

1. Historic Preservation Commission 12-2-19

Documents:

[MHPC AGENDA 12-2-19 FINAL.PDF](#)

2. Historic Preservation Commission

Documents:

[HPC DISCUSSION ITEM-GOVERNANCE - WORKFLOW.PDF](#)

3. Historic Preservation Commission 12-2-19

Documents:

[COA2019-21 CHURCH ST 441.PDF](#)



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda

### MARIETTA HISTORIC PRESERVATION COMMISSION

*David Freedman, Chairman*  
*Rebecca Nash Paden, Vice Chair*  
*Martin C. Kendall*  
*Carol Williams*  
*Mark Kirk*  
*Steve Imler*

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Monday, December 2, 2019

6:00 PM

Marietta City Council Chamber

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#### CALL TO ORDER:

#### MINUTES:

**20191079      Regular Meeting Minutes**

Review and approval of the November 4, 2019 Historic Preservation Commission regular meeting minutes.

#### BUSINESS:

**20131378      Polk, Maple, Moon, Holland District**

Continue discussion regarding the formation of this historic district; include any new information regarding area contacts.

**20140385      Church Cherokee Historic District**

Continue to discuss current status and any additional updates related to Church Cherokee Historic District signage.

**20191078      441 Church Street-Material Change in Appearance**

Applicant, Cooper Jones, LLC, is seeking approval for material change in appearance specifically:

Remove and replace the concrete driveway

Move driveway approximately 12 feet closer to the house to allow for new trees

Install a 2-foot stone/brick wall along the front yard/sidewalk

Install blue stone pavers on front walkway

Driveway to include guest parking pad-left side of porch

Driveway apron to be granite cobblestones

Driveway material to be concrete with exposed aggregate

**20191091      Historic Preservation Commission (HPC)-Governance**

Governance outline presented as a discussion item by Church Cherokee Historic District Representative Donald Gillis. Discussion includes a HPC CoA and Permit Flowchart prepared by HPC member Steve Imler.

**ADJOURNMENT:**

## Church Cherokee Historic District

### Governance

November 4, 2019

The purpose of this document is to provide points of discussion only. It is only applicable to Church Cherokee Historic District unless the HPC decides to do something else with it. At this time, it reflects opinions of Donald Gillis only, and is in no way any official document.

1. Voting: All votes should be counted, YES votes and NO votes. I believe that voting NO on a motion to approve constitutes a motion by the Board. I believe that this vote is sufficient to preserve the appellant's appeal rights.
2. Denial: I believe that every vote for denial needs to be accompanied by a citation of exactly which section of the Ordinance or the Guidelines are being used as a reason for the denial. (7-8-9-060-C)
3. Permit: if no permit is required, there is no requirement for a COA. (7-8-9-050-I)
4. Sight from public Right of Way (ROW): if the project is not visible from the public right of way, there is no reason for a COA. If the Zoning Department needs a sign-off from the HPC, I believe that staff can handle this. Example, a pool that is not visible from the public ROW. There should be no reason for a homeowner or their representative to have to come to an HPC meeting if there is nothing visible from the public ROW. (7-8-9-020-M & 7-8-9-020-M.1) Also (7-8-9-050-B.4)
5. Applications: All applications need to be complete. If there are various parts of the submittal, they can be discussed separately. The HPC should try to get the appellant to make any changes that the HPC feels are warranted. These agreements should appear as stipulations to the motion to approve. There is no reason to simply vote YES or NO if the appellant agrees to the requests of the HPC. The commission shall approve the application and issue a COA.... (7-8-9-050-A)
6. Guidelines: There is nothing in the guidelines that makes any of the recommendations hard and fast requirements. Article 2.0 of the Guidelines states:

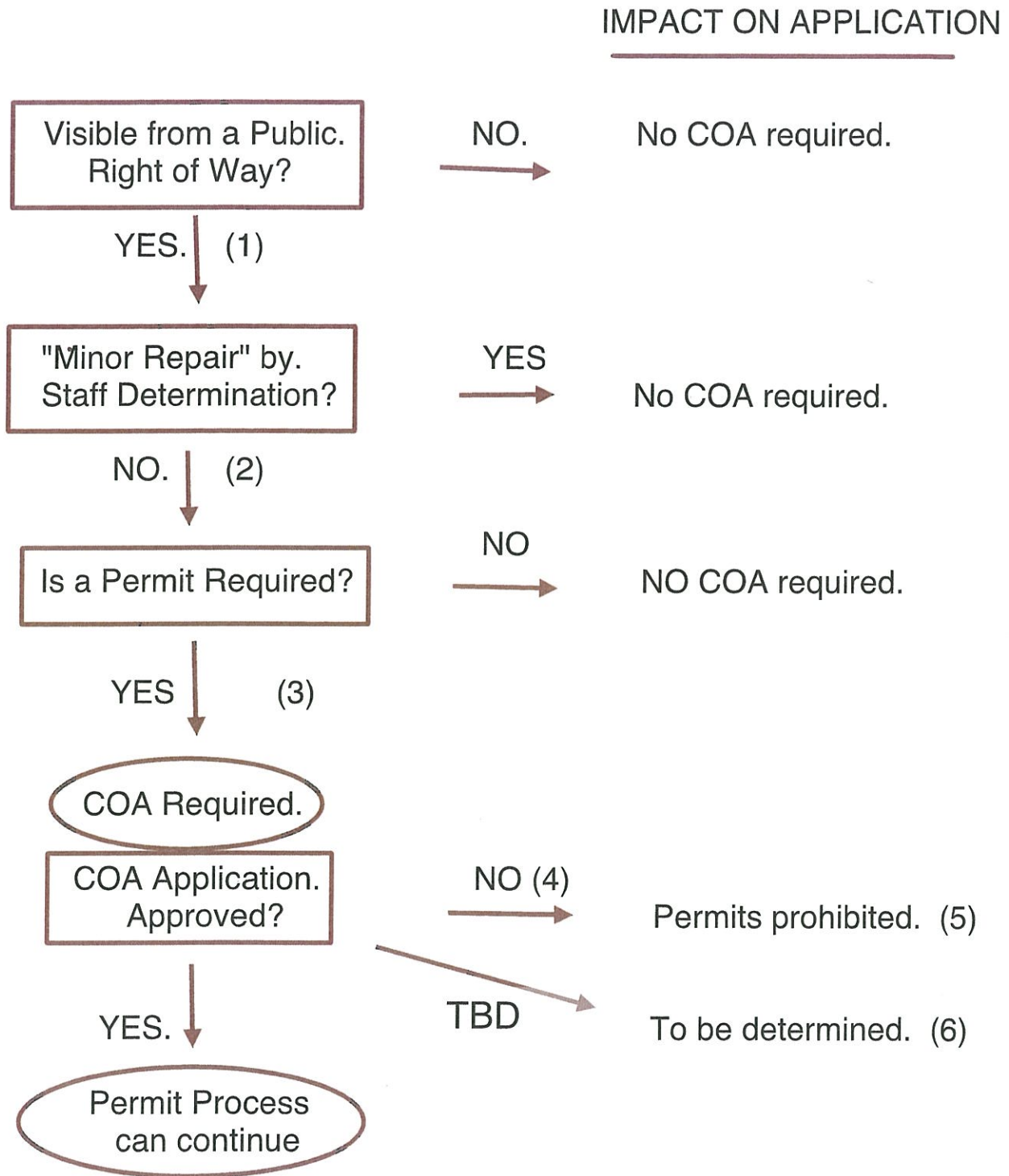
The philosophical basis for this document is derived from the Secretary of the Interior's Standards for Rehabilitation. The goal of this document is to aid residents, homeowners, developers, and members of the Historic Preservation Commission in

making effective decisions regarding the rehabilitation of any historic houses and outbuildings, and the creation of compatible new structures, within historic areas. These guidelines are written with the purpose of the City's Historic Preservation Ordinance in mind – "to protect and enhance the historical and aesthetic attraction to tourists and visitors and thereby promote and stimulate business, and to provide for the protection, enhancement, perpetuation, and use of places, districts, sites, buildings, structures, and works of art having a special historic, architectural, cultural, or aesthetic interest or value, and to provide reasonable flexibility for property owners to improve and maintain their properties below certain thresholds, and for special circumstances."

7. Historic Properties: Historic Property is different from a home in the Historic District. The distinction is very clear in the ordinance. A list of Historic properties should be maintained. The procedure for being considered an Historic Property is spelled out in the ordinance (7-8-9-040-A), the Guidelines, and federal regulation 36-CFR-67. I have been unable to find the list of historic properties that is called for. (7-8-9-030-D.1) The closest I have come to a list of historic properties is in the Guidelines (Sec 3.3). There are 7 homes listed Guidelines section 3.3. I don't know if these homeowners have fulfilled the requirements necessary to be classified as Historic Properties.
8. Historic Property and Historic District: The ordinance does not make a clear distinction as to how a historic property is treated and how a home in the historic district is treated. However, as we know, the ordinance and guidelines were "watered down" before the district was put to a vote. I believe there is a difference that was intended by the ordinance, the guidelines, and the federal regs. I believe that the level of stringent application of the guidelines should be enforced at two different levels. One for Historic Properties and one for homes in the Historic District.
9. Historic Properties: I understand the reasons for being strict with Historic Properties. For example, not allowing additions of decorations or accoutrements that are not previously part of the Historic Property. Not allowing a home to appear older than it really is. I do think it is very difficult to enforce this if the changes didn't need a permit, but that is a separate discussion. I do see the reason to be strict.
10. Historic District: The Guidelines have a number of references to the principles of Harmony, Balance, Rhythm, and Blockface. In my opinion these should be the guiding principles for homes not designated as Historic Properties. For example, the issue of adding a porch that goes with the above principles shouldn't require photographic evidence that a porch previously existed.

11. There are a number of inconsistencies and conflicts in the Ordinance and Guidelines. This is to be expected. It is time to ask Council to amend the ordinance to clarify some of these issues, not the least of which is the difference between how to treat Historic Properties and homes in the Historic District.

## Marietta HPC - COA & Permit Flowchart



- (1) 7-8-9-020 M.1. and 7-8-9-050 B.4
- (2) 7-8-9-050 D.3. ii. "Exemptions"
- (3) 7-8-9-050 I. 1st sentence
- (4) Subject to appeal 7-8-9-050 G.
- (5) 7-8-9-050 I. 2nd sentence
- (6) Tabled, amended, or withdrawn.

## Marietta HPC Ordinance Language for COA-Permit Flowchart

### **Footnote (1) ---> Visible from Public Right of Way?**

7-8-9-020 M. 1.

M. "**Material change in appearance**" means a change that will affect the exterior architectural features of a historic property; or of any structure, site, or work of art within a historic district that can be seen from a street, sidewalk or area of public gathering; and may include any one or more of the following but shall not include exterior paint or paint color alterations:

1. A reconstruction or alteration of the size, shape, or facade of a historic property that can be seen from a public street, public sidewalk or area of public gathering.

7-8-9-050 B. 4.

B. Except as set forth within this Ordinance, A Certificate of Appropriateness is required before any of the following is commenced within the historic district:

4. **Material Change in Appearance** of the exterior of existing buildings by additions, reconstruction, alteration, or rehabilitation, subject to view from a public street or walk.

### **Footnote (2) ---> "Minor Repair" by Staff Determination?**

7-8-9-050 Section D.3.ii.

D. Exemptions. The following shall be exempt from the provisions of this article: 3. Minor repairs:

i. Minor repairs that do not alter the historic or architectural features existing on the building.

ii. In the event **an applicant** is not certain about whether an item requires a certificate of appropriateness or not, an application shall be submitted to staff for review. In the event **staff determines** that they have the authority to approve the application because the change to the building is a minor repair, as defined in this section, then staff is given the authority to do so. In the event **staff is not certain** about whether the application would be considered a minor repair or a structural change then staff shall submit the application to the commission for consideration.

### **Footnote (3) ---> Is a permit required?**

7-8-9-050 Section I. 1st sentence:

I. Effect on Building and Demolition Permits. **Any activity that does not require a building permit will not be required to obtain a certificate of appropriateness.**

### **Footnote (4) ---> COA Application Approved?**

7-8-9-050 Section G. Appeals:

Any person adversely affected by any determination made by the commission relative to the issuance or denial of a certificate of appropriateness has 30 days to appeal such determination to the city council. The council or other governing body may approve, modify and approve, or reject the determination made by the commission if the council or governing body found that the commission abused its discretion in reaching its decision.

### **Footnote (5) ---> Permits prohibited.**

7-8-9-050 Section I. 2<sup>nd</sup> sentence:

I. Effect on Building and Demolition Permits. Also, notwithstanding anything to the contrary contained herein, in cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit or demolition permit, the rejection of an application for a certificate of appropriateness by the Commission shall be binding upon the building inspector or other administrative officials charged with issuing such permits; and, in such case, no permit shall be issued.

*Steve Imler ver 6.4 10-28-2019*





20191078

## Application for a Certificate of Appropriateness (COA)

Applicant: <u>COOPER JONES LLC</u>	Phone Number: <u>770 823 2149</u>
Mailing Address: <u>P.O. Box 1318 Marietta GA 30061</u>	
Subject Property: <u>441 Church Street</u>	Parcel ID: _____
Property Owner: <u>Sonia &amp; Lance Cooper</u>	Phone Number: <u>770 427 5588</u>
Mailing Address: <u>441 Church Street Marietta GA 30060</u>	

**Type of Project Proposed:**

Demolition  
 New Construction/Infill  
 Additions  
 Material Change in Appearance

**Description of Proposed Project (attach additional sheets if necessary):**

Remove & replace concrete driveway  
 move driveway approximately 12' closer to house to allow for new trees  
 install 2' stone/brick wall along front yard/sidewalk  
 install blue stone pavers on front walkway  
 driveway to include guest parking pad left side porch per plan  
 driveway apron to be granite cobblestones  
 driveway material to be concrete with exposed aggregate.

I hereby affirm that the information supplied on this application is correct and if found to be incorrect that any permit issued pursuant to this application may be void.

Signature: [Signature] - Cooper Jones Date: 11/18/19

<i>To be completed by STAFF ONLY</i>	
HPC Hearing Date: _____	City Council Hearing Date: _____
<b>APPROVAL</b>	<b>DENIAL</b>
Conditions: _____	
Chairman's Signature _____	Date _____

