



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

May 25, 2021

Site Address: 1354 THE BY WAY
ATLANTA, GA 30306-

Parcel ID: 18-002-06-092

Application Date:

Applicant: Charles Aubry

Mailing Address: 1354 The By Way
Atlanta, GA 30306

THIS IS TO ADVISE YOU THAT THE DEKALB COUNTY HISTORIC PRESERVATION COMMISSION, AT ITS REGULARLY SCHEDULED PUBLIC MEETING ON May 17, 2021, REACHED THE FOLLOWING DECISION ON THIS APPLICATION:

ACTION: Approval

Plant 31 trees. Five of these will be canopy trees - three oaks and two beech trees, with the remainder smaller trees – three kousa dogwoods, a Yoshino cherry and 22 Nellie Stevens hollies. The hollies will be planted 3-5' back from the street as a hedge. The hollies will be maintained at a height of 6'. Remove five trees that are either dead or in very poor condition.

Decision of the DeKalb County Historic Preservation Commission

Name of Applicant: _____ Charles Aubry _____

Address of Property: _____ 1354 The By Way _____

Date(s) of hearing if any: _____ May 17, 2021 _____

Case Number: _____ 1244878 _____

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:

Plant 31 trees. Five of these will be canopy trees - three oaks and two beech trees, with the remainder smaller trees – three kousa dogwoods, a Yoshino cherry and 22 Nellie Stevens hollies. The hollies will be planted 3-5' back from the street as a hedge. The hollies will be maintained at a height of 6'. Remove five trees that are either dead or in very poor condition.

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

Conditions or modifications (if applicable):

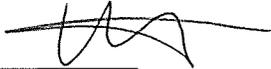
Denial: The Preservation Commission has determined that the proposed material changes in appearance would have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district / or, the applicant has not provided sufficient 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: 05/20/2021

Signature: Heather Shuster 

**Chair, DeKalb County
Historic Preservation Commission**

DeKalb County Historic Preservation Commission

Monday, May 17, 2021- 6:00 P.M.

Staff Report

Regular Agenda

M. 1354 The By Way, Charles Aubry. Tree removal and plantings. 1244878

Built 1998. (18 002 06 092)

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

5-97 1354 The By Way, Mr. and Mrs. David Odel, to build new house

11-97 1354 The ByWay, Amy Oedel. Construct footbridge over creek in front of the house. **Approved**

3-21 1354 The By Way (DH), Charles Aubrey. Remove trees and install new landscaping and grass pavers. **Deferred, then withdrawn**

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

The applicant has removed a number of trees, as detailed in the county arborist's report. None of the trees were larger than 17" in diameter and all of them probably were planted after construction of the house.

The whole property is in the stream buffer, some of it also in the floodplain. The front yard is about 18 feet down a steep slope from the street.

The applicant proposes to:

1. Plant 31 trees. Five of these will be canopy trees - three oaks and two beech trees, with the remainder smaller trees – three kousa dogwoods, a Yoshino cherry and 22 Nellie Stevens hollies. The hollies will be planted 3-5' back from the street as a hedge. (There are the remnants of a hedge along the street. This appears to have been planted without a CoA and the plants are in poor condition.) The applicant says the hollies will be maintained at a height of 6'. All of the trees except the cherry and the hollies are on the recommended plant list in the Design Manual. Nellie Stevens holly is a hybrid, one of whose parent plants, *Ilex cornuta*, is on the recommended plant list.
2. Remove five trees that are either dead or in very poor condition. These are identified on the revised site plan.

Recommendation

The thick planting of evergreen trees along the street will form a hedge, which is an enclosure with a similar effect as a fence. Hedges along the front of properties are not found in the historic landscape designs in the district. The hedge does not comply with guidelines 9.4 and 9.7. However, in this instance the hedge improves safety along the street. The By Way is a narrow street with nothing to keep a pedestrian or car from falling off into the applicant's yard. The hedge will prevent pedestrians and possibly some cars from falling. For safety reasons, staff recommends approval of the hedge along the street. Otherwise, the application meets the guidelines. The application will not have a substantial adverse effect on the district and staff recommends approval

Relevant Guidelines

- 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.
- 9.3 *Vegetation* (p83) Recommendation – The plant list is intended to assist in the selection of appropriate plant materials. Olmsted's list and the list from the Georgia Landscapes Project provide guidance in selecting materials appropriate for historic landscape projects. There are other sources that can be consulted to identify additional plants used by Olmsted in Druid Hills, such as historic planting plans and particularly the archival record at the Olmsted National Historic Site in Brookline, Massachusetts. The Olmsted list presented in this document should be considered a beginning. Residents of Druid Hills are encouraged to add to this list with historic plants that can be documented as having been used by Olmsted. The native list should be used for natural areas within the district, such as creek corridors and drainage ways. Places within the district where the retention of healthy ecological environments is critical are best landscaped with native varieties. Since native plants have been available since the colony of Georgia was established in 1733, native plants are also appropriate for historic landscapes.
- 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.
- 9.7 *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.

RECEIVED

By Rachel Bragg at 10:05 am, Apr 29, 2021

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

Application for Certificate of Appropriateness

Date Received: _____ Application No.: _____

Address of Subject Property: 1354 THE BY WAY NE, ATLANTA GA, 30306

Applicant: CHARLES AUBRY E-Mail: CAUBRYCHZ@GMAIL.COM

Applicant Mailing Address: 1354 THE BY WAY NE, ATLANTA GA 30306

Applicant Phone(s): 248-563-9005 Fax: _____

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

Owner(s): CHARLES AUBRY E-Mail: AUBRYCHZ@GMAIL.COM

ANNIE MARIE AUBRY E-Mail: AM@RVOKA@GMAIL.COM

Owner(s) Mailing Address: 1354 THE BY WAY NE, ATLANTA GA, 30306

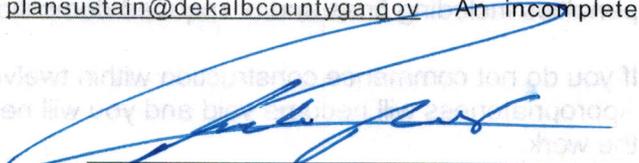
Owner(s) Telephone Number: 248-563-9005

Approximate age or date of construction of the primary structure on the property and any secondary structures affected by this project: 1998

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:
REMOVAL OF 4 SMALL & 1 LARGE DEAD OR DYING TREES ALONG THE
ROADSIDE. INSTALLATION OF 31 TREES.

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. An incomplete application will not be accepted.


Signature of Applicant/Date

Charles & Anne Marie Aubry

1354 The By Way NE, Atlanta GA, 30306 Property Owners

Application for COA: May 17, 2021

Dear Commissioners,

We are applying for a certificate of appropriateness to gain approval and make upgrades to our property's landscaping through the installation of new trees.

We have worked with several environmental specialists and developed the submitted tree permit plan to address the property's new trees with a focus on long term environmental sustainability, community and property safety, and to address any concerns the commission has stated in previous historic preservation COA meetings. In working with these individuals, we developed a plan that perpetuates the historic district's character, instills pride in its residents, and will create a safe environment for our young children to enjoy and inspire an appreciation for mother nature. In total we are requesting to plant 31 trees.

Since a portion of the property lies within a floodplain, the submitted tree permit plan was presented to the DeKalb County Floodplain Coordinator, Donovan Cushnie. He approved the plan, requesting floodplain data be overlaid. This information has been added and is shown in the submitted material. In addition, the tree permit plan was also approved by DeKalb County's Master Arborist, Russell Tinning. Both approval emails have been attached with the COA submission.

We are requesting 5 overstory hardwood trees be planted in a void on the southwest hillside of the property. These trees are on the suggested planting list of the Historic Druid Hills Design manual and are selected to aid in perpetuating the hardwood forest of the district through increasing the density of the tree canopy where there is currently none. There is one additional understory Mock Cherry tree we are requesting be planted at the base of the hillside. This too can be found on the approved tree planting list in the design manual. Within this void there is a large dead White Oak that has been neglected prior to our purchase of the property. This tree was deemed dead and hazardous by an ISA certified arborist and is noted in the submitted report. The plan is to remove this tree.

In addition, we are requesting to plant 3 Flowering Dogwood trees along the streambank. An understory tree is an ideal selection in this scenario due to the encroaching canopies of the existing mature Tulip Poplars, Water Oak, and Paper Bark Elm Trees, as well as the heavily forested properties to the East and West of the location. The trees are set to be planted on 20-foot centers. This is an appropriate spacing to avoid root and canopy encroachment and ensure proper growth and health for long term success. As stated in the Arborist report, the previous trees were planted too close together (8-10 foot centers) leading to health and growth issues, in turn, creating a hazard to the property. As the Dogwoods mature their canopies should stay condensed to a height of 15-25 feet. This will avoid leggy "reaching" growth toward the home and ensure the trees do not become hazardous to our home in the future.

Lastly, we are requesting to plant 22 Nellie R. Stevens Holly trees along the roadside. In this area there is a large safety issue for drivers, joggers, bikers, as well as our family. There is a 20-foot drop to the creek on this stretch of road with no vegetative buffer to act as a guide for vehicles. The requested hedge would be planted 3-5 feet off the edge of the road and maintained at a height of 6 feet tall. The hedge would be routinely pruned to keep vegetation out of the road. There are currently 4 small trees along the edge of the road that were deemed dead, diseased, dying, or hazardous by an ISA certified arborist and have been approved for removal by Dekalb County's Master Arborist, Russell Toning. These are requested for removal in lieu of the Nellie Stevens Hollies being planted. This work shall be conducted in a timely sequential order to minimize time without a vegetative border.

Thank you for your time and consideration.

Charley,

Thank you so much for having me out to access your trees. You have a beautiful new home and we are very happy to help you get it into playing conditions.. It is very apparent that there are a number of trees issues that should be addressed.. Below are my findings and recommendations..

1. Dead hard woods at street.. Remove asap as it is a hazard
2. Number of river birch along creek bank.. These trees where planted very close together and for that reason have developed problems... the previous owners have over pruned the trees and the large leads are now dead due to poor pruning... unfortunately these leads are all on the house side of the trees and will reach the house should they fail. Two options ... first remove every other tree and prune out all the dead.. This does not leave much tree and is a temporary fix.. Better option is to remove and replant.. We would need better spacing and I would consider Bald Cypress as a replacement.
3. Maples in the back yard.. these trees are all root bound as the girdling roots are very visible .. The tops are now declining....Again I recommend that you remove and replace with a species suited for the site...
4. The other dead trees include magnolia on stream bank, maples in the rear of the house... all of these should be removed .

Should you need to discuss further I will be happy to speak further about these situations...

Chris Hall

ISA certified arborist

SO-1450

- Compose
- Inbox
- Starred
- Snoozed
- Important
- Sent
- Drafts 15
- Categories
- Notes
- Personal
- Taxes
- Work
- More

- Meet
- New meeting
- Join a meeting

- Hangouts
- Charles +

No Hangouts contacts
[Find someone](#)

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Charles Aubry aubryc@grm.com
 to Donovan, Russell, David, Bret, Vignon, Ricky, Jeremy, Rachel

Mr. Cushnie, Mr. Toning, and Mr. Cullison,

Good Afternoon,

Please find attached a Tree Planting Plan I had developed using a certified landscape architect. The plan shows all existing trees on the property as well as placement and varieties of new plantings. Please let me know if the plantings are something you would approve of, and if not, what changes may need to occur.

Thank you,

Charles Aubry

...

Cushnie, Donovan Apr 12, 2021, 11:26 AM

to me, Russell, David, Bret, Vignon, Ricky, Jeremy, Rachel

Mr. Aubry:
 Good day. There is no objection or comment regarding the indicated plant selections or location. The plan however does not and must indicate the floodplain boundary, elevation, and FEMA FIRM panel data.

Donovan Cushnie,
 Floodplain Coordinator,
 Land Development Division,
 Department of Planning and Sustainability,
 Second Floor,
 330 West Ponce de Leon Avenue,
 Decatur,
 Georgia 30030

Telephone 404 687 2414

A link to the DeKalb County Parcel Viewer is found here: <https://arcg.is/14LLPn>.

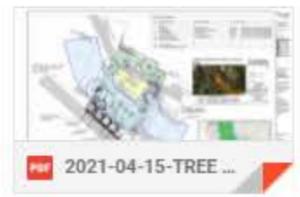
For flood water depth estimations Georgia DFIRM is an option: [Georgia DFirm](#).

- Compose
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- Drafts 15
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 - Charles +

I don't believe so. The 100 year flood plain is indicated at elevation 907.2 in front of your house. Look at the dekalb county exhibit. I also have a topo map t

Charles Aubry Apr 16, 2021, 8:47 AM (11 days ago) ☆
 Okay, thanks again for your assistance on this. I'll keep you updated in regards to the COA meeting.

Charles Aubry <aubrychz@gmail.com> Apr 16, 2021, 8:54 AM (11 days ago) ☆ ↶ ⋮
 to Donovan, Russell, David, Bret, Vignon, Ricky, Jeremy, Rachel ↵
 Mr. Cushnie,
 Please see attached the updated plan with the requested material to be added. Please let me know if this now meets the required criteria or if I need to make any further changes.
 Mr. Toning and Mr. Cullison, can you please let me know if you see any issues with the tree planting plan?
 Thank you,
 Charles Aubry
 ...



Toning, Russell W. Apr 16, 2021, 10:28 AM (11 days ago) ☆ ↶ ⋮
 to me, Donovan, David, Bret, Vignon, Ricky, Jeremy, Rachel ↵
 Mr. Aubry;

I do not have any issues with your tree plan.

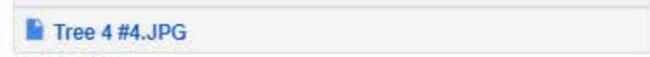
From: Charles Aubry <aubrychz@gmail.com>
Sent: Friday, April 16, 2021 11:24 PM
 ...
 ...

Bragg, Rachel L. Apr 16, 2021, 11:30 AM (11 days ago) ☆
 Hi Mr. Aubry, We're under a deadline and wont be able to review your plan until next week, we'll be back in touch then! Thanks, Rachel L. Bragg, MHP rbragg@dek

- Compose
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- Hangouts
- Charles +



Mr. Toning,

Thank you again for meeting me at my property last Friday February 12th at 10:00 AM. Per your request I am attaching the photos of the 4-dead trees at the edge of the property line and "The By Way" road. I have added this to the COA submission to be discussed in the Historic Preservation meeting on March 16th, 2021.

Thank you again,

Charles Aubry

18 Attachments



Toning, Russell W. <rwtonning@dekalbcountyga.gov>
to me, David, Vignon, Gregory, Ricky, Donovan, Shaun, Jr,

Thu, Feb 18, 2:39 PM

Charles;

Please keep us update as to the decision by the Druid Hills Historic District regarding this request.

Thanks for the update.





