signed.pdf; Briarpark Court Nomination-Format-District-07.pdf; Briarpark Court Nomination Appendix FINAL.pdf; TelecommunicationsZoningInfo.pdf; DekalbZoningTeleOverlay.pdf; PCIA_Model_Zoning_Ordinance_June_2012.pdf; DHCA Letter in Support of Briarpark Court Historic District.pdf; Old Briarcliff Rd Forest

David,

Thank you for the advice about arrival time to the hearing next week. In light of the complexity of organizing attendance by our attorney who is presenting our case on our behalf and so many of our neighbors, I would advise keeping the agenda unchanged since I have advised everyone to plan to arrive between 8:30 and 9:00.

Thanks too for your update on the historic district nomination. I will look forward to receiving confirmation of the hearing once it is scheduled.

Lastly, as you requested, on behalf of the members of the Old Briarcliff Safety Alliance I would like to provide you with the following summary of our reasons to oppose Minerva Homes' CoA. Materials referenced in the summary are also attached so that they can be incorporated into the record in case of later review. Thank you in advance for sharing this with the Historic Preservation Commission ahead of the next hearing on February 13th.

As referenced, the Old Briarcliff Safety Alliance is a community group of approximately 150 neighboring households formed specifically to unconditionally oppose development of this important historic urban forest. Many of our members are planning to attend the hearing and will be wearing our green t-shirts as a show of their support for our cause.

Respectfully,

Russ Haynie

President, Old Briarcliff Safety Alliance LLC

Reasons We Oppose Minerva Homes' Proposal

(1) Negative environmental impacts. We share the assessment of local tree experts and ecologists whom have concluded that development of this forested land will have significant detrimental impacts to the larger contiguous forest and health of the watershed. I have attached the Letter of Support we received from Trees Atlanta which summarizes these concerns. We respectfully ask the Commission to deny Minerva Homes' request for a Certificate of Appropriateness and prevent the loss of this historic and rare urban forest in line with its mandate to uphold the spirit and vision of the DeKalb County Historic District. It is our conclusion that by including this forest within the boundary of the Historic District, the intent is simple and clear: preservation. In describing the original intent of drawing the District's boundaries, the Druid Hills Design Manual states, "An important historic and environmental component of Druid Hills is the Peavine and Lullwater Creek system. One area located on the Emory University campus, Peavine Creek and the open area buffering its west bank, has been included to protect this fragile natural historic resource". Further, in Section 8.1 "Open Space and Parkland

Preservation and Conservation“ the Design Manual states, “The open spaces, preserved in Olmsted’s original concepts for Druid Hills, remain as major open spaces today. These green spaces are connected by the stream corridors that extend through them. *It is imperative that the large scale, historic, public and private open spaces be preserved to provide a rich habitat for plants and wildlife and to protect the stream corridors*”.

Per the assessment provided by Trees Atlanta, “The wooded site is located in an important connectivity corridor for wildlife, vegetation and water. Deforestation around Fox 5’s tower would incur significant loss to the surrounding neighborhood in terms of carbon sequestration, wildlife habitat, air quality, and general public health. Furthermore, the steep grade of the land renders it unsuitable for responsible site development; the amount of tree loss, grading, topsoil removal, erosion, and corresponding pollution and sedimentation that would flow downhill into Peavine Creek would be tremendously destructive to the woodland and the watershed” (attached Letter from Christina Gibson, Canopy Conservation Coordinator, and Greg Levine, Co-Executive Director and Chief Program Officer, Trees Atlanta, November 10, 2016).

Christina Gibson, Canopy Conservation Coordinator and ISA Certified Arborist with Trees Atlanta also shared further concerns in the attached email she sent to the Druid Hills Civic Association President and Board on January 6th. Among her other concerns Christina stated, “The rolling and steep topography of the land here draining toward Peavine Creek currently provides an essential service of storm water management off Briarcliff Rd and the surrounding built environment. Construction here would certainly require mass grading and topsoil removal that could have disastrous effects on the functions and benefits provided by the forest (temperature cooling, carbon sinking, air cleaning, etc.) with expensive consequences on the water, land and forest downstream.

(2) Negative impacts on adjacent historic and architecturally significant single-family homes. I have attached the Nomination Form and supporting Appendix for the Briarpark Court Historic District which was recently reviewed and approved by the Historic Preservation Division of the Georgia Department of Natural Resources. The nomination will soon be considered via public hearings held by the Commission and we encourage its members to review the attached materials and become familiar with the bases for this nomination. A notable component of the deliberate design of the homes in the nominated district is the careful siting of the homes to capitalize on the vista of the surrounding forest that the elevated topography of the lots offer. Several of the Andre Steiner designed homes in the district feature walls of glass framing expansive views of the very forest threatened by the proposed Minerva Homes development. We believe the development will significantly alter a historic landscape and disrupt the harmony between the built and natural environments that characterize the progressive modern design philosophy realized in the residential designs of the Briarpark Court District.

I have also attached a Letter of Support for the district nomination from Anne Wallace, President of the Druid Hills Civic Association. In the letter President Wallace states, “The designation will protect a rare and well-preserved enclave of unique mid-20th century residential architecture.”

(3) Threats to public safety due to inappropriate television broadcast tower proximity. Our alliance recognizes that Fox 5 Atlanta has certain rights of use of its property in our neighborhood, however we feel in exercising their right to place an 1140’ tall broadcast tower on their property, they should be required to maintain a reasonable buffer between its tower and adjacent residential districts, existing or proposed, to mitigate the visual impacts of the tower and to protect public safety. In researching the DeKalb County Zoning Ordinance, our alliance has discovered a seeming lack of setback/buffer/fall zone regulations applicable to television and radio broadcast towers. We feel this inadvertent exclusion has enriched the property rights of Fox 5 at the expense of public safety. Following is a full summary of our alliance’s perspective on the issue.

I have attached the original (pre-2015) overlay to the DeKalb County Zoning Ordinance (Section 27-779 *Telecommunications towers and antennas*). Of note, this documents specifies:

- Telecommunications towers and antennas “...when inappropriately located, have the potential to pose a danger to surrounding property owners and the general public...” (27-779, section (a) *Findings, purpose and intent*)
- “The county finds there is a substantial need related to public health, safety and welfare to comprehensively address those concerns through the adoption of regulations.” (27-779, section (a) *Findings, purpose and intent*) Among its purpose and intent: “to avoid potential damage to adjacent properties and personal injury from falling ice and debris and tower failure” (27-229, section (a) *Findings, purpose and intent* (5))
- “Any tower or antenna located within any zoning district where permitted by special administrative permit which adjoins any residential district shall be set back from any property line of any such adjoining residential district a distance of one-half (1/2) the combined height of the tower and antenna, or two hundred (200) feet, whichever is greater.” (27-779, section (c) *Regulations*, (1), (b.))

According to the FCC registration records for the telecommunications tower on the Fox 5 property (<http://wireless2.fcc.gov/UlsApp/AsrSearch/asrRegistration.jsp?regKey=2603785>), the total height of the tower and antennae is 348.8 meters (about 1144 feet). The attached map shows an approximate overlay of the setback of ½ of this height. As you can see, the lot Minerva Homes is aiming to subdivide from the Fox 5 property and petition for a Certificate of Appropriateness to develop appears to be almost fully within the setback boundary.

I have also attached the "model ordinance" for cellular towers issued by PCIA, an association representing the interest of owners and operators of cell towers. If you compare the language of this document with the current DeKalb County Zoning Ordinance (section 4.2.57 *Wireless telecommunications (cell tower)*), it is apparent that the County used the "model ordinance" as the basis for its current Zoning Ordinance. The "model ordinance" excludes television and radio broadcast towers and therefore so now does the current DeKalb County ordinance (as stated under section D, #5). The section on Wireless Communication begins on page 39: http://planningdekalb.net/wp-content/uploads/2015/08/Article4_September_1_2015.pdf.

This leads to our questions:

- Might it be a reasonable conclusion that an industry association like PCIA would not wish to expose its constituents (cell tower owners and operators) to set-back regulations appropriate to much taller, and presumably riskier, television and radio broadcast towers, therefore the exclusion in their "model ordinance"?
- Did DeKalb County inadvertently exclude set-back regulations applicable to television and radio broadcast towers from its current Zoning Ordinance by using the PCIA Model Ordinance as a basis for its regulations pertaining to cell towers?
- If the exclusion was inadvertent, would it not be reasonable to correct the Zoning Ordinance to introduce a reasonable set-back between television and radio broadcast towers and antennas and adjacent residential districts to correct this error?
- If the current Zoning Ordinance's exclusion of television and radio broadcast towers was intentional, how and why have DeKalb County's conclusions regarding safety concerns related to proximity of telecommunications towers to residential districts changed? Is the County able to share a summary and the source of its findings that led to a change in the position that these towers pose a "danger to surrounding property owners and the general public" as stated in the original overlay document?
- By motion of its board, The Druid Hills Civic Association requested last month that Minerva Homes delay its CoA application for 2-3 months until the county could conduct due diligence on appropriate tower setbacks and Minerva promptly declined to comply with this common sense request.

I met with DeKalb County District 2 Commissioner Jeff Rader and Marian Eisenberg of the County Planning Department on February 3rd and Mr. Rader expressed support for investigating a

revision to the County Ordinance to correct the inadvertent exclusion of regulations for broadcast towers and asked Ms. Eisenberg to initiate review. Of course, without Minerva agreeing to accept any delay in its application, we are left now only with the discretion of the Historic Preservation Commission to consider either denying the application altogether or making approval of the CoA conditional on the county concluding its investigation and amending the ordinance accordingly since deferring the application seemingly can only occur with permission of the applicant.

(4) Threats to public safety due to road safety concerns. Old Briarcliff Road is well known to local residents as a speedway for commuter motorists turning off northbound Briarcliff Road onto Old Briarcliff Road. Even though the posted speed limit is 25 miles per hour, a high proportion of cars are hurtling at 40, 50, or even 60 miles per hour as they enter Old Briarcliff, especially during the morning and evening rush hours. All of us who walk or bicycle along Old Briarcliff Road have experienced “close calls” and other frights from speeding cars. Despite Minerva Homes’ efforts to minimize these concerns through site configuration and intersection redevelopment schemes, we do not believe it can be reasonably contested that, with more people walking or bicycling out onto Old Briarcliff Road from the new project, the risk of being struck by high speed traffic will increase. Traffic congestion is also a key concern. Anybody who has experienced the traffic on Old Briarcliff Road during rush hour knows that the traffic is heavy. It is especially severe during the evening rush hour, when cars commuting home from CDC and Emory use the road as a shortcut to southbound Briarcliff Road. Cars are often backed up as far as the entrance to Briar Park Court or further. There is no traffic light at the intersection of Old Briarcliff Road and Briarcliff Road. Southbound cars turning left try to merge with bumper-to-bumper traffic moving southbound on Briarcliff Road. The addition of a driveway servicing the residents of 24 new homes on Old Briarcliff Road will surely add to this congestion. The developer’s arguments that the target market of the homes will be empty-nesters content to wait out rush hour traffic is dubious and the proposed re-configuration of the Old Briarcliff Road and Briarcliff Road intersection raises as many concerns as it aims to solve. It is apparent to us that this increased congestion and stalled traffic flow will essentially trap residents of Briar Park Court and the proposed development and further clog a roadway that serves as an access route for emergency vehicles. Add to this mix the associated traffic related to routine trash collection, mail and parcel deliveries, etc. and this development will surely create a traffic nightmare in our community.

(5) Diminished bargaining power to affect optimized use (and buffers) for future proposals on the Fox 5 parcel. Throughout its presentations of its development proposal to the community and the Druid Hills Civic Association, Minerva Homes has claimed that what ‘could be’ from other builder/developers under the current zoning is less desirable than their proposal. Our view is that by allowing this dense development to occur today and losing the edge of the mature tree canopy at the boundary of this historically platted OI lot, our neighborhood loses the opportunity to negotiate the preservation of this edge of the important larger contiguous forest when negotiating future proposals that would aim to densely develop the core of the property. Speculating that Fox 5 will aim to vacate and sell its land at some point in the future, would it not be better to have a preserved mature tree canopy to serve as a natural boundary between the single-family homes of Briar Park Court and the future development? After all, with the current OI use and buffers, our neighborhood and WAGA/ Fox 5 have enjoyed a harmonious adjacency for many decades. It might be reasonable to assume therefore that with preserved natural borders, a different use (dense residential or other office/institutional development) could work well.

The streambed and steep topography of the lot renders the southern portion of the lot practically undevelopable as evidenced by Minerva’s latest proposal to preserve it as a conservation easement. We see this as a matter of practicality less than good will and believe any future development would also preserve the canopy at the corner due to these same constraints. We therefore ask the DHCA to consider that its leverage to negotiate future proposed uses is best maintained by keeping the Fox 5 parcel intact and denying this request to subdivide.

For the reasons described above, we believe denying Minerva Homes’ application best preserves the Druid Hills Civic Association and the Historic Preservation Commission’s bargaining position when and if future

development proposals are considered for the Fox 5 property under its current OI zoning. Conceding to allow this development today results in the loss of a significant and important edge of a rare contiguous urban forest and diminishes the chances for its preservation as a negotiated natural buffer between existing single-family homes and future dense developments at the Fox 5 parcel's core. We hope the Commission will consider this carefully arrive at this same conclusion.

From: Cullison, David [mailto:dccullis@dekalbcountyga.gov]
Sent: Thursday, February 9, 2017 1:17 PM
To: Russ Haynie <russ.haynie@gmail.com>
Subject: RE: Question RE: HPC Agenda

Russ,

The opposition will have ten minutes to speak. If your representative gets up first he/she can speak all ten minutes. If someone else get up first, they can take the full ten minutes. It does not matter when your speaker arrives as long as he/she is there when the case comes up.

It is always good to have written material provided ahead of time so that it can be incorporated into the record in case of later review. The preservation commission's policy is not to consider large amounts of information presented at the last minute.

I believe it is nearly impossible to get to this case before 8:00 and unlikely to get to it by 9:00. I hope it won't happen Monday, but some meetings have gone on until midnight.

I intend to cite the designation application and the state preservation office's recommendation in my report. I have already entered the report into the record. I apologize for not getting the designation to the Board of Commissioners before now. I am working to get it heard at the Board's March 14 meeting, but because of the long lead time to get on the Board's agenda, it might not be until March 28.

David Cullison
Senior Planner
DeKalb County Department of Planning & Sustainability
330 W. Ponce de Leon Avenue
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From: Russ Haynie [mailto:russ.haynie@gmail.com]
Sent: Wednesday, February 08, 2017 10:23 PM
To: Cullison, David
Subject: RE: Question RE: HPC Agenda

David,

Thanks for your response, I know you are very busy, so no worries.

Assuming the Minerva application will be last on the docket, is there an approximate time to advise our attendees and speaker to arrive? Say, 8:00 or 9:00? I know it would be approximate at best, but I hate to make so many people sit through the entire meeting and despite your suggestion, organizing a way to alert so many people from the meeting seems very difficult to organize.

Also, does our speaker have to be there at the beginning or can he arrive later? Can you also please confirm that he will have 10 minutes to speak?

Sorry for so many questions, appreciate your guidance,
Russ

From: Cullison, David [<mailto:dccullis@dekalbcountyga.gov>]
Sent: Wednesday, February 8, 2017 9:35 AM
To: Russ Haynie <russ.haynie@gmail.com>
Subject: RE: Question RE: HPC Agenda

Russ,

I apologize for not getting back to you sooner.

I have forwarded your request to the preservation commission. The agenda is set now, but the commissioners can vote to modify it at the meeting. I don't think they will, because the reason the commission had for putting the more complicated cases at the end of the agenda was to not make all the other applicants wait. Also, the Minerva people or other people who might want to attend, but are not affiliated with your group, may plan to come to the meeting later in the evening.

A possible strategy would be to have an observer at the meeting who could text or email everyone else when the commission gets close to the application.

David Cullison
Senior Planner
DeKalb County Department of Planning & Sustainability
330 W. Ponce de Leon Avenue
Third Floor
Decatur, GA 30030
404/371-2247
404/371-4556 (fax)

The DeKalb County zoning map is now on-line at <http://maps.dekalbcountyga.gov/parcel/>. The DeKalb County Zoning Ordinance is now on-line at http://planningdekalb.net/?page_id=756#articles.

Please visit the Planning & Sustainability web site at www.planningdekalb.net for information about procedures to obtain certificates of occupancy or building permits.

From: Russ Haynie [<mailto:russ.haynie@gmail.com>]
Sent: Friday, February 03, 2017 5:47 PM
To: Cullison, David
Subject: Question RE: HPC Agenda

Hi David,

As you know, the CoA application for Minerva Homes proposed project on Old Briarcliff Road is on the docket of the next (Feb. 13th) HPC hearing. I expect a large number of our alliance members will attend the hearing and our attorney will also be there to deliver a statement of opposition on our behalf. Given this, I need to see if there is any discretion for the commission to place the Minerva application near the top of its agenda as a courtesy to so many community members who are planning to attend so that they do not have to stay for the entire hearing. Please let me know if this is possible and thank you very much in advance for considering this request.

Best regards,

Russ Haynie
(404) 862-2314

Cullison, David

From: Christina Gibson <christina@treesatlanta.org>
Sent: Friday, January 06, 2017 10:55 AM
To: president@druidhills.org
Cc: landuse@druidhills.org; publicsafety@druidhills.org; firstvp@druidhills.org; commvp@druidhills.org; adminvp@druidhills.org
Subject: Old Briarcliff Rd Forest

Hello Ms. Wallace, and DHCA:

I am writing on behalf of the forest along Old Briarcliff Rd beneath the Fox 5 tower that has been proposed to be developed by Minerva Homes.

Trees Atlanta has serious concerns about the effect of construction and development on that land that go beyond the obvious danger of the broadcast tower fall zone location.

The forest displays signs of good health with diverse tree species, including a couple of species that we at Trees Atlanta rarely encounter so close to the city core. These species indicate old, rich soils and intact ecological function. Remnants of functional forest in the metro Atlanta area are *critical* for public health, and will only become increasingly so in a warmer, more crowded city. I urge you to look closely at the long-term value of this woodland if kept intact.

The rolling and steep topography of the land here draining toward Peavine Creek currently provides an essential service of stormwater management off Briarcliff Rd and the surrounding built environment. Construction here would certainly require mass grading and topsoil removal that could have disastrous effects on the functions and benefits provided by the forest (temperature cooling, carbon sinking, air cleaning, etc.) with expensive consequences on the water, land and forest downstream.

I have been following the project closely and have seen the limited renderings that Minerva has provided. Their proposed concessions seem negligible to unrealistic, and fail to acknowledge the realities of what the trend will be if this forest is sliced up and developed bit by bit. It's a fact that the more edge you create in a woodland, the more unhealthy and susceptible to drought and warmer temperatures those trees become. An increase in forest edge also ushers in opportunistic species like kudzu and English ivy, which as you know will colonize disturbed places in their effort to heal a wound on the land that has been rendered unsuitable (by human activity) for more desirable species to grow.

With the new president-elect's administration coming in that is preparing to set back the clock on environmental protections (which, of course, we do not have time for), it will be the seemingly small decisions like this one -- and the precedent, values and trends they represent -- made by local citizens and governing bodies that will absolutely count the most. Every single decision.

I am in favor of the proposed moratorium brought forth to Dekalb County by the concerned citizens in the Old Briarcliff Safety Alliance, and hope that the DHCA will take their public safety concerns into serious consideration, with the added layer of the forest services in mind. I strongly encourage you to regard and protect this woodland as the precious asset that it is to your neighborhood and its citizens. The forest's payoff and value may seem intangible and hard to quantify now, but I assure you these will be exponential the longer it is left intact.

Thank you for your efforts,

Christina Gibson

Canopy Conservation Coordinator
ISA Certified Arborist, SO-7353A

christina@treesatlanta.org

(404) 681-4906 (office)

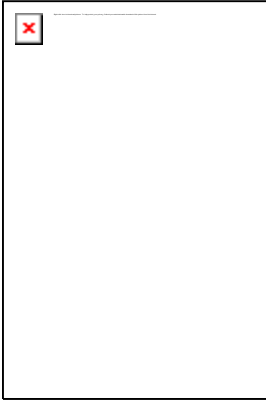
(404) 431-0717 (cell)

Trees Atlanta

225 Chester Avenue SE

Atlanta, GA 30316

www.treesatlanta.org



City of Atlanta residents can request their free yard tree at

treesatlanta.org/freeyardtree

Trees Atlanta is a nationally recognized nonprofit citizens' group that protects and improves Atlanta's urban forest by planting, conserving, and educating.

TREES ATLANTA

November 10, 2016

To Whom It May Concern:

Trees Atlanta is a nationally recognized nonprofit citizens' group that protects and improves Atlanta's urban forest by planting, conserving, and educating.

Trees Atlanta strongly supports the effort by Briar Park Court residents to prevent re-zoning and residential development by Minerva Homes for the sake of urban forest preservation along Old Briarcliff Road (Old Briarcliff Forest). The wooded site is located in an important connectivity corridor for wildlife, vegetation and water. Deforestation around Fox 5's tower would incur significant loss to the surrounding neighborhood in terms of carbon sequestration, wildlife habitat, air quality, and general public health. Furthermore, the steep grade of the land renders it unsuitable for responsible site development; the amount of tree loss, grading, topsoil removal, erosion, and corresponding pollution and sedimentation that would flow downhill into Peavine Creek would be tremendously destructive to the woodland and the watershed.

Notably, Trees Atlanta staff have observed rare species of trees thriving in this particular forested area that are uncommon in other pockets of Atlanta's urban forest. The canopy's diverse over-story and mid-story include healthy populations of the following trees: American beech (*Fagus americana*), northern red oak (*Quercus rubra*), ash (*Fraxinus pennsylvanica*), elm (*Ulmus spp.*), sassafras (*Sassafras albidum*), sourwood (*Oxydendrum arboretum*), basswood (*Tilia spp.*), ironwood (*Carpinus caroliniana*), and big-leaf magnolia (*Magnolia macrophylla*). These trees indicate healthy soil and a possibly rich and diverse herbaceous layer, which would be most visible in the springtime. Diverse layers of vegetation such as this support a complex ecosystem that is increasingly rare in the city and important to protect. In addition, the tallest sycamore tree (*Platanus occidentalis*) ever measured inside I-285 sits on the Fox 5 property in a deep ravine at over 140 feet tall; the tallest tulip poplar (*Liriodendron tulipifera*) observed inside the perimeter sits in this woodland on the Emory side of the property at 166 feet tall.

In summary, the remaining forested land on the Fox 5 property has the potential to serve as an example of urban forest stewardship and a sanctuary for community wellness, and Trees Atlanta fully supports the motion to protect this forest from development. Trees Atlanta is also available as a community resource for forest restoration and management should the neighborhood seek consultation.

Thank you for considering our request to protect this urban forest.

Sincerely,



Christina Gibson
Canopy Conservation Coordinator
ISA Certified Arborist SO-7353A
Christina@treesatlanta.org



Greg Levine
Co-Executive Director and Chief Program Officer
Greg@treesatlanta.org

Cullison, David

From: Baker, Andrew
Sent: Monday, April 17, 2017 8:55 AM
To: Beth Herndon
Cc: Cullison, David
Subject: RE: save the Old Briarcliff Forest

Ms. Herndon

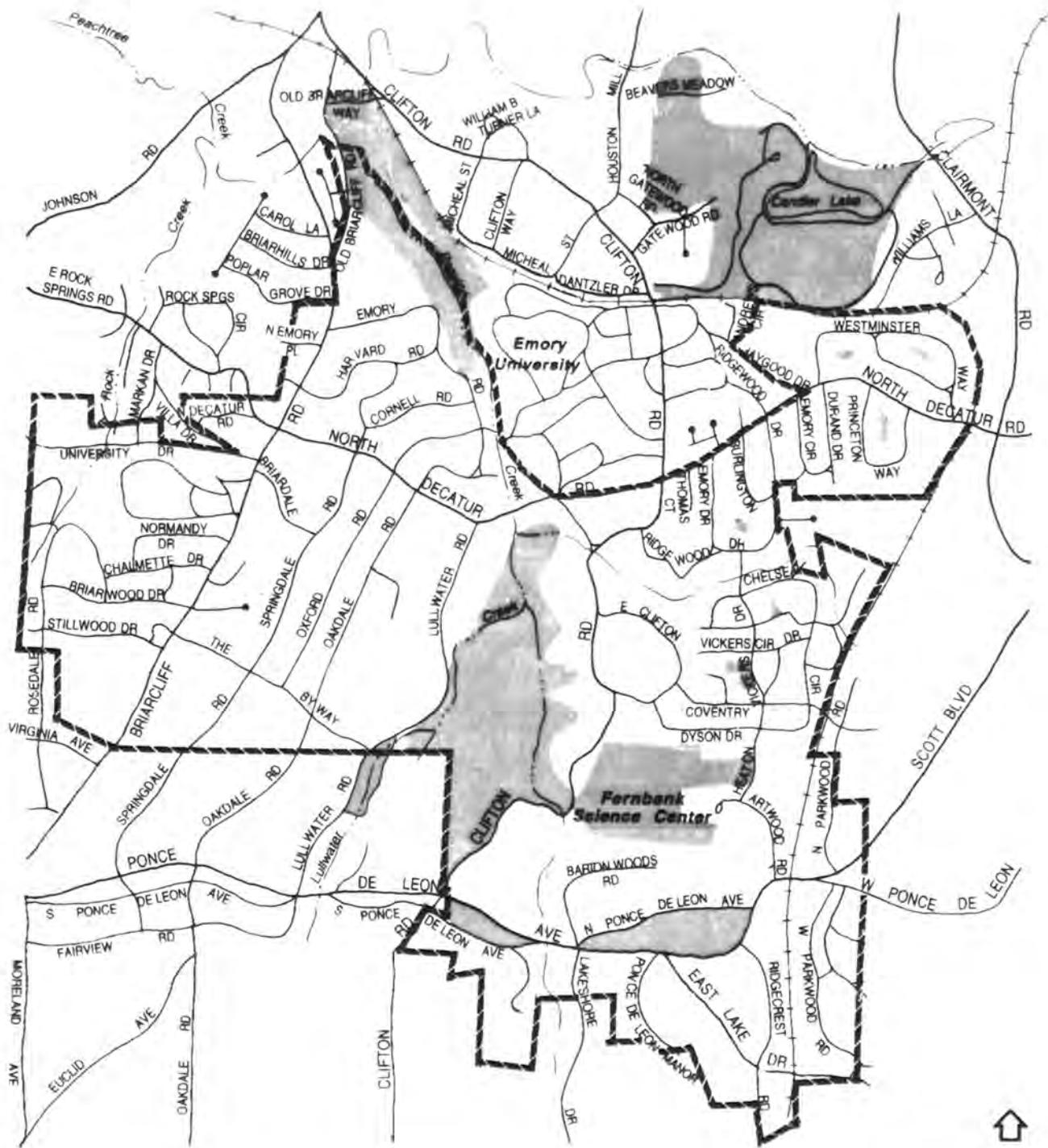
Thank you for your comments regarding the old forest at 1551 Briarcliff Road. By way of this email, I am forwarding your concerns to David Cullison the Senior Planner for petitions before the Historic Preservation Commission.

Andrew Baker

From: Beth Herndon [<mailto:beth4166@earthlink.net>]
Sent: Friday, April 14, 2017 3:34 PM
To: Baker, Andrew
Subject: save the Old Briarcliff Forest

Dear Mr. Baker - I am not able to attend the Historic Preservation meeting on Monday April 17 due to another Board meeting so I wanted express my concerns with the proposal to re-zone and clear cut the forest at 1551 Briarcliff Road (DH), Residential Recovery Fund, LLC ("Minerva USA"). I strongly encourage the commission to not approve this plan. We need to protect the old forest as the generations before us have done to date. Trees add beauty and buffer and air quality benefit for the city and we are losing too many trees to development.




Thank you,
Beth Herndon
DeKalb County Resident



Druid Hills Local Historic District
DeKalb County, Georgia

Illustration A

LOCAL HISTORIC DISTRICT

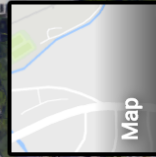
Legend	
District Boundary	
Open Space	
Creek System	

Not to Scale





Search Google Maps



Map

Herbert Taylor Park

42

Candler Field

Peavine Creek Rd NE

David J. S
CDC Mu

521.72 ft

Carroll Ln NE

42

Briar Hills Dr NE

FOX 5 Atlanta

Poplar Grove Dr NE

Briarcliff Rd NE

Rock Springs Cir NE



Measure distance
Click on the map to add to your path
Total distance: 521.72 ft (159.02 m)

522

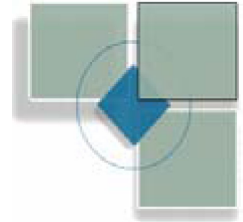
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+/-	8	5	2	
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DeKalb County Planning & Sustainability Department

Lee May
Interim Chief Executive Officer

Andrew A. Baker
Director



Special Administrative Permit

Sec. 27-779. - Telecommunications towers and antennas.

The following regulations shall apply to all telecommunications towers and antennas within DeKalb County:

- (a) *Findings, purpose and intent.* DeKalb County finds that the number, height, design characteristics and location of telecommunications towers and antennas in the county directly affect the public health, safety and general welfare. The county finds that such structures are likely to substantially increase in number in the immediate future. The county further finds that such structures, when inappropriately located, have the potential to pose a danger to surrounding property owners and the general public and substantially detract from the beauty and aesthetic appearance of the county. The county finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address those concerns through the adoption of regulations. The purpose and intent of the governing authority of DeKalb County in enacting this section are as follows:
- (1) Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the county;
 - (2) Encourage the joint use of new and existing tower sites;
 - (3) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - (4) Minimize adverse visual and aesthetic effects of towers through careful design, siting, and vegetative screening;
 - (5) Avoid potential damage to adjacent properties and personal injury from tower failure and falling ice and debris through engineering, careful siting of tower structures, and other requirements;
 - (6) Ensure compliance with applicable federal statutes and regulations;
 - (7) Lessen traffic impacts on surrounding residential areas;
 - (8) Allow new towers in residential areas only if a comparable site is not available in a nonresidential area; and
 - (9) Comply with all necessary and relevant requirements of the Telecommunications Act of 1996, as amended.
- (b) *Compliance required.* It shall be unlawful for any person to erect, install, construct, enlarge, move, alter or convert any telecommunications tower or antenna or cause the same to be done within DeKalb County except in accordance with the provisions of this section. In addition, except as otherwise specifically provided herein, all towers and antennas shall also comply with all regulations applicable to the zoning district in which said tower or antenna is located and any permits authorizing said towers or antennas.
- (c) *Regulations.* The following regulations shall apply to all telecommunication towers and antennae, including those permitted by special administrative permit within a zoning district and those permitted by special land use permit:
- (1) In addition to meeting all of the development standards required by the zoning district within which the tower or antenna is proposed to be located, all telecommunications towers or antennae shall be set back as follows:

- a. Any tower or antenna located within any zoning district where permitted by special administrative permit shall be set back from all property lines which adjoin any other zoning district boundary in which telecommunications towers or antennae are also permitted by special administrative permit a distance of one-third of the combined height of the tower and antenna or one hundred (100) feet, whichever is greater, except that where any such adjoining property is used for residential use then said telecommunications tower or antenna shall be set back from any such off-site structure in residential use, including any accessory structure designed for regular human use, a distance of one-half (½) the combined height of the tower and antenna or two hundred (200) feet, whichever is greater;
 - b. Any tower or antenna located within any zoning district where permitted by special administrative permit which adjoins any residential district shall be set back from any property line of any such adjoining residential district a distance of one-half (½) the combined height of the tower and antenna, or two hundred (200) feet, whichever is greater; and
 - c. Any telecommunications tower or antenna which is approved by special land use permit by the board of commissioners to be located within any residential district shall provide setbacks as required by the board of commissioners in their grant of the special land use permit, but in no case shall the set back from any property line be less than two hundred (200) feet.
- (2) Telecommunications towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration or Federal Communications Commission, be painted a neutral color, so as to reduce visual obtrusiveness. Said requirement shall not apply to an alternative tower structure.
 - (3) At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
 - (4) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (5) Towers shall not be artificially lighted, unless required by the Federal Aviation Administration, Federal Communications Commission or other applicable authority. If lighting is required, such lighting shall be to the minimum applicable standards so as to minimize the disturbance to the surrounding views.
 - (6) Telecommunications towers and antennas shall be entirely enclosed by a security fence not less than six (6) feet in height. Towers shall be equipped with an appropriate anti-climbing device. This requirement shall not apply to alternative tower structures provided equivalent alternative security measures are installed.
 - (7) In addition to any other landscaping or buffer requirements that may apply, telecommunications towers and antennas shall be landscaped with plant material that effectively screens the tower site from adjacent uses. Existing tree growth and natural land forms on-site shall be preserved to the maximum extent possible. At a minimum, a landscaped strip ten (10) feet in width shall be provided around the perimeter of the site. Said requirement shall not apply to alternative tower structures.
 - (8) Telecommunications towers and antennas shall be constructed to the minimum height necessary to accomplish their required telecommunications purpose.
 - (9) The environmental effects of radio frequency emissions shall not serve as a basis to approve, deny or otherwise regulate a telecommunications tower or antenna to the extent said emissions comply with Federal Communications Commission regulations concerning said emissions.

- (10) All decisions by the county or its officials denying a request to place, construct or modify a telecommunications tower or antenna shall be in writing and supported by a written record documenting the reasons for the denial and the evidence in support thereof. All such decisions shall be made within a reasonable time from the date a completed application is duly filed with the appropriate department. Applications in all cases where the telecommunications tower or antenna is a use which may be authorized by special administrative permit shall be made to and decided by the director of public works pursuant to all standards and requirements contained within this section, in Article V of this chapter, and any other applicable section of this chapter. Applications in all cases where the telecommunications tower or antenna is a use which may be authorized by special land use permit shall be made to and decided by the board of commissioners pursuant to all standards and requirements contained within this section, in Article V of this chapter, and any other applicable requirement of this chapter.
- (11) Each applicant requesting a special administrative permit for a telecommunications tower or antenna shall provide to the director of public works as a part of the application for special administrative permit and each applicant requesting a special land use permit for a telecommunications tower or antenna shall provide to the director of planning as a part of the application for special land use permit an inventory of its existing towers that are either within the jurisdiction of the governing authority or within one-quarter mile of the boundaries thereof, including information regarding the location, height and design of each tower. The director of public works or the director of planning, as the case may be, may share such information with other applicants applying for special administrative permits or special land use permits under the requirements of this chapter or with other organizations seeking to locate a telecommunications tower or antenna within the jurisdiction of DeKalb County, provided, however, that the director of public works and the director of planning are not, by sharing such information, in any way representing or warranting that such sites are available or suitable. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the director of public works in the case of application for a special administrative permit or the board of commissioners in the case of application for a special land use permit that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence shall be submitted at the time of application for special administrative permit or special land use permit, as the case may be, which demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna and may consist of the following:
- a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (12) The placement of additional buildings or other supporting equipment necessarily required in connection with an otherwise authorized telecommunication tower or antenna is specifically authorized.
- (13) Any telecommunications antenna or tower that is not operated for a continuous period of 6 months shall be considered abandoned, and the owner of such antenna or tower shall remove

same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment.

(Ord. No. 99-11, Pt. 1, 4-13-99)

I have read the above ordinance and requirements and affirm that the proposed

_____ located at _____
(Cell Tower/Antenna/Equipment) (Location Address)

will comply with all requirements of this ordinance.

Name (printed): _____

Company/Contractor: _____

Address: _____

Telephone #: _____

Name of Property Owner: _____

Address: _____

Telephone #: _____

District _____ Land Lot _____ Block _____ Parcel _____ Zoning District _____

Building Permit Application#: _____

Height of Monopole/Equipment: _____

Approved/Denied: _____ Date: _____

Zoning Officer/Zoning Plans Reviewer



MODEL WIRELESS TELECOMMUNICATIONS FACILITY SITING ORDINANCE

PCIA--THE WIRELESS INFRASTRUCTURE ASSOCIATION

2012

About PCIA

PCIA – The Wireless Infrastructure Association is the principal organization representing the companies that build, design, own and manage telecommunications facilities throughout the world. Its over 220 members include carriers, infrastructure providers, and professional services firms.

For more information, please go to www.pcia.com.

MODEL WIRELESS TELECOMMUNICATIONS ORDINANCE

I. Purpose and Legislative Intent.

The purpose of this Wireless Telecommunications Ordinance is to ensure that residents, public safety operations and businesses in [Jurisdiction] have reliable access to wireless telecommunications networks and state of the art communications services while also ensuring that this objective is achieved in a fashion that preserves the intrinsic aesthetic character of the community and is accomplished according to [Jurisdiction's] zoning, planning, and design standards. The Telecommunications Act of 1996 preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunications facilities.

To accomplish the above stated objectives and to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable Federal laws and is consistent with [the Jurisdiction's] land use policies, [the Jurisdiction] is adopts this single, comprehensive, wireless telecommunications ordinance. No provisions of this Ordinance shall apply to the siting of Distributed Antenna Systems (DAS) or wireless facilities located within and intended to provide wireless coverage within a structure.

This Ordinance establishes parameters for the siting of Wireless Telecommunications Facilities. By enacting this Ordinance it is [the Jurisdiction's] intent to:

- (1) Ensure [Jurisdiction] has sufficient wireless infrastructure to support its public safety communications throughout [Jurisdiction];¹
- (2) Ensure access to reliable wireless communications services throughout all areas of [the Jurisdiction];²
- (3) Encourage the use of Existing Structures for the collocation of Telecommunications Facilities;³
- (4) Encourage the location of Support Structures, to the extent possible, in areas where any potential adverse impacts on the community will be minimized;

¹ Many public safety operations utilize commercial networks; this trend will continue to grow as commercial providers further deploy wireless broadband systems.

² This is important because wireless users depend on their mobile devices everywhere – in their homes and offices, and while on travel.

³ A core policy goal here is to encourage co-location of wireless facilities on existing structures.

- (5) Facilitate the responsible deployment of Telecommunications Facilities in residential areas to ensure comprehensive wireless services across [Jurisdiction];
- (6) Minimize the potential adverse effects associated with the construction of Monopoles and Towers through the implementation of reasonable design, landscaping, and construction practices;
- (7) Ensure public health, safety, welfare, and convenience.
- (8) To help jurisdictions amend their ordinances in light of federal legislative changes to zoning authority under the 1996 Telecommunications Act.

II. Definitions.

For the purposes of this Ordinance, the following definitions apply:

Abandon – Occurs when an owner of a Support Structure intends to permanently and completely cease all business activity associated therewith.

Accessory Equipment -- Any equipment serving or being used in conjunction with a Telecommunications Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Administrative Approval -- Zoning approval that the [Zoning Administrator] or designee is authorized to grant after Administrative Review.

Administrative Review -- Non-discretionary evaluation of an application by the [Zoning Administrator] or designee. This process is not subject to a public hearing. The procedures for Administrative Review are established in Section IV E of this Ordinance.

Antenna -- Any structure or device used to collect or radiate electromagnetic waves for the provision of services including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Carrier on Wheels or Cell on Wheels (“COW”) -- A portable self-contained Telecommunications Facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.

Collocation⁴ -- The act of siting Telecommunications Facilities on an Existing Structure without the need to construct a new support structure and without a Substantial Increase in the size of a Existing Structure.

Concealed Telecommunications Facility⁵ -- Any Telecommunications Facility that is integrated as an architectural feature of an Existing Structure or any new Support Structure designed so that the purpose of the Facility or Support Structure for providing wireless services is not readily apparent to a casual observer.

Existing Structure – Previously erected Support Structure or any other structure, including but not limited to, buildings and water tanks, to which Telecommunications Facilities can be attached.

Major Modifications -- Improvements to existing Telecommunications Facilities or Support Structures that result in a Substantial Increase to the Existing Structure. Collocation of new Telecommunications Facilities to an existing Support Structure without Replacement of the structure shall not constitute a Major Modification.

Minor Modifications -- Improvements to Existing Structures that result in some material change to the Facility or Support Structure but of a level, quality or intensity that is less than a Substantial Increase. Minor Modifications include the Replacement of the structure.

Monopole --A single, freestanding pole-type structure supporting one or more Antenna. For purposes of this Ordinance, a Monopole is not a Tower.

Ordinary Maintenance -- Ensuring that Telecommunications Facilities and Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a Support Structure's foundation or of the Support Structure itself. Ordinary Maintenance includes replacing Antennas of a similar size, weight, shape and color and Accessory Equipment within an existing Telecommunications Facility and relocating the Antennas of approved Telecommunications Facilities to different height levels on an existing Monopole or Tower upon which they are currently located.⁶ Ordinary Maintenance does not include Minor and Major Modifications.

Replacement -- Constructing a new Support Structure of proportions and of equal height or such other height that would not constitute a Substantial Increase to a pre-existing Support Structure in order to support a Telecommunications Facility or to accommodate Collocation and removing the pre-existing Support Structure.

⁴ This definition is consistent with the FCC's Declaratory Ruling on Wireless Infrastructure Siting.

⁵ The decision to employ Concealed technology involves a variety of engineering, structural and financial factors, and should be made by the network operators.

⁶ The description of antenna swaps as "ordinary maintenance" is important because carriers regularly upgrade antennas as part of periodic network improvements.

Substantial Increase:⁷ Occurs when:

(1) [t]he mounting of the proposed antenna on an Existing Structure would increase the existing height of the Existing Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

(2) [t]he mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(3) [t]he mounting of the proposed antenna would involve adding an appurtenance to the body of the Existing Structure that would protrude from the edge of the Existing Structure more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(4) [t]he mounting of the proposed antenna would involve excavation outside the current Existing Structure site, defined as the current boundaries of the leased or owned property surrounding the Existing Structure and any access or utility easements currently related to the site.

Support Structure(s) – A structure designed to support Telecommunications Facilities including, but not limited to, Monopoles, Towers, and other freestanding self-supporting structures.

Telecommunications Facility(ies) -- Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A Telecommunication Facility can consist of one or more Antennas and Accessory Equipment or one base station.

Tower -- A lattice-type structure, guyed or freestanding, that supports one or more Antennas.

III. Approvals Required for Telecommunications Facilities and Support Structures.

(A) Administrative Review

(i) Collocations and Minor Modifications shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.⁸

⁷ This definition is taken from the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.

⁸ Pursuant section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 (H.R. 3630), state and local governments must approve an eligible facilities request for the modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. The Act was signed into law on February 22, 2012. The Act defines “eligible facilities request” as any request for modification of an existing wireless tower or base station that involves: (1) Collocation of new transmission equipment; (2) Removal of transmission equipment; or (3) Replacement of transmission equipment. *See also* Jeffery Steinberg, Deputy Chief, Spectrum & Competition Pol’y Division, Wireless Telecommunications Bureau, Fed. Comm’n’s Comm’n, FCC

(ii) New Support Structures that are less than sixty (60)⁹ feet in height shall be permitted in any zoning district except residential after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.

(iii) Concealed Telecommunications Facilities that are less than sixty (60) feet in height shall be permitted in any residential district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.

(iv) Concealed Telecommunications Facilities up to 150 feet shall be permitted in any zoning district other than residential after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance except as noted above.

(v) New Support Structures up to one hundred ninety-nine (199) feet in height shall be permitted in any Industrial District after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.

(vi) Monopoles or Replacement poles located in utility easements or rights-of-way shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance.

(vii) The use of COWs shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance if the use is not otherwise exempt. If the use of the COW is either not in response to a declaration or emergency, or will last in excess of one hundred-twenty (120) days, Administrative Review and Administrative Approval shall also be required.

(B) Special Permit.¹⁰ Telecommunications Facilities and Support Structures not permitted by Administrative Approval shall be permitted in any district upon the granting of a Special Permit from the [Zoning Board] in accordance with the standards set forth in this Ordinance.

Presentation: The Legal Framework at the FCC Workshop: Promoting Mobile Broadband in your Community by Collocating Wireless Antennas on Communications Towers and other Structures (May 1, 2012) (available at <http://www.fcc.gov/events/collocation-workshop>).

⁹ Sixty feet is a suggested height but actual height requirements may vary based upon local topography.

¹⁰ This process refers to whatever quasi-judicial process the Jurisdiction already has in place. Such processes are also known as “special use” and “conditional use” among other names. Jurisdictions should conform this section to their existing language.

- (C) Exempt. Ordinary Maintenance of existing Telecommunications Facilities and Support Structures, as defined herein, shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this Ordinance: (1) antennas used by residential households solely for broadcast radio and television reception; (2) satellite antennas used solely for residential or household purposes; (3) COWs placed for a period of not more than one hundred twenty (120) days at any location within [the Jurisdiction] after a declaration of an emergency or a disaster; and (4) television and AM/FM radio broadcast towers and associated facilities.

IV. Telecommunications Facilities and Support Structures Permitted by Administrative Approval.

(A) Telecommunications Facilities Located on Existing Structures

- (1) Telecommunications Facilities are permitted in all zoning districts when located on any Existing Structure subject to Administrative Approval in accordance with the requirements of this Part.
- (2) Antennas and Accessory Equipment may exceed the maximum building height limitations within a zoning district, provided they do not constitute a Substantial Increase.
- (3) Minor Modifications are permitted in all zoning districts subject to Administrative Approval in accordance with the requirements of this Part.

(B) New Support Structures

- (1) New Support Structure less than sixty (60) feet in height shall be permitted in all zoning districts except residential districts in accordance with the requirements of this Part.
- (2) Concealed Telecommunications Facilities that are less than sixty (60) feet in height shall be permitted in any residential district after Administrative Review and Administrative Approval provided that it meets the applicable Concealed Telecommunications Facility standards in accordance with this Ordinance
- (3) New Support Structures up to one hundred ninety-nine (199) feet in height shall be permitted in all Industrial Districts in accordance with the requirements of this Part. The height of any proposed support structure shall not exceed the minimum height necessary to meet the coverage or capacity objectives of the Facility. The setback of the structure shall be governed by the setback requirements of the underlying zoning district.

- (4) A Monopole or Replacement pole that will support utility lines as well as a Telecommunications Facility shall be permitted within utility easements or rights-of-way, in accordance with requirements of this Part.¹¹
- (a) The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.
 - (b) The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.
 - (c) The height of the Monopole or replacement pole may not exceed by more than thirty (30) feet the height of existing utility support structures.
 - (d) Monopoles and the Accessory Equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.
 - (e) Single carrier Monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by Subsection (c) above.
 - (f) Poles that use the structure of a utility tower for support are permitted under this Part. Such poles may extend up to twenty (20) feet above the height of the utility tower.
- (5) Monopoles or Replacement poles located on public property or within public rights-of-way that will support public facilities or equipment in addition to Telecommunications Facilities shall be permitted in accordance with requirements of this Part. Examples include, but are not limited to, municipal communication facilities, athletic field lights, traffic lights, street lights, and other types of utility poles in the public right-of-way.

(C) Concealed Telecommunications Facilities

- (1) Concealed Telecommunications Facilities shall be permitted in all zoning districts after Administrative Review and Administrative Approval in accordance with the requirements below. Concealed facilities in residential areas must not exceed sixty (60) feet and comply with the requirements below in order to qualify for Administrative Review.
- (a) Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.

¹¹ This section allows for efficient use of public rights-of-way for the provision of wireless services.

- (b) Existing Structures utilized to support the Antennas must be allowed within the underlying zone district. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets, and steeples.
 - (c) Setbacks for Concealed Facilities that utilize a new structure shall be governed by the setback requirements of the underlying zoning district.
- (D) COW Facilities and Minor Modifications
 - (1) The use of COWs shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Ordinance if the use of the COW is either not in response to a declaration or emergency by the Governor or will last in excess of one hundred-twenty (120) days.
- (E) General Standards, Design Requirements, and Miscellaneous Provisions
 - (1) Unless otherwise specified herein, all Telecommunications Facilities and Support Structures permitted by Administrative Approval are subject to the applicable general standards and design requirements of Section VI and the provisions of Section VII.
- (F) Administrative Review Process
 - (1) All Administrative Review¹² applications must contain the following:
 - (a) Administrative Review application form signed by applicant.
 - (b) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms.
 - (c) Site plans detailing proposed improvements which complies with [Jurisdiction's existing site plan requirements].¹³ Drawings must depict improvements related to the requirements listed in this Part, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.
 - (d) In the case of a new Support Structure:

¹² The name of this process should be conformed to the jurisdiction's existing name for a similar process.

¹³ The jurisdiction should include a cross reference to its existing site plan requirements.

- (i) Statement documenting why collocation cannot meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically feasible as necessary to document the reasons why collocation is not a viable option;¹⁴ and
 - (ii) The applicant shall provide a list of all the existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unavailable, or technologically or reasonably infeasible.
 - (iii) Applications for new Support Structures with proposed Telecommunications Facilities shall be considered together as one application requiring only a single application fee.
- (e) Administrative Review application fee as listed in [Jurisdiction's published fee schedule].¹⁵
- (2) Procedure¹⁶
- (a) Within thirty (30) days of the receipt of an application for Administrative Review, the [Zoning Administrator] shall either: (1) inform the Applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete. If the Zoning Administrator informs the Applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the Applicant provides the requested information.
 - (b) An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application without prejudice.¹⁷ An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.

¹⁴ This evidentiary requirement allows local jurisdictions an opportunity to review an application's alternatives, and requires providers to prove that collocation is not viable in a specific circumstance.

¹⁵ The jurisdiction should include a cross reference to its published fee schedule.

¹⁶ The FCC has issued a Declaratory Ruling establishing the timeframes for a jurisdiction to act on an application to site wireless infrastructure. The procedure here is reflective of that Ruling, however Jurisdiction can substitute its current procedure so long as it complies with the FCC's decision.

¹⁷ Jurisdictions should conform this time requirement to meet their existing code for information submission.

(c) The [Zoning Administrator] must issue a written decision granting or denying the request within ninety (90) days of the submission of the initial application unless:

- (i) [Zoning Administrator] notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the ninety (90) day total review time is suspended until the Applicant provides the missing information; or
- (ii) Extension of time is agreed to by the Applicant.

Failure to issue a written decision within ninety (90) days shall constitute an approval of the application.

(d) Should the [Zoning Administrator] deny the application, the [Zoning Administrator] shall provide written justification for the denial. The denial must be based on substantial evidence of inconsistencies between the application and this Ordinance.

(f) Applicant may appeal any decision of the [Zoning Administrator] approving, approving with conditions, or denying an application or deeming an application incomplete, within thirty (30) days to [the Local Appeals Board] in accordance with this Ordinance.¹⁸

V. Telecommunications Facilities and Support Structures Permitted by Special Permit.

(A) Any Telecommunications Facility or Support Structures Not Meeting the Requirements of Section IV Shall Be Permitted by Special Permit in all Zoning Districts Subject to:

- (1) The submission requirements of Section V (B) below; and
- (2) The applicable standards of Sections VI and VII below; and
- (3) The requirements of the special permit general conditions at Code Section _____. [Insert cross reference to Jurisdiction code section that establishes general conditions applicable to Special Permits.]¹⁹

(B) Submission Requirements for Special Permit Applications

- (1) All Special Permit applications for Telecommunications Facility and Support Structures must contain the following:

¹⁸ The jurisdiction should substitute its standard process for appeal.

¹⁹ This allows for Special Permit/Conditional Permit review of proposed facilities that do not meet the “preferred” standards of Section IV.

- (a) Special Permit application form signed by applicant.
- (b) Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms
- (c) Written description and scaled drawings of the proposed Support Structure, including structure height, ground and structure design, and proposed materials.
- (d) Number of proposed Antennas and their height above ground level, including the proposed placement of Antennas on the Support Structure.
- (e) When locating within a residential area, a written technical and operational analysis of why a Monopole or similar structure at a height of less than one hundred (100) feet cannot be used.²⁰
- (f) Line-of-sight diagram or photo simulation,²¹ showing the proposed Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.
- (g) A statement justifying why Collocation is not feasible. Such statement shall include:
 - (i) Such technical information and other justifications as are necessary to document the reasons why collocation is not a viable option; and
 - (ii) A list of the existing structures considered as possible alternatives to the proposed location and a written explanation why the alternatives considered were either unavailable or technologically infeasible.
- (h) A statement that the proposed Support Structure will be made available for Collocation to other service providers at commercially reasonable rates.
- (i) Notification of surrounding property owners as required by [insert Jurisdiction's relevant existing code provisions]
- (j) Special Permit application fee as listed in [Jurisdiction's published fee schedule].²²

²⁰ If you are proposing a monopole under 100' in a residential area no additional submission is required.

²¹ Photo simulations provide the community with valuable visual data showing the effect of the proposed new structure on the visual landscape.

²² The jurisdiction should include a cross reference to its published fee schedule.

(C) Procedure²³

- (1) Within thirty (30) days of the receipt of an application for Administrative Review, the [Zoning Administrator] shall either: (1) inform the Applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete and meet with the applicant. If the Zoning Administrator informs the Applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the Applicant provides the requested information.
- (2) If an application is deemed incomplete, an Applicant may submit additional materials to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application without prejudice.²⁴ An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
- (3) A complete application for a Special Permit shall be scheduled for a hearing date as required by [insert Jurisdiction's relevant existing code provisions].
- (4) Applications for new Support Structures with proposed Telecommunications Facilities shall be considered as one application requiring only a single application fee.
- (5) The posting of the property and public notification of the application shall be accomplished in the same manner required for any Special Permit application under this Ordinance.
- (6) The [Zoning Administrator] must issue a written decision granting or denying the request within one hundred-fifty (150) days of the submission of the initial application unless:
 - (i) [Zoning Administrator] notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred-fifty (150) day total review time is suspended until the Applicant provides the missing information; or
 - (ii) Extension of time is agreed to by the Applicant.

Failure to issue a written decision within one hundred-fifty (150) days shall constitute an approval of the application.

²³ Same as IV(E)(2) above.

²⁴ Jurisdictions should conform this time requirement to meet their existing code for information submission.

VI. General Standards and Design Requirements.

(A) Design

(1) Support Structures shall be subject to the following:

- (a) Shall be designed to accommodate a minimum number of collocations based upon their height:²⁵
 - (i) Support structures sixty (60) to one hundred (100) feet shall support at least two (2) telecommunications providers;
 - (ii) Support structures from one hundred (100) to one hundred-fifty feet (150) shall support at least three (3) telecommunications providers;
 - (iii) Support structures greater than one hundred-fifty (150) feet in height shall support at least four (4) telecommunications carriers.
- (b) The compound area surrounding the Monopole must be of sufficient size to accommodate Accessory Equipment for the appropriate number of telecommunications providers in accordance with Section VI(A)(1)(a).

(2) Concealed Telecommunications Facilities shall be designed to accommodate the Collocation of other Antennas whenever economically and technically feasible.

(3) Upon request of the Applicant, the [Zoning Board or Zoning Administrator] may waive the requirement that new Support Structures accommodate the collocation of other service providers if it finds that collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer Antennas will promote community compatibility.

(B) Setbacks

(1) Property Lines. Unless otherwise stated herein, Support Structures shall be set back from all property lines a distance equal to their height measured from the base of the structure to its highest point.

(2) Residential Dwellings. Unless otherwise stated herein, Monopoles, Towers and other Support Structures shall be set back from all off-site residential dwellings a distance equal to the height of the structure. There

²⁵ This provision will limit the proliferation of new structures by providing for future co-location opportunities.

shall be no setback requirement from dwellings located on the same parcel as the proposed structure. Existing or Replacement structures shall not be subject to a setback requirement.

- (3) Unless otherwise stated herein, all Accessory Equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district. Accessory Equipment associated with an existing or Replacement utility pole shall not be subject to a setback requirement.
- (4) The [Zoning Board or Zoning Administrator] shall have the authority to vary any required setback upon the request of the applicant if:
 - (a) Applicant provides a letter stamped by a certified structural engineer documenting that the proposed structure's fall zone is less than the actual height of the structure.
 - (b) The Telecommunications Facility or Support Structure is consistent with the purposes and intent of this Ordinance.

(C) Height

- (1) In non-residential districts, Support Structures shall be designed to be the minimum height needed to meet the service objectives of the applicant.
- (2) In residential districts, Support Structures shall not exceed a height equal to one hundred ninety-nine (199) feet from the base of the structure to the top of the highest point, including appurtenances. Any proposed Support Structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.
- (3) In all districts, the [Zoning Board] shall have the authority to vary the height restrictions listed in this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its waiver request the Applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the [Zoning Board].

(D) Aesthetics

- (1) Lighting and Marking. Telecommunications Facilities or Support Structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- (2) Signage. Signs located at the Telecommunications Facility shall be limited to ownership and contact information, FCC antenna registration

number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.

(3) Landscaping. In all districts, the [Zoning Board or Zoning Administrator] shall have the authority to impose reasonable landscaping requirements surrounding the Accessory Equipment. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner. The [Zoning Board or Zoning Administrator] may choose to not require landscaping for sites that are not visible from the public right-of-way or adjacent property or in instances where in the judgment of the [Zoning Board or Zoning Administrator], landscaping is not appropriate or necessary.

(E) Accessory Equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the Telecommunication Facility or Support Structure. Any equipment not used in direct support of such operation shall not be stored on the site.

The Accessory Equipment must conform to the setback standards of the applicable zone. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the [Zoning Board or Zoning Administrator].

VII. Miscellaneous Provisions.

(A) Fencing

(1) Ground mounted Accessory Equipment and Support Structures shall be secured and enclosed with a fence not less than six (6) feet in height as deemed appropriate by the [Zoning Board] or [Zoning Administrator].

(2) The [Zoning Board or Zoning Administrator] may waive the requirement of Subsection (1) above if it is deemed that a fence is not appropriate or needed at the proposed location.

(B) Abandonment and Removal. If a Support Structure is Abandoned, and it remains Abandoned for a period in excess of twelve (12) consecutive months, the [Jurisdiction] may require that such Support Structure be removed only after first providing written notice to the owner of the Support Structure and giving the owner the opportunity to take such action(s) as may be necessary to reclaim the Support Structure within thirty (30) days of receipt of said written notice. In the event the owner of the Support Structure fails to reclaim the Support Structure within the thirty (30) day period, the owner of the Support Structure shall be required to remove the same within six (6) months thereafter. The [Jurisdiction] shall ensure and enforce removal by means of its existing regulatory authority.

- (C) Multiple Uses on a Single Parcel or Lot. Telecommunications Facilities and Support Structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

VIII. Telecommunications Facilities and Support Structures in Existence on the Date of Adoption of this Ordinance.

- (A) Telecommunications Facilities and Support Structures that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use.²⁶
- (B) The provisions of this Part are limited to those structures that do not meet the height or setback requirements set forth in these regulations.
- (C) Non-conforming Support Structures
 - (1) Non-conforming Support Structure. Ordinary Maintenance may be performed on a Non-conforming Support Structure or Telecommunications Facility.
 - (2) Collocation and/or Minor Modifications of Telecommunications Facilities on an existing non-conforming Support Structure shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming structure and/or use and shall be permitted through the Administrative Approval process defined in Section IV.
 - (3) Major Modifications may be made to non-conforming Support Structures utilizing the regulatory approval process defined in Section V.

²⁶ This provides for the continued operation of existing facilities, which is necessary for maintenance of today's wireless networks, and which will serve as platforms for future network improvements.



DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer

Andrew A. Baker, AICP
Director



DEKALB HISTORIC DISTRICT NOMINATION

FORMAT –

SHORT FORM

I. Name of District

Briarpark Court Historic District

II. Location of District

List principal streets, highways, and geographic features within and around the district:

The district is located in unincorporated DeKalb County and is roughly bounded east of Briarcliff Road (State Route 42) off Old Briarcliff Road. The district's northern boundary is just south of Peachtree Creek. It lies south of Clifton Road and due south of the Sage Hill Shopping Center.

City or vicinity of: Atlanta

III. Description of District

a. Brief Narrative description

Platted in 1953, The Briarpark Court Historic District is a well-preserved distinct enclave of 18 midcentury modern ranch-style homes. The design of the homes in the district are unified through thoughtful site planning and visually and materially integrated interior and exterior spaces that achieve

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Email Address: planninganddevelopment@dekalbcountyga.gov

Revised 2/04/11

an innate link with nature. Frank Lloyd Wright described this design approach as “organic architecture”. The homes in the district also represent rare regional examples of an expression of modern design philosophy attributable to the Bauhaus Art School, founded by Walter Gropius in the Weimar Republic of Germany in 1919. This minimalist approach which features clean lines with bold, simple coloration is reflected in many of the district’s homes, particularly those designed by architect Andre Steiner, a.k.a. Andrew E. Steiner, who studied at the Bauhaus in 1932. The Bauhaus had a major impact on art and architecture trends in the United States in the decades following its demise during World War II, as many of its artists and designers, including Steiner, fled to the U.S. to escape the Nazi regime. For Atlanta, Mr. Steiner’s work in the district, including his personal residence which he occupied for forty years, are important preserved examples of this international design phenomenon.

The district features many of the signature elements of Steiner’s Bauhaus-inspired designs:

- Use of stone patios and floors that extend from outdoor spaces into the homes’ interiors
- Homes positioned at the peak of the district’s lots with window walls to maximize the most advantageous views of the surrounding forest
- Use of sky domes
- Perforated brick walls
- Flat and/or low sloped roofs
- Horizontal ribbon windows
- T-shaped or H-shaped plans
- Concern for cataloging/retaining existing trees (topography studies commonplace in his architectural plans)
- Thoughtfully integrated carports that do not obstruct or diminish the architecture or view of the homes
- Open concept living/kitchen floor plans; seen in Steiner designs as early as 1961 and a precursor to today's favored style

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The Briarpark Court Historic District showcases premier examples of the midcentury modern ranch home in Georgia. The neighborhood visually embodies all elements and styles of ranch housing that were developed in midcentury Georgia. There are examples of Colonial Revival, Eichler inspired, contemporary and the typical "brick" ranch home. There is even a split level home in the district, constructed in 1954, well before the widespread appearance of such homes in the 1970's. The homes were built to their best advantage with attention to land topography counteracting the typical "low to the ground" feature of a midcentury ranch. All sit laterally on their lots. Backyards are often an extension of the living space in many Briarpark homes through the use of picture windows, sliding glass doors and expansive patios. The district showcases a variety of styles, exterior materials, window shapes and sizes, mono pitched & flat roofs and zoned floor plans with open spaces – all of which are typical to the period. There is great diversity of midcentury ranch homes in the district.

As previously mentioned, many homes in the district were designed by a historically significant architect who contributed much to Georgia and humanity. Steiner, a holocaust survivor, negotiated with Nazi occupiers to save some 7,000 Slovakian Jewish lives during World War II. He was also responsible for designing master plans at Stone Mountain, Jekyll Island, Callaway Gardens and Emory University. His legacy survives not only through his preserved residential designs on Briarpark Court and across Georgia, but also through the decedents of the lives he saved.

We estimate about half of Steiner's 25 built homes are extant, and many of these are in the Briarpark Court subdivision. These homes are among the finest surviving examples of midcentury modern residential architecture in Atlanta and are well worth preserving as a Historic District.

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The Briarpark Court historic District includes the following residences:

Address:	Year Constructed:
734 Briar Park Court	1954
735 Briar Park Court	1955
741 Briar Park Court	1954
742 Briar Park Court	1956
751 Briar Park Court	1953
752 Briar Park Court	1953
757 Briar Park Court	1953
758 Briar Park Court	1955
765 Briar Park Court	1953
766 Briar Park Court	1954
774 Briar Park Court	1954
775 Briar Park Court	1954
782 Briar Park Court	1954
783 Briar Park Court	1953
790 Briar Park Court	1953
791 Briar Park Court	1953
800 Briar Park Court	1955
801 Briar Park Court	1953

b. Boundaries of District

Briefly describe the proposed boundaries of the district.

The Briarpark Court Historic District consists of several contiguous and historically related midcentury modern houses constructed between 1953 and 1955 located off Old Briarcliff Road. This one street development of ranch homes differs from other developments because it is much smaller, the homes were architect commissioned and its location is closer to Atlanta than other larger suburban developments. The district is located in the 18th District, Land Lot 57.

The district is bound by Briarcliff Road, Peachtree Creek and Old Briarcliff Road. It is in close proximity to Emory University, the CDC, the Fox 5 Atlanta television station and the Historic Druid Hills district.

c. Reason(s) for designation

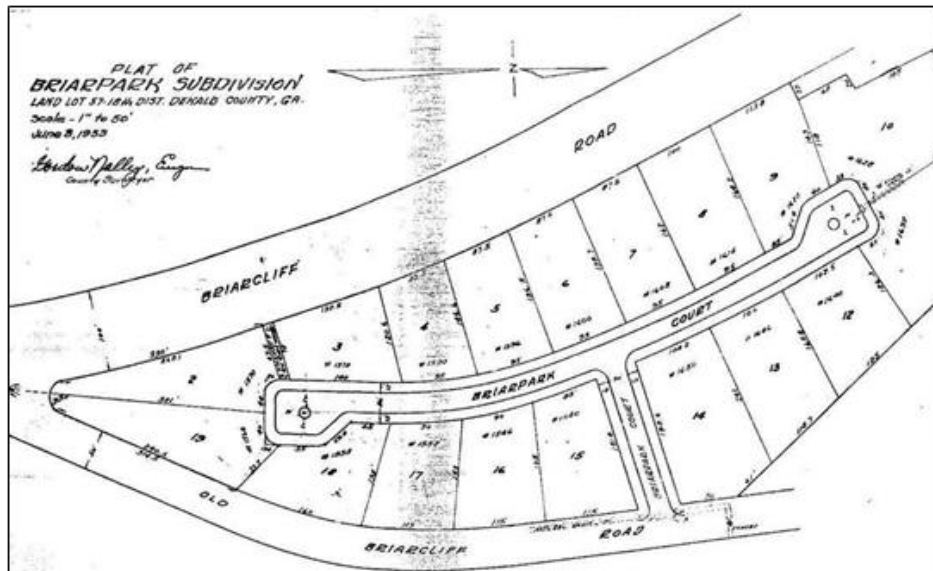
The district is being nominated at the local level of significance

because it is an excellent and intact example of a mid-20th-century subdivision that was developed at a time of rapid growth in DeKalb County and is associated with the architect Andre Steiner, a significant figure in both Atlanta and Georgia.

The district embodies distinctive characteristics in architecture related to the midcentury modern era represented by the innovative and significant work of Andre Steiner. The architect designed his own home, as well as those of several of his friends and colleagues, on the street and is credited with bringing the Bauhaus Modern style to Atlanta (Times of DeKalb, "The Ranch House in DeKalb County", April 2010.) Steiner, a significant historical contributor, was the head planner and architect at the Atlanta firm, Robert and Company. In addition to his milestone work in the district, he is credited with Master Plans for Georgia State University, Emory University, Stone Mountain, Jekyll Island and revised plans for Callaway Gardens. The Atlanta History Center holds an extensive archive of Steiner's original plans and renderings, including those of sever homes in the district (see Appendix).

d. Map

Provide a map of the district showing the boundaries and major streets.



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VI. Applicant Information

Name(s) of sponsor: Russ Haynie

Organization or agency (if applicable):

Mailing Address:

751 Briar Park Court NE

City: Atlanta State: GA Zip Code: 30306

Telephone—Monday-Friday daytime and/or work:

(404) 862-2314

E-mail: russ.haynie@gmail.com

I. Form Prepared By

Name: Carol Tarver

Title and Organization or Company, if any:

Mailing Address: 791 Briar Park Court NE

City: Atlanta State: GA Zip Code: 30306

Telephone—Monday-Friday daytime and/or work:

(404) 861-3091

E-mail: ctarver@me.com

Date: November 10, 2016

What is the preparer's relationship to or interest in the district?

Resident

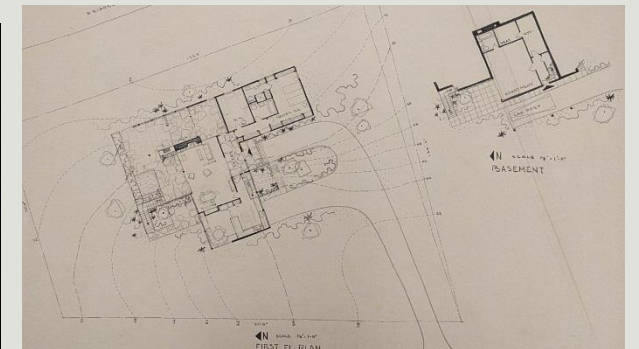
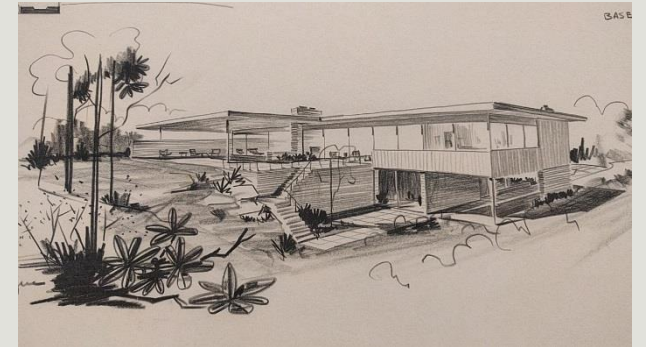
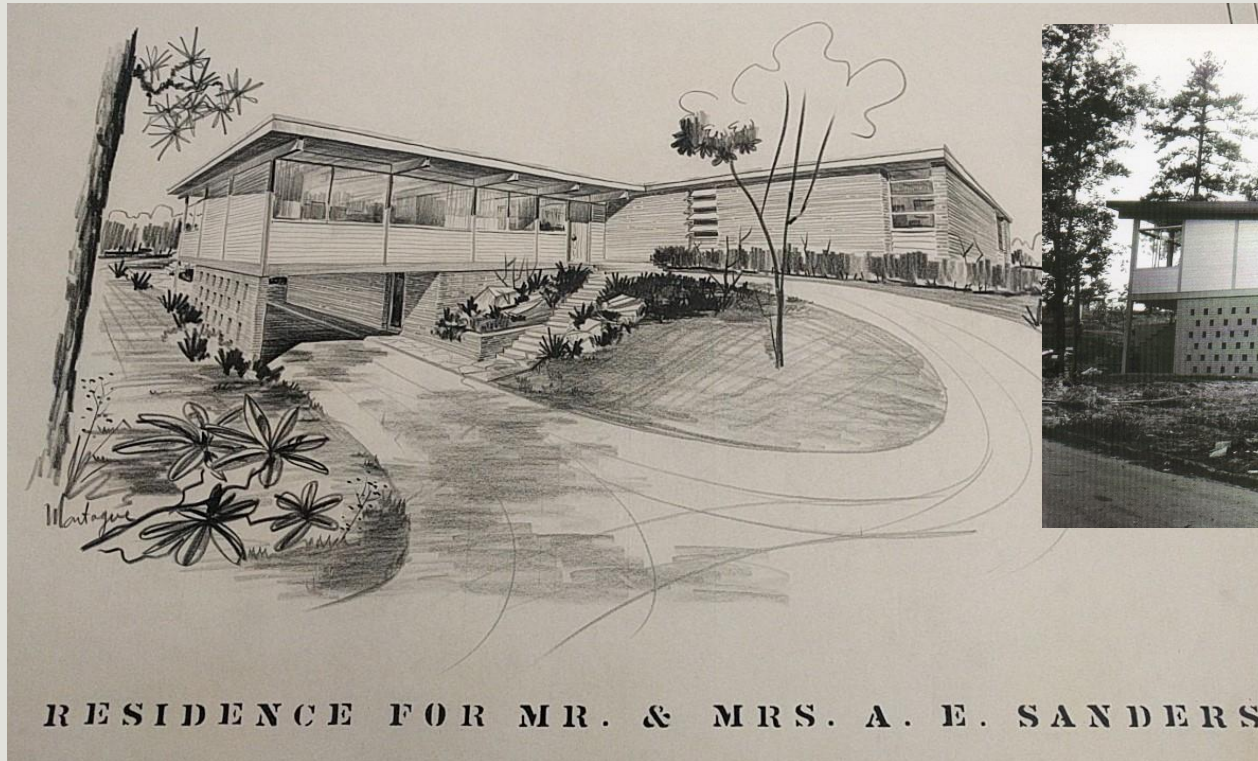
Appendix

BRIARPARK COURT HISTORIC DISTRICT NOMINATION

Briarpark Court homes

ANDRE STEINER

Steiner's Work on Briarpark Court

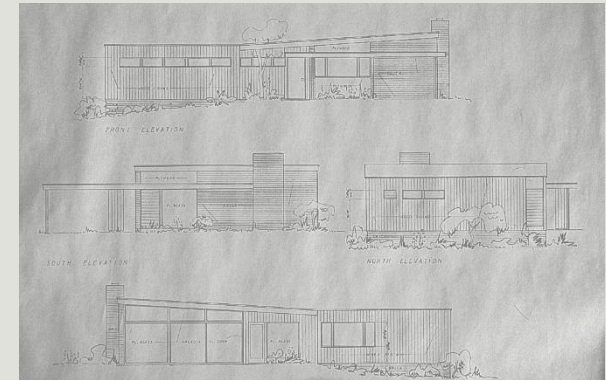
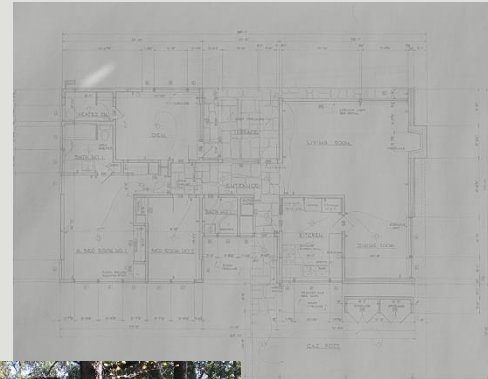


742 Briarpark Court

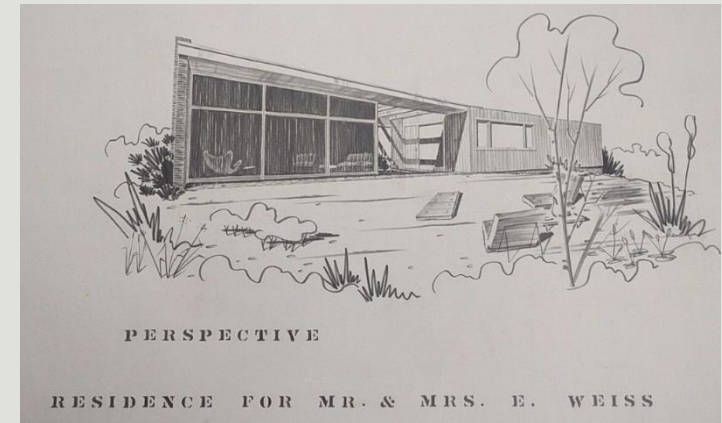
Steiner's Work on Briarpark Court



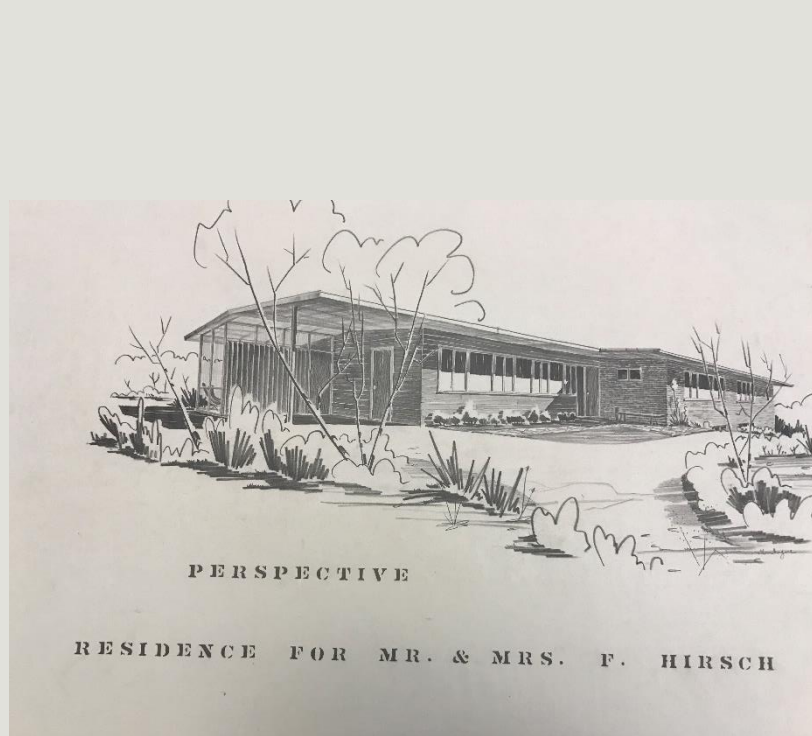
751 Briarpark Court



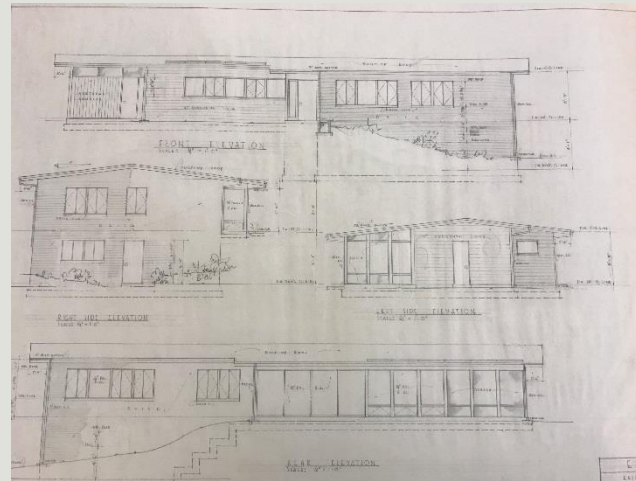
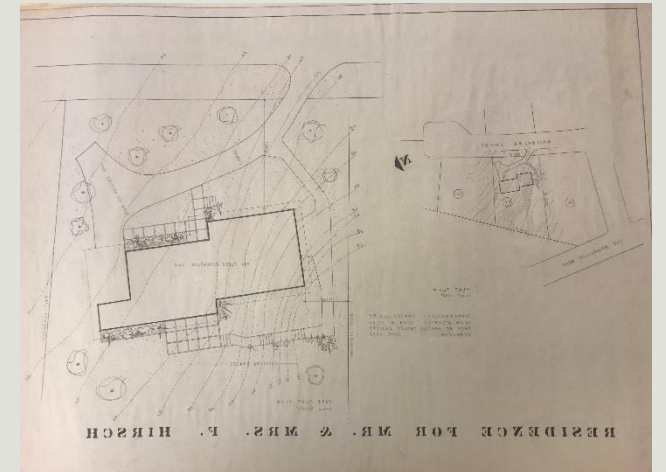
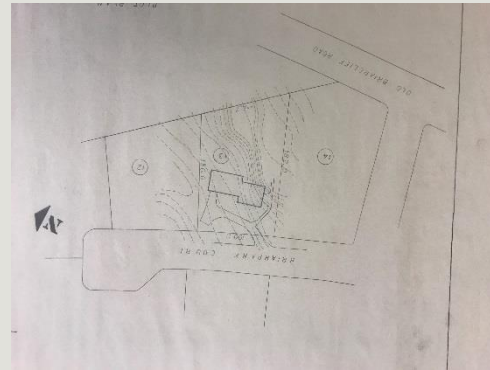
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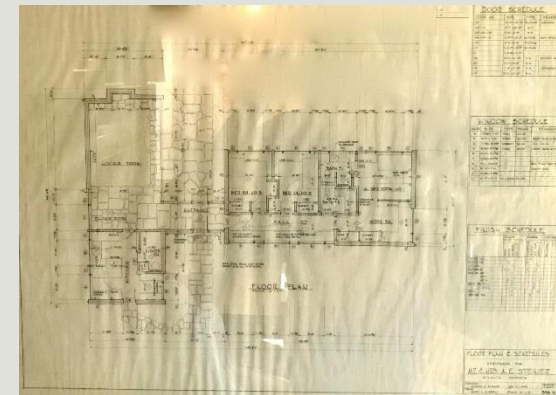
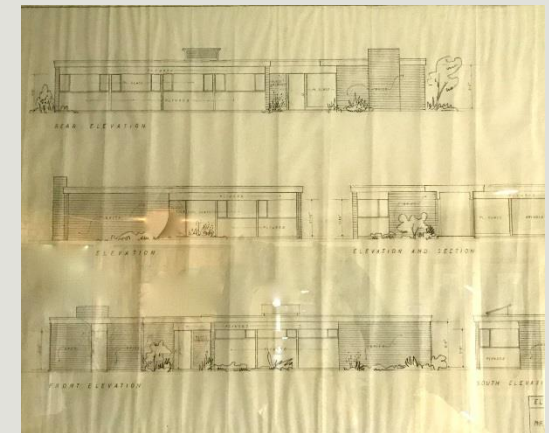
Steiner's Work on Briarpark Court



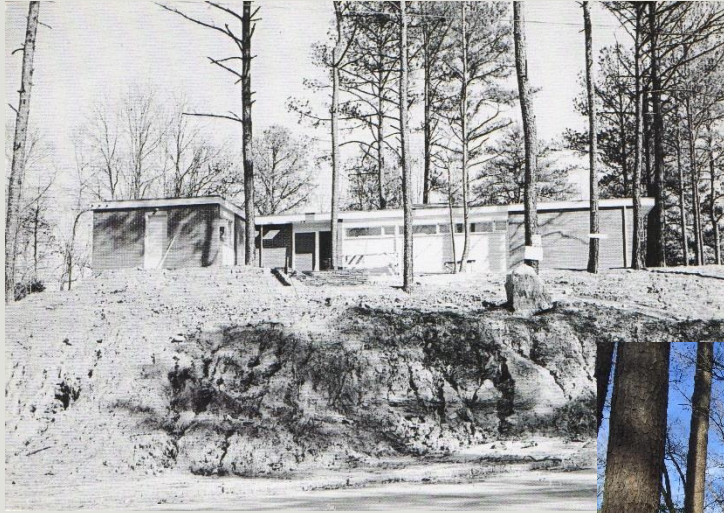
783 Briarpark Court



Steiner's Residence on Briarpark Court



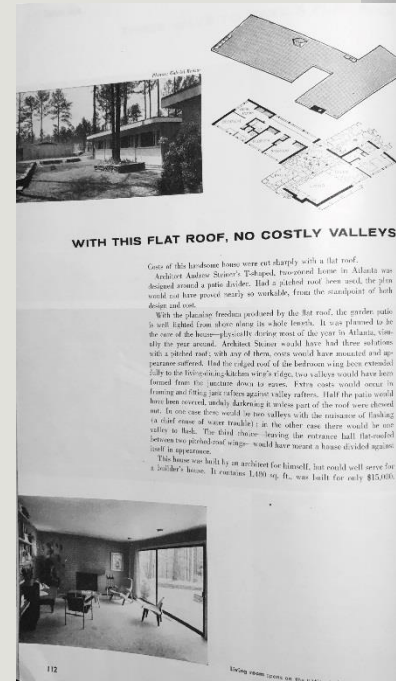
Steiner's Residence on Briarpark Court



Under Construction



791 Briarpark Court



Featured in House & Home
June, 1955

Today





Restoration and rehabilitation of a circa 1955 modern house designed by Steiner on a pitched site adjacent to the south fork of Peachtree Creek. New spaces include a lower level owners suite with outdoor shower and pool, and enlarged family room, screen porch and updated kitchen.



Briarpark Court Restoration

Gamble & Gamble Architects

Midcentury Modern

RANCH HOMES ON BRIARPARK COURT

Midcentury style diversity on Briarpark Court



Midcentury style diversity on Briarpark Court



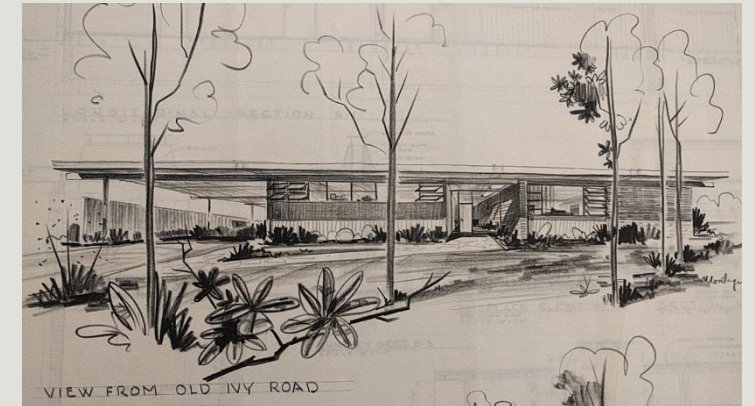
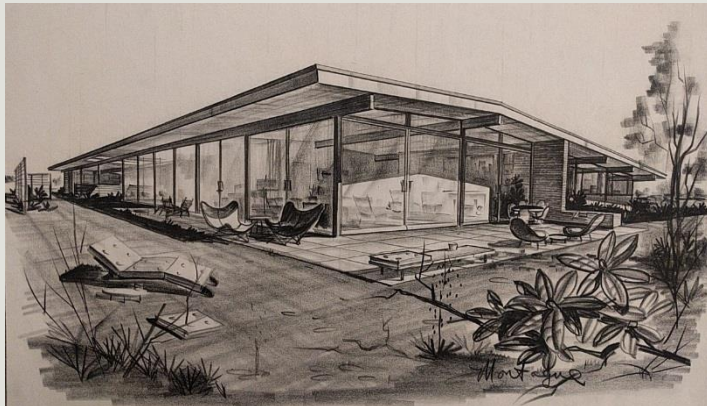
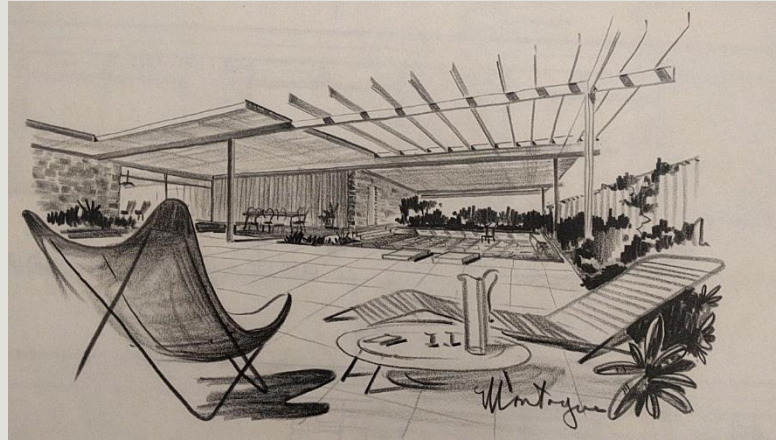
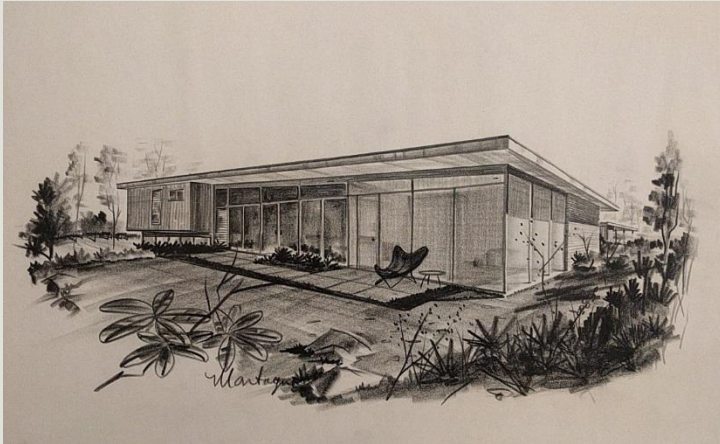
Midcentury style diversity on Briarpark Court



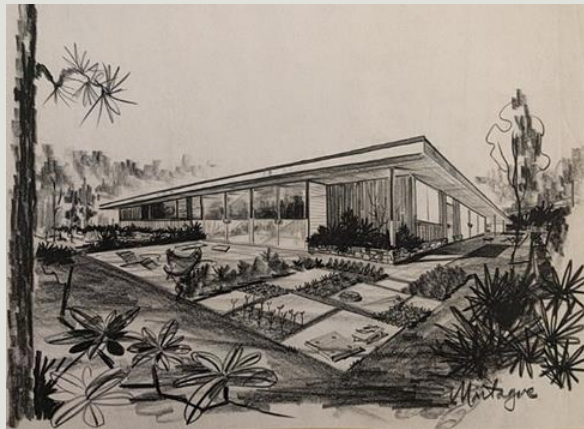
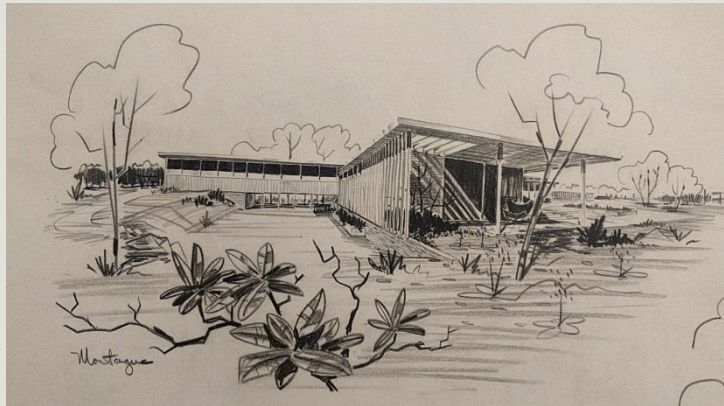
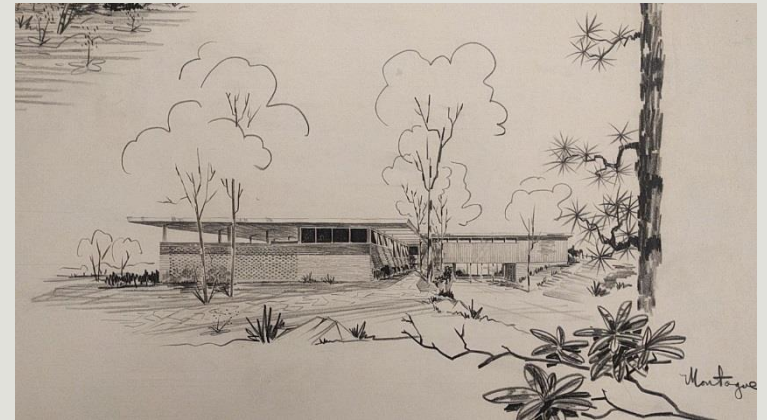
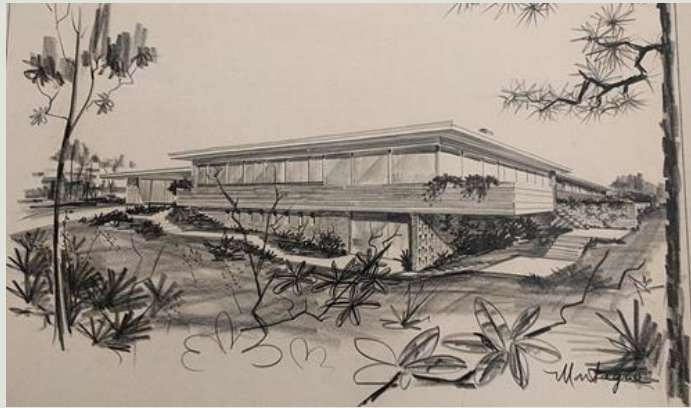
Architectural Renderings

ANDRE STEINER

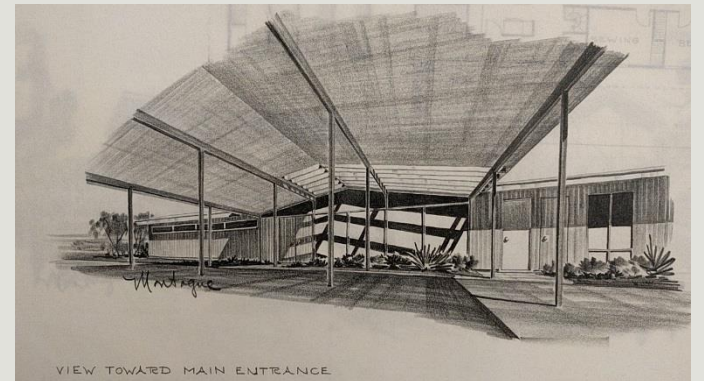
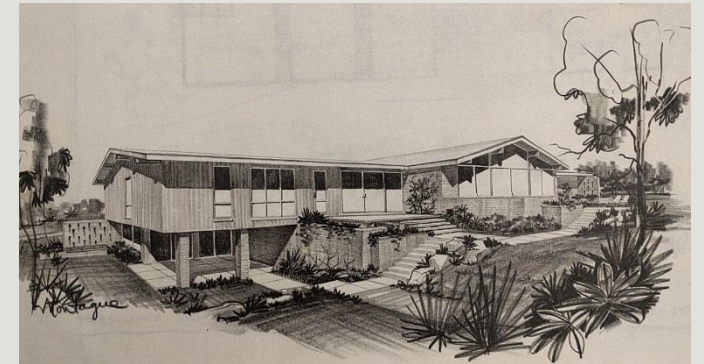
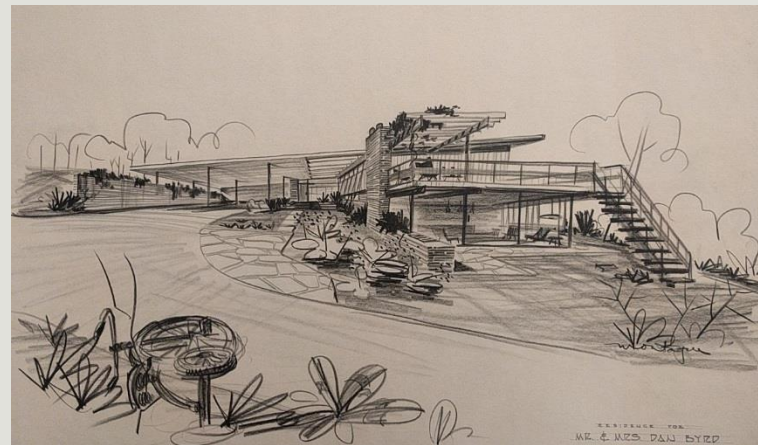
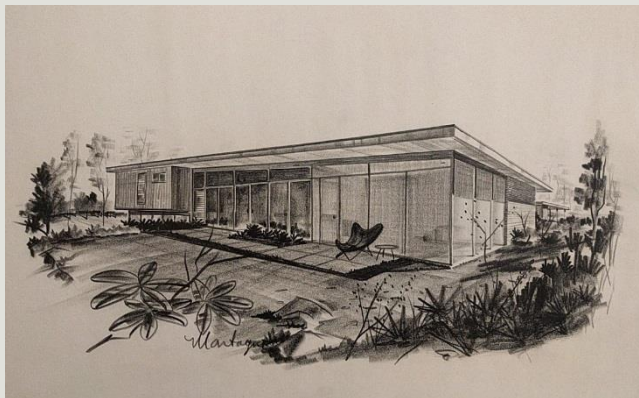
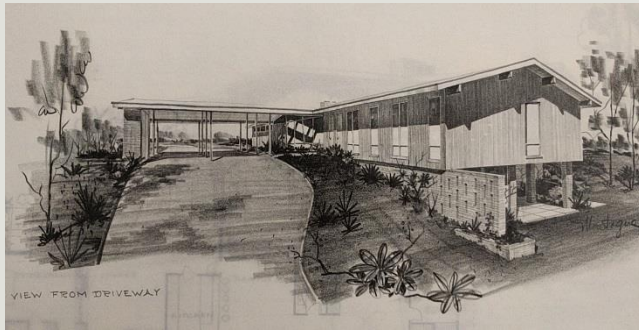
Steiner's Other Residential Work



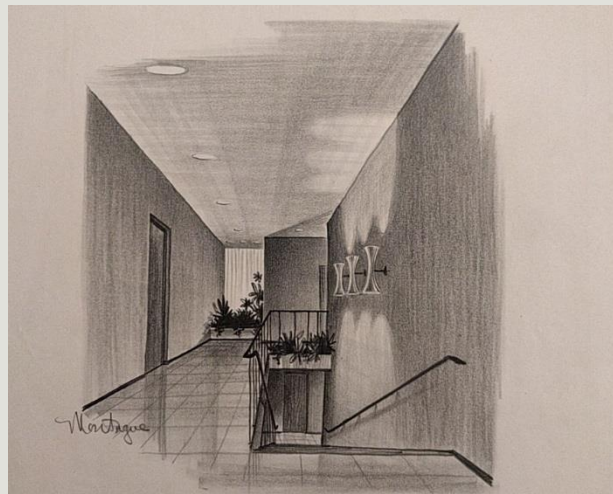
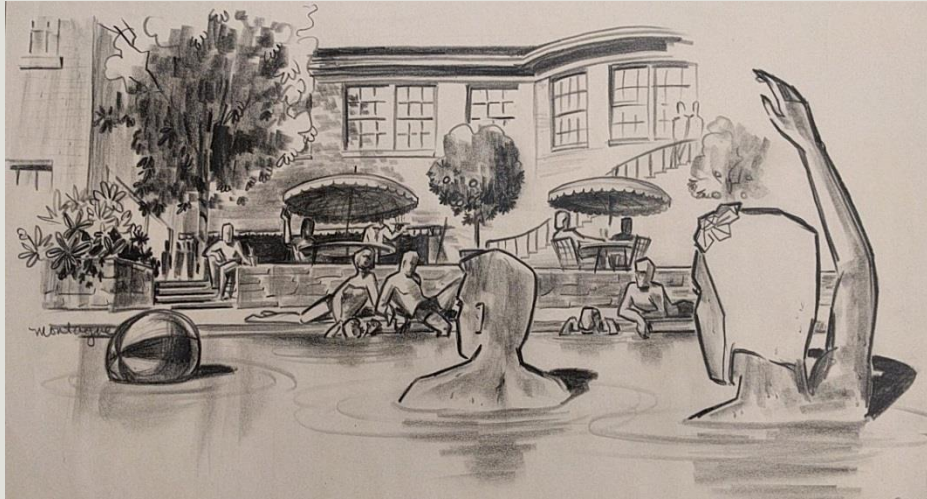
Steiner's Other Residential Work



Steiner's Other Residential Work



Steiner's Commercial Work



Other Atlanta work

ANDRE STEINER



For years, the light-flooded ranch sat relatively untouched on its hillside perch, until the homeowners found the house and embraced the idea a full-scale renovation. The original house—defined by its simplicity with clean lines and a multitude of windows celebrating the outdoors—was designed by Andre Steiner, a Bauhaus-trained architect and unsung Holocaust hero. After fleeing Europe in the '40s, Steiner called Atlanta home, and this house is one of his last remaining works. “

Restored Steiner home

Chastain Park; Atlanta Homes and Lifestyle, October 2014



Andre Steiner designed Ahavath Achim Synagogue which was completed in 1958. The sanctuary seats 2,500 and has room for 3,500 in a pinch. Big, warm, not intimidating, it's minimal with plenty to see. The windows are more folksy than abstract and are loaded with symbolism. Each of the 28 windows in the sanctuary deserves a long look.

Steiner designed synagogue

Architecture Tourist, September 23, 2011

His Legacy

ANDRE STEINER

Legacy



Endre Steiner was born to a Jewish family in Dunajská Streda, Slovakia on 22 August 1908. In 1925-32 he studied at the German Technical University in Brno. Having completed his training at Ernst Wiesner's studio, he set up his own office in 1934; the commercial and apartment building in Kamenné Square in Bratislava was one of his first major contracts. His projects in Brno mainly involve apartment buildings and interiors for Jewish clients and the Stanislav Neděla building company. He and architect Endre Szönyi published the journal Forum in Bratislava in 1931-38.

During World War II, Steiner was a member of the Working Group, an illegal organization working to prevent deportations of Slovak Jews to extermination camps in Poland. After the Communist takeover in 1948, he emigrated with his family to Cuba, where he was offered the position of chief architect in an American design studio. In 1950 he settled in Atlanta in the USA. In the 1960s he became the manager of the area and town planning division at Robert and Company Associates, an architecture company based in Atlanta. At the same time, he was a vice-chairman of the Urban Design Department at the American Institute of Planners and the chairman of its chamber in Georgia; he also taught at the university in Atlanta.

The architect's adventures and activities during WWII were depicted in Brad Lichtenstein's 1999 documentary entitled *André's Lives*.

Legacy



USA Today, August 22, 2008, in honor of Steiner's 100th birthday:

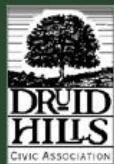
"He became a celebrated architect here, responsible for planning some of the state's largest attractions, from Stone Mountain Park to Emory University. He was also known for more ambitious ideas, like a 1970s proposal for a mini-city in downtown Atlanta that could be home to 130,000 people."

Record of the Jekyll Island State Park Authority (JISPA) Board Meeting of 8 June 2009, in the Convention Center:

Dr. McCash announced that Andre Steiner had passed away on 22 April 2009, at the age of 100. In the process of preparing an article about the State-owned period of Jekyll Island State Park, McCash had discovered that Steiner had been the designer of the original Master Plan for the State Park. [McCash noted that the article was published in a book entitled "Southern Journeys", Alabama Press.] In November, 2008, McCash ran across an article about Steiner, citing his heroism in saving some 7,000 Slovakian Jewish lives during the Holocaust. McCash interviewed Steiner in Atlanta twice in early 2009, and the result has been an article published in "Georgia Backroads" magazine (the current issue). Before World War II, Steiner had been a well known architect living in Brno, Czechoslovakia. Steiner was arrested for being Jewish when the Nazis invaded Czechoslovakia, but when the Nazis realized his value as an architect, they put him to work on partially-completed building complexes and later on resort edifices that they wanted to see finished. When the Nazis began deporting Slovakian Jews to concentration camps, Steiner was able to save many who would otherwise have been taken to Auschwitz, by convincing the invaders to keep them in Slovakia and use them in manufacturing work camps. Conditions eventually worsened, and Steiner and his family were forced to flee to the mountains, and hide in a woodcutter's hut. When the war ended, the Steiners moved into one of the resorts that they had built for the Nazis, and used it as a center for reuniting of orphans with their families.

In 1948, the Steiners moved to Cuba. After two years, they were able to immigrate to Atlanta, where Steiner obtained a position with Robert & Company, the famous architectural firm which was eventually given the contract to design Jekyll Island State Park, in 1951. This project was Steiner's favorite through the rest of his life (others included Callaway Gardens, the campus of Georgia State University, and buildings for Emory University). It was Steiner who made the decision to limit development to 35% of the upland acreage, because he felt that the natural beauty of the Park should never be compromised. His plan won out over a competing one, which included turning Jekyll Island into a little Daytona Beach, with auto racing on the beaches. Steiner had argued vehemently against overdevelopment, with houses and houses (his words) like we have now along the Florida coast. He also intended for his plan to favor the use of the Park by the middle class, rather than the rich. He spent several months living in Villa Mariana, completing his plan. He was, in many respects, the creator of Jekyll Island State Park as we know it today. Dr. McCash called for Steiner to be paid tribute by the Park Authority, and regretted that he could not be present to accept the honor himself.

Chairman Royal offered the official recognition of Andre Steiner's contribution to the formation of Jekyll Island State Park as an action item for the Authority Board. Chairman Krueger thanked Dr. McCash for her presentation.



DRUID HILLS CIVIC ASSOCIATION

January 23, 2017

David Cullison
Senior Planner
DeKalb County Department of Planning & Sustainability
Historic Preservation Commission
330 W. Ponce de Leon Avenue
Fifth Floor
Decatur, GA 30030

SUBJECT: Briarpark Court Historic District

Dear David:

Druid Hills Civic Association would like to support this application for a new historic district within Druid Hills neighborhood. While the history and architectural style of Briarpark Court differ significantly from the Olmsted legacy that has shaped DHCA's charter, this is an excellent opportunity to demonstrate the neighborhood's commitment to historic preservation and translate that to parts of the neighborhood that are of an age that has only recently surpassed the 50-year threshold allowing such designations to be proposed.

The designation will protect a rare and well-preserved enclave of unique mid-20th century residential architecture.

Thank you for all the work you do to help us with Historic Preservation in DeKalb County and Druid Hills in particular.

Sincerely,

Anne H. Wallace, President
Druid Hills Civic Association

Cc: Russ Haney – Briarpark Court
Kit Eisterhold & Bruce MacGregor – DeKalb Land Use & HPC, DHCA

