

SUBJECT: Appeal of Decision of the Historic Preservation Commission Concerning Property Located at 1176 Lullwater Road by Virginia Tate

ATTACHMENTS (61 PAGES)

1. *Attachment list (page 1)*
2. *Appeal (pages 2- 6)*
3. *Response to Appeal (pages 7-9)*
4. *Denial Form and Decision Form (pages 10-12)*

(All information below this line was provided to the preservation commission for their consideration in making their decision.)

5. *Staff report (pages 13-17)*
6. *Application and supporting documents (pages 18-42)*
7. *Letters supporting the application (pages 43-51)*
8. *Opposition to the application (pages 52-61)*

Link to the recording of the September 18, 2023, Historic Preservation Commission meeting:

https://dekalbcountyga.zoom.us/rec/share/DsybLNcUYJN1qLwUaWTmHv_tv8zL1eP4k-2sjcwFnOZRzhxirmzX7aO9l47glgfP.hbaDkO1YNmolSAT5

Passcode: tF59%c9S

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

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

All appeals must comply with the procedures set forth herein.

An application to appeal a decision of the Historic Preservation Commission on a certificate of appropriateness application 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: _____ Virginia Tate

Address of appellant: _____
1166 Lullwater Road, Atlanta, GA 30307

Address of Property: _____ 1176 Lullwater Road, Atlanta, GA 30307

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 adverse the preservation commission's decision and remand the application to the preservation commission with direction.

Date(s) of hearing, if any: _____ September 18, 2023

September 19, 2023

Date of Historic Preservation Commission decision: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

Historic Preservation Commission Appeal Form
Page 2 of 2

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 HPC abused its discretion pursuant to Dekalb County Code 13.5-8(12) by exceeding the limits of its authority, the decision was not based on the factors set forth in Section 13.5-8(3) or the guidelines pursuant to Section 13.5-6 and the decision was arbitrary and capricious. The decision was not based on factors relating to the dominant pattern and prevailing character of the existing homes in the area of influence. Additionally, the HPC exceeded its authority by rendering a decision on the Applicant's COA even though the County had just denied an administrative variance on the stream buffer requirement which renders the current site plan not viable. Finally, the decision was also arbitrary and capricious in that the HPC did not consider prior HPC denials on the same property.

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: 10/3/23 Signature: Virginia Tate

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.

Supplemental Explanation in Support of Appeal: Appellant seeks reversal of the September 18, 2023 HPC decision to approve a Certificate of Appropriateness, with modification, for a new construction at 1176 Lullwater Road. The HPC decision was in error for the following reasons:

1) The HPC decision was not based on the factors to be considered under the Guidelines:

The HPC abused its discretion by not considering that the new construction proposed for the N. Decatur end of Lullwater Road has numerous attributes that are completely incompatible the prevailing design of the area of influence and thus contravenes The Druid Hills Design Manual (“the Guidelines”) and Dekalb Code Section 13.5-8(3). Those include:

- It would be about 25 feet from 1166 Lullwater. Most houses are 40-55 feet apart, so it would about half that. This fails to conform to the rhythm of the neighboring properties. Guidelines 7.2.6
- It would be about 29 feet in front of the neighboring house. The proposal is that it would be 72 feet from the street and most houses in that section of Lullwater are about 100 feet from the street. Again, this fails to conform to the rhythm of the neighboring properties. Guidelines 7.2.6
- The new house has a protruding front facing screened porch. No houses on that part of Lullwater have a front facing screened porch. This is contrary to and detracts from the prevailing character of the area of influence. Guidelines 7.2
- It has a front-facing garage. None in that section of Lullwater has that. This is contrary to and detracts from the prevailing character of the area of influence. Guidelines 7.2

- The front yard is a concrete driveway and turn around. All houses on that section of the street have driveways down the side and leading to the back of the homes. This new construction effectively has a concrete front yard which contravenes the intent of Guidelines 7.2.8 which addresses landscaping and driveways.
- The house is shaped like a triangle or trapezoid. None of the houses on that section of Lullwater are shaped as such. This is contrary to and detracts from the prevailing character of the area of influence. Guidelines 7.2
- The elevation and hardscaping will cause flooding, flashing and build up of sediment which will affect neighboring properties and Peavine Creek. Guidelines 8.0 addresses natural landscapes and watershed.

There was little discussion among the HPC about the Guidelines. The main discussion was when HPC Member Pamela Scully asked about the intended meaning of “rhythm” in the Guidelines (38:00). During that discussion, staff stated that they thought leeway should be granted to the Applicant because the lot is at the “end” of Lullwater and not in the middle (38:40-39:35). This simply is not a viable argument and in fact, the lot is at the beginning of Lullwater as it is the first lot on Lullwater coming from N Decatur Road. Thus, it actually sets the tone for Lullwater and even more so should be consistent with the dominant pattern and prevailing character of the neighboring houses. To allow this new construction would have a detrimental effect on the District as it is not at all compatible with the dominant patterns and prevailing character of the existing buildings in the area of influence.

2) The HPC exceeded its authority since the site plan is no longer viable as the County just denied the Applicant’s request for a stream buffer variance.

On September 13, 2023 the County issued an administrative decision denying the stream buffer variance. The decision was based in part on the fact that the property is in the existing or year 2025 built-out condition flood plain and in part on the incompleteness of the application. Accordingly, the current site plan is not viable, and the HPC exceeded its authority by approving the COA.

3) The HPC decision was arbitrary and capricious for failure to consider the most recent HPC denials of the COA.

The HPC in its approval of the COA in September seemed to focus on an earlier approved COA from July 2021. However, since that COA from 2021, there has been a County requirement for a stream buffer on the property, the site plans have changes several times, and there have been two HPC denials of the request for COA (one in November 2021 and one in July 2023).

In July, 2023, the HPC denied virtually the same application that is the subject of this appeal.

The only difference between the two site plans is that the one before the HPC in September had the house 72 feet from the street as opposed to the 68 feet in the July 2023 application.

Simply moving the front set back by 4 feet is not sufficient to reverse the previous HPC denial of the COA. Most houses on that section of Lullwater are 100 feet back from the street. Moving it from 68 feet to 72 feet is negligible. It still will be about 29 feet in front of the neighboring house, 1166 Lullwater, and inconsistent with the rhythm of the neighborhood.

For the foregoing reasons, the BOC should reverse the HPC decision.

APPLICANTS' RESPONSE TO APPEALS OF VIRGINIA TATE APPEAL

Appellant challenges the approval of a COA for the construction of a new home on a recognized buildable vacant lot at 1176 Lullwater (Subject Property). The Applicants have spent years trying to secure approval largely due to the lapse of time on an approved COA in 2021 and the subsequent designation by the County of a stream buffer on the property. Finally in September of 2023, the HPC approved Applicants plans but they now are defending an appeal of that approval. The Board of Commissioners (BOC) can only reverse a decision of the HPC if it finds that the HPC abused its discretion. The record in this case before the HPC makes it clear that no abuse of discretion occurred below and as such the BOC must affirm the HPC approval of Applicants' COA. Applicants respond to each assertion of error submitted by the appellant in her appeal as follows:

The HPC considered the Guidelines in the context of the location of the Subject Property.

The proposed plans meet all relevant Guidelines such that the proposed new residence will not have any adverse impact on the district or any historic structure within it. This was the express finding of the HPC and staff in its written report. However, appellant complains that the approved plans are not consistent with the rhythm of separation between homes and front yard setbacks. She also complain that the proposed front facing porch and front driveway violate Guidelines 7.2.8, 7.2.6, and 7.2.1. These Guidelines only apply if there is a predominant rhythm present. David Cullison noted that the rhythm was unusual in this location because the Subject Property is at "end of the line". Recording at 38:48. Because the house next to Subject Property is a little bit out of line with other houses on the street, siting the house on the Subject Property as proposed does not disrupt the rhythms elsewhere along Lullwater Recording at 39:10.

The written staff report addressed all relevant guidelines. Staff recommended the commission accept the County's determination on the stream buffer variance and not require the 75' setback set out in the Design Manual. The "streetscape" drawing from the current HPC application on page 8 provides the best visual explanation of the setbacks and rhythms. The last two lots (1166 and 1176) are at an angle to Lullwater and therefore the houses are at an angle with both located towards the left side of their lots. The right front corner of the proposed house is 72' from the street but the left corner is much further back due to the angle. Passersby perceive the relationship between the houses more than the distance from the street although the house does sit slightly forward due to the need to provide distance from the stream at the rear. The proposed house is at the end of the Lullwater blockface, so it is not apparent that the location is forward because the setback pattern is also at an end. See visual comparisons in application material p. 10. This comparison also shows front porches. Moreover, both Donna Bergeson of 1135 Lullwater and Beth Finnerty (applicant) testified that there is a 2-car carport at the corner of Lullwater and North Decatur right next to the Subject Property and there are many front facing garages in Druid Hills thereby not making the proposed front facing garage an outlier. Recording at 29:09 and 30:10.

Denial of a stream buffer variance by another body is not dispositive of the HPC decision.

Appellant further submits that the HPC should not have approved the COA because the stream buffer variance was denied administratively¹ thereby allegedly rendering the site plan approved by the HPC "not viable". As noted by the HPC Chair and David Cullison stream buffer encroachment decisions are made separately by different departments than the HPC and have no bearing on whether a particular project

¹ While it is true that an administrative decision denied the recent buffer variance request, applicants intend to reapply and provide more information in support of such a variance. The Zoning Board has never considered or denied a request from the applicants for a buffer variance.

meets the design guidelines within the historic district for a COA. Recording at 3:31:50 through 37:05.

As with erosion and storm water, stream buffer encroachment issues are not within the purview of the HPC and have no place in their decision making relative to a COA application. Should applicants not be able to secure a stream buffer variance, they will not be able to build on the Subject Property.

Because the HPC approved a plan almost identical to that submitted in 2021 it would have been arbitrary for HPC to not approve the 2023 plan submitted. Contrary to the assertion of the appellant that it was arbitrary for the HPC to ignore previous past denials of similar plans to those approved, it would have been arbitrary for the HPC to deny the plan approved due to the almost identical elements as a plan approved by the HPC in 2021. But for the lapse of time and the designation of a stream buffer on the Subject Property where before there had been none, the applicants could have moved forward with implementation of the HPC plan approved in 2021. See staff report in this regard. The Subject Property is considered a buildable lot by the County and the applicants are considered to have a right to build on it. Recording at 30:11 and 41:03. The proposed front façade is the similar to that which was approved in July 2021. At the July 2021 HPC meeting, a version of the proposed home was approved for a COA that was 690 square feet larger, 30” wider, and 30” taller to the ridge than the home approved by the HPC on September 18, 2023. See comparison of front elevations –approved in 2021 vs. approved in 2023. The location proposed in 2023 is 7.65 feet from the property line as opposed to 5 feet in the previously approved 2021 application. The nearest part of the house to the right-of-way is 72’, 3’ closer than the previously approved house. See page 7 of application showing the site plan “Approved July 2021”.

Conclusion. For all the foregoing reasons the applicants submit that there is absolutely no legal or factual basis for the appeals filed nor for reversal of the HPC’s decision. They therefore request that the BOC affirm the HPC decision in its entirety.



Dekalb County Historic Preservation Commission

330 Ponce De Leon Avenue, Suite 300

Decatur, GA 30030

(404) 371-2155 or (404) 371-2813 (Fax)

Michael L. Thurmond
Chief Executive Officer

CERTIFICATE OF APPROPRIATENESS

September 20, 2023

Site Address: 1176 LULLWATER RD
ATLANTA, GA 30307-

Parcel ID: 18-054-06-001

Applicant: Elizabeth Finnerty c/o Battle Law, P.C.

Mailing Address: 3562 Habersham at Northlake
Tucker, GA 30324

THIS IS TO ADVISE YOU THAT THE DEKALB COUNTY HISTORIC PRESERVATION COMMISSION, AT ITS REGULARLY SCHEDULED PUBLIC MEETING ON SEPTEMBER 18, 2023, REACHED THE FOLLOWING DECISION ON THIS APPLICATION:

ACTION: Modified Approval

Build a house as shown in the architectural drawings with the modifications that the granite shown on the front and left side of the house will be replaced with brick and the small window on the right side of the front elevation will be replaced by a larger window matching the others on the façade.

Decision of the DeKalb County Historic Preservation Commission

Name of Applicant: _____ Elizabeth Finnerty c/o Battle Law, P.C. _____

Address of Property: _____ 1176 Lullwater Rd _____

Date(s) of hearing if any: _____ September 18, 2023 _____

Case Number: _____ 1246598 _____

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 the Treatment of Historic Properties with Guideline for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings therein as guidelines. The Preservation Commission finds that all relevant guidelines have been met.

Additional pertinent factors:

Build a house as shown in the architectural drawings with the modifications that the granite shown on the front and left side of the house will be replaced with brick.

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

Conditions or modifications (if applicable):

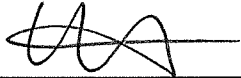
The granite on the foundation level will be replaced with brick.

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: 9/19/2023

Signature: 

**Chair, DeKalb County
Historic Preservation Commission**

DeKalb County Historic Preservation Commission

Monday, September 18, 2023- 6:00 P.M.

Staff Report

New Construction Agenda

M. 1176 Lullwater Road, Elizabeth Finnerty c/o Battle Law, P.C. Build a house. 1246598

(18 054 06 001)

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

7-18 1176 Lullwater Road (DH), John Carpentier. Comment only on a proposed house location. 1235073 **For comment only**

7-21 1176 Lullwater Road, Price Residential Design. Build a new house on a wooded lot. 1245085 **Approved**

11-21 1176 Lullwater Road, Dave Price, Price Residential Design. Modify previously approved COA reduce the footprint of the house and to decrease the overall size. 1245291 **Denied**

7-23 1176 Lullwater Road, Elizabeth Finnerty c/o Battle Law, P.C. Build a house **Denied**

NOTE: The applicant has applied to the county for a stream buffer variance. Regardless of the HPC decision, the house will not be able to be constructed without that variance. Staff recommends the commission accept the county's determination on the stream buffer variance and not require the 75' setback set out in the Design Manual.

Summary

Applicant proposes building a new house on a previously undeveloped lot.

Staff visited the property with the designer, Dave Price. Mr. Price's letter provides a good summary of the proposal. Based on the site visit, the distances from the neighboring house and the right-of-way cited in the letter appear to be accurate.

Summary August 2023

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

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

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

Excerpts from the 2018 and 2021 staff reports are below.

Partial Summary July 2018

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

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

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

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

Partial Summary July 2021

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

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

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

3. The garage projects from the basement level on the front elevation. There would be a screened front porch on top, with a flat roof. The large, screened panels would have decorative cast stone lintels. The garage would be clad with granite and the porch in brick veneer. The concrete driveway would enter the parcel at the high point of the lot, in the south east corner. It would extend to the basement level garage and include a turn around. The applicant proposes a 1.5' high wall next to the driveway due to the topographic change from the street level.
4. The materials proposed for the new construction are fiber glass shingles, cement fiber board, granite, and brick.
5. The tree plan shows 28 existing trees on the site including 8 specimen-sized trees. The applicant proposes to remove 9 trees (1,10,11,12,13,14,15,22,23) three of which are specimen trees (1,12,13). Two of the specimen trees (1 and 12) are damaged, based on the submitted documentation. Applicant also proposes to maintain an existing hedge at the sidewalk to partially buffer the house.

Recommendation

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

Relevant Guidelines

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

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

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

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

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

- 7.2.3 *Shape: Building Elements* (p68) Guideline - The principal elements and shapes used on the front facade of a new building should be compatible with those of existing buildings in the area of influence, if dominant patterns are present.
- 7.2.3 *Shape: Porch Form* (p68) Guideline - The shape and size of a new porch should be consistent with those of existing historic buildings within the area of influence, if dominant patterns are present.
- 7.2.4 *Massing* (p69) Guideline - The massing of a new building should be consistent with dominant massing patterns of existing buildings in the area of influence, if such patterns are present.
- 7.2.5 *Proportion* (p70) Guideline - The proportions of a new building should be consistent with dominant patterns of proportion of existing buildings in the area of influence, if such patterns are present.
- 7.2.6 *Rhythm* (p71) Guideline - New construction in a historic area should respect and not disrupt existing rhythmic patterns in the area of influence, if such patterns are present.
- 7.2.7 *Scale/Height* (p72) Guideline - New construction in historic areas should be consistent with dominant patterns of scale within the area of influence, if such patterns are present. Additions to historic buildings should not appear to overwhelm the existing building.
- 7.2.7 *Scale/Height* (p72) Guideline - A proposed new building should appear to conform to the floor-to-floor heights of existing structures if there is a dominant pattern within the established area of influence. Dominant patterns of cornice lines, string courses, and water tables can be referenced to help create a consistent appearance.
- 7.2.8 *Individual Architectural Elements* (p73) Guideline - New construction and additions should be compatible and not conflict with the predominant site and architectural elements—and their design relationships—of existing properties in the area of influence.
- 7.3.2 *New Construction and Subdivision Development* (p75) Guideline - To be compatible with its environment, new construction should follow established design patterns of its historic neighbors, including building orientation, setback, height, scale, and massing.
- 7.3.2 *New Construction and Subdivision Development* (p75) Guideline - New construction should respect the historic character that makes the area distinctive, but it should not be a mere imitation of historic design.
- 7.3.3 *Demolition and Relocation* (p75) Guideline - Historic buildings and structures should not be demolished unless they are so unsound that rehabilitation is not possible. Historic buildings should not be moved off the property or relocated on the site, nor should other buildings be moved onto the site.
- 8.2 *Trees* (p78) Recommendation - The mature hardwood forest within the Druid Hills Local Historic District should be perpetuated through a district-wide replanting program. Trees should be replaced when mature trees are lost to age or damage or are removed for safety reasons. Replacement trees should be of identical or similar varieties to the original trees. A diversity of tree types is recommended to perpetuate the existing character of most tree groupings. Replacement trees of adequate size (1.5" caliper minimum) are recommended. Existing ordinances that provide for the protection and replacement of the district's tree resources should be applied to development activities within Druid Hills.
- 8.3 *Protection of the Historic Watershed Design and Design Concept* (p79) - Guideline - All construction within the Druid Hills Local Historic District should follow a 75' setback requirement from the top of bank of creek corridors and drainage ways, as delineated on the official "Historic District Map."
- 9.4 *Enclosures and Walls* (p90) Guideline - Fences and walls should not be built in front yard spaces and are strongly discouraged from corner lot side yard spaces. Retaining walls should only be used in situations where topography requires their use.

9.4 Enclosures and Walls (p90) Recommendation - Fences are appropriate in rear yard spaces. Rear yard fences should be coordinated with existing county codes. Suggested materials include wood and chain link. Vinyl- covered chain link fencing, typically in bronze, brown, or black, assist in making fences less obtrusive. Vines are suggested to "soften" the appearance of metal chain link fencing. If wood fencing is used, the paint color and design should be compatible with the architecture of the adjacent residence. Fence heights can range from 4' to 6' depending on the reason for the enclosure.

9.5 Parking (p90) Guideline - Parking should be addressed in a manner that does not distract from the overall character of the district. Parking to serve private residential lots should be accommodated on-site, when at all possible, using the pathway of original drives and parking. Front yard parking should not be allowed unless it is a public safety issue. When front yard parking is necessary, it should be added in a manner that does not destroy the unbroken landscaped character of the front yard spaces in Druid Hills. Rear yard spaces should be considered for expansion of parking areas.

9.5 Parking (p90) Guideline - Curb cuts should not be added or expanded in order to protect the character of the district's streets.

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



Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

Application for Certificate of Appropriateness

Date Received: _____ Application No.: _____

Address of Subject Property: 1176 Lullwater Road

Applicant: Elizabeth Finnerty c/o Battle Law, P.C. E-Mail: jsm@battlelawpc.com

Applicant Mailing Address: 3562 Habersham at Northlake, Tucker, GA. 30324

Applicant Phone: 404-601-7616 ext. 6 Fax: _____

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

Owner(s): Elizabeth Finnerty Email: bfinnerty@skylandtrail.org

Owner(s): David Martin Email: david@basismedical.com

Owner(s) Mailing Address: 1136 Lullwater Road, Atlanta, GA. 30307

Owner(s) Telephone Number: 404-308-0071

Approximate age or date of construction of the primary structure on the property and any secondary structures affected by this project:

Nature of work (check all that apply):

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

Description of Work:

The applicant seeks to construct one single-family detached home 72 feet from the front property line.

This form must be completed in its entirety and be accompanied by supporting documents, such as plans, list of materials, color samples, photographs, etc. All documents should be in PDF format, except for photographs, which may be in JPEG format. Email the application and supporting material to plansustain@dekalbcountyga.gov and rbragg@dekalbcountyga.gov. An incomplete application will not be accepted.

Signature of Applicant: _____ 

DEPARTMENT OF PLANNING & SUSTAINABILITY

Authorization of a Second Party to Apply for a Certificate of Appropriateness

This form is required if the individual making the request is **not** the owner of the property.

I/ We: Elizabeth Finnerty and David Martin

being owner(s) of the property at: 1176 Lullwater Road

hereby delegate authority to: Battle Law, P.C.

to file an application for a certificate of appropriateness in my/our behalf.

Signature of Owner(s):

Date: 7/28/2023

Elizabeth Finnerty Martin

Please review the following information

Approval of this Certificate of Appropriateness does not release the recipient from compliance with all other pertinent county, state, and federal regulations.

Before making any changes to your approved plans, contact the preservation planner (404/371- 2155). Some changes may fall within the scope of the existing approval, but others will require review by the preservation commission. If work is performed which is not in accordance with your certificate, a Stop Work Order may be issued.

If your project requires that the county issue a Certificate of Occupancy at the end of construction, an inspection may be made to verify that the work has been completed in accord with the Certificate of Appropriateness. If the work as completed is not the same as that approved in the Certificate of Appropriateness you will not receive a Certificate of Occupancy. You may also be subject to other penalties including fines and/or required demolition of the non-conforming work.

If you do not commence construction within twelve months of the date of approval, your Certificate of Appropriateness will become void and you will need to apply for a new certificate if you still intend to do the work.

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS FOR 1176 LULLWATER ROAD 7-28-2023

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7-	Old Site Sketch from 2021 approval
8-	Streetscape
9-	Survey
10-	Front Elevation Comparison (current versus July 2021 approval)
11-14	House Plans
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21-24	Tree Inventory
25	GIS map

BACKGROUND

At the July 2021 HPC meeting, a version of the proposed home was approved for a Certificate of Appropriateness that was 690 square feet larger, 30" wider, and 30" taller to the ridge. That approval was supported by a current state water determination letter confirming again that no stream buffer was required for this project. There is a small stream for which the owners had regularly requested state water determinations from DeKalb County and, for many years, it was determined that no buffer was required for the work zone. Although the letter itself is valid for a year, the site visit must have occurred within six months of the application for a building permit. If we had started a little earlier with our HPC process, we would have been within that time limit and the house would now have been built but instead we had to request an updated site visit. We were surprised and are still bewildered that DeKalb County reversed the letter and imposed a stream buffer in September 2021. Long months of attempting to fix that problem yielded no result so we began to work towards a stream buffer variance based on the originally approved design and location and made possible because this is a conforming vacant lot that had existed and was owned by the same owners prior to the current stream buffer ordinance, which went into effect in early 2009. After two hearings before the ZBOA this year, we were given clear direction that they were uncomfortable with the original location encroaching into the central 25' zone of the 75' stream buffer. In the revised design in front of you, the house is located between the 50' and 75' buffer area which only requires an administrative variance. Again, the relief being requested will place the house more than 50' from the line of wrested vegetation.

Also, during the ZBOA hearing we had sought a variance to reduce the side yard setback adjacent to 1166 Lullwater from 8.5 ft to 5ft to match the approved site plan. Unfortunately for us, the Planning Staff recommended denial and the adjacent property owner opposed the request. Therefore, we withdrew that variance request and then were approved for an administrative variance to reduce the side yard setback 10% to 7.65ft; a good bit further from the neighbor at 1166 Lullwater.

These changes resulted in the buildable area squeezing in from the north and south and bulging forward to the east. To have a house of an appropriate width within the buildable area, the front edge of the house is now 3' closer to Lullwater Road; originally approved at 75', it is now 72' away.

One advantage of moving to this location is that neighborhood concerns about the effect on the stream should be allayed because there is no work happening within the flood zone; even the driveway is not within the flood zone. There is also no grading in the buildable area of the lot except some leveling at the driveway and many existing trees will remain in the buildable area along with two new beech trees. All the healthy trees will remain in that large portion of the lot that is below the flood elevation of 870.7'. Please note that this flood elevation was not on a FEMA map, that map shows this lot as a Type X flood zone, not a "special hazard flood zone" which typically begin with the letter A and are provided with 100-year flood elevations on the FEMA map. Directly across Lullwater Road is an AE flood zone next to Peavine Creek with FEMA providing a 100-year flood elevation at 867.0. At some point, DeKalb County established our flood elevation at 870.7 on their GIS map. This number is almost 4' above the adjacent flood elevation and the flood water would be more than 8' deep above the normal creek elevation. It is difficult to imagine a flood like that is possible, but we do not dispute that number because it is wise to be conservative when dealing with flooding. I bring it up to show that the owners had no reason to believe this lot would be a difficult lot: they had a history of receiving County determinations that no buffer was required and no initial concern about flood zones since this lot is Type X per the FEMA map and not even a concern after a 100-year flood elevation appeared, because a house would still fit (and was approved in 2021 by HPC).

If there is any project which deserves a small front setback exception to 72' from what was the otherwise appropriate and previously approved 75' setback, it is this project based on 13.5-11. The sudden appearance of a stream buffer was entirely out of the control of the owners and is specific to this property. Through an exceptionally long and difficult process, we have cut and tailored the footprint to match the requirements of most levels of DeKalb ordinance outside the Historic Preservation ordinance and we believe this design is in harmony with the general purpose of the Historic District and ask that you reinstate the previous approval from July 2021 on a house that appears the same as that approval (albeit slightly smaller) from the right of way at Lullwater Road.



DeKalb County
GEORGIA

Michael L. Thurmond
Chief Executive Officer

Dekalb County Historic Preservation Commission
330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030
(404) 371-2155 or (404) 371-2813 (Fax)



CERTIFICATE OF APPROPRIATENESS

July 20, 2021

Site Address: 1176 LULLWATER RD
ATLANTA, GA 30307-

Parcel ID: 18-054-06-001

Application Date:

Applicant: Dave Price

Mailing Address: 1595 Nottingham Way
Atlanta, Georgia 30309

THIS IS TO ADVISE YOU THAT THE DEKALB COUNTY HISTORIC PRESERVATION COMMISSION, AT ITS REGULARLY SCHEDULED PUBLIC MEETING ON July 19, 2021, REACHED THE FOLLOWING DECISION ON THIS APPLICATION:

ACTION: Approval

1. Build a new house on a wooded lot. The house will be a two-story Colonial Revival-style house with an attic and basement. The basement will be aboveground at the rear and right side. The house will be clad with brick, except for the granite front terrace and basement level, and cement-fiber lap siding in the gables, on the dormers and on the rear wing. The roof will be side-gabled with three gabled dormers on the front roof slope. The roof will be clad with fiberglass shingles. The front entry portion of the terrace will have a hipped roof supported by tapered columns. An arched opening on the front of the basement level will lead to a one-car garage door set back more than 8' behind the front façade. A wooden deck and screened porch will be at the rear of the house. All windows will be wood with simulated divided lights.
2. A 10'3" wide concrete driveway will enter at the southeast corner of the lot and curve across to the basement level garage. A turnaround will be installed at the curve in the driveway. The distance between the end of the turnaround and the opposite side of the driveway will be 23'. A 1.5' high boulder wall will be installed along a portion of the driveway near the house. A 4' wide walkway will run from the driveway to the front terrace.
3. Ten trees will be removed. Two 3"-5" American beech trees will be planted in the front yard. Naturalistic plantings of native shrubs will be installed beside the sidewalk and flanking the driveway near the house.
4. The south side setback of 5' will require a zoning variance from the required 8.5'. The commission notes that other county departments may require further study of the floodplain and stream buffer.

PART OF LOT 27C
BLOCK 13, DRUID HILLS S/D
DB 19466, PG 122

SSMH
TOP=873.83
INV=859.91

LOT 27B
BLOCK 13, DRUID HILLS S/D
DB 19505, PG 111

SSMH
TOP=867.28
INV=862.33

LOT 27D
BLOCK 13, DRUID HILLS S/D
DB 23745, PG 439

0.4165 ACRES
18,142 S.F.
PART OF LOT 27C
BLOCK 13, DRUID HILLS S/D
DB 19466, PG 122
TP# 18 054 06 001

LOT COVERAGE:
TOTAL IMPERVIOUS IS 3844
OF 18142 SF OR 21.2%

APPROXIMATE LIMITS OF ZONE X FLOOD AREA PER FEMA
F.I.R.M. PANEL No. 13089C0062K, DATED AUGUST 15, 2019.

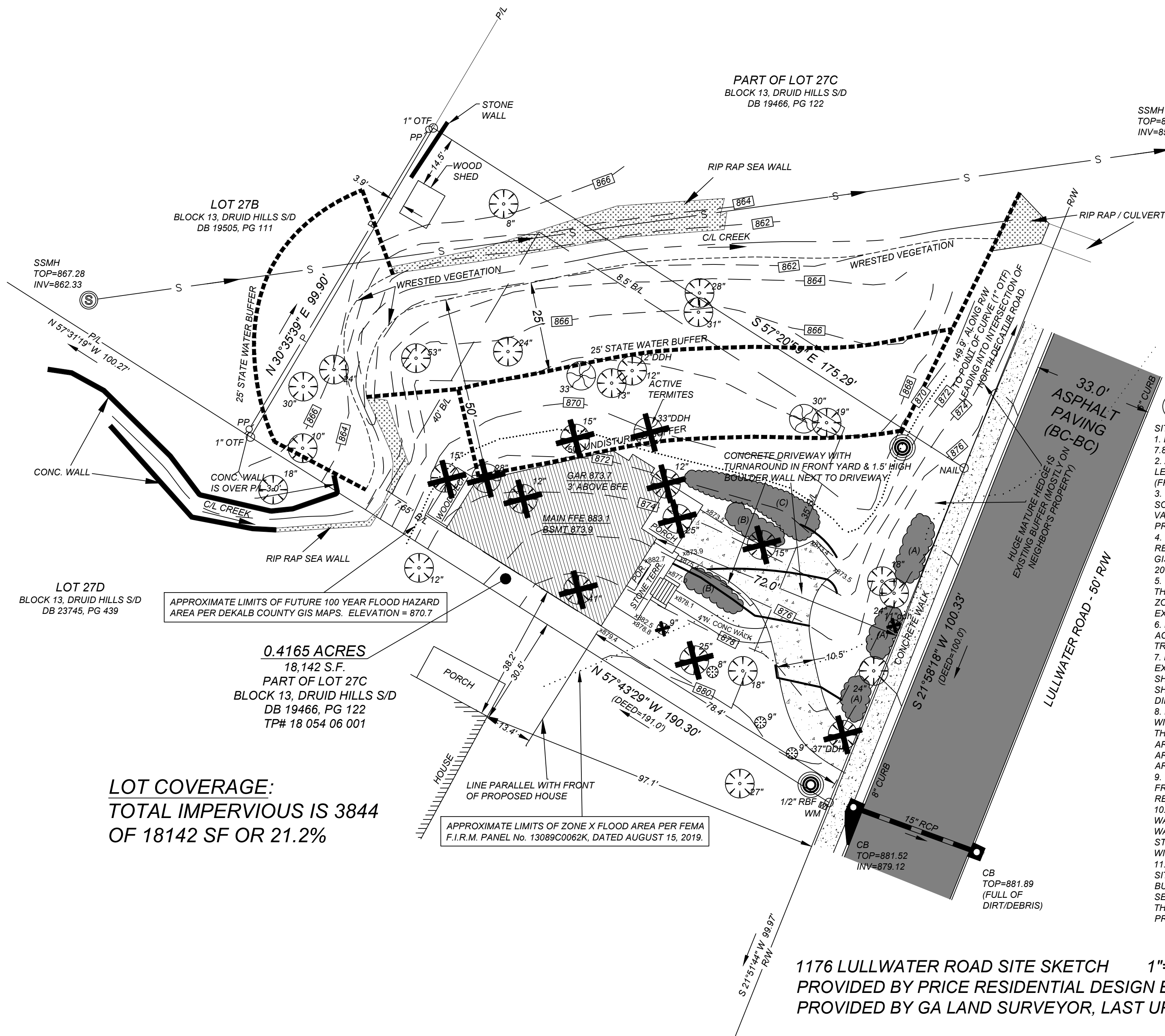
APPROXIMATE LIMITS OF FUTURE 100 YEAR FLOOD HAZARD
AREA PER DEKALB COUNTY GIS MAPS. ELEVATION = 870.7

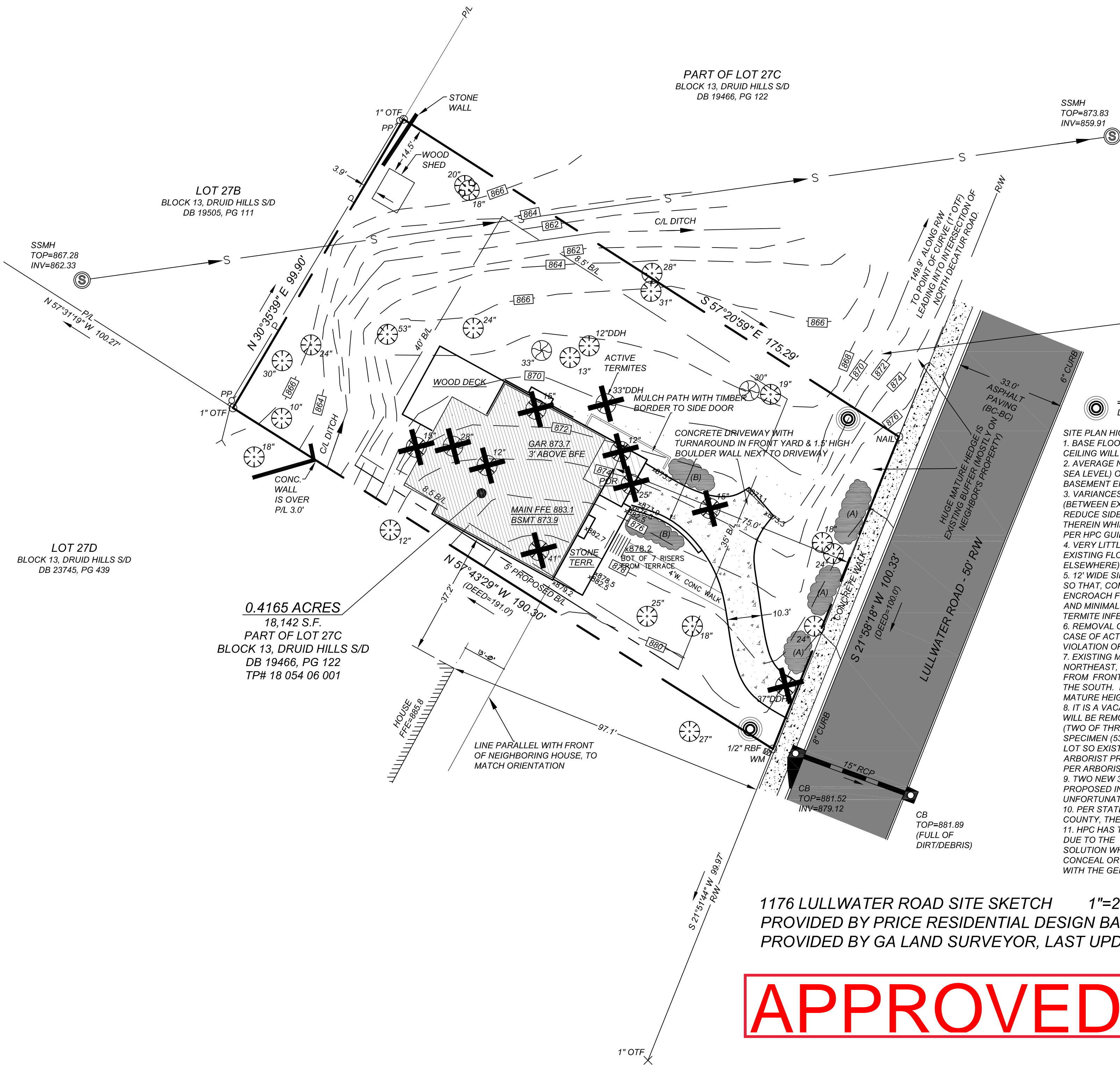
⊙ = NEW 3-5" REPLACEMENT AMERICAN BEECH TREES (SIZE
DETERMINED BY AVAILABILITY). TWO PROPOSED IN FRONT YARD.

SITE PLAN HIGHLIGHTS:

1. BASE FLOOD ELEVATION PER DEKALB GIS MAP IS 870.7 SO LOWEST FLOOR MUST BE 3' ABOVE @ 873.7' (GARAGE). 7.8' HIGH CEILING WILL ALLOW OVERHEAD GARAGE DOOR.
2. AVERAGE NATURAL GRADE AT 35' FRONT SETBACK IS 874.2'. WHICH IS THE MAXIMUM ELEVATION (ABOVE SEA LEVEL) OF FRONT DOOR THRESHOLD IF THERE IS NO VARIANCE. WITH A 7.7' CEILING HEIGHT IN BASEMENT ENTRY (FROM GARAGE), OUR LOWEST POSSIBLE MAIN FLOOR FFE IS 883.1'.
3. VARIANCE WILL BE SOUGHT TO RAISE FRONT DOOR THRESHOLD FROM 874.2' TO 883.1' ELEVATION (BETWEEN EX. SOUTHERN NEIGHBOR @ 885.8'+/- & EXISTING SIDEWALK AT FUTURE DRIVEWAY @ 881.5'+/-) AND AN ADMINISTRATIVE VARIANCE HAS BEEN GRANTED TO REDUCE SIDE YARD SETBACK FROM 8.5' TO 7.65' DUE TO FLOOD ZONE AND TO PRESERVE EXISTING TREES THEREIN WITH AS LARGE A FRONT SETBACK AS POSSIBLE (72) PER HPC GUIDELINE 7.2.1.
4. VERY LITTLE GRADING EXCEPT TO SMOOTH OUT DRIVEWAY PATH AND A 1.5' HIGH BOULDER WALL WILL BE REQUIRED WHERE DRIVEWAY MEETS THE FRONT PORCH. NO WORK IN AREAS BELOW 100-YEAR BFE PER DEKALB GIS MAP. THERE IS NO SPECIAL FLOOD HAZARD AREA ON FEMA F.I.R.M. PANEL No. 13089C0062K, DATED AUGUST 15, 2019, SHOWN ON THIS LOT, ONLY ZONE X (500-YEAR FLOOD AREA).
5. 12' WIDE SINGLE FRONT-FACING DOOR WILL BE RECESSED OVER 6' BEHIND PORCH EDGE IN FULL SHADOW SO THAT, COMPARED TO A MORE TYPICAL SIDE-ENTRY GARAGE AND DRIVEWAY, WORK WILL NOT ENCRoACH FLOOD ZONE, MAINTAINS LOW LOT COVERAGE (21.2%, WELL UNDER 35% MAXIMUM PER CODE), AND MINIMAL LOSS OF EXISTING TREES. ONLY ONE TREE IN FLOOD ZONE WILL BE REMOVED, DUE TO ACTIVE TERMITE INFESTATION.
6. REMOVAL OF TREES FROM FLOOD ZONE IS PROHIBITED BY DEKALB COUNTY ORDINANCE EXCEPT IN THE CASE OF ACTIVE INFESTATION SO A FRONT-FACING GARAGE IS THE SOLE MEANS OF AVOIDING A VIOLATION OF THE TREE ORDINANCE IN THIS UNIQUE CASE.
7. EXISTING MASSIVE HEDGE (MOSTLY ON NEIGHBOR'S LOT) BUFFERS VIEW OF GARAGE DOOR FROM NORTHEAST, EXISTING TREES AND NEW NATURALISTIC SHRUBBERY (A) NEXT TO SIDEWALK BUFFERS VIEW FROM FRONT, AND SHRUBBERY (B) FLANKING DRIVEWAY AT UNDER-PORCH ENTRY BUFFERS VIEW FROM THE SOUTH. NATIVE SHRUBBERY CHOSEN FROM DRUID HILLS RECOMMENDED PLANT MATERIALS LIST - 4-6' MATURE HEIGHT. RAINWATER DIRECTED TO RAIN GARDEN (C).
8. IT IS A VACANT LOT OF RECORD IN GOOD STANDING THAT IS FULLY WOODED. OF 32 EXTANT NON-DDH TREES, 10 WILL BE REMOVED, 22 REMAIN. OF THOSE 32, 6 EXTANT NON-DDH TREES ARE OF SPECIMEN SIZE AND 5 WILL REMAIN. THE LARGEST SPECIMEN (53" YELLOW-POPLAR) WILL REMAIN AND EXISTING TREES ARE EVENLY DISTRIBUTED AROUND LOT SO EXISTING CANOPY WILL REMAIN AS UNBROKEN AS POSSIBLE. MANY TREES WILL REQUIRE ARBORIST PRESCRIPTIONS, WHICH WE WILL PROVIDE. THIS PLAN HAS BEEN MODIFIED TO SHOW DIAMETERS PER ARBORIST REPORT.
9. TWO NEW 3-5" REPLACEMENT AMERICAN BEECH TREES (SIZE DETERMINED BY AVAILABILITY) ARE PROPOSED IN FRONT YARD TO REPLACE THE ONE HEALTHY SPECIMEN (41" AMERICAN BEECH) THAT WE UNFORTUNATELY MUST REMOVE.
10. SEVERAL YEARS OF PREVIOUS STATE WATERS DETERMINATION CERTIFICATES INDICATING NO STREAM BUFFER WAS REQUIRED WERE REVERSED IN 2021 AFTER THE JULY 2021 PREVIOUS HPC APPROVAL AND A STREAM BUFFER WAS DETERMINED TO EXIST ON SITE. THE STREAM BUFFER WAS THEREAFTER REDUCED TO 50'. HPC GUIDELINE 8.3 STATES CONSTRUCTION SHOULD ONLY OCCUR OUTSIDE 25' STATE BUFFER SETBACK AND THIS PLAN COMPLIES WITH THAT GUIDELINE.
11. PER SEC. 13.5-11, HPC HAS THE POWER TO ALLOW AN UNCOMMON FRONT-FACING GARAGE IN THIS PECULIAR SITUATION AND SETBACK DUE TO THE CONFLICTING HISTORIC PRESERVATION, TREE PRESERVATION, AND STREAM BUFFER ORDINANCES CREATING A HARDSHIP. WE HAVE PROVIDED A SOLUTION WHICH ALLOWS THE MAXIMUM SETBACK AND HAVE GONE TO GREAT LENGTHS TO CONCEAL OR VISUALLY BUFFER THE VIEW OF THE GARAGE DOOR. THIS DESIGN WILL REMAIN IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF HPC GUIDELINES WHILE ALSO PRESERVING THE LAWFUL DEVELOPMENT RIGHTS OF THE OWNERS OF THIS LONG-STANDING LEGAL LOT.

1176 LULLWATER ROAD SITE SKETCH 1"=20' 7-28-23
PROVIDED BY PRICE RESIDENTIAL DESIGN BASED ON SURVEY INFORMATION
PROVIDED BY GA LAND SURVEYOR, LAST UPDATED 1-30-23





PART OF LOT 27C
BLOCK 13, DRUID HILLS S/D
DB 19466, PG 122

LOT 27B
BLOCK 13, DRUID HILLS S/D
DB 19505, PG 111

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APPROXIMATE LIMITS OF FUTURE 100 YEAR FLOOD HAZARD AREA PER DEKALB COUNTY GIS MAPS. ELEVATION = 870.7

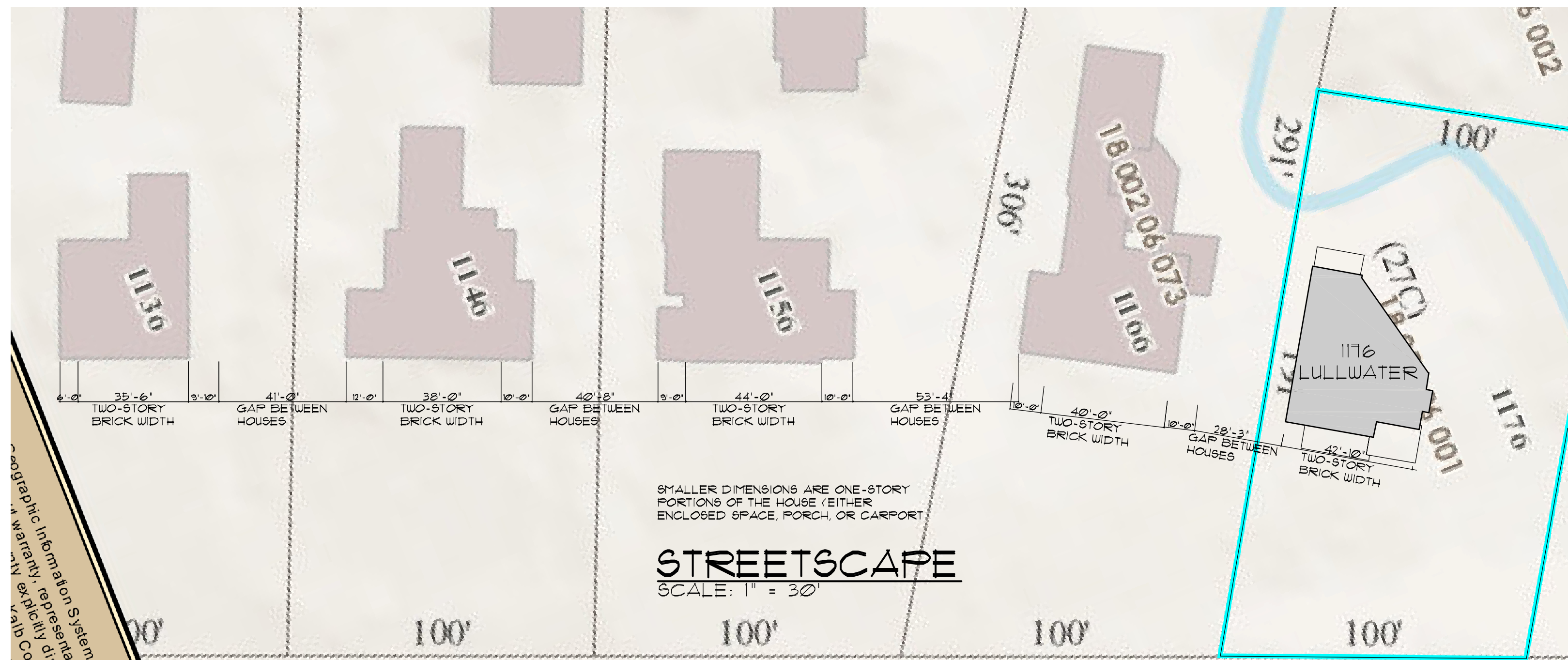
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4. VERY LITTLE GRADING EXCEPT APPROX. 1 FOOT OF FILL AROUND CORNERS WHICH PROTRUDE INTO EXISTING FLOOD ZONE TO MOVE LINE OUTSIDE OF HOUSE FOOTPRINT (FLOOD CAPACITY WILL BE BALANCED ELSEWHERE). SOME GRADING AND A 1.5' HIGH BOULDER WALL WILL BE REQUIRED NEXT TO DRIVEWAY.
5. 12' WIDE SINGLE FRONT-FACING DOOR WILL BE RECESSED OVER 8' BEHIND PORCH EDGE IN FULL SHADOW SO THAT, COMPARED TO A MORE TYPICAL SIDE-ENTRY GARAGE AND DRIVEWAY, WORK WILL MINIMALLY ENCROACH FLOOD ZONE, MAINTAINS LOW LOT COVERAGE (23.3%, WELL UNDER 35% MAXIMUM PER CODE), AND MINIMAL LOSS OF EXISTING TREES. ONLY ONE TREE IN FLOOD ZONE WILL BE REMOVED, DUE TO ACTIVE TERMITE INFESTATION.
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10. PER STATE WATER DETERMINATION FORM DATED 10/2/2020 AND VALID FOR ONE YEAR FROM DEKALB COUNTY, THERE IS NO BUFFER REQUIRED.
11. HPC HAS THE POWER TO ALLOW AN UNCOMMON FRONT-FACING GARAGE IN THIS PECULIAR SITUATION DUE TO THE CONFLICTING TREE PRESERVATION ORDINANCE CREATING A HARDSHIP. WE HAVE PROVIDED A SOLUTION WHICH SAVES THE MAXIMUM AMOUNT OF TREE CANOPY AND HAVE GONE TO GREAT LENGTHS TO CONCEAL OR VISUALLY BUFFER THE VIEW OF THE GARAGE DOOR. THIS DESIGN WILL REMAIN IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF HPC GUIDELINES.

1176 LULLWATER ROAD SITE SKETCH 1"=20' 6-27-21 REVISED 7-9-21
PROVIDED BY PRICE RESIDENTIAL DESIGN BASED ON SURVEY INFORMATION
PROVIDED BY GA LAND SURVEYOR, LAST UPDATED 6-23-21

APPROVED JULY 2021



Geographic Information System
 warranty, representat
 explicitly dis
 valb Co



1136



1146

GRADE CALCULATED USING
 DEKALB GIS MAP INFORMATION

FRONT WALL BRICK
 HEIGHT: 17'-1"
 (FROM MAIN FLOOR)



1156 NO WAY TO TAKE A
 STRAIGHT PHOTO

FRONT WALL BRICK
 HEIGHT: 17'-10"



1166

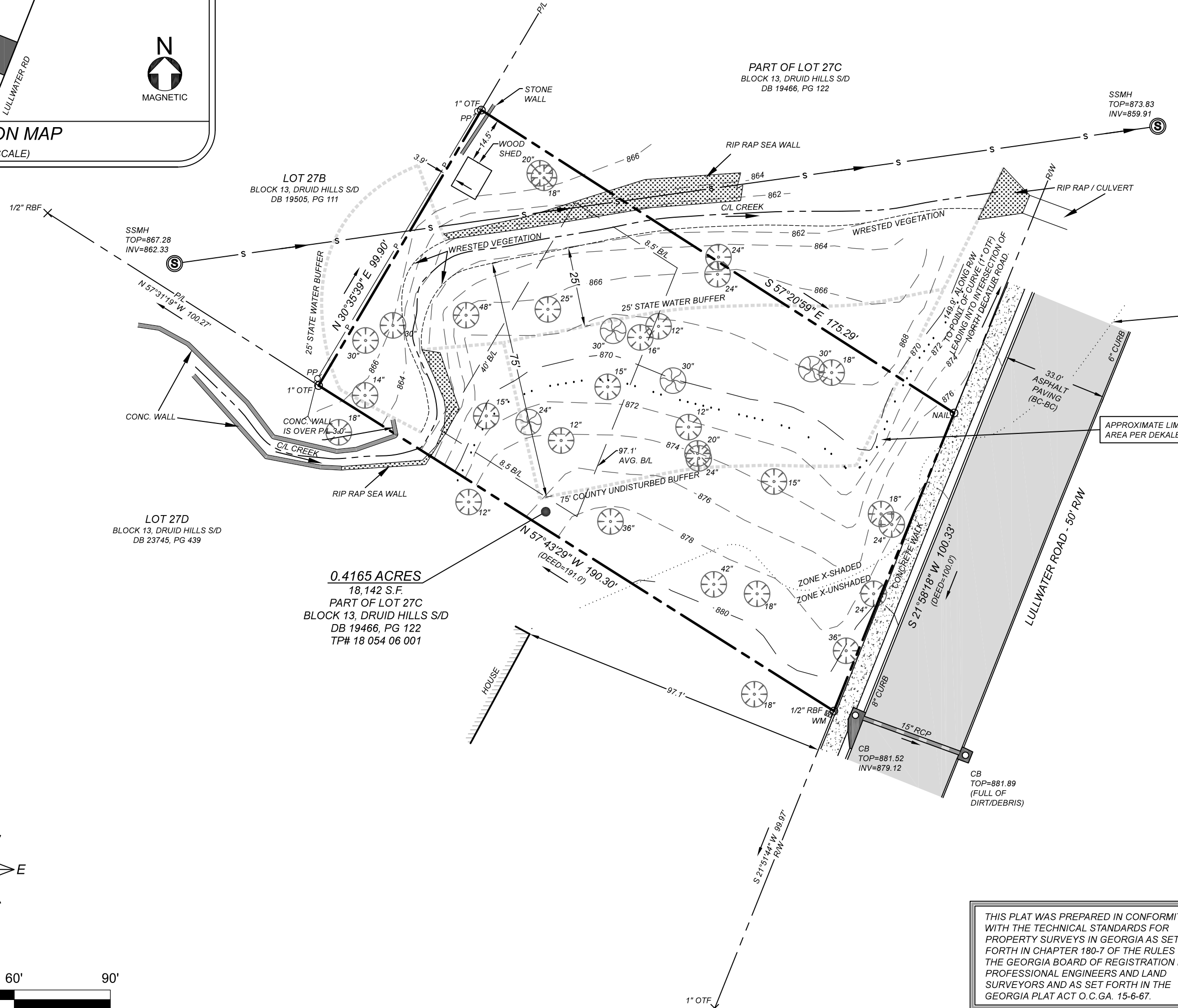
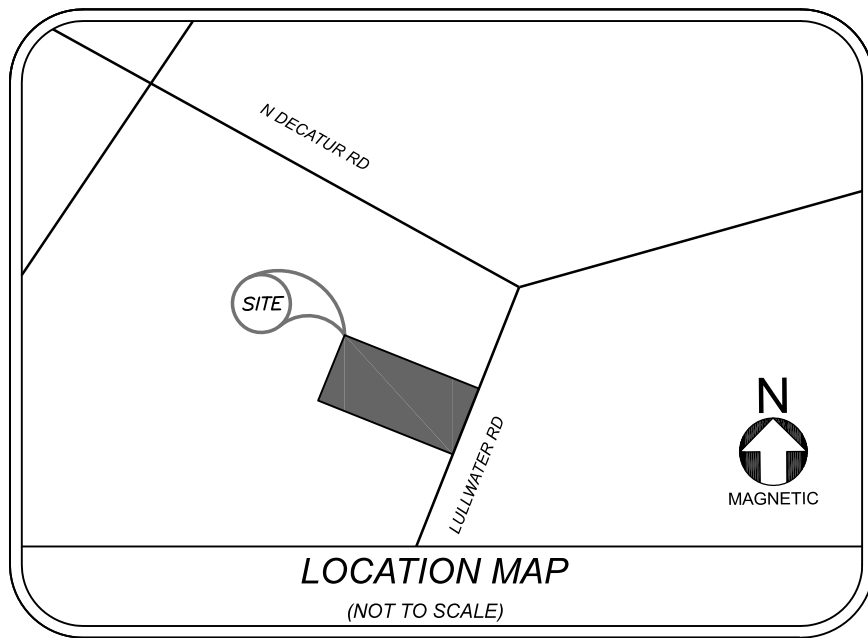
FRONT WALL BRICK
 HEIGHT: 17'-4"



1176

FRONT WALL BRICK
 HEIGHT: 18'-2"

WHILE WIDTHS ARE CORRECT, ROOF HEIGHT LOOKS MUCH SHORTER THAN IN A DRAWING. THIS RIDGE IS OVER 10' ABOVE EAVE, CALCULATED BY COUNTING BRICKS.



- NOTES:**
1. REFERENCES FOR THE BOUNDARY INFORMATION SHOWN HEREON WERE MADE TO DEED BOOK 19466, PAGE 122 OF DEKALB COUNTY RECORDS.
 2. A PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD ZONE AS IDENTIFIED ON FIRM COMMUNITY PANEL No. 13089C0062J, DATED MAY 16, 2013.
 3. THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN IS BASED ON ABOVE GROUND STRUCTURES AND INFORMATION SUPPLIED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.
 4. NO ABSTRACT OF TITLE, TITLE COMMITMENT, OR RESULTS OF TITLE SEARCHES WERE SUPPLIED TO THE SURVEYOR. THERE MAY BE OTHER MATTERS OF RECORD THAT AFFECT THIS PROPERTY.
 5. BUILDING SETBACK INFORMATION SHOWN HEREON IS PER THE DEKALB COUNTY ZONING ORDINANCE FOR R-85 ZONING CLASSIFICATION.
 6. THE LAST DAY OF THE FIELD SURVEY WAS PERFORMED ON 1/27/2023.
 7. VERTICAL INFORMATION SHOWN HEREON WAS OBTAINED FROM A "FIELD RUN" SURVEY. REFERENCE DATUM IS NAVD 88-1994 MEAN SEA LEVEL. CONTOUR INTERVAL EQUALS TWO FEET.

CLOSURE STATEMENT

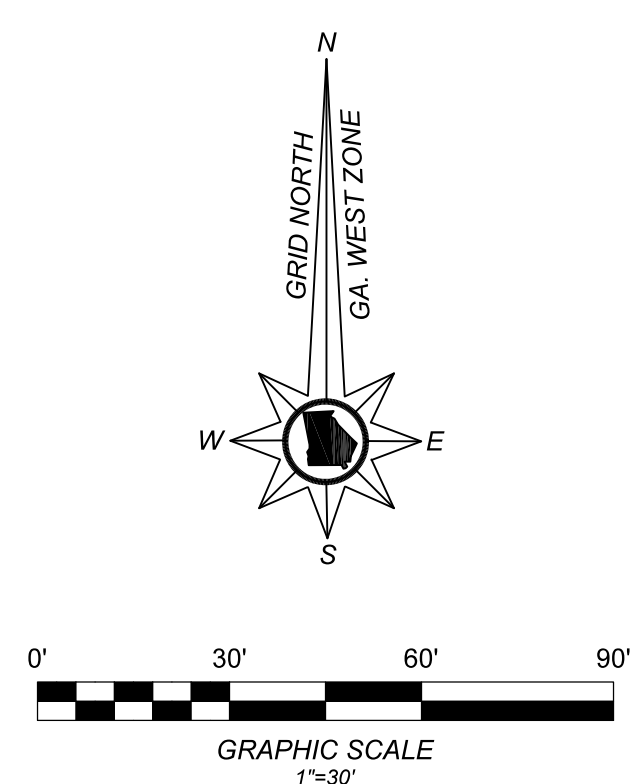
FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A TRIMBLE S-6 ROBOTIC TOTAL STATION.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 220,401 FEET.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 261,580 FEET AND AN ANGULAR ERROR OF 0.5 SECOND PER ANGULAR POINT AND WAS ADJUSTED USING COMPASS RULE.

LEGEND

DRAINAGE STRUCTURES		ABBREVIATIONS	
SWCB	SINGLE WING CATCH BASIN	BC	BACK OF CURB
DWCB	DOUBLE WING CATCH BASIN	BH	BUILDING HEIGHT
JB	JUNCTION BOX	B/L	BUILDING SETBACK LINE
GI	GRATE INLET	BW	BOTTOM OF WALL
CI	CURB INLET	C&G	CURB AND GUTTER
YI	YARD INLET	C/L	CORRUGATED METAL PIPE
DI	DROP INLET	CMF	CONCRETE MONUMENT FOUND
HW	HEAD WALL	CONC	CONCRETE
SSMH	SANITARY SEWER MANHOLE	CT	CONCRETE TOP PIPE FOUND
SSCO	SANITARY SEWER CLEANOUT	DB/PG	DEED BOOK / PAGE
GT	GREASE TRAP	DE	DRAINAGE EASEMENT
FES	FLARED END SECTION	DIP	DOUBLE IRON PIPE
		DWCB	DOUBLE WING CATCH BASIN
		DYL	DOUBLE YELLOW LINE STRIPING
		EP	EDGE OF PAVING
		F.I.R.M.	FEDERAL INSURANCE RATE MAP
		HDPE	HIGH DENSITY POLY ETHYLENE PIPE
		HW	HEADWALL
		IE	INVERT ELEVATION
		IPS	1/2" REBAR PIN SET W/CAP
		LL	LAND LOT
		LLL	LAND LOT LINE
		MW	MONITORING WELL
		N/O	NOT OR FORMERLY
		N/S	NAL SET
		NTS	NOT TO SCALE
		OTF	OPEN TOP PIPE FOUND
		OSD	OUTSIDE DIMENSION
		OCS	OUTLET CONTROL STRUCTURE
		PB/PP	PLAT BOOK/PAGE
		P/L	PROPERTY LINE
		POB	POINT OF BEGINNING
		POE	POINT OF ENTRY
		PVC	POLYVINYL CHLORIDE PIPE
		RF	REBAR PIN FOUND
		RCP	REINFORCED CONCRETE PIPE
		R/W	RIGHT OF WAY
		S.F.	SQUARE FEET
		SRF	SOLID ROD FOUND
		SS	SANITARY SEWER
		SSE	SANITARY SEWER EASEMENT
		TBM	TEMPORARY BENCH MARK
		TP#	TAX PARCEL NUMBER
		POC	POINT OF COMMENCEMENT
		TW	TOP OF WALL
		TYP	TYPICAL
		WI	WEIR INLET



THIS PLAT WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G. 15-6-67.

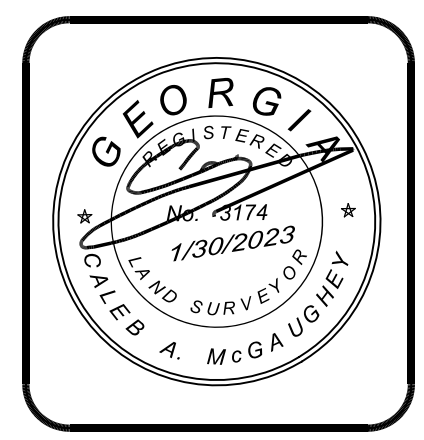
NOTE: SURVEY NOT VALID UNLESS SEAL SIGNED AND DATED.

DATE:	ISSUE		
SCALE:	NO.	DESCRIPTION	DATE
OCTOBER 25, 2016	1	ADDED STREAM BUFFERS	1/30/2023
SCALE: 1" = 30'			
ACREAGE: 0.4165			
LAND LOT(S): 2			
DISTRICT: 18th			
CITY:			
COUNTY: DEKALB STATE: GEORGIA			
SURVEYED: MAF DRAWN: MWR			
CHECKED: WGH APPROVED: CAM			
PROJECT #: 16-257			

BOUNDARY, TOPOGRAPHIC, AND TREE SURVEY FOR:

PHILLIP CLARK BUILDERS

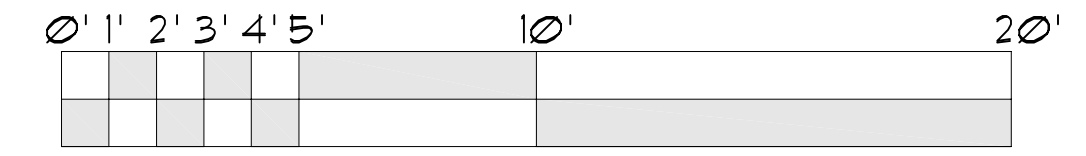
1176 LULLWATER ROAD
PART OF LOT 27C, BLOCK 13, DRUID HILLS S/D
LAND LOT 2, 18th DISTRICT, DEKALB COUNTY, GEORGIA
TAX PARCEL No. 18 054 06 001



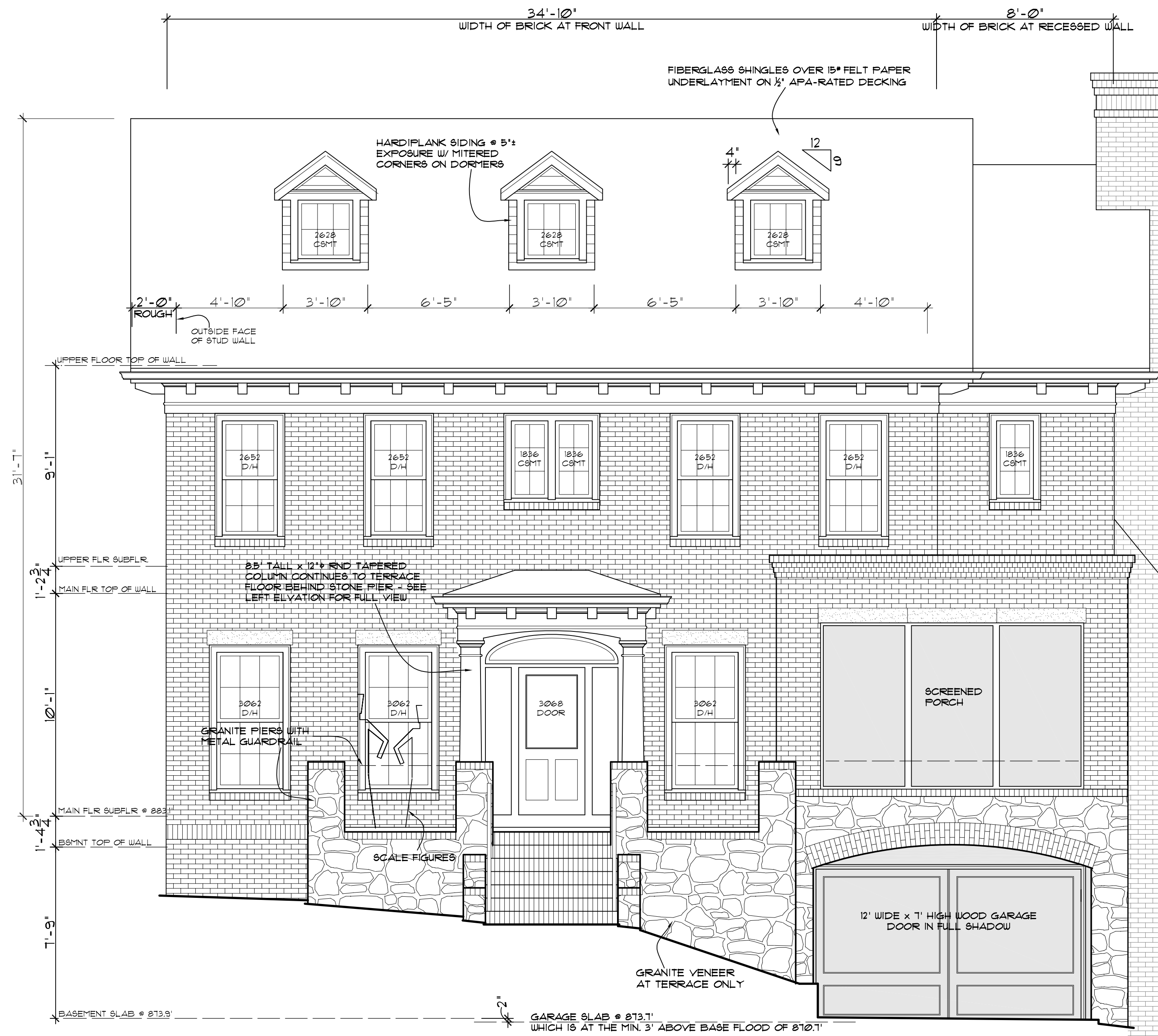
GA
LAND SURVEYOR
404-384-9577
GA LAND SURVEYOR, LLC
3355 ANNANDALE LANE, STE 1
SUWANEE, GA 30024

SHEET
1
OF
1

GENERAL NOTE: EXCEPT AS NOTED,
 ALL WINDOWS SHALL BE
 FRAMED WOOD SGL W/ 3/4"
 MUNTINS (AFFIXED TO GLASS), LITE PATTERN AS SHOWN
 ALL DRS. SHALL BE WOOD.



PRICE RESIDENTIAL DESIGN
 1535 NOTTINGHAM WAY
 ATLANTA, GEORGIA
 30303
 dave@priceresidentialdesign.com
 404-245-4244



FRONT ELEVATION
 NOT TO SCALE

MODIFIED VERSION AUGUST 2023



FRONT ELEVATION
 NOT TO SCALE

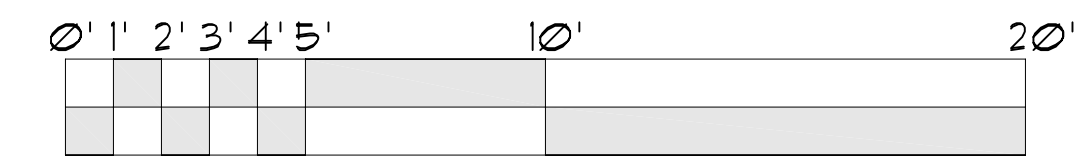
APPROVED VERSION JULY 2021

PRICE RESIDENTIAL DESIGN
 1176 LULLWATER ROAD

LULLWATER RESIDENCE
 1176 LULLWATER RD
 ATLANTA, GEORGIA
 EXTERIOR
 ELEVATIONS
 COMPARISON

JULY 28, 2023

GENERAL NOTE: EXCEPT AS NOTED,
ALL WINDOWS SHALL BE
FRAMED WOOD, SOL. W/ 3/4"
MUNTINS (AFFIXED TO GLASS), LITE PATTERN AS SHOWN
ALL DRS. SHALL BE WOOD.



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THERE WILL BE VERY LITTLE GRADING ON SITE IN ORDER TO PRESERVE EXISTING TREES EVENLY DISTRIBUTED AROUND LOT SO EXISTING CANOPY WILL REMAIN UNBROKEN AS POSSIBLE. SOME GRADING AND A 15" HIGH BOULDER WALL WILL BE REQUIRED NEXT TO DRIVEWAY. A 12" WIDE SINGLE FRONT-FACING DOOR WILL BE RECESSED OVER 6" BEHIND PORCH EDGE IN FULL SHADOW SO THAT, COMPARED TO A MORE TYPICAL SIDE-ENTRY GARAGE AND DRIVEWAY WORK, WILL MINIMALLY ENCR OACH FLOOD ZONE, MAINTAIN A LOW LOT COVERAGE (21.2% WELL UNDER 35% MAXIMUM), AND INCUR MINIMAL LOSS OF EXISTING TREES. ONLY ONE TREE IN FLOOD ZONE WILL BE REMOVED, DUE TO ACTIVE TERMITE INFESTATION. AN EXISTING MASSIVE HEDGE (MOSTLY ON NEIGHBOR'S LOT) BUFFERS VIEW OF GARAGE DOOR FROM NORTHEAST; EXISTING TREES AND NEW NATURALISTIC SHRUBBERY NEXT TO PUBLIC SIDEWALK BUFFERS VIEW FROM FRONT, AND SHRUBBERY FLANKING DRIVEWAY AT UNDER-PORCH ENTRY BUFFERS VIEW FROM THE SOUTH. NATIVE SHRUBBERY CHOSEN FROM DRUID HILLS RECOMMENDED PLANT MATERIALS LIST - 4-6' MATURE HEIGHT.

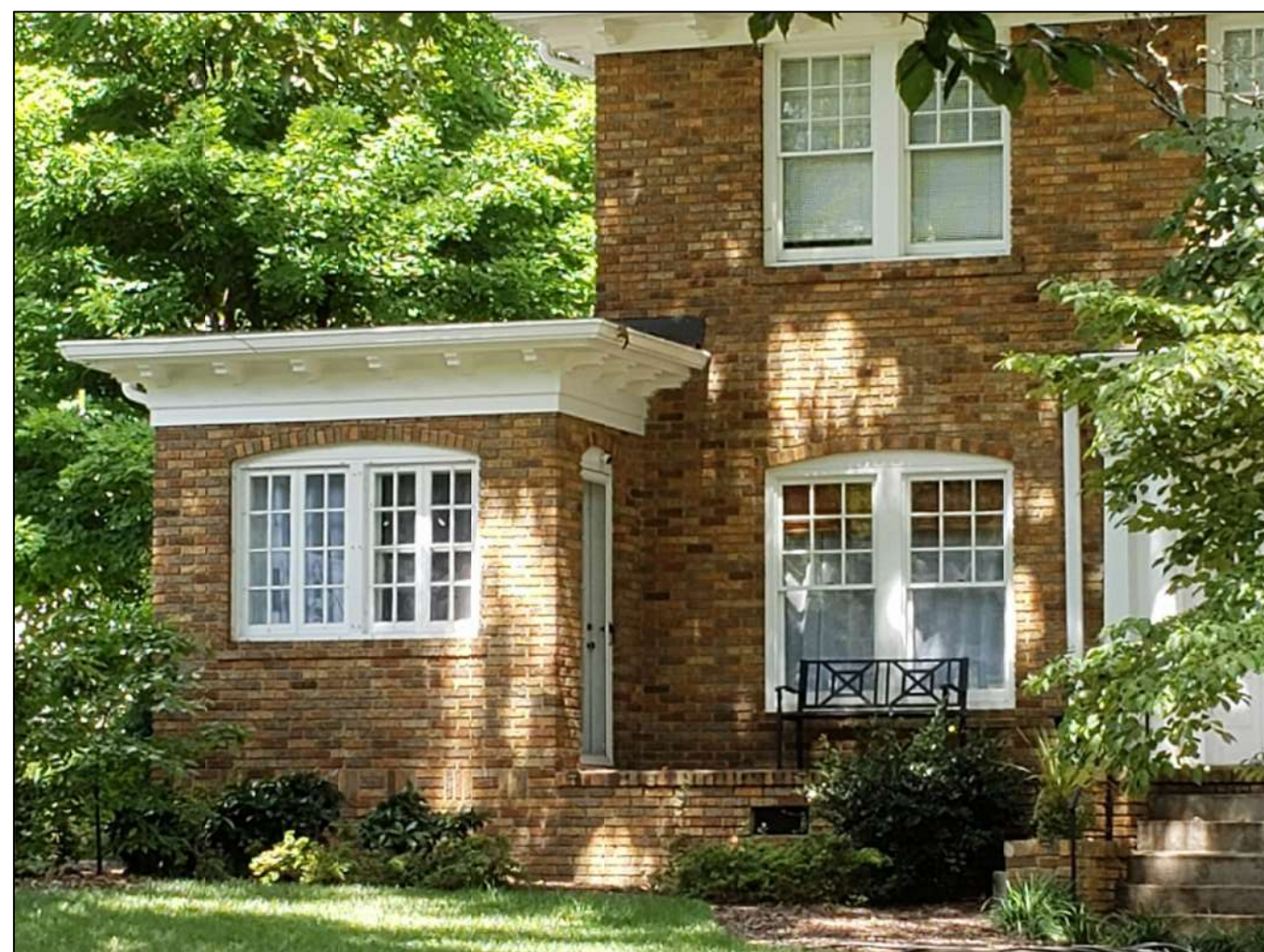


FRONT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

REAR FACE ANGLES BACK AT 45° ANGLE BEHIND HOUSE AND IS NOT VISIBLE FROM R.O.W.

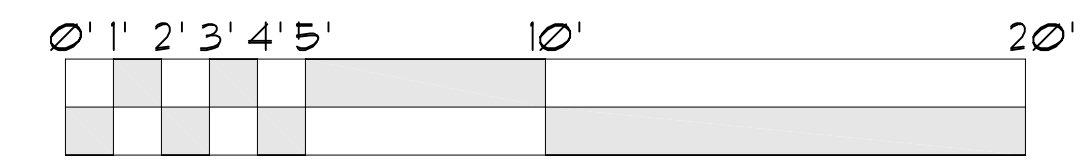


1146 LULLWATER, THIRD HOUSE DOWN, WITH A NUMBER OF ELEMENTS WE WILL BE EMULATING:
1. THE SIMILARLY SIZED ONE-STORY SOLID 'SIDE PORCH' MASS EXTENSION IN FRONT OF THE MAIN HOUSE (THEIR PORCH IS CONDITIONED SPACE) WITH A DOOR TO THE FRONT TERRACE.
2. SEGMENTED ARCHES LIKE I AM PROPOSING TO THE VOID UNDER THE SIDE PORCH
3. BASKET-WEAVE BRICK COURSE AT MAIN FLOOR LEVEL
4. SMALL FRONT ENTRY PORCH ON LARGE FRONT TERRACE INCLUDING FRONT STAIRS WITH CHEEKWALLS.



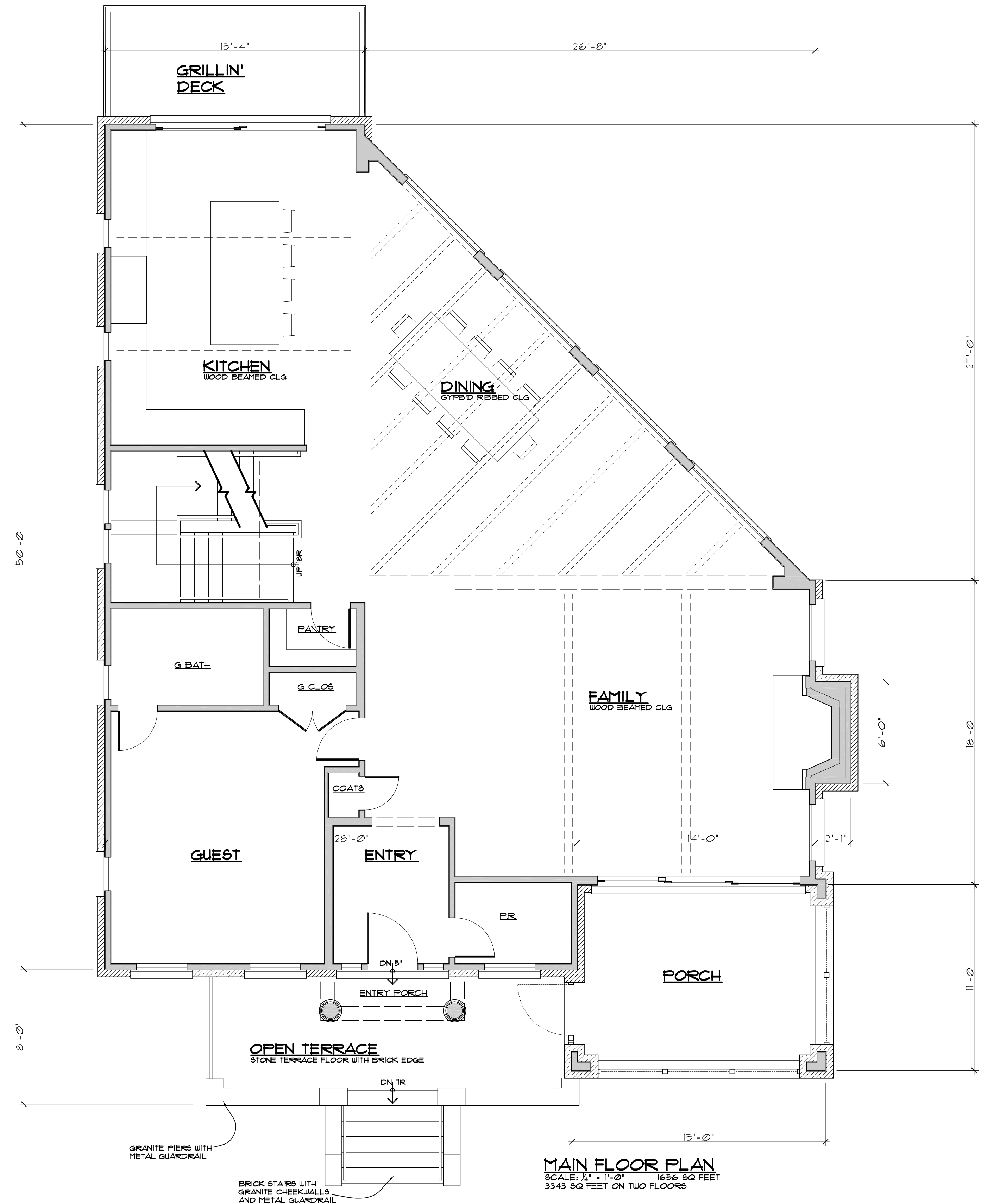
LULLWATER RESIDENCE
1176 LULLWATER ROAD
PRICE RESIDENTIAL DESIGN

LULLWATER RESIDENCE
1176 LULLWATER RD
ATLANTA, GEORGIA
EXTERIOR
ELEVATIONS
SHEET A-1
JULY 28, 2023



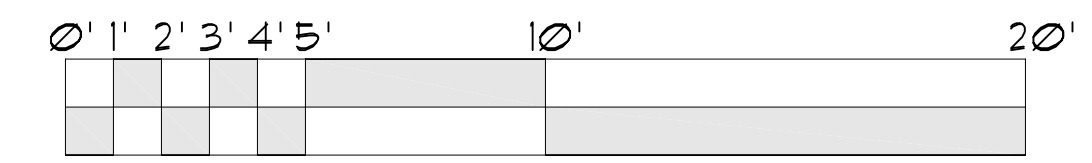
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PRICE RESIDENTIAL DESIGN
 LULLWATER RESIDENCE
 1176 LULLWATER ROAD

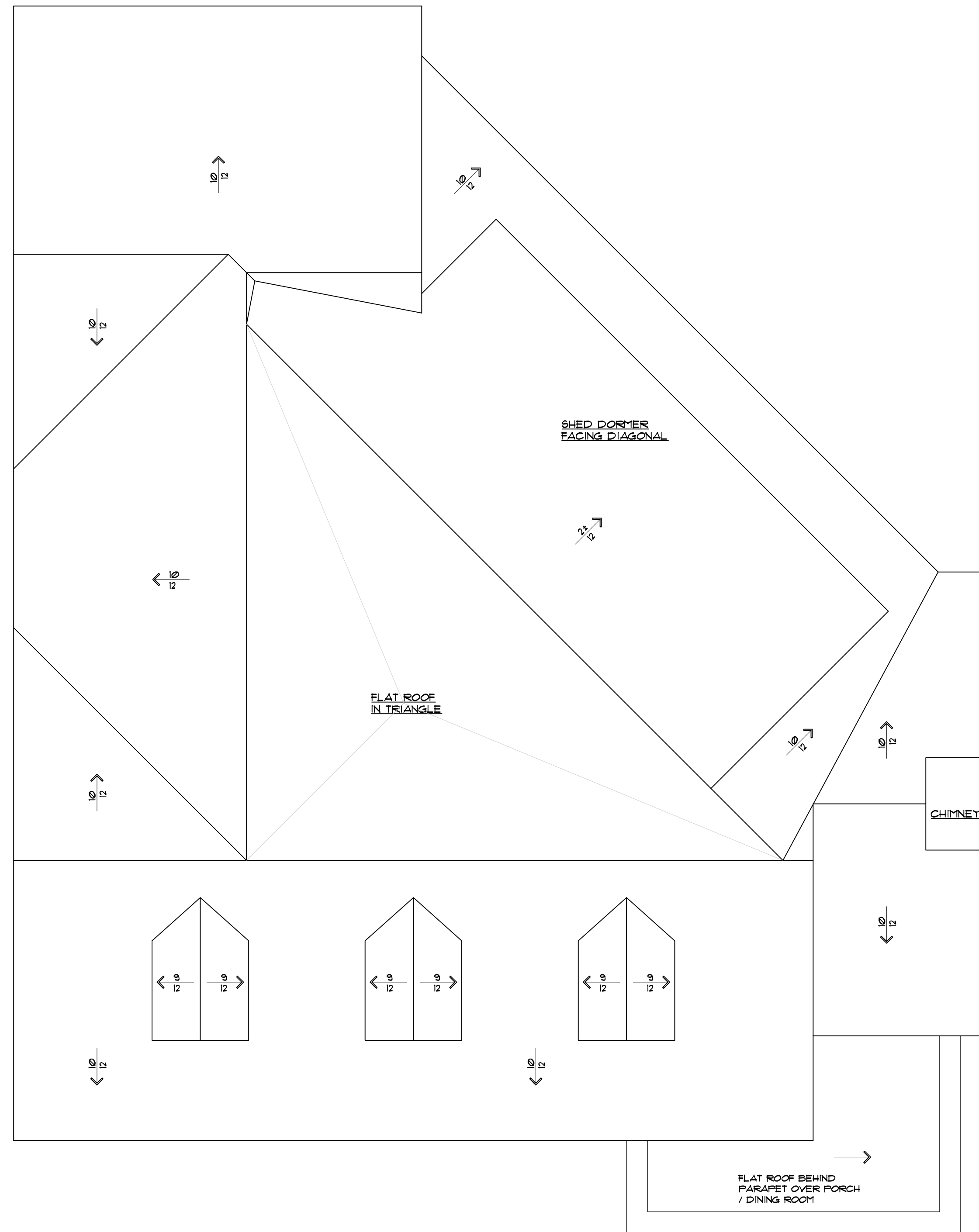


TYPICAL DIMENSION EITHER TO ROUGH FRAMING OR ROUGH FOUNDATION WALL

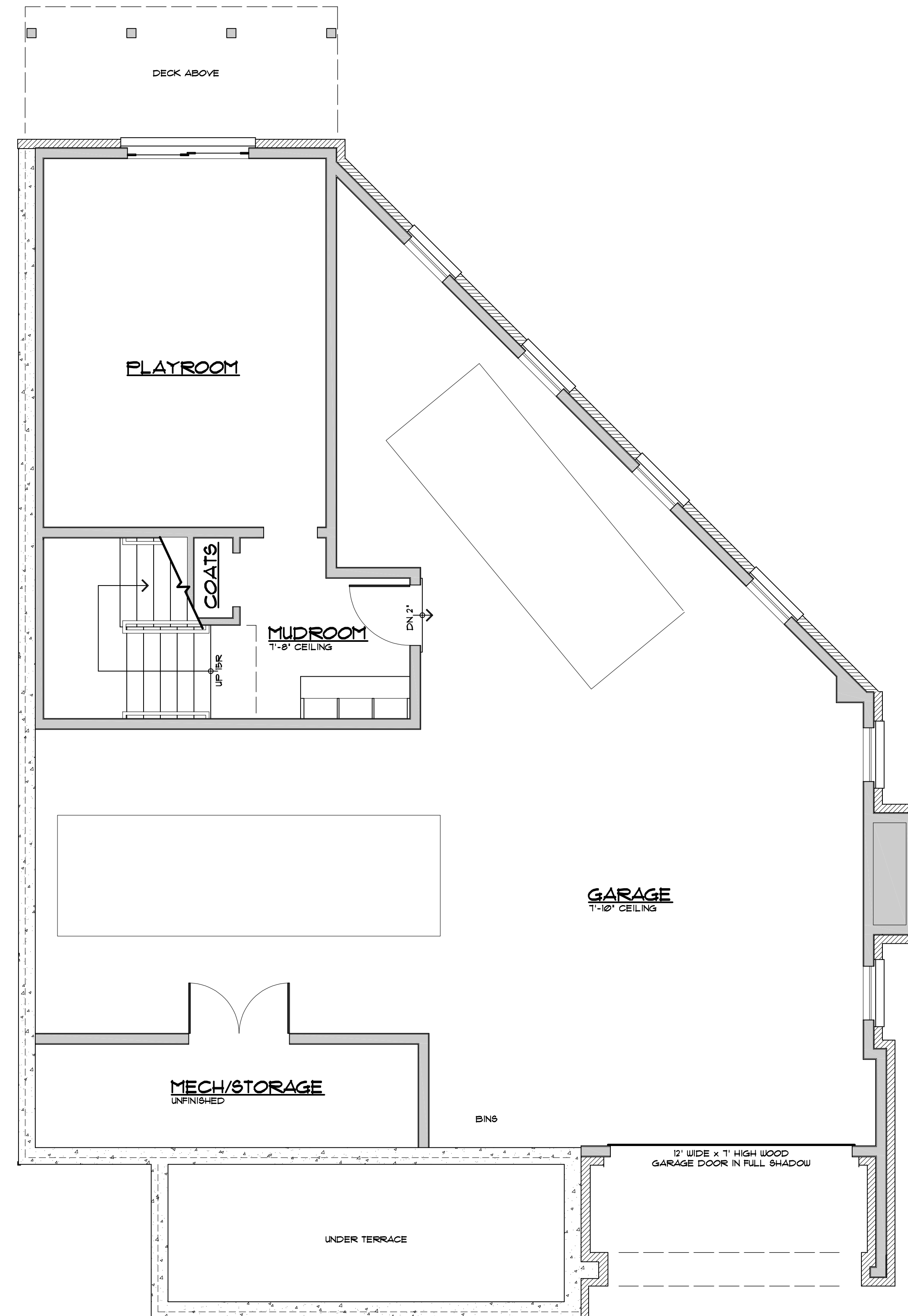
LULLWATER RESIDENCE
 1176 LULLWATER RD
 ATLANTA, GEORGIA
 MAIN AND UPPER
 LEVEL FLOOR PLANS
 SHEET A-3
 JULY 28, 2023



PRICE RESIDENTIAL DESIGN
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 dave@priceresidentialdesign.com
 404-245-4244



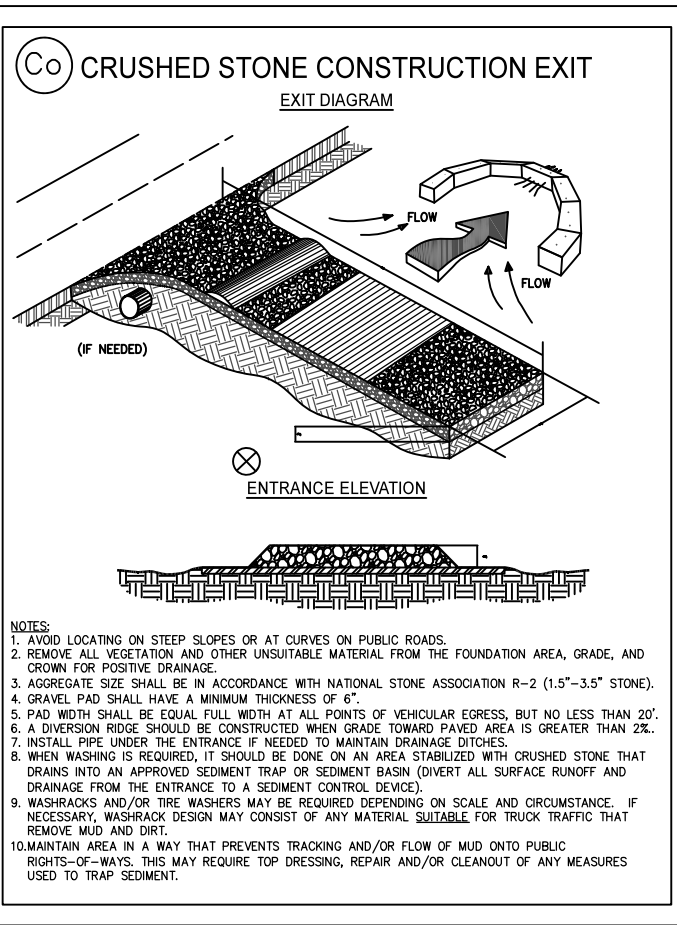
ROOF PLAN
 SCALE: 1/4" = 1'-0" SOME CONDITIONED SPACE
 (OFFICE, STORAGE) IN ATTIC - UNPLANNED



BASEMENT PLAN
 SCALE: 1/4" = 1'-0" 480 80 FEET HEATED
 SHORT CEILING BECAUSE THRESHOLD HEIGHT
 HEIGHT AND FLOOD ZONE REGULATIONS CONFLICT

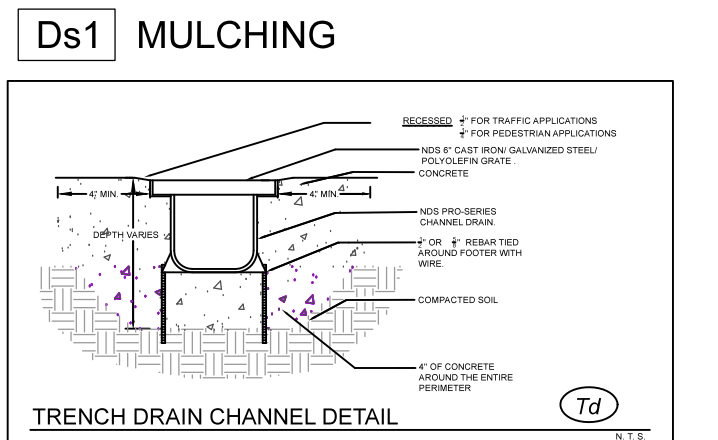
PRICE RESIDENTIAL DESIGN
 LULLWATER RESIDENCE
 1176 LULLWATER ROAD

LULLWATER RESIDENCE
 1176 LULLWATER RD
 ATLANTA, GEORGIA
 BASEMENT AND
 ROOF PLANS
 SHEET A-4
 JULY 28, 2023



MATERIAL	QUANTITY
DRY STRAW OR HAY	2" - 4" DEPTH
WOOD WASTE (SAWDUST, BARK, CHIPS)	2" - 3" DEPTH
CUTBACK ASPHALT (SLOW CURING)	1200 GAL. PER ACRE (1/4 GAL PER SQ. YD.)
POLYETHYLENE FILM	COMPLETELY COVERING EXPOSED AREA. TRENCHED IN AT OUTER EDGES.

STRAW OR HAY MULCH SHALL BE ANCHORED IMMEDIATELY AFTER APPLICATION. MULCH MAY BE ANCHORED BY MECHANICALLY PRESSING INTO SURFACE. IF SPREAD WITH BLOWER EQUIPMENT, MULCH SHALL BE ANCHORED WITH EMULSIFIED ASPHALT (GRADE AE-5 OR SS-1)-100 GAL. ASPHALT + 100 GAL. WATER PER TON OF MULCH. NETTING SHALL BE USED TO ANCHOR WOOD WASTE AND CHIPS. POLYETHYLENE SHALL BE TRENCHED IN AT EDGES.



TYPE OF SPECIES	YEAR	ANALYSIS OR EQUIVALENT N-P-K	RATE	N TOP DRESSING RATE
1. Cool season grasses	First	6-12-12	1500 lbs./ac.	50-100 lbs./ac. 1/2'
	Maintenance	6-12-12	1000 lbs./ac.	30
2. Cool season grasses and legumes	First	6-12-12	1500 lbs./ac.	0-50 lbs./ac. 1'
	Maintenance	6-12-12	1000 lbs./ac.	-
3. Ground covers	First	10-10-10	400 lbs./ac.	-
	Maintenance	10-10-10	1300 lbs./ac. 3'	-
4. Pine seedlings	First	10-10-10	1100 lbs./ac.	-
	Maintenance	10-10-10	1100 lbs./ac.	-
5. Shrub Lespedeza	First	0-10-10	700 lbs./ac.	-
	Maintenance	0-10-10	700 lbs./ac. 4'	-
6. Temporary cover crops seeded alone	First	10-10-10	500 lbs./ac.	30 lbs./ac. 5'
	Maintenance	10-10-10	500 lbs./ac.	-
7. Warm season grasses	First	6-12-12	1500 lbs./ac.	50-100 lbs./ac. 2/6'
	Maintenance	6-12-12	800 lbs./ac.	50-100 lbs./ac. 2'
8. Warm season grasses and legumes	First	6-12-12	1500 lbs./ac.	30lbs./ac.
	Maintenance	6-12-12	1000 lbs./ac.	50 lbs./ac. 6'

1/ Apply in spring following seeding.
2/ Apply in split applications when high rates are used.
3/ Apply in 3 split applications.
4/ Apply when plants are mowed.
5/ Apply to grass species only.
6/ Apply when plants grow to a height of 2 to 4 inches.

FERTILIZER RATES FOR PERMANENT VEGETATION (Ds-3)

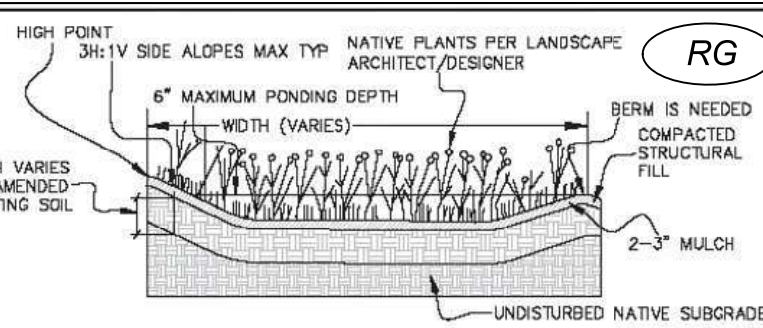
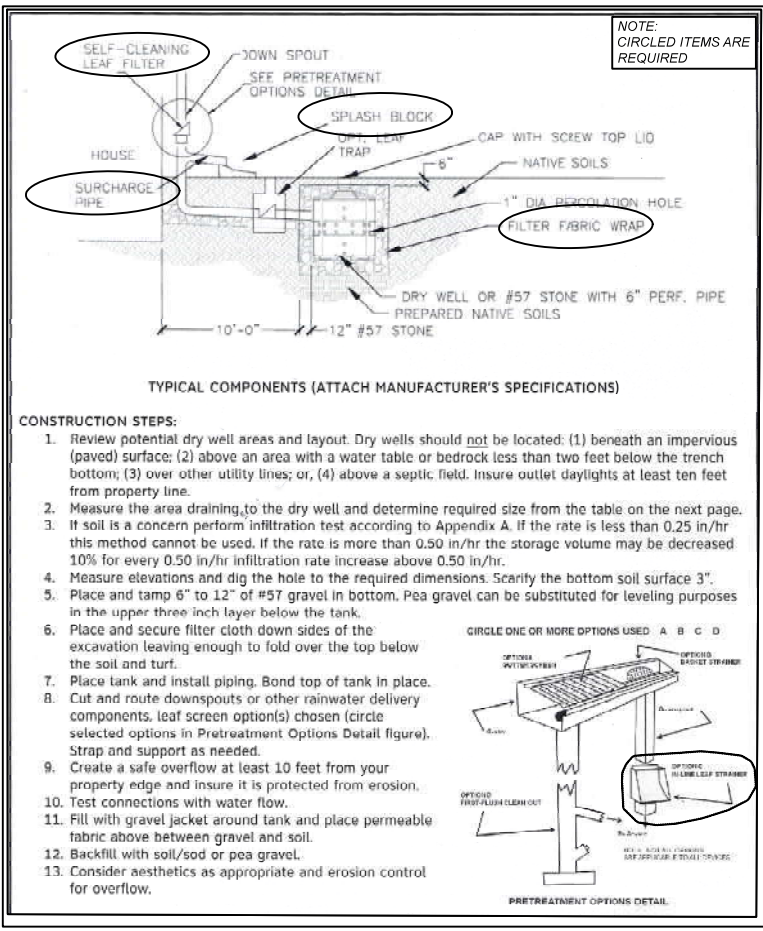
APPROPRIATE SOD VARIETIES FOR ATLANTA

GRASS	VARIETY	GROWING SEASON
BERMUDA	COMMON TIFWAY, TIFGREEN, TIFLAWN	WARM WEATHER
BAHIA	PENSACOLA	WARM WEATHER
CENTPEDE	---	WARM WEATHER
ZOYSIA	EMERALD MEYER	WARM WEATHER
TALL FESCUE	KENTUCKY	COOL WEATHER

SOIL PREPARATION
BRING SOIL SURFACE TO FINAL GRADE. CLEAR SURFACE OF TRASH, WOODY DEBRIS, STONES AND CLODS LARGER THAN 1". APPLY SOD TO SOIL SURFACES ONLY AND NOT FROZEN SURFACES, OR GRAVEL TYPE SOILS.
MIX FERTILIZER INTO SOIL SURFACE. FERTILIZE BASED ON SOIL TESTS OR GENERAL APPLICATION OF 10-10-10 @ 1000 LBS PER ACRE (1 LB /40 SQ. FT.)
AGRICULTURAL LIME SHOULD BE APPLIED BASED ON SOIL TESTS OR AT A RATE OF 1 TO 2 TONS / ACRE.

GRASS TYPE	PLANTING YEAR	FERTILIZER (NPK)	RATE (LBS/ ACRE)	NITROGEN TOP DRESSING (LBS/ ACRE)
COOL SEASON GRASSES	1ST MAINTENANCE	6-12-12	1500	50-100
	2ND MAINTENANCE	6-12-12	1000	---
WARM SEASON GRASSES	1ST MAINTENANCE	6-12-12	1500	50-100
	2ND MAINTENANCE	6-12-12	800	50-100

Ds4 STABILIZATION WITH SODDING



ON ALL DISTURBED AREAS

Ds1 DISTURBED AREA STABILIZATION (WITH MULCH ONLY). ESTABLISH TEMPORARY PROTECTION FOR DISTURBED AREAS WHERE SEEDINGS MAY NOT HAVE A SUITABLE GROWING SEASON TO PRODUCE AN EROSION RETARDING COVER.

Ds2 DISTURBED AREA STABILIZATION (WITH TEMPORARY SEEDING). ESTABLISH A TEMPORARY VEGETATIVE COVER WITH FAST GROWING SEEDINGS ON DISTURBED AREAS.

Ds3 DISTURBED AREA STABILIZATION (WITH PERMANENT VEGETATION). ESTABLISH PERMANENT VEGETATIVE COVER SUCH AS TREES, SHRUBS, WINES, GRASSES, SOD OR LEGUMES ON DISTURBED AREAS.

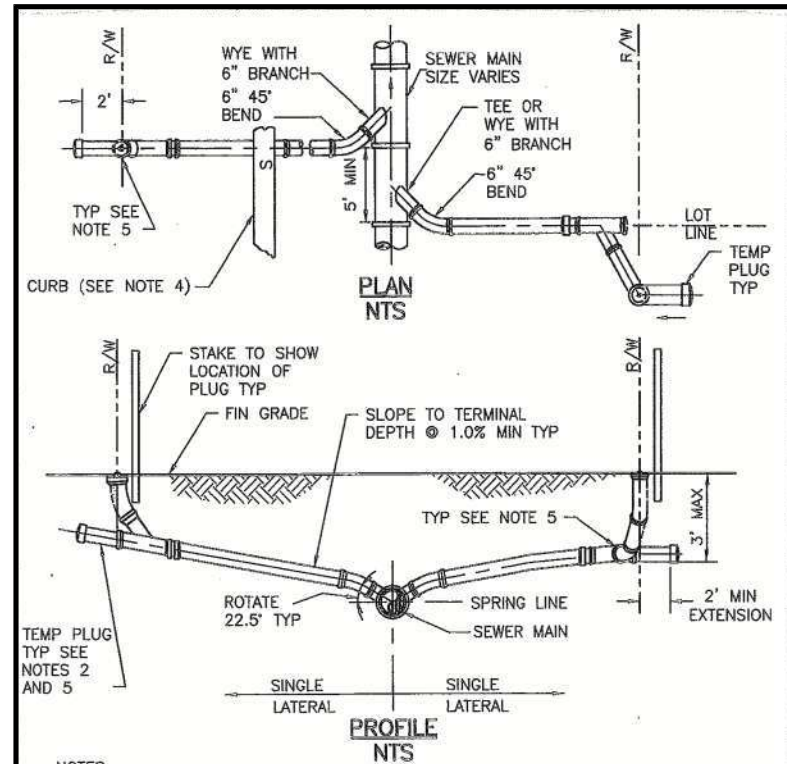
Ds4 DISTURBED AREA STABILIZATION (WITH CERTIFIED SOD). ESTABLISH PERMANENT VEGETATIVE COVER WITH SOD CUT TO DESIRED SIZE WITHIN 48 HOURS AND PLANNED WITHIN 36 HOURS OF DIGGING. SOD TO BE PLANTED ACCORDING TO COUNTY REQUIREMENTS.

PLANT, PLANTING RATES, AND PLANTING DATES FOR TEMPORARY COVER OR COMPANION CROPS 1/

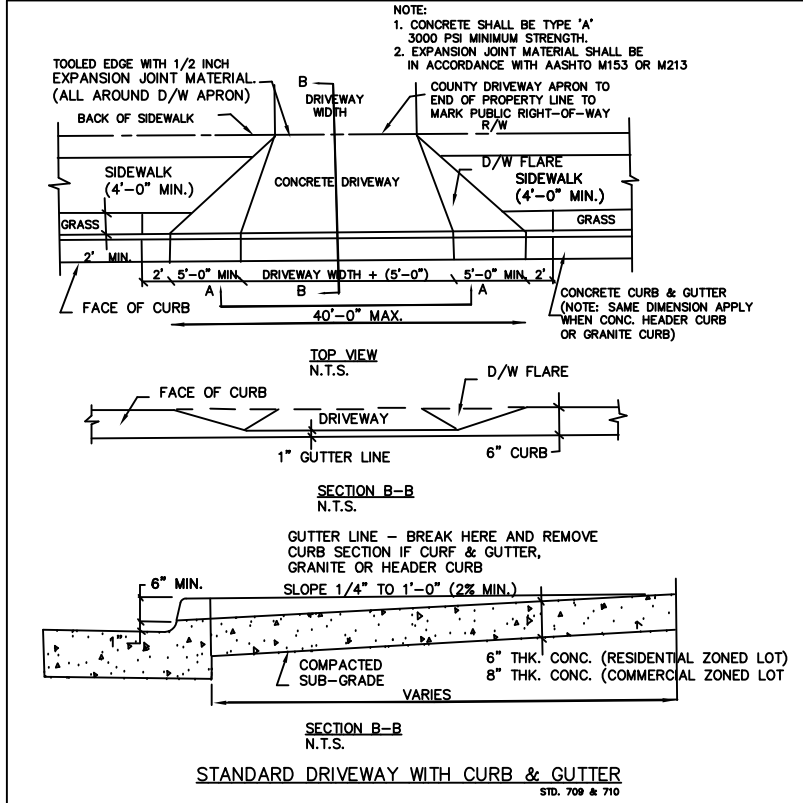
Species	Broadcast Rates 2' - PLS 3/ Per Acre	Resource Area 4/	Planting Dates by Resource Area	Planting Dates	Remarks
BARLEY (Hordeum vulgare)	3 bu. (144 lbs.) 12 bu. (576 lbs.)	P	F M A M J J A S O N D	F M A M J J A S O N D	14,000 seed per pound. Winterhardy. Use on productive soils.
LESPEDEZA ANNUAL (Lespedeza striata)	40 lbs. 0.9 lb. 10 lbs. 0.2 lb.	P	F M A M J J A S O N D	F M A M J J A S O N D	200,000 seed per pound. May volunteer for several years. Use in no-till areas.
COLEGRASS, WEEPING (Eragrostis curvata)	4 lbs. 0.1 lb. 20 lbs. 0.9 lb.	P	F M A M J J A S O N D	F M A M J J A S O N D	1,500,000 seed per pound. May last for several years. Mix with Sorghum teosipede.
MILLET, BROWNTOP (Panicum fasciculatum)	40 lbs. C 10 lbs. 0.2 lb.	P	F M A M J J A S O N D	F M A M J J A S O N D	137,000 seed per pound. Quick dense cover. Will provide low-maintenance cover. Inhibits weeds if seeded at high rates.
MILLET, PEARL (Pennisetum glaucum)	50 lbs. 1.1 lb.	P	F M A M J J A S O N D	F M A M J J A S O N D	88,000 seed per pound. Quick dense cover. May reach 5 feet height. Not recommended for mowers.
GRASS (Avena sativa)	4 bu. (128 lbs.) 1 bu. (32 lbs.)	P	F M A M J J A S O N D	F M A M J J A S O N D	13,000 seed per pound. Use on productive soils. Not as winterhardy as rye or barley.
RYE (Secale cereale)	3 bu. (96 lbs.) 12 bu. (384 lbs.)	P	F M A M J J A S O N D	F M A M J J A S O N D	18,000 seed per pound. Quick cover. Drought tolerant and winterhardy.
RYEGRASS, ANNUAL (Lolium temulentum)	40 lbs. 0.9 lb.	P	F M A M J J A S O N D	F M A M J J A S O N D	227,000 seed per pound. Dense cover. Very competitive and is good to be used in.
SUDANGRASS (Sorghum Sudanese)	60 lbs. 1.4 lb.	P	F M A M J J A S O N D	F M A M J J A S O N D	55,000 seed per pound. Good on droughty sites. Not recommended for mowers.

PLANTS, PLANTING RATES, AND PLANTING DATES FOR PERMANENT COVER

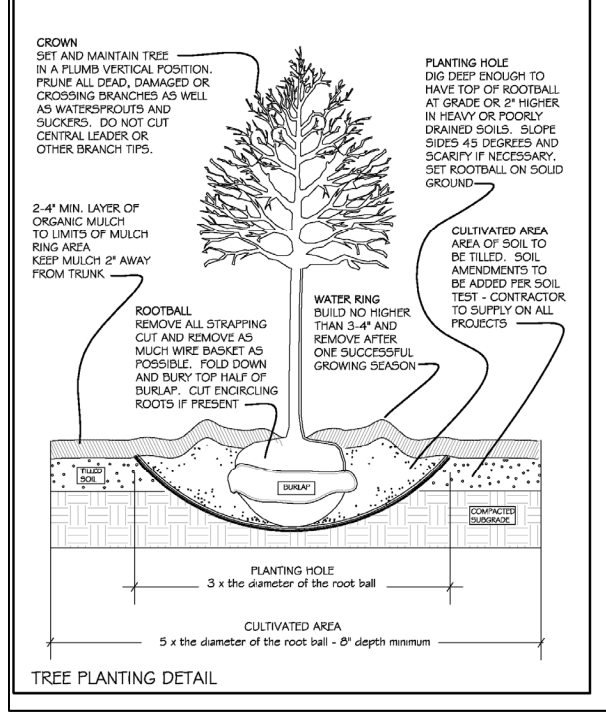
Species	Broadcast Rates 2' - PLS 3/ Per Acre	Resource Area 4/	Planting Dates by Resource Area	Planting Dates	Remarks
BERMUDA (Cynodon dactylon)	30 lbs. 0.7 lb.	P	F M A M J J A S O N D	F M A M J J A S O N D	90,000 seed per pound. Long growing habit. Not winter hardy. Use on productive soils. Will provide low-maintenance cover. Inhibits weeds if seeded at high rates. Mix with Sorghum teosipede.
BERMUDA, WAXHAIR (Cynodon dactylon)	30 lbs. 0.7 lb.	P	F M A M J J A S O N D	F M A M J J A S O N D	90,000 seed per pound. Long growing habit. Not winter hardy. Use on productive soils. Will provide low-maintenance cover. Inhibits weeds if seeded at high rates. Mix with Sorghum teosipede.
BERMUDA, COMMON (Cynodon dactylon)	30 lbs. 0.7 lb.	P	F M A M J J A S O N D	F M A M J J A S O N D	90,000 seed per pound. Long growing habit. Not winter hardy. Use on productive soils. Will provide low-maintenance cover. Inhibits weeds if seeded at high rates. Mix with Sorghum teosipede.
BERMUDA, WAXHAIR (Cynodon dactylon)	30 lbs. 0.7 lb.	P	F M A M J J A S O N D	F M A M J J A S O N D	90,000 seed per pound. Long growing habit. Not winter hardy. Use on productive soils. Will provide low-maintenance cover. Inhibits weeds if seeded at high rates. Mix with Sorghum teosipede.
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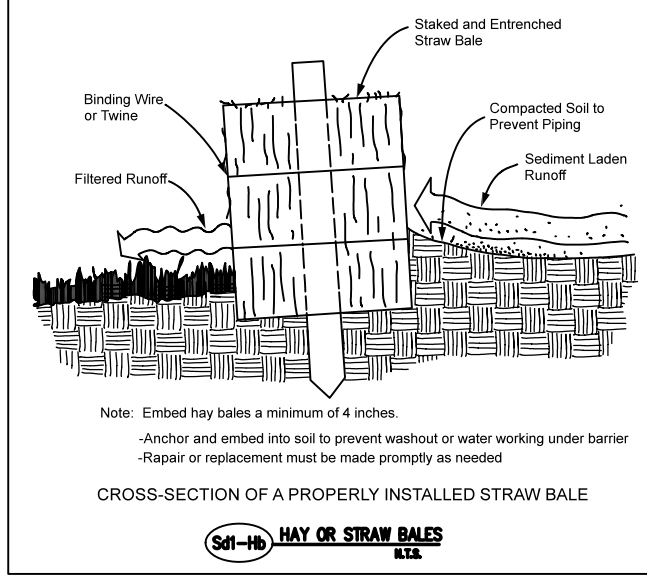
STANDARD DETAILS
Sanitary Sewer Lateral Connection detail
NOT TO SCALE
DETAIL NO. S-017



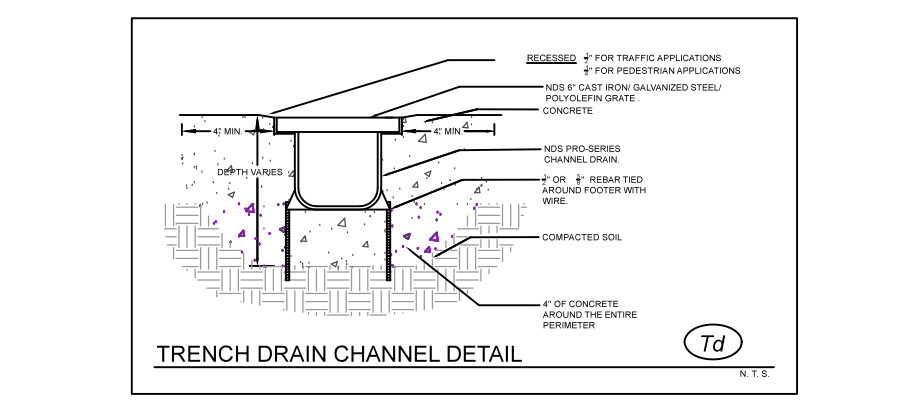
STANDARD DETAILS
Standard Driveway with Curb & Gutter
NOT TO SCALE
DETAIL NO. S-017



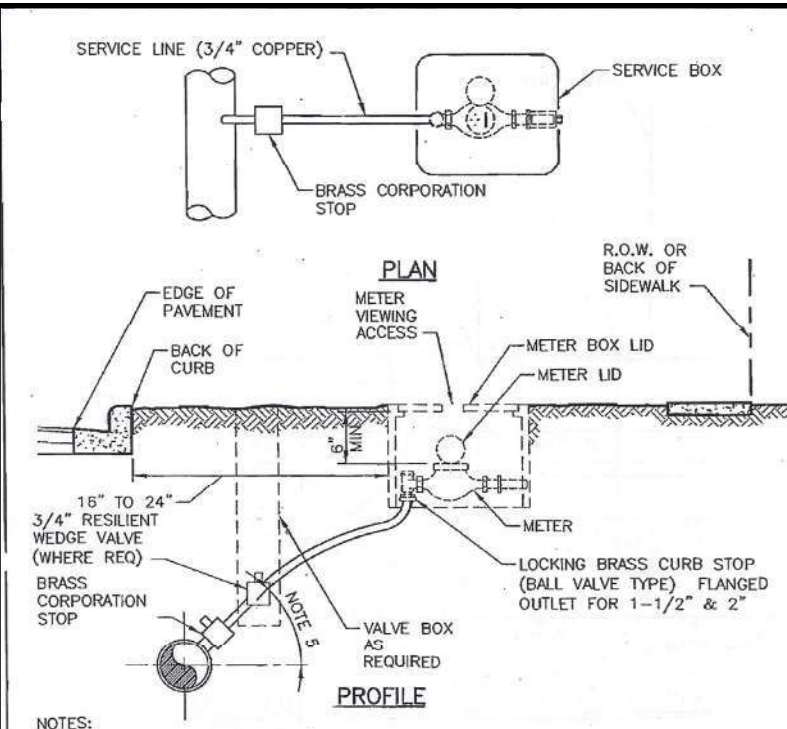
STANDARD DETAILS
Tree Planting Detail
NOT TO SCALE
DETAIL NO. S-017



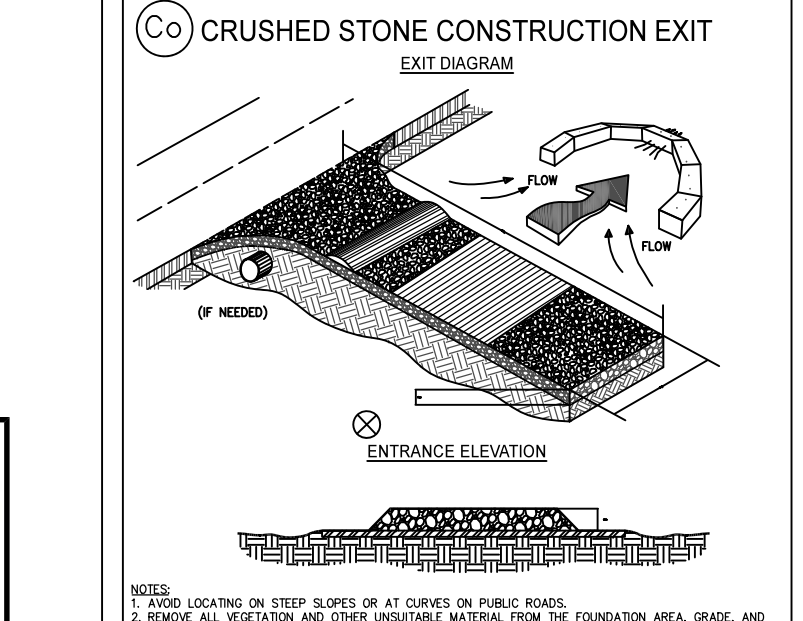
STANDARD DETAILS
Cross-section of a properly installed straw bale
NOT TO SCALE
DETAIL NO. S-017



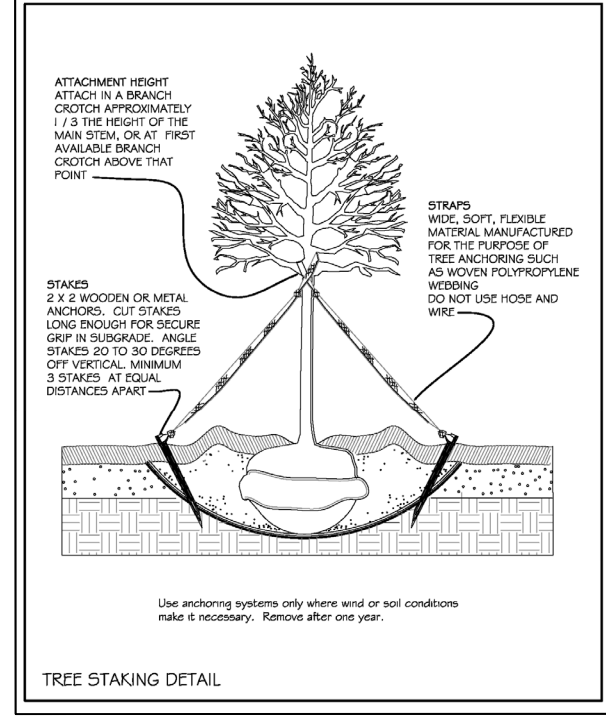
STANDARD DETAILS
Trench Drain Channel Detail
NOT TO SCALE
DETAIL NO. S-017



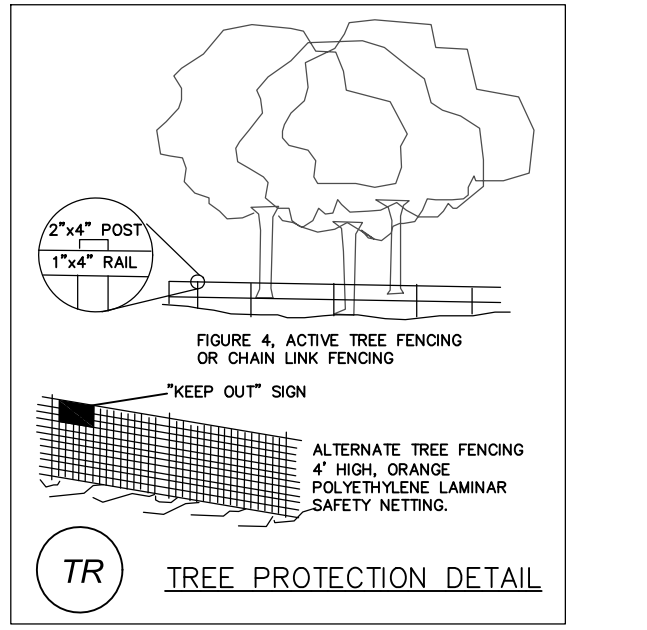
STANDARD DETAILS
Residential Water Meter Installation Detail
NOT TO SCALE
DETAIL NO. W-026



STANDARD DETAILS
Crushed Stone Construction Exit
NOT TO SCALE
DETAIL NO. S-017



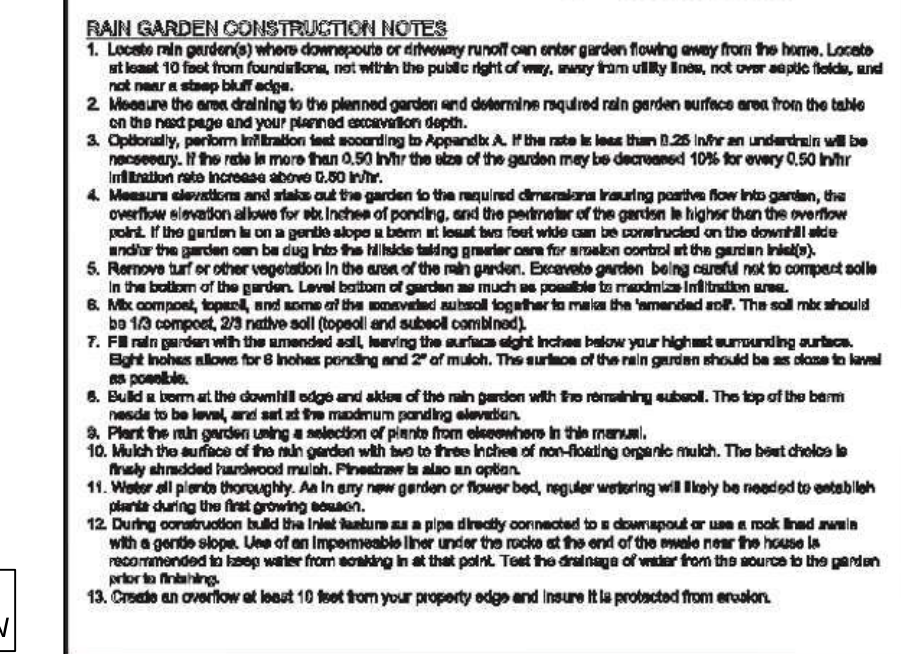
STANDARD DETAILS
Tree Staking Detail
NOT TO SCALE
DETAIL NO. S-017



STANDARD DETAILS
Tree Protection Detail
NOT TO SCALE
DETAIL NO. S-017

SIZING CALCULATIONS

CONTRIBUTING DRAINAGE AREA (SF)	DEPTH OF AMENDED SOIL (INCHES)			
	18	24	30	36
100	8.8	6.7	5.1	4.8
500	35	30	25	23
1000	65	60	50	45
2000	135	115	100	90
3000	200	170	150	140
4000	280	230	200	185
5000	330	280	255	230



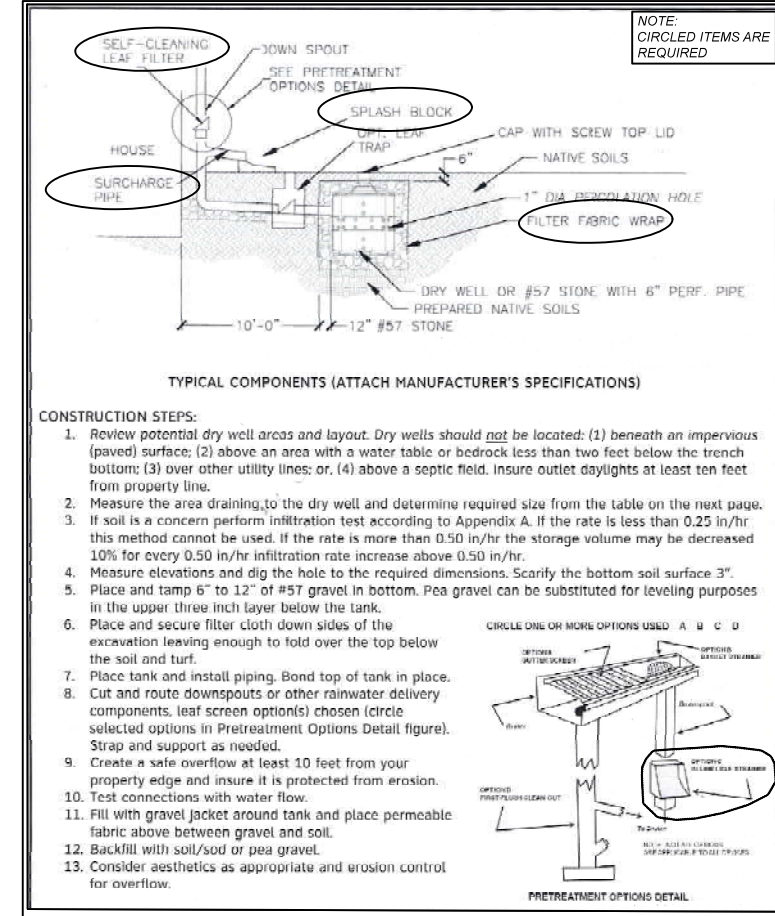
RAIN GARDEN CONSTRUCTION NOTES

1. Locate rain garden(s) where downspouts or driveway runoff can enter garden flowing away from the home. Locate at least 10 feet from foundations, not within the public right of way, away from utility lines, not over septic fields, and not near a steep hill edge.
2. Measure the area draining to the planned garden and determine required rain garden surface area from the table on the next page and your planned excavation depth.
3. Optionally, perform infiltration test according to Appendix A. If the rate is less than 0.25 in/hr an underdrain will be necessary. If the rate is more than 0.50 in/hr the size of the garden may be decreased 10% for every 0.50 in/hr infiltration rate increase above 0.50 in/hr.
4. Measure elevations and stakes out the garden to the required dimensions ensuring positive flow into garden, the overflow elevation allows for six inches of ponding, and the perimeter of the garden is higher than the overflow point. If the garden is on a gentle slope a berm at least two feet wide can be constructed on the downhill side and the garden can be dug into the hillside taking greater care for erosion control at the garden knee(s).
5. Remove turf or other vegetation in the area of the rain garden. Excavate garden, being careful not to compact soils in the bottom of the garden. Level bottom of garden as much as possible to maximize infiltration area.
6. Mix compost, topsoil, and some of the excavated subsoil together to make the amended soil. The soil mix should be 1:3 compost, 2:3 native soil (topsoil and subsoil combined).
7. Fill rain garden with the amended soil, leaving the surface eight inches below your highest surrounding surface. Eight inches allows for 8 inches ponding and 2" of mulch. The surface of the rain garden should be as close to level as possible.
8. Build a berm at the downhill edge and allow the rain garden with the remaining subsoil. The top of the berm needs to be level, and set at the maximum ponding elevation.
9. Plant the rain garden using a selection of plants from elsewhere in this manual.
10. Mulch the surface of the rain garden with two to three inches of non-floating organic mulch. The best choice is finely shredded hardwood mulch. Pine straw is also an option.
11. Water all plants thoroughly. As in any new garden or flower bed, regular watering will likely be needed to establish plants during the first growing season.
12. During construction build the inlet feature as a pipe directly connected to a downspout or use a rock lined swale with a gentle slope. Use of an impermeable liner under the rocks at the end of the swale near the house is recommended to keep water from soaking in at that point. Test the drainage of water from the source to the garden prior to finishing.
13. Create an overflow at least 10 feet from your property edge and insure it is protected from erosion.

STANDARD DETAILS
Residential Water Meter Installation Detail
NOT TO SCALE
DETAIL NO. W-026

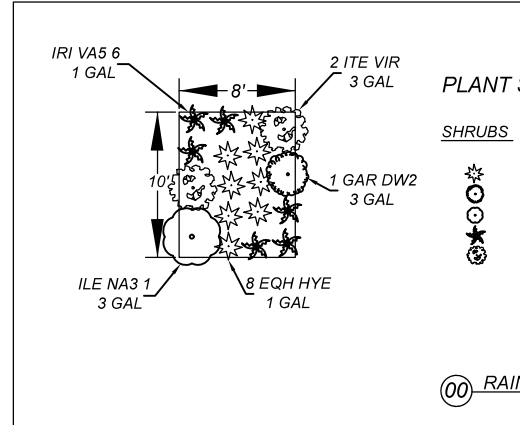
EROSION CONTROL SEDIMENT PRACTICES:

DS1	DS2	DS3	DS4
DISTURBED AREA STABILIZATION (WITH MULCH ONLY). ESTABLISH TEMPORARY PROTECTION FOR DISTURBED AREAS WHERE SEEDINGS MAY NOT HAVE A SUITABLE GROWING SEASON TO PRODUCE AN EROSION RETARDING COVER.	DISTURBED AREA STABILIZATION (WITH TEMPORARY SEEDING). ESTABLISH A TEMPORARY VEGETATIVE COVER WITH FAST-GROWING SEEDINGS ON DISTURBED AREAS.	DISTURBED AREA STABILIZATION (WITH PERMANENT VEGETATION). ESTABLISH PERMANENT VEGETATIVE COVER SUCH AS TREES, SHRUBS, VINES, GRASSES, SOD OR LEGUMES ON DISTURBED AREAS.	DISTURBED AREA STABILIZATION (WITH CERTIFIED SOD). ESTABLISH PERMANENT VEGETATIVE COVER WITH SOD CUT TO DESIRED SIZE WITHIN 15% AND PLANNED WITHIN 36 HOURS OF DIGGING. SOD TO BE PLANTED ACCORDING TO COUNTY REQUIREMENTS.



STANDARD DETAILS
Typical Components of a Rain Garden
NOT TO SCALE
DETAIL NO. S-017

ALL ROOF DRAINS AND TRENCH DRAIN TO DRAIN TO RAIN GARDEN



PLANT SCHEDULE - (PER 80 SF OF RAIN GARDEN)

SHRUBS	CODE	QTY	BOTANICAL NAME/COMMON NAME	SIZE
	EQUHYE	8	EQUISETUM HYEMALE/HORSETAIL REED GRASS	1 GAL
	GARDW2	1	GARDENIA RADICANS/DWARF GARDENIA	3 GAL
	ILENA3	1	ILEX GLABRA NANA/DWARF INKBERRY	3 GAL
	IRIVAS	6	IRIS ENSATA VARIETAS VARIETIGATA JAPANESE IRIS	1 GAL
	ITEVIR	2	ITEA VIRGINICA 'HENRY'S GARNET' HENRY'S GARNET SWEETSPIRE	3 GAL

DATE:	ISSUE
AUGUST 5, 2021	
SCALE: 1" = 30'	
ACREAGE: 0.4165	
LAND LOT(S): 2	
DISTRICT: 18th	
CITY:	
COUNTY: DEKALB STATE: GEORGIA	
SURVEYED: MAF DRAWN: MWR	
CHECKED: WGH APPROVED: CAM	
PROJECT #: 16-257	

SITE PLAN FOR:
1176 LULLWATER ROAD
PART OF LOT 27C, BLOCK 13, DRUID HILLS S/D
LAND LOT 2, 18th DISTRICT, DEKALB COUNTY, GEORGIA
TAX PARCEL No. 18 054 06 001



GA LAND SURVEYOR
404-384-9577
GA LAND SURVEYOR, LLC
3355 ANNANDALE LANE, STE 1
SUWANEE, GA 30024

SHEET
2
OF
2

Price Residential Design
1176 Lullwater Road photo documentation



Both adjacent houses (this is the rear of the house on North Decatur that faces the project) have two full floors with large attics and basement below because of the extreme topography.



This massive mature (camelia?) hedge will be retained for a visual buffer, though it will be pruned back.



This is one of many examples of Colonial Revival houses along this side of Lullwater Road with dormers on the roof. None of the Colonials nearby the project have a dormer, as we propose, but dormers are nonetheless common. There are only Colonial Revivals in the area of influence so we will continue that style in order to retain the directional emphasis, shape, massing, proportion, rhythm, scale/height, and the architectural features that are prevalent nearby.

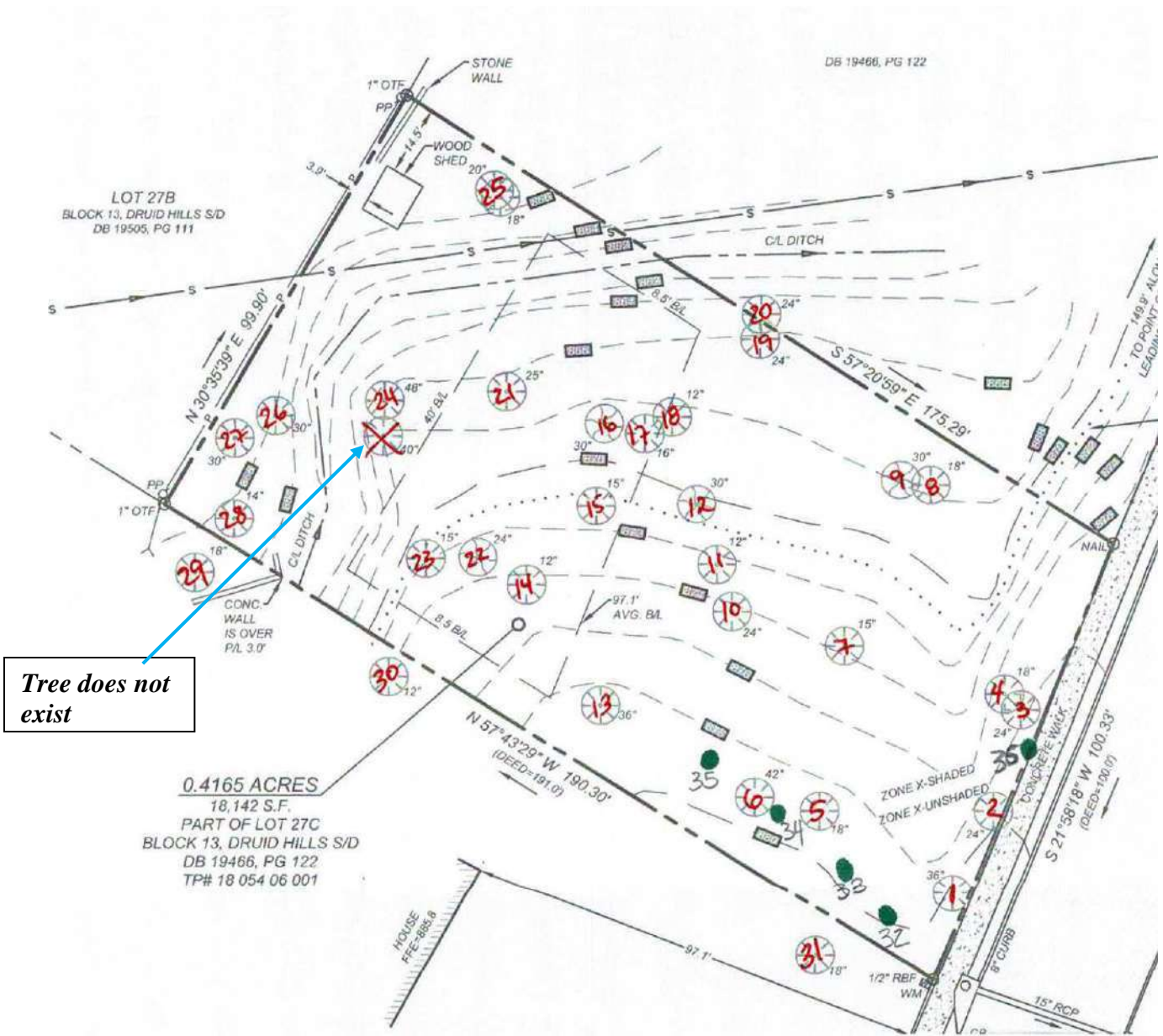
Tree Evaluation Report

1176 Lullwater Road, DeKalb County
July 6, 2021

Description of property:

This is a vacant undeveloped lot with proposed new construction. Twenty-eight trees exist on the site with three boundary trees noted. There are eight specimen-sized trees on the property and one off site.

Observations: All observations were visual and made from the ground. No invasive tests, underground or aerial inspections were performed. The site visit was conducted on July 1, 2021. Diameters were measured at breast height, 4½ feet above the ground (DBH) and current conditions noted.



HRH Trees, LLC
 1125 Oak Brook Way, Atlanta, Georgia 30319
 404-444-5824

PAGE 2
1176 Lullwater Road, DeKalb County

Tree #	Species	Actual DBH	Condition	Specimen	Dead	Buffer	Boundary	Target
1	Water Oak	37"	Bifurcated upper trunk, Covered in vines	Y	N	N	N	Y
2	Water Oak	24"	Covered in vines	N	N	N	N	Y
3	Ash	24"	Covered in vines	N	N	N	N	Y
4	Ash	18"	Covered in vines	N	N	N	N	Y
5	Yellow-poplar	18"	Appears Healthy	N	N	N	N	Y
6	Yellow-poplar	25"	Appears Healthy	N	N	N	N	N
7	Sweetgum	15"	Appears Healthy	N	N	N	N	N
8	Ash	19"	Appears Healthy	N	N	Y	N	N
9	Loblolly Pine	30"	Appears Healthy	Y	N	Y	N	N
10	Yellow-poplar	25"	Appears Healthy	N	N	N	N	N
11	Yellow-poplar	12"	Appears Healthy	N	N	N	N	N
12	Loblolly Pine	33"	Termites at the base, <20% LCR	Y	N	Y	N	N
13	Beech	41"	1 broken limb, Appears Healthy	Y	N	N	N	Y
14	Hardwood	12"	Appears Healthy	N	N	N	N	N
15	Hardwood	15"	Appears Healthy	N	N	N	N	N
16	Loblolly Pine	33"	Appears Healthy	Y	N	Y	N	N
17	Yellow-poplar	13"	Appears Healthy	N	N	Y	N	N
18	Hardwood	12"	Lean >20 degrees, decay in main trunk	N	N	Y	N	N
19	Yellow-poplar	31"	Appears Healthy	Y	N	N	N	N
20	Yellow-poplar	28"	Appears Healthy	N	N	N	N	N
21	Tupelo	24"	Appears Healthy	N	N	Y	N	N
22	Loblolly Pine	28"	Appears Healthy	N	N	N	N	Y
23	Yellow-poplar	15"	Appears Healthy	N	N	N	N	Y
24	Yellow-poplar	53"	Appears Healthy	Y	N	Y	N	N
25	Pecan	8"	Appears Healthy	N	N	Y	N	N
26	Yellow-poplar	24"	Roots starting to become eroded, Appears Healthy	N	N	Y	N	N
27	Yellow-poplar	30"	Appears Healthy	Y	N	Y	N	Y
28	Hardwood	10"	Appears Healthy	N	N	Y	N	N
29	Sweetgum	~18"	Appears Healthy	N	N	Y	Y	Y
30	Hardwood	12"	Appears Healthy	N	N	N	Y	Y
31	Post Oak	27"	Appears Healthy	N	N	N	Y	Y

Highlighted trees are of specimen size for DeKalb County

32	Yellow-poplar	9"	Appears Healthy, Outcompeted	N	N	N	N	N
33	Sweetgum	9"	Appears Healthy, Outcompeted	N	N	N	N	N
34	Sweetgum	8"	Appears Healthy, Outcompeted	N	N	N	N	N
35	Yellow-poplar	9"	Appears Healthy, Outcompeted	N	N	N	N	N
36	Water Oak	11"	Significant lean over street, unbalanced crown weight	N	N	N	N	Y

Trees (#32-36) not on original site plan

HRH Trees, LLC

1125 Oak Brook Way, Atlanta, Georgia 30319
404-444-5824

PAGE 3

1176 Lullwater Road, DeKalb County

Pictures (not in good condition):

Tree 1



Tree 12



Tree 18



Tree 26



HRH Trees, LLC

1125 Oak Brook Way, Atlanta, Georgia 30319
404-444-5824

PAGE 4

1176 Lullwater Road, DeKalb County

Tree 36 leaning over street

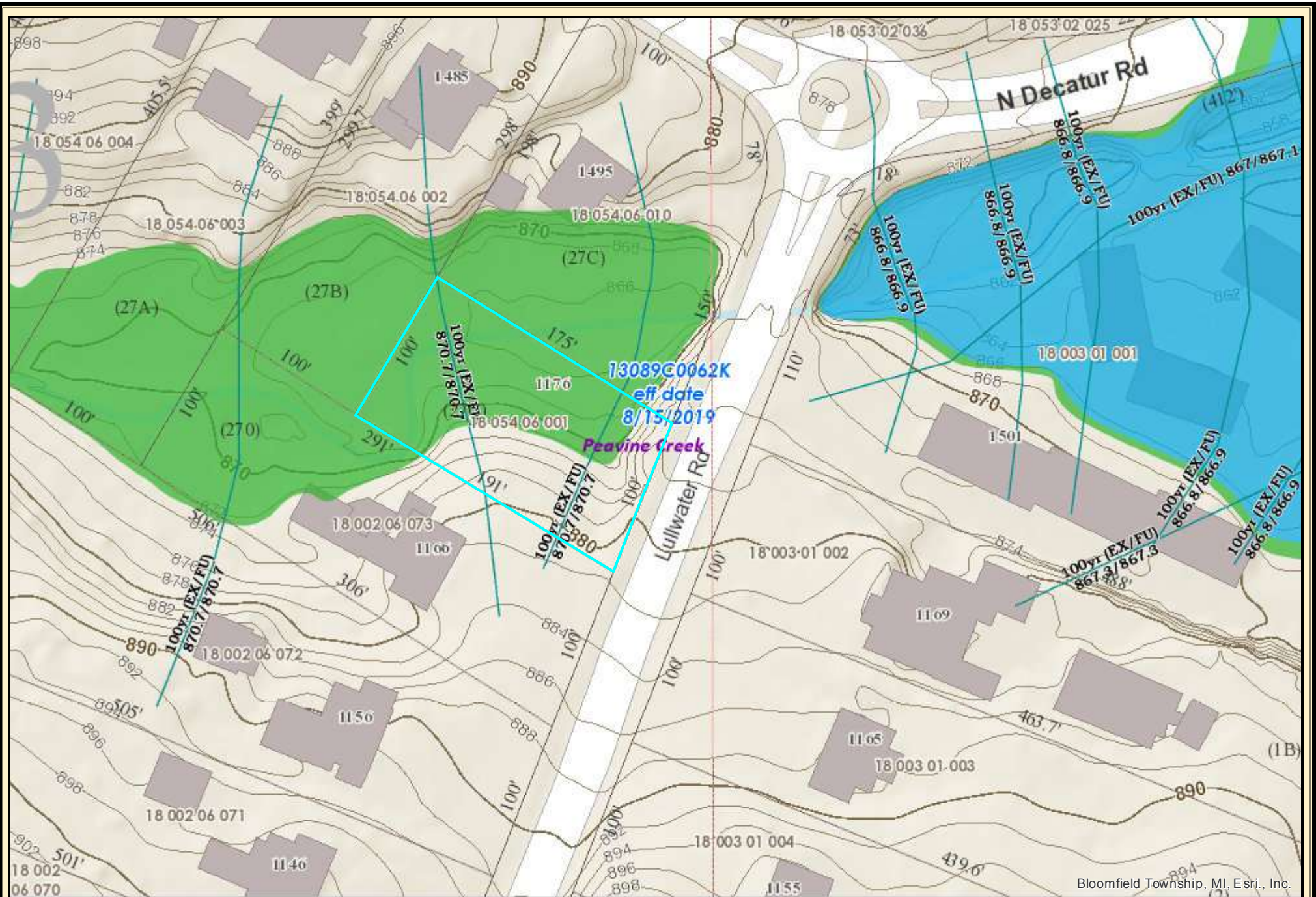


Final Notes:

Consult with the International Society of Arboriculture for specific guidelines on tree removal, pruning and planting, www.isa-arbor.com.

This letter serves as an assessment of the specified trees. I certify that all the statements in this letter are true, complete, and correct to the best of my knowledge and belief, and that they are made in good faith. All trees will fail. No arborist can state exactly when, where, or how a tree will fail. Live trees that appear healthy may fall as an "act of God" or with significant weather or environmental conditions that cannot be controlled. All recommendations made in this letter are the sole responsibility of the homeowner to address, thus assuming any risk associated with not performing such recommendations.

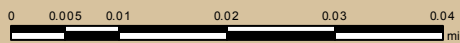
This information was generated by Heidi Rieckermann Harrington, Certified Arborist (ISA #NY-1074A), Certified Forester (SAF #2756), HRH Trees, LLC.



Bloomfield Township, MI, Esri., Inc.



DeKalb County Parcel Map



Date Printed: 7/9/2021



DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.

DeKalb County Department of Planning and Sustainability
178 Sams Street
Decatur, GA 30030

RE: **1176 Lullwater Road -**

1. Request to reinstate expired Certificate of Appropriateness granted in July 2021 by DeKalb Co Historic Preservation Commission. The original design is modified to be 30" shorter, 30" narrower, and at a 72' setback from Lullwater Road rather than 75' as originally approved.

2. Request for Variance from DeKalb Co Zoning Code Ordinance to raise the elevation of the new home's front door threshold from 874.2' (average natural grade at 35' front setback) to 883.1' elevation. For reference, the manhole on a catch basin next to the sidewalk on the southeastern corner of the lot is at elevation 881.52', so the main floor elevation is 19 inches above that manhole.

Dear Zoning Board and Historic Preservation Commission members and staff:

We, as neighbors of 1176 Lullwater Road, have reviewed the plans and exterior elevations of this project and believe it is appropriate to the neighborhood. We ask that you support the approvals requested.

This page can be returned to the owner's mailbox at 1136 Lullwater Road on or before August 17, or you may take a photo with your phone and text it to Dave Price of Price Residential Design at 404-245-4244, or scan and email to me at dave@priceresidentialdesign.com

Thank you for your consideration,

Louis Edwards
Name

17 Aug 2023
Date

1156 Lullwater Rd

Atlanta, GA 30307
Address

Please feel free to join us at the upcoming meetings:

1. Neighbor Information Meeting -- **Thursday, August 17, 2023** at 5:30 p.m. at 1136 Lullwater Road (home of the owners, Beth Finnerty and David Martin)

2. Historic Preservation Commission Meeting - **Monday, August 21** at 6:00 p.m. via Zoom.

2. Zoning Board of Appeals Meeting -- **Wednesday, Sept. 14** at 1:00 p.m. via Zoom.

DeKalb County Department of Planning and Sustainability
178 Sams Street
Decatur, GA 30030

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Dear Zoning Board and Historic Preservation Commission members and staff:

We, as neighbors of 1176 Lullwater Road, have reviewed the plans and exterior elevations of this project and believe it is appropriate to the neighborhood. We ask that you support the approvals requested.

This page can be returned to the owner's mailbox at 1136 Lullwater Road on or before August 17, or you may take a photo with your phone and text it to Dave Price of Price Residential Design at 404-245-4244, or scan and email to me at dave@priceresidentialdesign.com

Thank you for your consideration,

Mark S. Ferguson
Almond P. Ferguson

Name

Date

8/17/23

1135 Lullwater Road

Atlanta, GA 30307

Address

Please feel free to join us at the upcoming meetings:

1. Neighbor Information Meeting – **Thursday, August 17, 2023** at 5:30 p.m. at 1136 Lullwater Road (home of the owners, Beth Finnerty and David Martin)
2. Historic Preservation Commission Meeting – **Monday, August 21** at 6:00 p.m. via Zoom.
2. Zoning Board of Appeals Meeting – **Wednesday, Sept. 14** at 1:00 p.m. via Zoom.

DeKalb County Department of Planning and Sustainability
178 Sams Street
Decatur, GA 30030

RE: 1176 Lullwater Road –


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Thank you for your consideration,

Jonathan Wegman
Name

1146 Lullwater Rd
Address

08/17/2023
Date

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178 Sams Street
Decatur, GA 30030

RE: 1176 Lullwater Road –

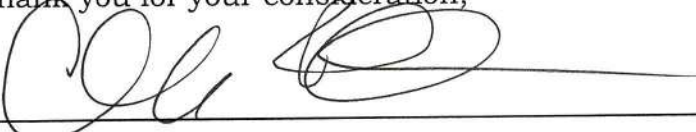
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Thank you for your consideration,



Name

8.17.23

Date

1156 Lullwater Rd NE
Atlanta GA 30307

Address

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DeKalb County Department of Planning and Sustainability
178 Sams Street
Decatur, GA 30030

RE: **1176 Lullwater Road** –

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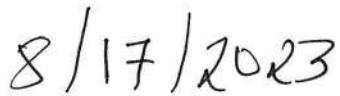
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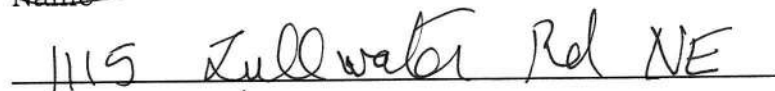
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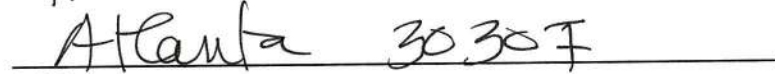


Name



Date





Address

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Thank you for your consideration,

Matthew & Brittany Hartnett

Name

8/15/23

Date

1125 Lullwater Rd

Atlanta, GA 30307

Address

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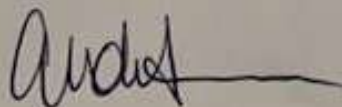
Thank you for your consideration,

Andrea Schklar + Macairang Wan
Name

8/19/23
Date

1114 Lullwater Rd. NE

Atlanta, GA 30307
Address



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Decatur, GA 30030

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Thank you for your consideration,

MYRA J. PALMER
Name

8/19/2023
Date

1126 LULLWATER ROAD
ATLANTA, GA 30307
Address

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Thank you for your consideration,

Edwin J. Schklar

8-19-2023

Name

Edwin J. Schklar

Date

1114 Lullwater Rd. Atl. GA 30307

Address

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September 18, 2023 HPC Agenda Meeting

Opposition to New Construction at 1176 Lullwater Road

Submitted by Virginia Tate, owner of 1166 Lullwater Road (property adjacent to 1176 on the south side).

September 15, 2023

Attachments: 1166 Lullwater Survey

Picture of Side Room at 1166 Lullwater

Druid Hills Historic Landmark Doc

Applicant is requesting a Certificate of Appropriateness (“COA”) for a new home. The request is inappropriate at this time given the County has denied Applicant’s request for a stream buffer variance and the site plan before the HPC is based on the assumption that the variance would be granted. Further, the proposed new home would have a substantial adverse effect on the District and contravenes Guidelines from the Design Manual for Druid Hills Local Historic District. The application should be denied for these following reasons.

- 1) Applicant applied for an administrative variance for the stream buffer. However, ZBOA Board Member Dan Wright pointed out at the ZBOA hearing on September 13, 2023 that the County denied the request earlier this week, and he stated the current site plan isn’t viable.
- 2) The HPC just heard and denied this same application at its July 17, 2023 hearing and denied the application.
- 3) The building is inconsistent with the neighborhood and does not conform to the Druid Hills Design Manual.
- 4) The lot should not be developed as it is not part of the original Olmstead plan.
- 5) The HPC addressed the same property at its November 2021 meeting and denied the applicant’s request, in part, based on the side distance between 1166 and 1176 Lullwater.
- 6) The July 2021 HPC grant of a COA was based on a completely different application. The dimensions were different and there was no clear stream buffer requirement. Additionally, it was based on erroneous information.
- 7) Given the watershed and flooding issues that would be caused by a new construction on the lot, the HPC should deny the request.
- 8) There is no undue hardship on the applicant, so an exception to Section 13.5-11 should not be granted.

1) The current site plan before the HPC is not viable.

As stated, the County just this week denied Applicant's application for a stream buffer variance. (To date, I have been unable to obtain a copy.) The site plan before the HPC is based on the assumption that a stream buffer variance would be granted. Until this matter is resolved, it would not be prudent for the HPC to make a ruling.

2) The HPC already denied this application last month.

The HPC heard this same request for a COA in July and denied it based on the Guidelines from the Design Manual for Druid Hills Local Historic District. The minutes from that meeting state:

Modification or reason for denial or deferral: The commission determined that the construction of the house would not be in compliance with Guideline 7.2.6 and would have a substantial adverse effect on the historic district.

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

There is nothing new in the current application. The only slight change seems to be that the house would be 72 feet from the street instead of 68 feet. Given that this is virtually the same application as the one in July, the HPC should again deny the application.

3) The Proposed Building is not consistent with the rhythm and cadence of the street and would have a negative impact on the District.

Side Distance to 1166 Lullwater

The building would be less than half the distance to 1166 Lullwater than most homes on Lullwater and at least 25 feet in front of 1166 Lullwater.

The new building would be about 23 feet (side setback) from 1166 Lullwater, if applicant continues to pursue and is approved for a side setback to 5 feet. The boundary line is 18.5 feet from the side of 1166 Lullwater.* With a 5 foot set back they have been requesting from ZBOA, the distance between the homes would be 23.5 feet. Even if the applicant relies on the Setback Variance just granted by Administrative Decision, the distance would be about 26 feet. The neighbor on the other side of 1166 Lullwater is nearly 55 feet away, so the proposed house at 1176 Lullwater would be less than half the distance. Most houses are about 40 to 55 feet apart.

*(1166 Lullwater survey attached shows it 30.5 feet from the two story portion of house to the property line. Taking into account the 12 foot sunporch of 1166 Lullwater, picture attached, the distance from 1166 to the property line is 18.5 feet).

Front Setback

Applicant's application states that the house would be 72 feet from the street, not including the porch/stone terrace which protrudes another 9 feet, as opposed to the typical 100 feet from the street on that section of Lullwater. Further, my house is on average about 100 feet from the street (see 1166 survey), so this new construction would not only be about 25 feet from my house but a good 25 to 28

feet in front of it. This is a drastic difference from the dominant pattern of the District. One of the unique features of the Druid Hills District is the privacy of the houses due to the consistent spacing with houses being situated in the center of the lot. This new construction would be right up against the side of my house and significantly in front of it (25 to 28 feet). Not only would this have a substantial adverse effect on the neighborhood, but it would also impact the value of my property as no one would want the house in Druid Hills that has a new construction so close and in front.

Street Facing Garage and Basement

This new construction shows a street facing garage and daylight basement. Virtually none of the houses in the District have that.

Screened Porch Facing the Street

There are no houses on Lullwater and probably not in the entire Druid Hills neighborhood with a screened porch on the front of the house.

Large Driveway in Front of the House

The new construction shows a huge and sweeping concrete driveway and turn around sitting right in front of the house. This is completely out of character with all neighboring homes which have a side driveway going to the back of the house.

The Elevation

The applicant is seeking approval of an increase in elevation from 874.2 to 883.1 feet. The National Map App USGS shows that the sidewalk at 1176 is about 875 feet. Thus, the proposed house would be at least 8 feet above the sidewalk. Again, this is completely inconsistent with the surrounding homes.

Building Elements

The new construction would have granite veneer at the front of the building combined with brick. Such building elements are not a common element of neighboring homes.

House Proportions Are Not Compatible.

The new construction places a large house on a very small lot which is not in keeping with the dominant pattern of the neighborhood.

House Shape

The house is shaped like a triangle which there are no such shaped homes in the District.

In summary, the new construction has numerous characteristics that are drastically inconsistent with the dominant patterns of influence on the street and would greatly disrupt the rhythmic patterns and cadence of the neighborhood.

- 4) The lot should not be developed as it has always been a non-buildable lot.**

This lot by itself was never part of the original Olmstead plan. See Druid Hills Historic Landmark document attached. In fact, it was originally part of 1495 N Decatur Road and at some point was subdivided from that property in the early 1990's. The applicant wants to build on what used to be the backyard of 1495 N Decatur that would require multiple variances. This lot was never part of the historical plan and to allow a new construction on it would have a negative impact on the District.

5) The HPC Denied the Applicant's COA Request in November 2021

The HPC denial of applicant's request in November 2021 addressed the side distance between 1176 and 1166. (The front set back was adjusted in that application due to the stream buffer requirement.) The HPC adopted the staff recommendation which stated, in part, that the distance was not in keeping with the nearby houses.

The distance between the proposed house and the house is next door is substantially less than the distance between the other four houses. The distance between the house next door (1166) and its neighbor is almost twice that of the proposed house and 1166. Distance between houses (based on numbers taken from the applicant's illustration):

Between 1136 and 1146 – 41'

Between 1146 and 1156 – 40'8"

Between 1156 and 1166 – 53' to 54'

Between 1166 and 1176 – 27'

(Staff rec. p. 31)

6) The HPC COA from July 2021 was a different application and was based on inaccurate information.

The applicant appears to rely on the HPC COA granted in July 2021. That COA in July 2021 was a completely different application. The dimensions of the building were significantly different and there was not a stream buffer requirement at the time. Furthermore, there were inaccuracies upon which the HPC relied. The staff report for that meeting states:

The applicant states the proposed location will minimize grading and tree loss. The location will maximize the use of the topography, as there are few flat areas on the lot. The applicant has submitted a state water determination form that states no buffer is required, due to the concrete/brick wall along the stream. The house will be set back 75 feet from the right-of-way and 13' closer to the street than the adjacent house. The house will be set 5' from the property line on that side. It adheres closely to the south side property line to make the best of the topography. 29 R. 1176 Lullwater Road, Price Residential Design Page 2 The side setback will require a variance from the 8.5' required by the zoning code. The side of the house will be just over 37' from the side of the neighbor's house. The first floor (FFE) will be 2' lower than that of the neighbor.

The distances are inaccurate:

- The distance between the homes would not be just over 37 feet, but rather just over 23 feet to 26 feet, depending on what variance is obtained;
- The applicant's house would not be just 13 feet in front of 1166 Lullwater, but rather about 28 feet in front (the original COA application from then had the building 75 feet from the road, but that has changed in the current application.)

7) Building on the lot will have an adverse effect on the watershed design.

The removal of 13 trees, elevating the lot 8 feet and building a large house with the front yard being a concrete driveway will significantly adversely affect the watershed design and the adjacent neighbors. Given so much hard surface on a lot that is in a flood zone is going to lead to more flooding and runoff impinging on the already fragile condition of Peavine Creek. The water that naturally flows through the property would have to go into the neighboring yards. Additionally, excessive water would end up back in the stream. The heavier volume of runoff and overflow will cause erosion and a build up of sediment and have damaging effects on Peavine Creek. Section 8.3 of the Guidelines provides that the watershed design of the District should be considered.

8) There is no undue hardship on the applicant, so an exception to Section 13.5-11 should not be granted.

The Applicants purchased the lot in 2006 for \$120,000 when they lived in the property adjacent at 1495 N Decatur Road, such that the lot became part of their backyard. Applicants later sold the 1495 N Decatur home but not the lot. Any reasonable person would not have only paid \$120,000 for a lot on Lullwater and expect it to be buildable. It's never been buildable and is in a floodplain. As ZBOA member Mark Goldman pointed out in one of the recent ZBOA hearings on this issue, we all make bad financial decisions but that is not undue hardship.

The Applicants are making the argument that they did everything that they possibly could, received multiple assurances from DeKalb County representatives that the lot was buildable, and now are "bewildered" that the County's previous position has been reversed. They're using this reversal to portray themselves as having been done wrong by the County. This was a business deal, and business deals carry inherent risks. The fact that DeKalb County eventually did decide a stream buffer is required is neither surprising, unusual, and certainly not bewildering. Government entities at all levels modify and reverse regulations and previous positions that they've taken all the time. Efforts to protect the environment, in particular, have become of increasing importance over the last years, so the County's position on the stream buffer cannot be a surprise to anyone.

It is apparent that Applicants are trying to make a significant profit off of the lot that was a bad business decision but to do so, it must be deemed "buildable." There is no undue hardship on the Applicants in this case simply because they are unable to make a profit. Further, applicants cannot buy an unbuildable lot and then argue that it should be buildable because they didn't create the conditions.

For the foregoing reasons, I urge the HPC to deny the applicant's request for a COA on 1176 Lullwater.

Respectfully submitted,

Virginia Tate
1166 Lullwater Road

Some relevant Guidelines from the Design Manual for Druid Hills Local Historic District are as follows:

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.

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

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

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

7.3.2 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



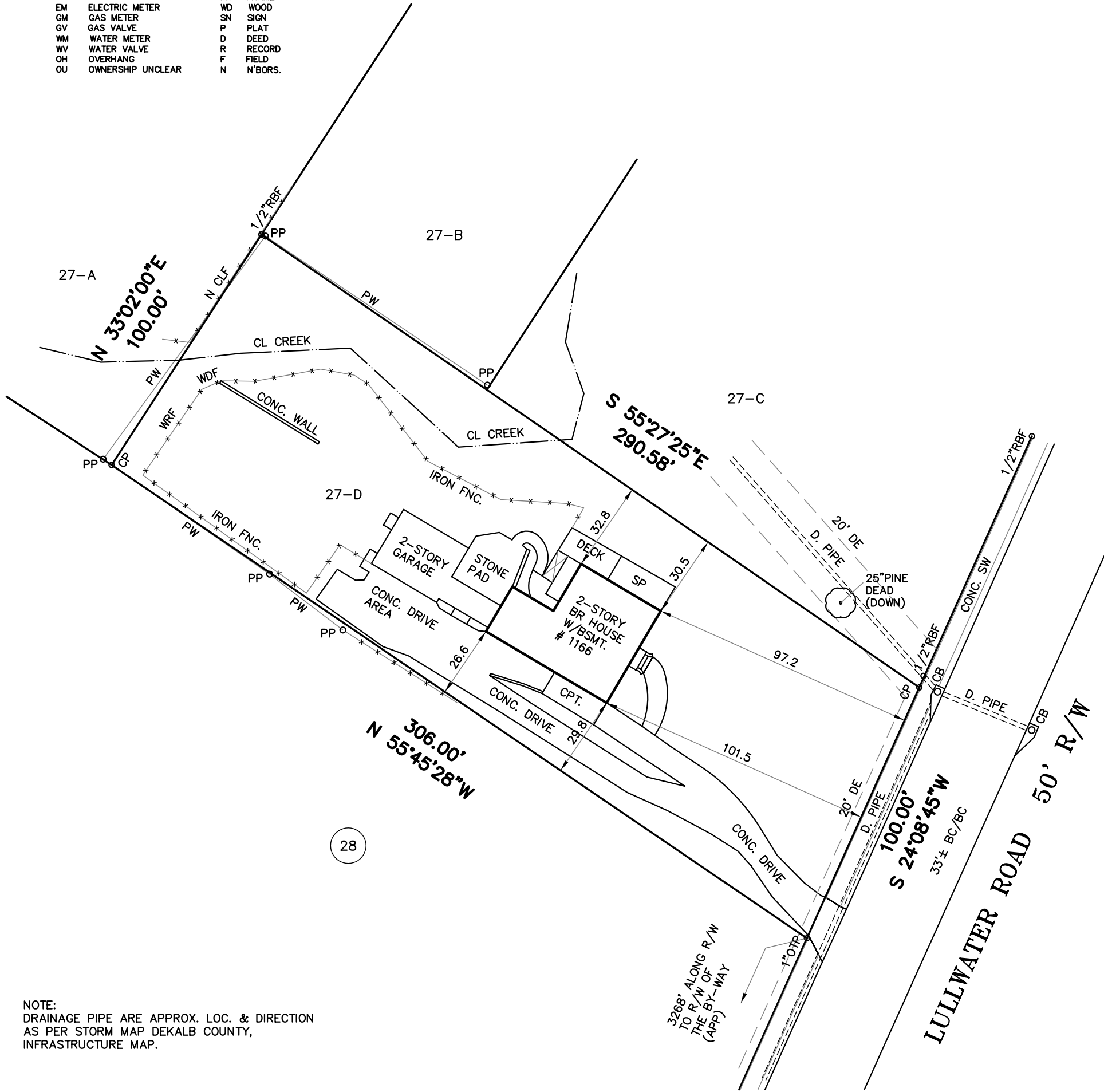
*** LEGEND ***

- | | | | |
|-----|-----------------------|------|-----------------------|
| POB | POINT OF BEGINNING | IP | IRON PIN FOUND |
| LL | LAND LOT LINE | IPS | IRON PIN SET |
| MH | MAN HOLE | OTP | OPEN TOP PIPE FOUND |
| SSL | SANITARY SEWER LINE | CTP | CRIMP TOP PIPE FOUND |
| CO | SAN SEWER CLEANOUT | RB | REINFORCING BAR FOUND |
| CB | CATCH BASIN | RBS | REINFORCING BAR SET |
| JB | JUNCTION BOX | MAG | MAGNETIC READING IP |
| DI | DRAINAGE INLET | AI | ANGLE IRON FOUND |
| YI | YARD INLET | CP | CALCULATED POINT |
| HW | HEAD WALL | -X-X | FENCE |
| PP | POWER POLE | CLF | CHAIN LINK FENCE |
| PW | POWER LINE | WDF | WOOD FENCE |
| SSE | SANITARY SEWER ESMT. | WRF | WIRE FENCE |
| DE | DRAINAGE EASEMENT | WW | WET WEATHER |
| UE | UTILITY EASEMENT | FC | FENCE CORNER |
| AE | ACCESS EASEMENT | BL | BUILDING LINE |
| TB | TOP OF BANK | R/W | RIGHT-OF-WAY |
| CMP | CORRUGATED METAL PIPE | PL | PROPERTY LINE |
| RCP | REINFORCED CONC. PIPE | PC | PROPERTY CORNER |
| APP | AS PER PLAT | CL | CENTER LINE |
| APD | AS PER DEED | CPT | CARPORT |
| APR | AS PER RECORD | SP | SCREEN PORCH |
| APF | AS PER FIELD | P | PORCH |
| BC | BACK OF CURB | FH | FIRE HYDRANT |
| EP | EDGE OF PAVEMENT | BR | BRICK |
| EB | ELECTRIC POWER BOX | FR | FRAME |
| EM | ELECTRIC METER | WD | WOOD |
| GM | GAS METER | SN | SIGN |
| GV | GAS VALVE | P | PLAT |
| WM | WATER METER | D | DEED |
| WV | WATER VALVE | R | RECORD |
| OH | OVERHANG | F | FIELD |
| OU | OWNERSHIP UNCLEAR | N | N'BORS. |

 INDICATES STAIRS

SURVEY NOTES:

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED. PROPERTY OWNER OR PERSON ORDERING THE SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY OR TITLE COMPANY FOR A FULL TITLE SEARCH AND COMMITMENT INCLUDING ALL THE EXCEPTION.
5. SURVEY LAND EXPRESS, INC IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREIN. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES, TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.
6. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.



NOTE:
DRAINAGE PIPE ARE APPROX. LOC. & DIRECTION
AS PER STORM MAP DEKALB COUNTY,
INFRASTRUCTURE MAP.

PROPERTY ADDRESS:
1166 LULLWATER ROAD, NE
ATLANTA, GA 30307

LAND AREA:
0.979 AC

PLAT PREPARED FOR:

VIRGINIA TATE

LOT 27-D BLOCK "13"
SUBDIVISION DRUID HILLS UNIT
LAND LOT 2 18TH DISTRICT SECTION
DEKALB COUNTY, GEORGIA

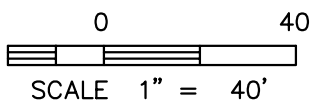
FIELD WORK DATE MAR 04, 2015 PRINTED/SIGNED MAR 09, 2015

PLAT BOOK 18 ,PAGE 99 ALL MATTERS PERTAINING
DEED BOOK 23745 ,PAGE 439 TO TITLE ARE EXCEPTED

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.



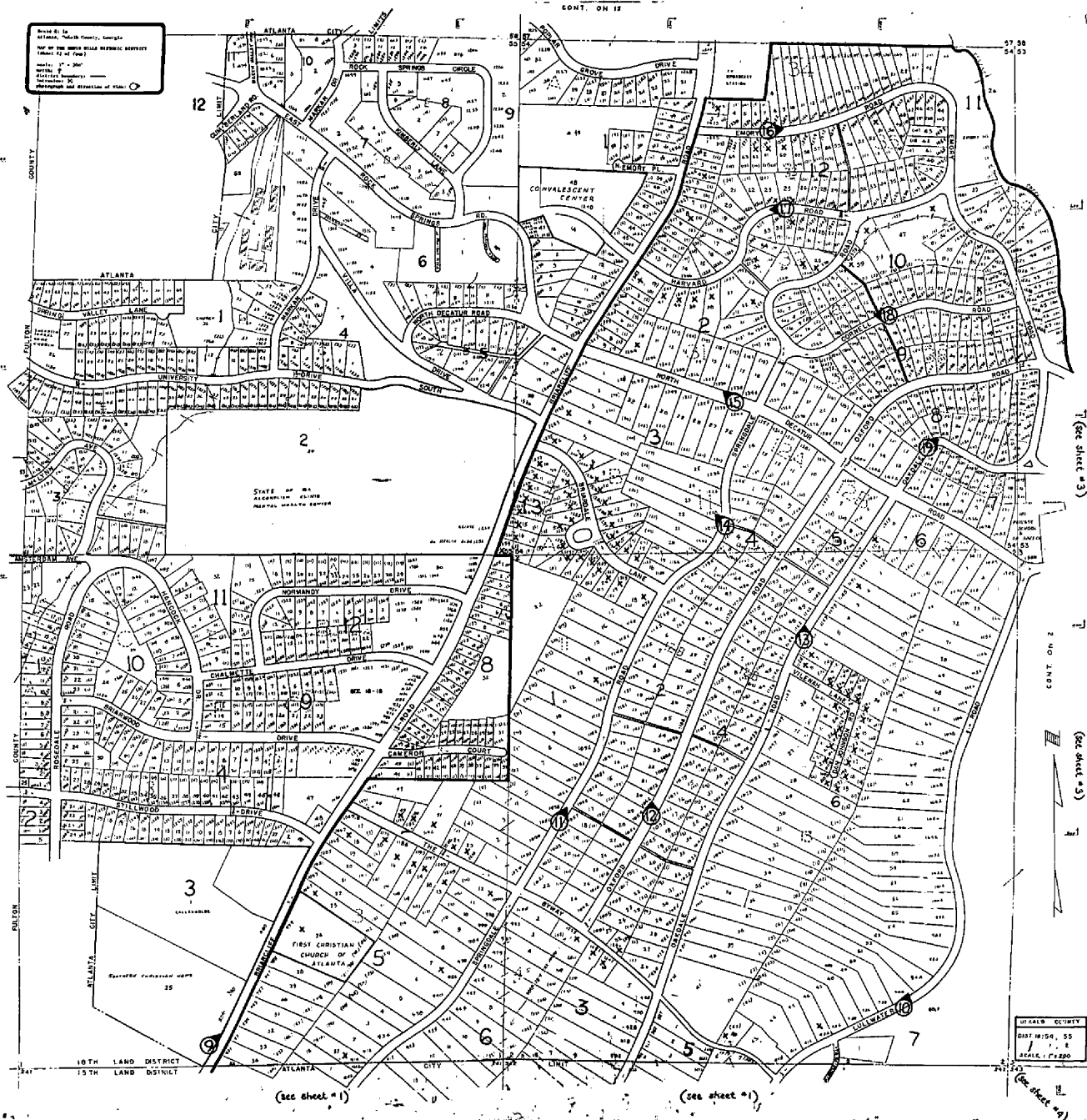
IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.



COORD # 20150299
DWG # 20150299

SURVEY LAND EXPRESS, INC.
LAND SURVEYING SERVICES

70 LENOX POINTE,
ATLANTA, GA 30324
FAX 404-601-0941
TEL 404-252-5747
INFO@SURVEYLANDEXPRESS.COM



Druid Hills, Atlanta, DeKalb County, Georgia

MAP OF THE DRUID HILLS HISTORIC DISTRICT
(sheet #2 of four)

scale: 1" = 1000' (approximately)

north: ↑

district boundary: ———

intrusion: X

photograph and direction of view: ○

000 25
JUL 31 1979

September 18, 2023 HPC Agenda Meeting

Re: Opposition to New Construction at 1176 Lullwater Road

Submitted By: DAVE DEFRANCI

Owner Of: [Signature] 1169 Lullwater RD
ALHVA 3087

Applicant is requesting a Certificate of Appropriateness ("COA") for a new home that would have a substantial adverse effect on the District and contravenes Guidelines from the Design Manual for Druid Hills Local Historic District. The application should be denied for the following reasons.

- 1) The HPC just heard and denied this same application at its July 17, 2023 hearing.
- 2) The building is inconsistent with the neighborhood and does not conform to the Druid Hills Design Manual.
- 3) The lot should not be developed as it is not part of the original Olmstead plan.
- 4) The HPC addressed the same property at its November 2021 meeting and denied the applicant's request, in part, based on the side distance between 1166 and 1176 Lullwater.
- 5) The July 2021 HPC grant of a COA was based on a completely different application. The dimensions were different and there was no clear stream buffer requirement. Additionally, it was based on erroneous information.
- 6) Given the watershed and flooding issues that would be caused by a new construction on the lot, the HPC should deny the request.
- 7) There is no undue hardship on the applicant, so an exception to Section 13.5-11 should not be granted.

I have reviewed Ms. Tate's submission to the HPC on this matter and fully support her opposition. For these reasons, I urge the HPC to again deny applicant's request for a COA. Please make this Opposition a part of the official record for this application.

Respectfully submitted,

[Signature]

Date: 9/15/23

Signature

DAVE DEFRANCI

Printed Name