

DeKalb County Historic Preservation Commission

Tuesday, March 18, 2025- 6:00 P.M.

Staff Report

Consent Agenda

C. 1080 Clifton Road, Roberts & Daughdrill, LLC. Demolish two nonhistoric garages. **1247455**

Built in 1929; Garage Built in 1972 - Nonhistoric (18 003 01 039)

This property is in the Druid Hills Character Area #2 and the Druid Hills National Register Historic District.

Summary

The applicant proposes demolishing a non-historic freestanding garage on the rear of property. The two-bay wood garage was constructed in 1972 and is considered nonhistoric to the Druid Hills Local Historic District. The slab foundation of the garage will remain intact. The construction of a new garage is not proposed at this time.

Recommendation

Approve. The proposed changes do not appear to have a substantial adverse effect on the property or the district. This application appears to meet the guidelines and the staff recommends approval.

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.
- 6.3 *Accessory Buildings* (p59) Guideline - Garages, garage apartments, and other accessory buildings that have historic or architectural significance should be preserved as significant site elements. Rehabilitation treatments should follow the design guidelines provided in Section 6.1.1 Building Elements and Details. For construction of new accessory buildings see Section 7.0 Additions and New Construction.
- 11.0 *Nonhistoric Properties* (p93) Guideline - In reviewing an application for a Certificate of Appropriateness for a material change to a nonhistoric building, the Preservation Commission should evaluate the change for its potential impacts to any historic development (architecture and natural and cultural landscapes) in the area of influence of the nonhistoric property. Guidelines presented in *Section 7.0: Additions and new Construction* are relevant to such evaluations.



Development Services Center
178 Sams Street
Decatur, GA 30030
www.dekalbcountyga.gov/planning
404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

Application for Certificate of Appropriateness

Date submitted: 02/10/25 Date Received: _____

Address of Subject Property: 1080 Clifton Road NE, Atlanta, GA 30307

Applicant: Robert H. Buckler C/O Brian Daughdrill of Glacoma, Roberts & Daughdrill, LLC E-Mail: bdaughdrill@grdlegal.com

Applicant Mailing Address: 114 Telford Lane, St. Simmons, GA 31522

Applicant Phone: 404-924-2850

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

Owner(s): Robert H. Buckler Email: bobbybuckler7@yahoo.com

Owner(s): _____ Email: _____

Owner(s) Mailing Address: 114 Telford Lane, St. Simmons, GA 31522

Owner(s) Telephone Number: 404-697-1942

Approximate date of construction of the primary structure on the property and any other structures affected by this project: TBD

Nature of work (check all that apply):
New construction New Accessory Building Other Building Changes
Demolition Landscaping Other Environmental Changes
Addition Fence/Wall Other
Moving a Building Sign Installation

Description of Work:

Removal/demolition of two (2) vehicle dilapidated non-contributing freestanding garage. Photographic images of the structure to be removed are attached hereto in support of this Application. Existing slab foundation of garage to remain.

Main structure is 1920's era construction whereas the garage is 1970's era construction.

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 pvjennings@dekalbcountyga.gov. An incomplete application will not be accepted.

Signature of Applicant: Robert H. Buckler c/o Brian Daughdrill



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: Robert H. Buckler
being owner(s) of the property at: 1080 Clifton Road NE, Atlanta, GA 30307
hereby delegate authority to: Brian Daughdrill of Giacoma, Roberts & Daughdrill, LLC
to file an application for a certificate of appropriateness in my/our behalf.

Signature of Owner(s): Robert H. Buckler
Date: 02/10/25

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.

The field data upon which this plat is based has a closure precision of one foot in 15,000 feet and an angular error of 03" seconds per angle point and was adjusted using the Compass Rule. This plat has been calculated for closure and is found to be accurate within one foot in 100,000 feet.

Equipment used: Topcon GTS-213 Total Station.

FLOOD HAZARD STATEMENT

THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA AS PER THE FIRM FLOOD HAZARD MAP OF DEKALB COUNTY, GEORGIA, COMMUNITY PANEL NUMBER 13089C 0062K, DATED 08/15/19

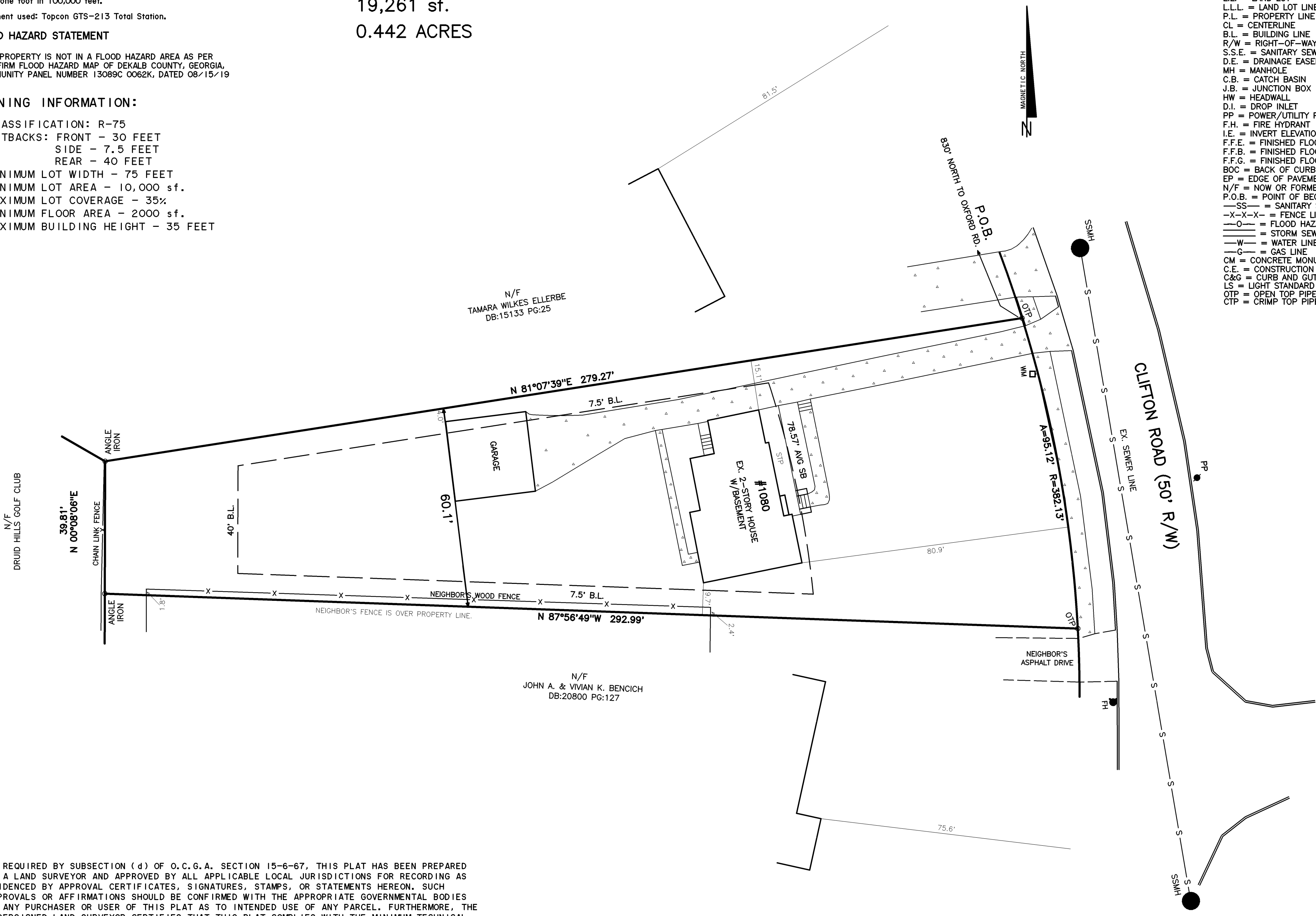
ZONING INFORMATION:

CLASSIFICATION: R-75
 SETBACKS: FRONT - 30 FEET
 SIDE - 7.5 FEET
 REAR - 40 FEET
 MINIMUM LOT WIDTH - 75 FEET
 MINIMUM LOT AREA - 10,000 sf.
 MAXIMUM LOT COVERAGE - 35%
 MINIMUM FLOOR AREA - 2000 sf.
 MAXIMUM BUILDING HEIGHT - 35 FEET

LOT AREA:
 19,261 sf.
 0.442 ACRES

LEGEND

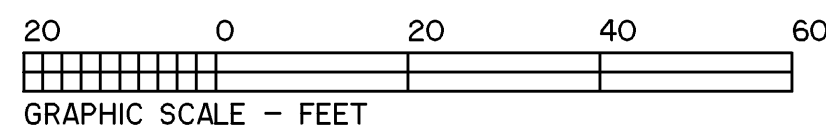
- IPF = 1/2" REBAR FOUND
- IPS = 1/2" REBAR PIN SET
- L.L. = LAND LOT
- L.L.L. = LAND LOT LINE
- P.L. = PROPERTY LINE
- CL = CENTERLINE
- B.L. = BUILDING LINE
- R/W = RIGHT-OF-WAY
- S.S.E. = SANITARY SEWER EASEMENT
- D.E. = DRAINAGE EASEMENT
- MH = MANHOLE
- C.B. = CATCH BASIN
- J.B. = JUNCTION BOX
- HW = HEADWALL
- D.I. = DROP INLET
- PP = POWER/UTILITY POLE
- F.H. = FIRE HYDRANT
- I.E. = INVERT ELEVATION
- F.F.E. = FINISHED FLOOR ELEVATION
- F.F.B. = FINISHED FLOOR BASEMENT
- F.F.G. = FINISHED FLOOR GARAGE
- BOC = BACK OF CURB
- EP = EDGE OF PAVEMENT
- N/F = NOW OR FORMERLY
- P.O.B. = POINT OF BEGINNING
- SS = SANITARY SEWER LINE/PIPE
- X-X-X- = FENCE LINE
- O- = FLOOD HAZARD ZONE LINE
- S-S- = STORM SEWER LINE/PIPE
- W- = WATER LINE
- G- = GAS LINE
- CM = CONCRETE MONUMENT
- C.E. = CONSTRUCTION EASEMENT
- C&G = CURB AND GUTTER
- LS = LIGHT STANDARD
- OTP = OPEN TOP PIPE FOUND
- CTP = CRIMP TOP PIPE FOUND



AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Robert W. Richardson
 ROBERT W. RICHARDSON, GA RLS #3419

10/15/24
 DATE



ALPHA LAND SERVICES P.O. BOX 1651 LOGANVILLE, GA. 30052 ENGINEERING * LAND SURVEYING OFF: 770.696.4054 EMAIL: ROBERT@ALPHASURVEYOR.COM		SURVEY FOR: 1080 CLIFTON ROAD TAX PARCEL# 18 003 01 039	
REVISION: _____ REF. PLAT: PB. _____ P. _____	LAND LOT: 3 DISTRICT: 18TH DEKALB COUNTY GEORGIA FIELD DATE: 10/10/24 PLAT DATE: 10/15/24	LOT: 20 BLOCK: 48 SUB: DRUID HILLS AREA = 0.442 ACRES JOB No. 24-10-479	

1080 Clifton Road, Atlanta, X



Show search results for 1080 C...













Giacoma Roberts & Daughdrill LLC

Brian E. Daughdrill
Direct: (404) 924-2860
bdaudrill@grdlegal.com

Patrick Doyle Dodson
Direct: (404) 924-2850
pdodson@grdlegal.com

February 10, 2025

VIA EMAIL TO plansustain@dekalbcountyga.gov and pvjennings@dekalbcountyga.gov
Dekalb County Georgia
Department of Planning and Sustainability
178 Sams Street
Decatur, GA 30030

RE: 1080 Clifton Road NE, Atlanta, GA – Application for Certificate of Appropriateness

Dear Ms. Jennings:

We have been retained to assist Robert H. Buckler (the “Applicant”) in obtaining a Certificate of Appropriateness for the removal/demolition of a two vehicle dilapidated, non-contributing, freestanding garage located at 1080 Clifton Road NE, Atlanta, Georgia (the “Property”). We are enclosing herewith the completed Application for Certificate of Appropriateness and supporting documents for your review and consideration (the “Application”). The Property is located within the Druid Hills Historic District therefore a Certificate of Appropriateness is required for removal/demolition of the dilapidated, non-contributing garage on the Property.

As you are aware, the Code of Dekalb County mandates:

“Owners of historic property or of property in a historic district, or their duly authorized agents, must make application for a certificate of appropriateness on forms and according to procedures promulgated by the preservation commission for such purpose. The Georgia Department of Transportation and contractors performing work funded by the Georgia Department of Transportation are exempt from provisions of this chapter. Local governments are also exempt from obtaining certificates of appropriateness but shall notify the preservation commission at least forty-five (45) days prior to beginning or undertaking any work that would otherwise require a certificate of appropriateness, so as to allow the preservation commission an opportunity to comment. All applications for certificates of appropriateness shall be accompanied by drawings, photographs, plans and documentation as required by the preservation commission. Written authorization of the property owner shall be required if the applicant is not the owner of record.”

See Code of Dekalb County Chapter 13.5, § 13.5-8 (1). When reviewing applications for certificates of appropriateness, the preservation commission shall consider, in addition to any other pertinent factors, 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 thereof to the exterior architectural style; and pertinent features of other properties in the immediate neighborhood, and when considering applications for existing buildings, the Secretary of the Interior's Standards for the Treatment of Historic Properties shall be used as a guideline. See Code of Dekalb County Chapter 13.5, § 13.5-8 (3). Importantly, the preservation commission is authorized to approve a certificate of appropriateness for the demolition of buildings, structures, sites or objects, and the preservation commission *shall approve* the application and issue a certificate of appropriateness if it finds that that the “proposed material change(s) in appearance would not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district.” See Code of Dekalb County Chapter 13.5, § 13.5-8 (5) and (7).

I. Impact Analysis:

In the instant Application the dilapidated, non-contributing garage is a 1970’s era addition. See Figure 1 below.

Figure 1



However, the original home is a 1920’s era brick structure bearing no resemblance to the non-contributing garage which is in a state of significant disrepair. See Figure 2 below.

Figure 2



There Is No Historical Or Architectural Value To The Garage Structure.

The garage, a non-contributing structure, was constructed sometime in the 1970s out of modern gauge lumber and plywood siding. It features none of the various architectural elements or styling characteristics of the contributing structures in the neighborhood, including the existing home at the location. Neither its materials, scale, height or setback match the overall layout of Druid Hills properties and there is nothing that commends it to preservation. There is simply nothing historic, or of historic significance, about the garage structure.

The General Design, Arrangement, Texture And Materials Of The Garage Are Incongruent With And Detracting From The Aesthetics Of The Contributing Structure And None Of The Features Are Historic.

As shown herein in Figures 1 and 2, and in the attached photos, the garage is a dilapidated plywood structure made with modern materials which are inconsistent with (even

were it visible from the road) the surrounding contributing structures. As evidenced from Figure 2 above, the garage structure is clearly not visible for the street. The preservation commission's concerns of the over the proposed demolition should be assuaged by the fact that garage was not erected when the home was built in the 1920's and the materials used in its construction are the antithesis of the historic nature of the residence. As stated above, the dilapidated, detached garage actually detracts from the overall aesthetics of the residence. Demolition of the non-contributing garage will not have a substantial adverse effect on the aesthetic, historical or value of the Property. Indeed, the non-contributing garage structure is a detriment to the value of the historic Property. As such, the Application should be granted in its entirety.

II. LEGAL AND CONSTITUTIONAL OBJECTIONS

The portions of the Code of Dekalb County, Georgia including, but not limited to, Chapter 13.5 Et Seq., facially and as applied to the Property, which restrict the Property to any conditions (current or otherwise) or development standards that do not permit demolition/removal of the non-contributing garage are unconstitutional in that they destroy Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. The application of the Code of Dekalb County, Georgia, facially and as applied to the Property, which restricts the Property to any conditions or development standards, other than in accordance with the Application is unconstitutional, illegal, null and void, constituting a taking of Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying Applicant of an economically viable use of its land while not substantially advancing legitimate state interests.

Additionally, denial of the Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States. A refusal by the Dekalb County Preservation Committee and/or the Dekalb County Board of Commissioners (including its members in both their official and individual capacity) to grant the Application as requested would constitute a taking of the Applicant's Property. Because of this unconstitutional taking, Dekalb County would be required to pay just compensation to Applicant.

Likewise, denial of the Application would constitute an arbitrary and capricious act by the Dekalb County Preservation Committee and/or the Dekalb County Board of Commissioners (including its members in both their official and individual capacity) without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Dekalb County Preservation Committee and/or the Dekalb County Board of Commissioners (including its members in both their official and individual capacity) to grant the Application for the Property would be unconstitutional and discriminate in an arbitrary, capricious, and

unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Application subject to conditions to the extent such different conditions would have the effect of restricting Applicant's utilization of the Property would also constitute an arbitrary, capricious, and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove. In addition, denial of the Application would be clearly erroneous and a gross abuse of discretion because it depends on facts which do not exist and because it violates the Georgia and United States Constitutions, violates due process, and equal protection.

III. CONCLUSION

For the above and foregoing reasons, Applicant respectfully requests that the Application be approved in its entirety without any limiting conditions. Thank you for your assistance with this matter. Should you have any questions about this matter, please contact us at your earliest convenience.

Sincerely,
**GIACOMA ROBERTS &
DAUGHDRILL, LLC**

/s/ Brian E. Daughdrill
Brian E. Daughdrill

/s/ Patrick Doyle Dodson
Patrick Doyle Dodson

BED/pdd