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Condo association, preservationists fight over historic Buckhead house

by Everett Catts

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(UPDATED AT 11:50 A.M. TUESDAY WITH NEW INFO FROM THE BUCKHEAD HERITAGE SOCIETY'S ERICA DANYLCHAK)

A battle over a historic Buckhead house brewing between a condo association and preservationists will come to a head Tuesday.

In 1997 the 2500 Peachtree condominium building was constructed behind the Randolph-Lucas House. The 2500 Peachtree Condominium Association Inc. wants to demolish the home, built in 1924 and located at the intersection of Peachtree Road and Lindbergh Drive, claiming it is in poor condition. The Buckhead Heritage Society is fighting its request, stating the association is not honoring the agreement it made when the building's current owner purchased the property and promised to maintain the house as long as the condos were in existence.

The association will bring its case before Atlanta's Neighborhood Planning Unit-B Tuesday at 7 p.m. at the Cathedral of Christ the King in Buckhead. A zoning hearing with the city's Board of Zoning Adjustment is set for July 12 at noon.

The house, located at 2494 Peachtree Road, was originally in the Peachtree Heights Park neighborhood, now part of Peachtree Heights West. It was designated a historic building by the city of Atlanta's Urban Design Commission in 1990, according to the commission's website. Originally owned by attorney Hollins Nichols Randolph, the great-great-grandson of Thomas Jefferson, it was sold to Margaret Lucas in 1935, according to the commission. No one has lived in the house since Lucas died in 1987, society Executive Director Erica Danylchak said in an email. Her descendants sold the house to Kelley, Danylchak said.

In a stipulation of the 2500 Peachtree condos' building permit, Blaine Kelley Jr., the original builder, was required to move the house 35 feet forward from its original location to make room for the project. The property was rezoned to allow more density (condos) under the condition that the condo association maintain the house.

No one has used the house for special events at least since the 2500 Peachtree condos were built, Hakim Hilliard, the lawyer representing the association, said in an email.

The plan, Danylchak said, was to turn the house into a guest house for residents, but the condo market declined and the developer could sell only half of the units. The bank foreclosed on the property and Kelley went bankrupt. A new owner bought the property in 2001, she said.

An engineering firm hired by the association found it not to be structurally sound earlier this year. A 2009 report by another engineering company said it was in good condition.

"The association is saying that the structure was damaged when it was turned over to them because it was never attached to its foundation when it was moved and it never obtained a certificate of occupancy since it was originally moved," Hilliard said. "The only issue that is currently before the city, however, is whether we can demolish the structure immediately because it is unsafe. Regardless of the outcome of our appeal, whether we go to court to tear it down as unsafe, or whether we pursue the alternative method outlined in the code, my clients can demolish the structure."

But society president Wright Mitchell, also a lawyer representing for the organization, said the



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condo association is not fulfilling its promise to maintain the house and has not accepted offers from other organizations to do so.

"They have not been honoring that agreement," he said. "The house has continued to deteriorate since they took ownership of it. They applied for a Type IV certificate of appropriateness in 2006 and were denied by the Atlanta Urban Design Commission.

"This time around, they are trying to do an end-around by applying for a demolition permit with the city of Atlanta's Office of Buildings."

Mitchell also said the condo association has declined offers from Aderhold Properties and others to lease the house and maintain it.

"Buckhead Heritage has always explored a possible adaptive use of the house," he said. "We have since heard that the condo association was approached by several interested parties, including the Watson-Brown Foundation. They were going to spend \$1 million and use the property as [its] office. Tad Brown [of the foundation] said the condo association [members] could not agree to lease it to the foundation."

In a letter to Hilliard Friday, former Atlanta Mayor Sam Massell, now the president of the Buckhead Coalition, a chamber-like organization of 100 CEOs, suggested the house be turned over to a foundation, which would then use it as an Atlanta mayor's mansion for ceremonial events only.

But Hilliard said those offers were only preliminary, and now the association's only option is to demolish the house.

"Without getting into the detailed history of what was explored before, my clients are comfortable they have explored every option presented to them over the years," he said. "They have detailed notes of every effort that has been explored. There have been several very good ideas, including the Watson-Brown proposal, but none of them have ever made it past the idea phase. In my discussion with Aderhold Properties thus far, their proposal is nothing more than an idea either, as they have not considered the impact of the proposal upon the current zoning, the parking requirements, the cost to the association, the condo association bylaws or anything else.

"We appreciate every idea and will explore any that are thoughtfully presented, but we respectfully request that the appropriate due diligence be done in advance of presenting the ideas to determine whether and how these ideas can be accomplished. My clients have an official report from an engineer that the structure on their property is an imminent threat to public health and safety. It is our position that we have an obligation to respect this opinion by moving forward as we have thus far. So any ideas should respect this circumstance and come to us with the appropriate due diligence."

Bill Murray, chair of NPU-B's zoning committee, said the condo association has not "lived up to their conditions."

"The more I'm investigating it, the more I find they've had opportunities for assistance and opportunities to help defray the costs of maintaining that building and they haven't taken advantage of them," he said. "What we're looking for is we're looking not at the condition of the house right now but why it's in that condition. They had a responsibility to maintain it. Hakim says that developer was foreclosed on by the property and therefore they should not have any obligation. When we condition properties, they are attached to the property and not the developer. Everyone in that development knew their obligation when they purchased that property."

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