

**ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING (VARIANCES,
SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE
DECISIONS)**

Applicant and/or
Authorized Representative: David Price

Mailing Address: 1595 Nottingham Way NE

City/State/Zip Code: Atlanta, Georgia 30309

Email: dave@priceresidentialdesign.com

Telephone Home: 404-245-4244 Business: 404-245-4244

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Amy Birnbaum and Adam Klein

Mailing Address: 1320 Harvard Road Atlanta, GA 30306

Email: birny.birny@gmail.com Telephone: 404-291-6911 Business: 404-291-6911

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 1320 Harvard Road City: Atlanta State: GA Zip: 30306

District(s): 18 Land Lot(s): 54 Block: 12 Parcel: 15

Zoning Classification: R-75 Commission District & Super District: 2 & SD 6

Druid Hills Historic District

CHECK TYPE OF HEARING REQUESTED:

☒ X VARIANCE (From Development Standards causing undue hardship upon owners of property.)

☐ SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)

☐ OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

***PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW
GUIDELINES MAY RESULT IN SCHEDULING DELAYS.***

AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

1320 Harvard Road

I hereby certify that the information provided in the application is true and correct. I hereby certify that I am the owner of the property subject to the application.

3/22/25
DATE:


SIGNATURE:





DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.
I hereby certify that the information provided in the application is true and correct.

1320 Harvard Road

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the Zoning Board of Appeals for the requests as shown in this application.

3.25.25
DATE:

David W. Price

David W. Price

APPLICANT/AGENT SIGNATURE

TO WHOM IT MAY CONCERN:

(I)/(WE): **Amy Birnbaum and Adam Klein**

Name of Owner(s)

being (owner/owners) of the property described below or attached hereby delegate authority to the above signed agent/applicant.

K Mire
Notary Public

[Signature]
Owner Signature



Price Residential Design
1595 Nottingham Way Atlanta, Georgia 30309
dave@priceresidentialdesign.com
404-245-4244

March 26, 2025

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

RE: **1320 Harvard Road** - Request for Variance from DeKalb County zoning ordinance to reduce the eastern side yard accessory setback from 7.5' to 2.1' (existing) (sec. 27-4.2.2.C), reduce the rear setback from 40' to 21.5' (26' existing) (sec. 27-4.2.2.C), and to increase the maximum impervious lot coverage from 35% to 43.8% (43.25% existing) (sec. 27-2.2.1) to allow renovation of existing Accessory Dwelling Unit with existing accessory Garage below but with a new left side porch to replace and slightly enlarge the existing dilapidated porch.

Dear Board members and staff:

We believe this request conforms to the criteria set forth in code and ask that the Board grant relief in this unique case.

(1) by reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.

The lot slopes steeply up (approximately 30') from front to rear and has an irregular pie shape due to its location on a curve. The house, built in 1922, is located in the Druid Hills Historic District and the accessory structure and driveway are from that era as well. The historic accessory structure has many structural deficiencies which must be addressed as a part of this renovation and the existing porch was originally poorly framed is in a current state of dilapidation. The existing location of the accessory structure is non-conforming for the rear and eastern side setback as well as the lot coverage. The owners had no hand in creating this non-conformity, which appears to have existed for many years.

(2) the requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

The variance does not constitute a grant of special privilege or go beyond the minimum necessary to afford relief because many existing and historic accessory structures are as close or closer to the side and rear lot lines in the district. Other than the replacement of the porch, there will be no further encroachments and the new porch will extend only 4.5' beyond the current rear corner. Porches are allowed to encroach 8' into the rear setback per section 5.2.1.A.3.

The porch is being enlarged to incorporate the main entry door into the family room, which is currently uncovered and illegal due to its lack of an exterior stair landing. Another door, in the current screened porch, will remain, but the porch will be reduced in length to be as short as is

practical while covering both doors. The porch will not extend any further to the west than it does currently.

(3) the grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.

The granting of the variance would not be detrimental to the public welfare or injurious to the surrounding properties because there is currently a porch on the same side of this accessory structure, and we intend to replace it with a similar porch. The structural engineer's report is included in this application, and it notes a variety of major defects that we will be repairing, including the demolition of the existing porch.

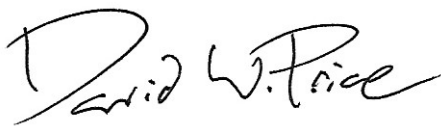
(4) the literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship.

The literal interpretation and strict application of section 5.2.1.C would cause undue and unnecessary hardship because the new porch is replacing an existing porch very much in the character of the neighborhood in the same location as when the house was originally constructed in 1922, with only a slight enlargement to cover both doors.

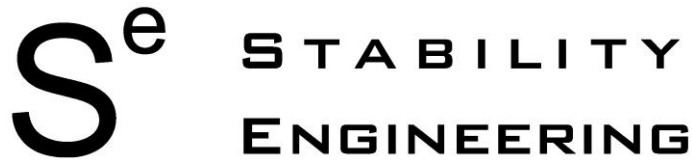
(5) the requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text since the purpose of the variance process is to encourage flexibility when dealing with odd or non-conforming existing conditions such as the high lot coverage and existing non-conformities which exist on this historic property. The owners have worked diligently to retain an existing historic structure as befits the Historic District.

Thank you for your consideration,

A handwritten signature in black ink that reads "David W. Price". The signature is written in a cursive, flowing style.

David W. Price, Applicant
For Amy Birnbaum and Adam Klein, Owners



1376 Church St., Ste 200, Decatur, GA 30030 Ph/Fax: 404-377-9316

February 16, 2018

RE: Structural Assessment for 1320 Harvard Road, Atlanta, GA 30306

Date of site visit: 02/12/18

Se#18063

The purpose of this letter is to provide a structural narrative and options for the proposed renovation of the standalone garage with carriage house above along with a covered porch on the side. The current construction consists of a concrete slab-on-grade, 8" brick foundation walls, 2x4 @ 20" stud wall with no sheathing. The floor framing over the garage consists of 2x12 @ 20" O.C., spanning 19'-6" "left-to-right", if facing the garage. An addition was added behind the garage with 2x8 @ 16" floor joists spanning 12'-0" "front-to-back". The roof framing we were able to see was 2x4 rafters and 1x roof sheathing. Overall, the garage is in poor condition with several major structural deficiencies. The brick foundation walls are cracked on several faces of the exterior wall which indicate settlement and movement. The wood walls have water and termite damage. The east wall is at risk of movement & settlement due to a failing retaining wall along the property line.

My understanding is that the building is being evaluated for the possibility of restoring the structure. The proposed plan would keep as much of the existing structure as possible and correct structural deficiencies. Any area of framing that is being repaired must be brought up to current code. Areas without known damage (such as the roof) do not need to be brought up to current code as long as they are not modified. Below is a narrative of the structural modifications required to complete this rehabilitation:

1. Rear "addition" foundation wall (approximately 12 feet long) at the north\east side needs to be replaced. A new footing at the rear corner is required, which will have to be excavated down approximately 3 feet to firm soil, or supported on a helical pier.
2. The floor joists over the garage are over-spanned and need to be stiffened by sistering new joists to the existing joists. New (2) 2x12 should be added to each existing joist to span the garage.
3. Rebuild exterior garage walls with 2x4 @ 16" with 7/16" OSB sheathing to replace existing wall with termite damage and no lateral bracing. This will require shoring support for the existing floor and walls above.
4. Provide new footings at front corners of garage. Add new portal frame with LVL header for lateral bracing per code.
5. Add approximately 4 concrete footings under "left" side brick foundation wall @ 48", cut in to slab and underpin wall.

6. Add approximately 5 to 6 helical piers below brick stem wall @ 48" on "right" side of garage along eastern property line.
7. Add ± 45 linear feet of new retaining wall, approximately 4 feet tall, along property line to replace existing failing granite wall.
8. Tear down and rebuild of side porch, which does not meet code as-is and has structural deficiencies. New framing to meet IRC 2012 GA deck amendments with appropriate connections to garage and diagonal bracing at columns.
9. Recommend re-pouring existing garage slab which is currently cracked, unlevel, and deteriorated.
10. The roof framing does not meet current code but can remain "grandfathered" if untouched. No damage observed.

It is our opinion that rehabilitation is possible with the structural corrections outline above; however the cost may be prohibitive and not financially feasible. If you have any questions, or if I can be of any assistance, please call me. Stability Engineering can provide full repair plans for permit if desired.

Sincerely,
Stability Engineering, Inc.

Bob Englehart

Bob Englehart





Front garage wall. New footings and portal framed header required.



Left wall settlement crack, new underpinning footings required.



Left foundation wall and over-spanned 2x12 joists



Rear addition corner settlement to be re-built with new footing and wall



Addition side wall to be replaced



Damaged wall framing to be replaced



Side porch to be re-built

MAGNETIC

N

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. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, THE FOLLOWING OFFICES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.

TELEPHONE: AT&T
ELECTRIC: GEORGIA POWER COMPANY
WATER AND SEWER: CITY OF ATLANTA
GAS: ATLANTA GAS LIGHT COMPANY

ALL THREE WORKING DAYS BEFORE YOU DIG
UTILITIES PROTECTION CENTER:
IN METRO ATLANTA 770-623-4344
THROUGH OUT GEORGIA 1-800-282-7411

2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
3. 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 OR ENTITY.
4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET, AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET. LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED BY USING A TOPCON TOTAL STATION.
BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
5. THIS PLAT NOT INTENDED FOR RECORDING.

**MAY NEED TO ADDRESS
EXISTING NON-CONFORMING
SIDE SETBACK**

**REBUILD / ENLARGE EXISTING
DILAPIDATED PORCH**

**ONE STORY
FRAME WITH
BASEMENT**

**TWO STORY BRICK
AND STUCCO WITH
BASEMENT**

**SITE PLAN SKETCH BY
PRICE RESIDENTIAL DESIGN
3-26-2025 1"=20'**

**EXISTING LOT COVERAGE IS 6244 OF 14439sf (43.25%)
PROPOSED LOT COVERAGE IS 6320sf (43.8%)**

390' TO S.E. R/W
OF BRIARCLIFF ROAD

HARVARD ROAD (50' R/W)

A=100.29' (ACTUAL)
(100' BY PLAT)
R=301.57'
CHORD=
S67°46'36"W
-99.83'

LEGEND

PL	DENOTES	PROPERTY LINE
R/W	DENOTES	RIGHT-OF-WAY
BC	DENOTES	CENTERLINE
G	DENOTES	BACK OF CURB
EP	DENOTES	GUTTER
TW	DENOTES	EDGE OF PAVING
BW	DENOTES	TOP OF WALL
X	DENOTES	BOTTOM OF WALL
RCP	DENOTES	FENCE
CMP	DENOTES	REINFORCED CONCRETE PIPE
PP	DENOTES	CORRUGATED METAL PIPE
LP	DENOTES	POWER POLE
GW	DENOTES	LIGHT POLE
P	DENOTES	GUY WIRE
PM	DENOTES	POWER LINE
PB	DENOTES	POWER METER
A/C	DENOTES	POWER BOX
TB	DENOTES	AIR CONDITION
GM	DENOTES	TELEPHONE BOX
GV	DENOTES	GAS METER
GLM	DENOTES	GAS VALVE
WM	DENOTES	GAS LINE MARKER
WV	DENOTES	WATER METER
FH	DENOTES	WATER VALVE
MW	DENOTES	FIRE HYDRANT
JB	DENOTES	MONITORING WELL
DI	DENOTES	HEADWALL
S	DENOTES	JUNCTION BOX
SSMH	DENOTES	DROP INLET
CO	DENOTES	SANITARY SEWER LINE
	DENOTES	SANITARY SEWER MANHOLE
	DENOTES	CLEAN OUT



20' 10' 0' 20' 40'
SCALE IN FEET

No.	Revision	Date

Fences should not be placed
using side dimensions from house.

REFERENCE MATERIAL

1. WARRANTY DEED IN FAVOR OF THOMAS GREENE AND ANNE H. GREENE DEED BOOK 19370 PAGE 494-495 FULTON COUNTY, GEORGIA RECORDS

TOTAL AREA= 0.331± ACRES
OR 14,439± SQ. FT.

1320 HARVARD ROAD
ATLANTA, GEORGIA

PROPERTY OF
**ADAM KLEIN
AMY BIRNBAUM**
LOT 40, BLOCK "33"
DRIED HILLS

LAND LOT 54
DISTRICT 18TH. SECTION
COUNTY DEKALB
GEORGIA
PLAT PREPARED: 1-13-10
FIELD: 1-11-10 SCALE: 1"=20'

KAPLAN
JOB#227942

MAGNETIC

N

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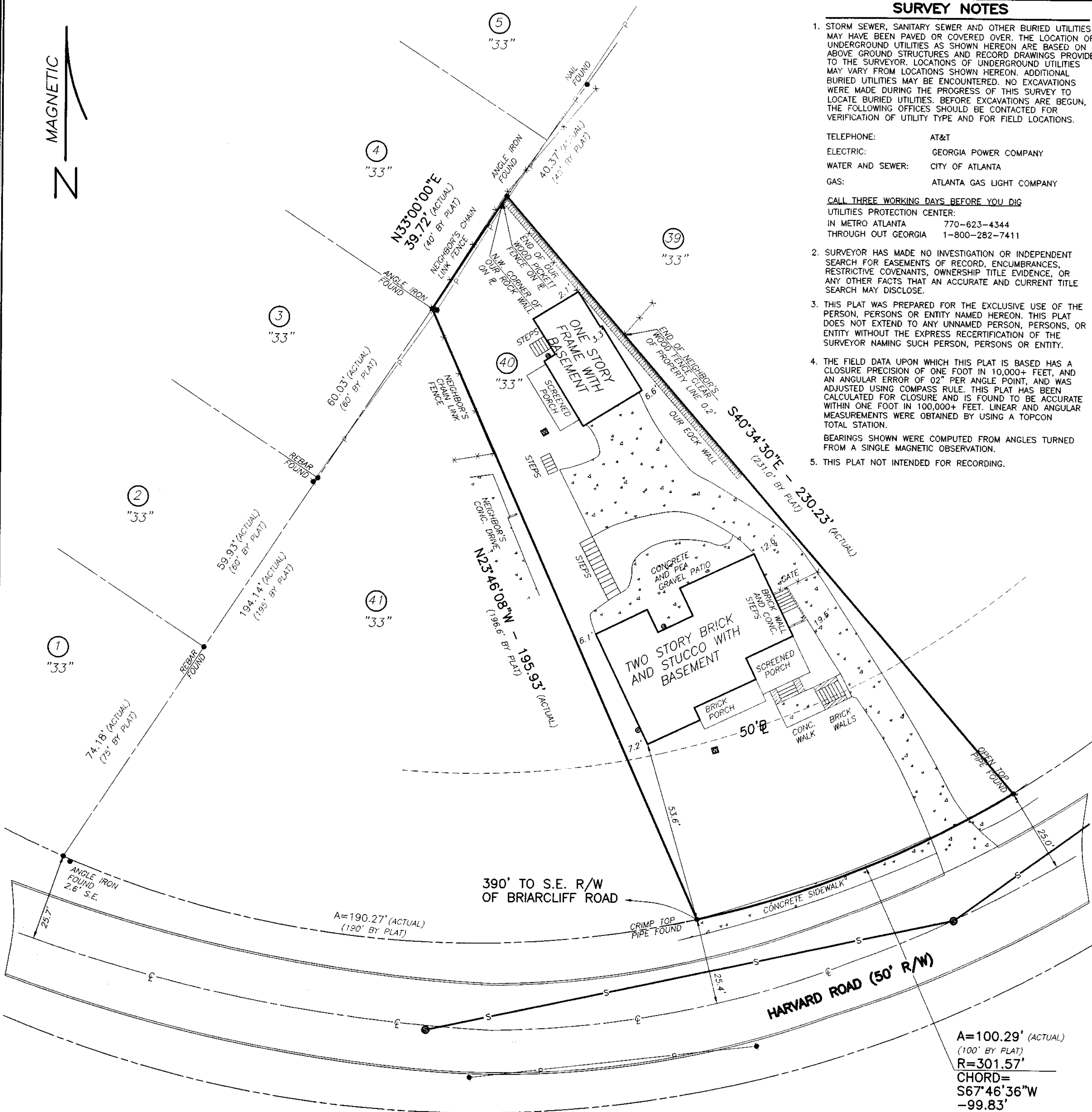
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LEGEND

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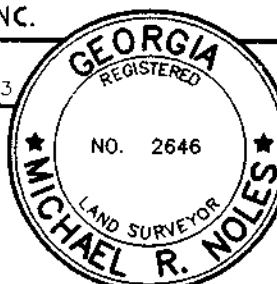
McLUNG
 SURVEYING SERVICES, INC.

4833 South Cobb Drive Suite 200
 Smyrna, Georgia 30080 (770) 434-3383

This property (●) (is not) located in a Federal Flood Area as indicated by F.I.R.M. Official Flood Hazard Maps.

In my opinion this plat is a correct representation of the land platted.

Fences should not be placed using side dimensions from house.



Michael R. Noles
 Georgia RLS #2646
 Member SAM50G

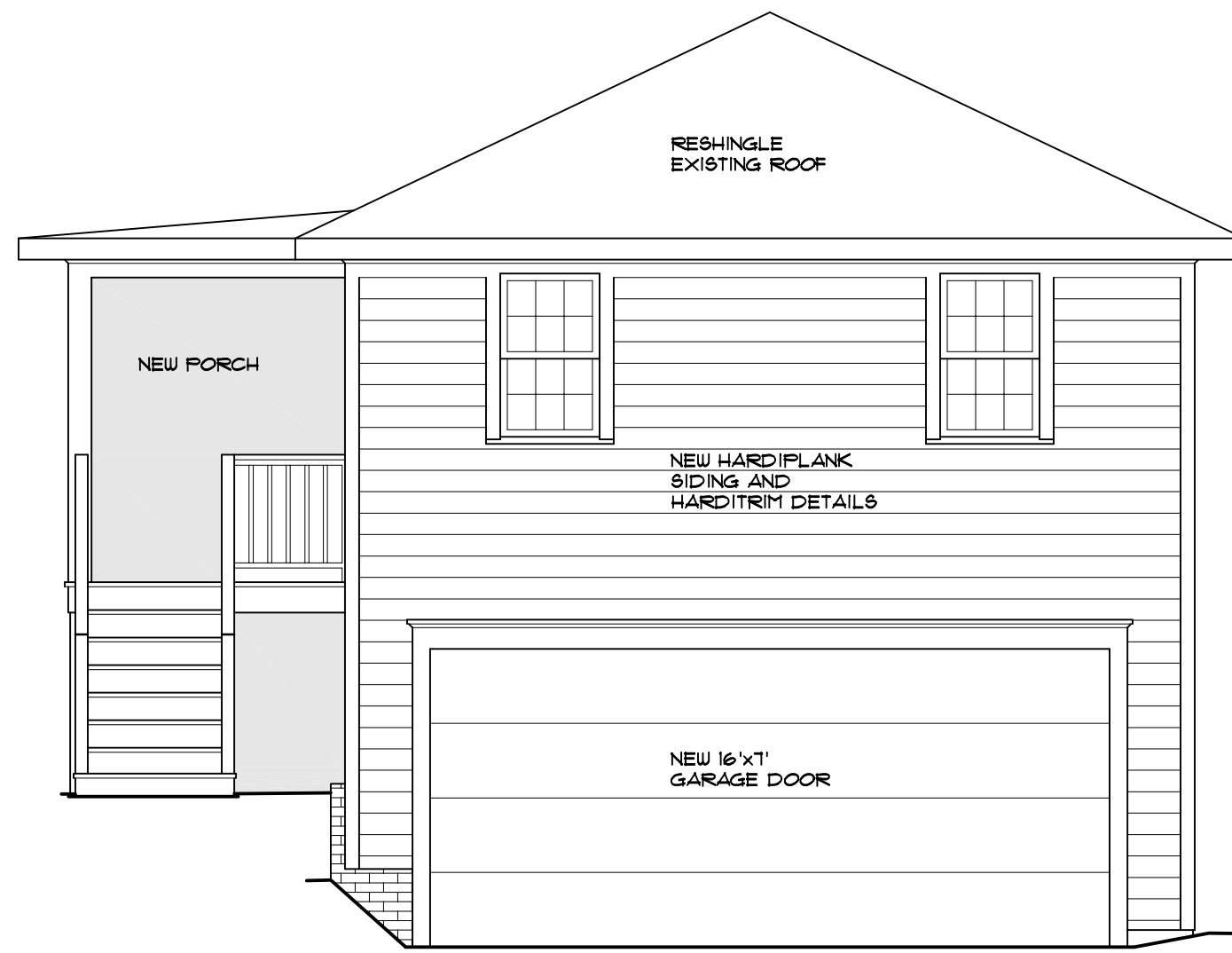
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 ATLANTA, GEORGIA

PROPERTY OF
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 LOT 40, BLOCK "33"
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LAND LOT 54
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 PLAT PREPARED: 1-13-10
 FIELD: 1-11-10 SCALE: 1"=20'

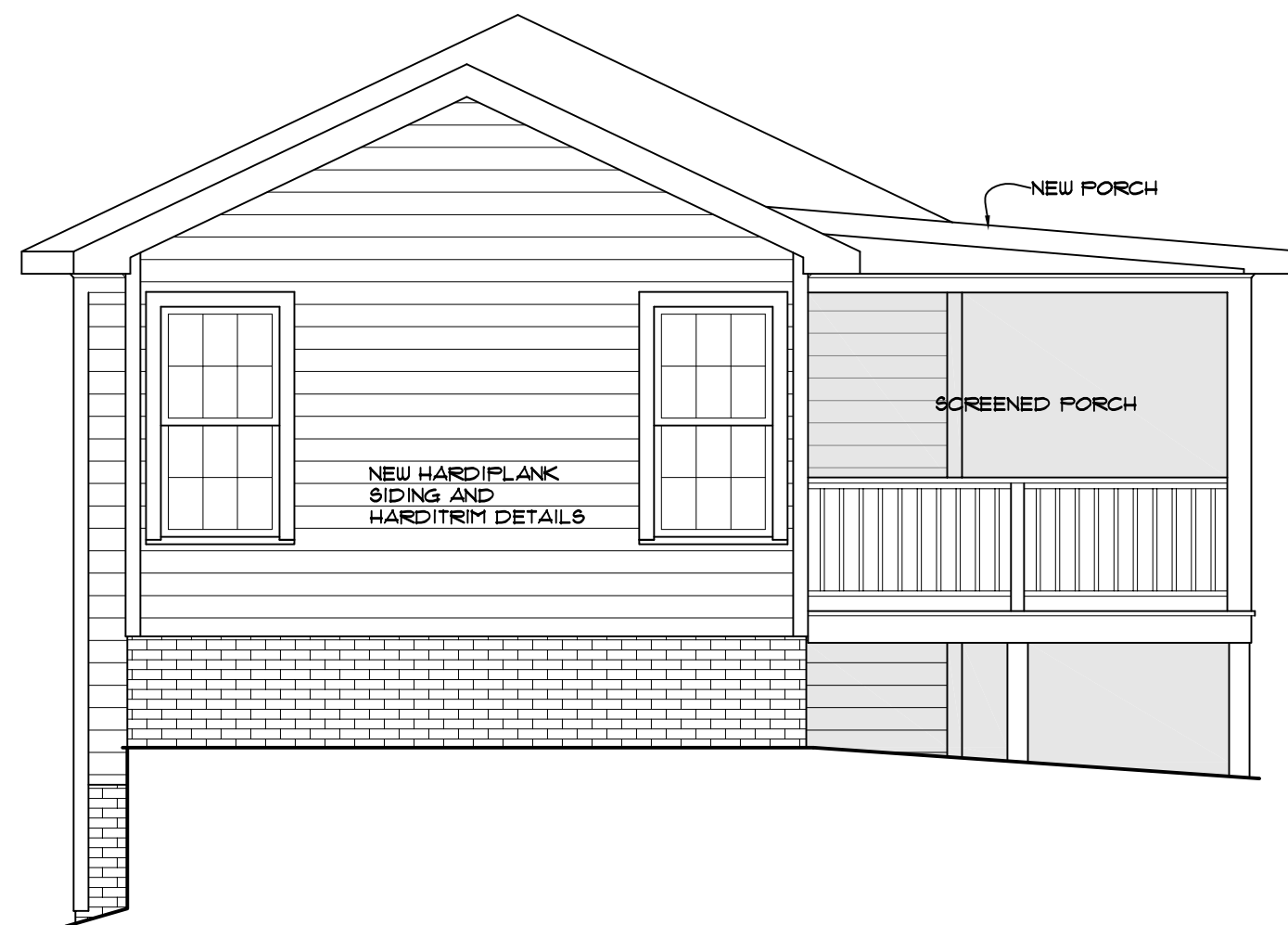
PG 77
 PG 78
 PG 79
 KAPLAN



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



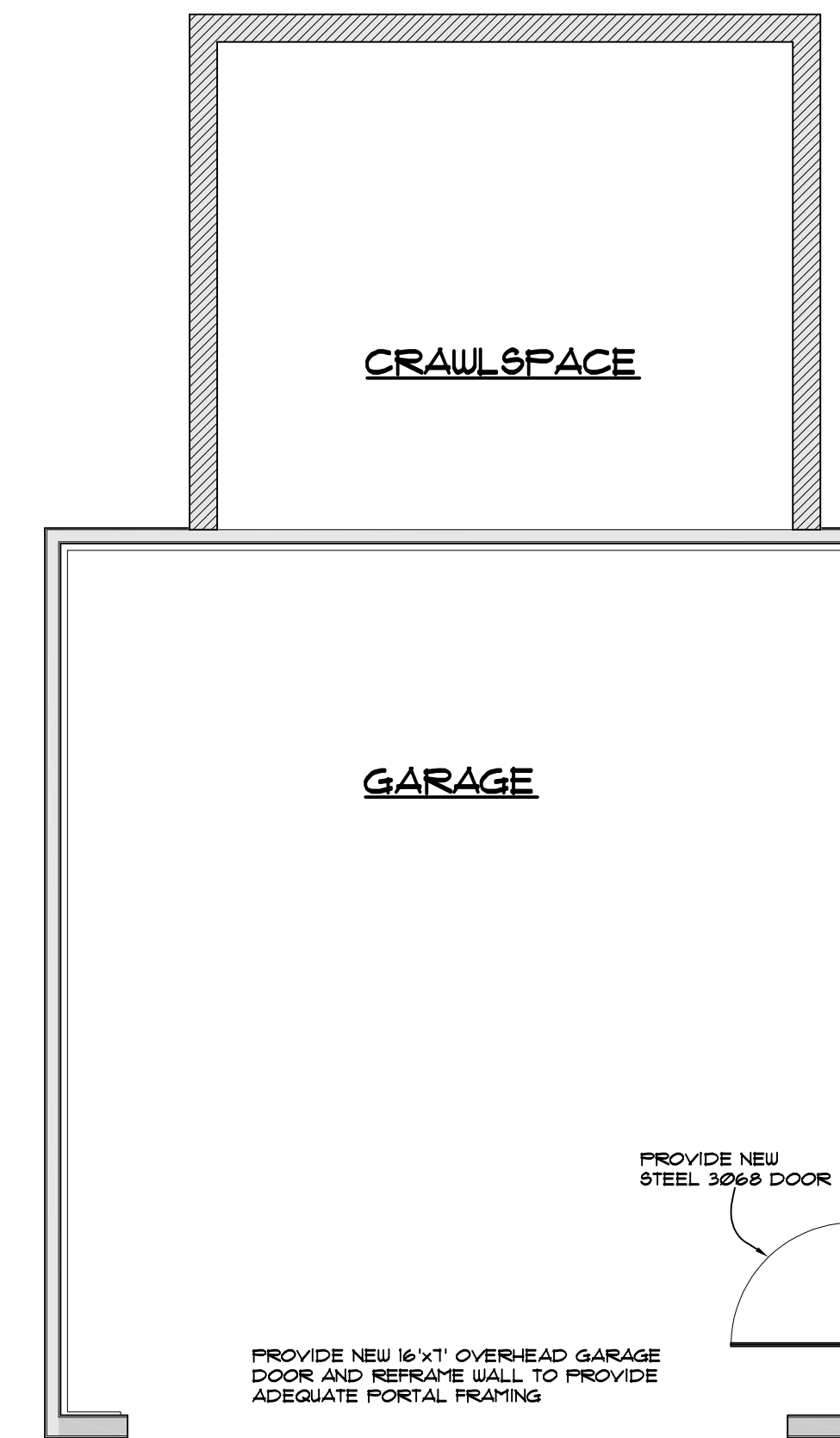
RIGHT ELEVATION
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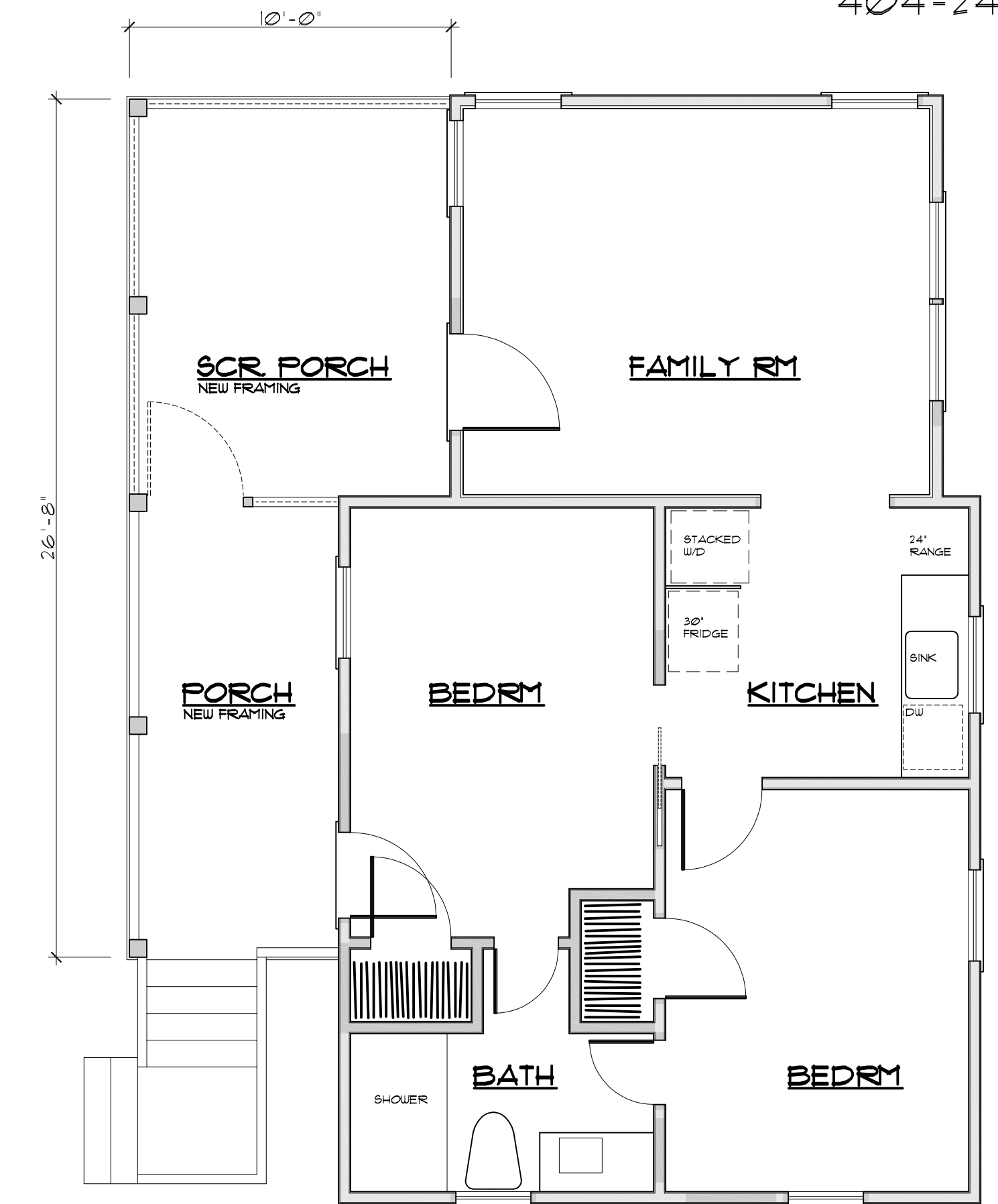
REAR ELEVATION
SCALE: 1/4" = 1'-0"



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



GARAGE PLAN
SCALE: 1/4" = 1'-0"



ADU FLOOR PLAN
SCALE: 1/4" = 1'-0"



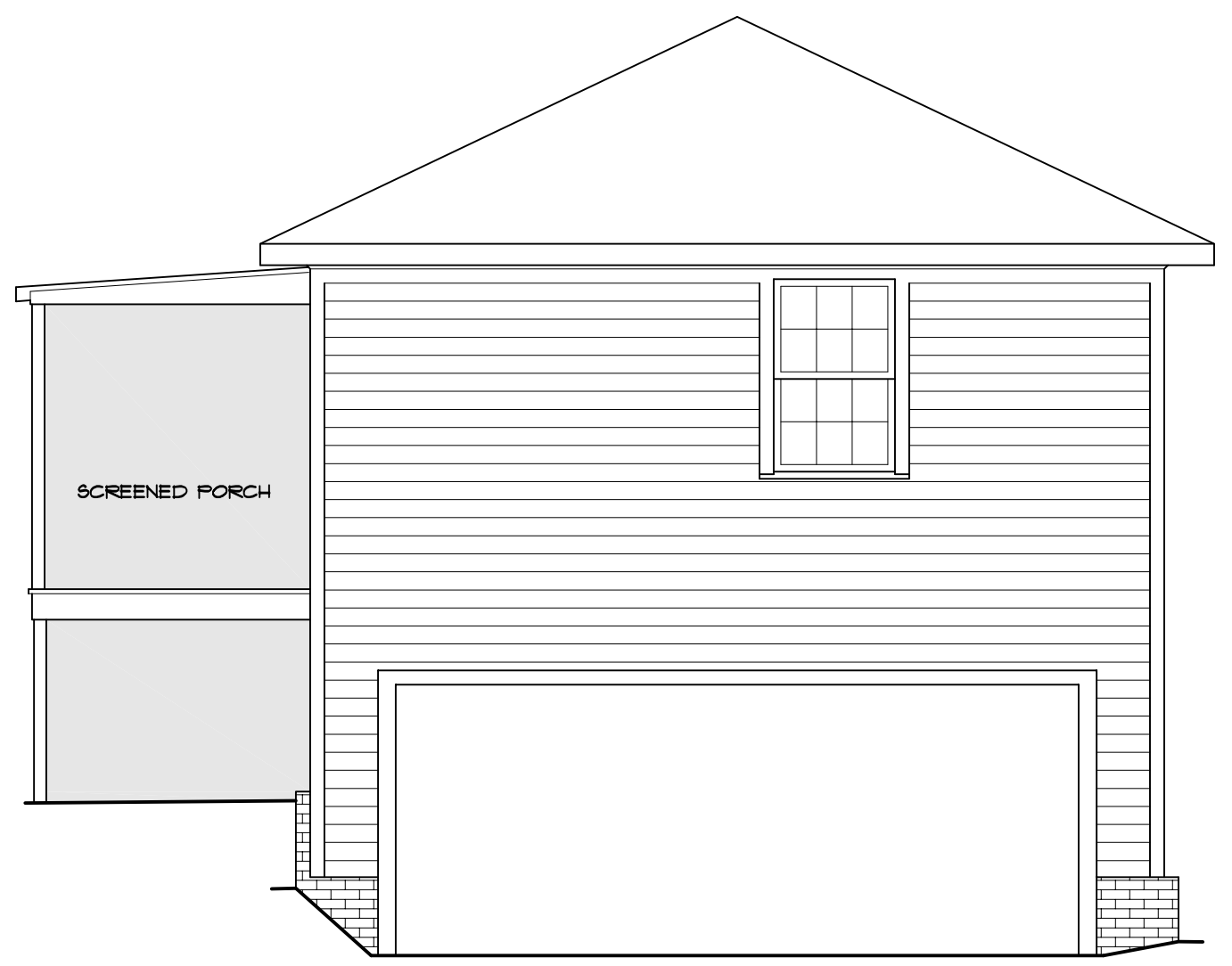
PRICE RESIDENTIAL DESIGN
1535 NOTTINGHAM WAY
ATLANTA, GEORGIA
30309
dave@priceresidentialdesign.com
404-245-4244

BIRNBAUM/KLEIN RES.
1320 HARVARD ROAD
PRICE RESIDENTIAL DESIGN

BIRNBAUM/KLEIN RES.
1320 HARVARD ROAD
ATLANTA, GEORGIA
PROPOSED ADU
PLANS & ELEVATIONS
SHEET A-1
MARCH 26, 2025



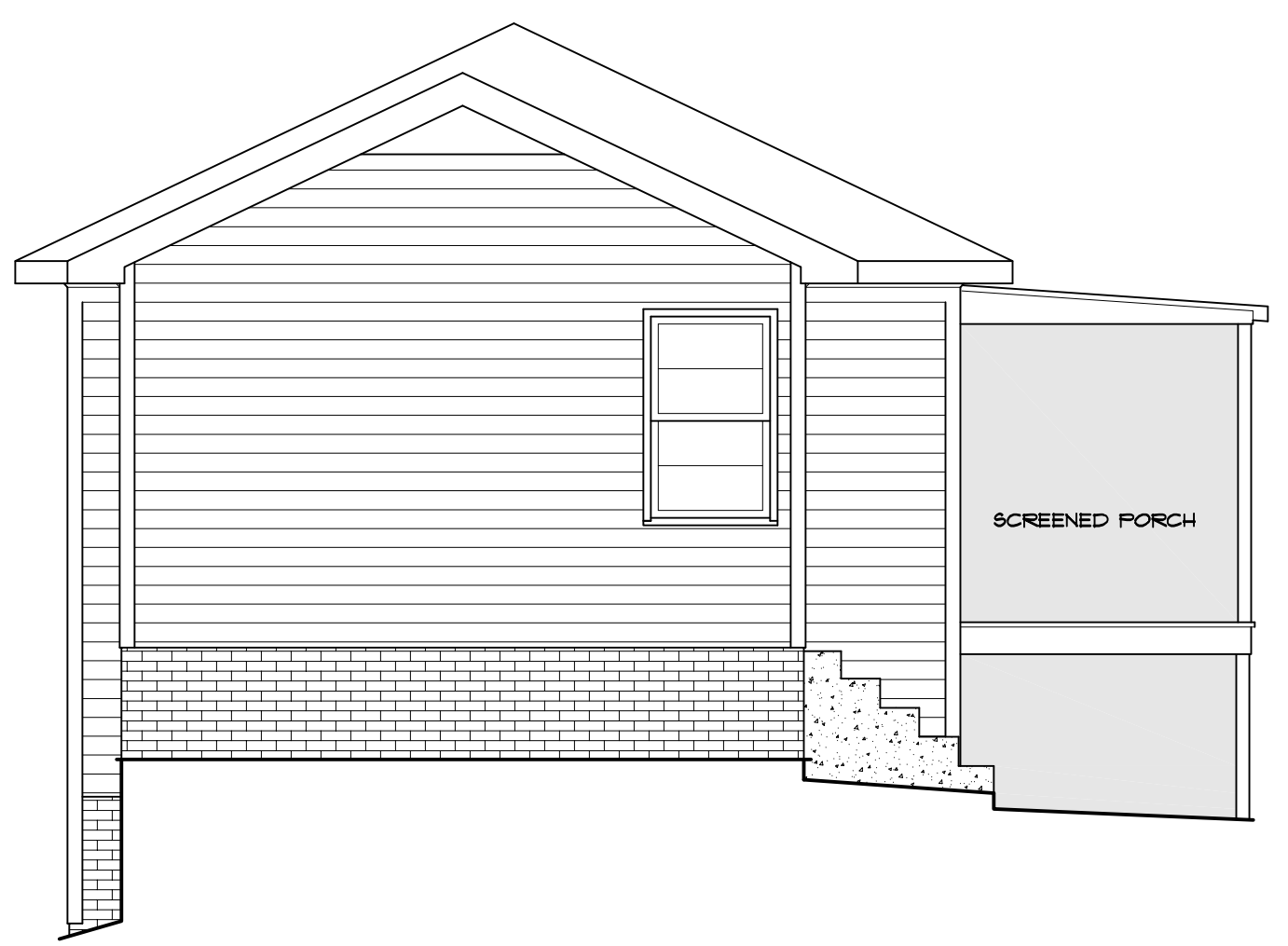
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FRONT ELEVATION
SCALE: 1/4" = 1'-0"



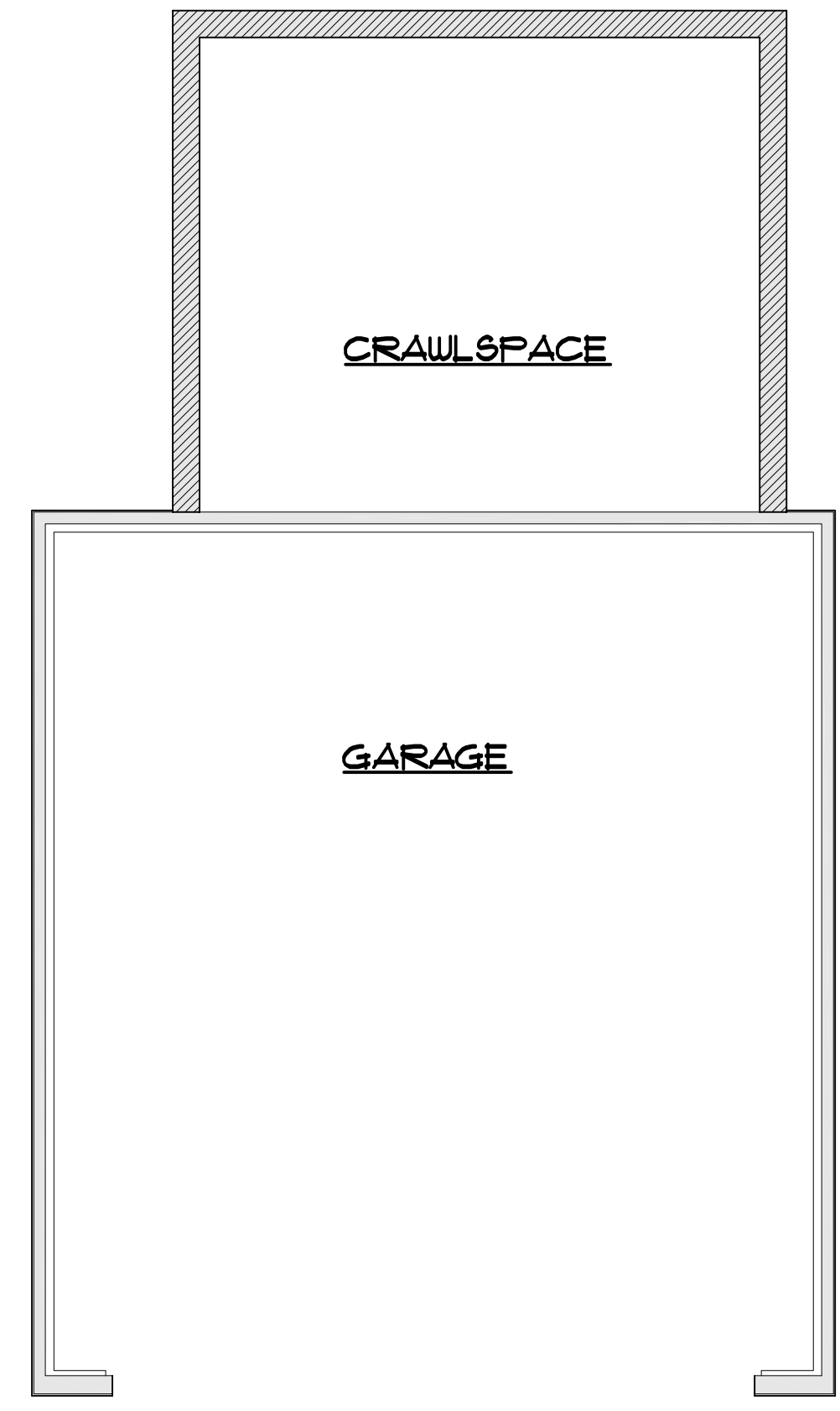
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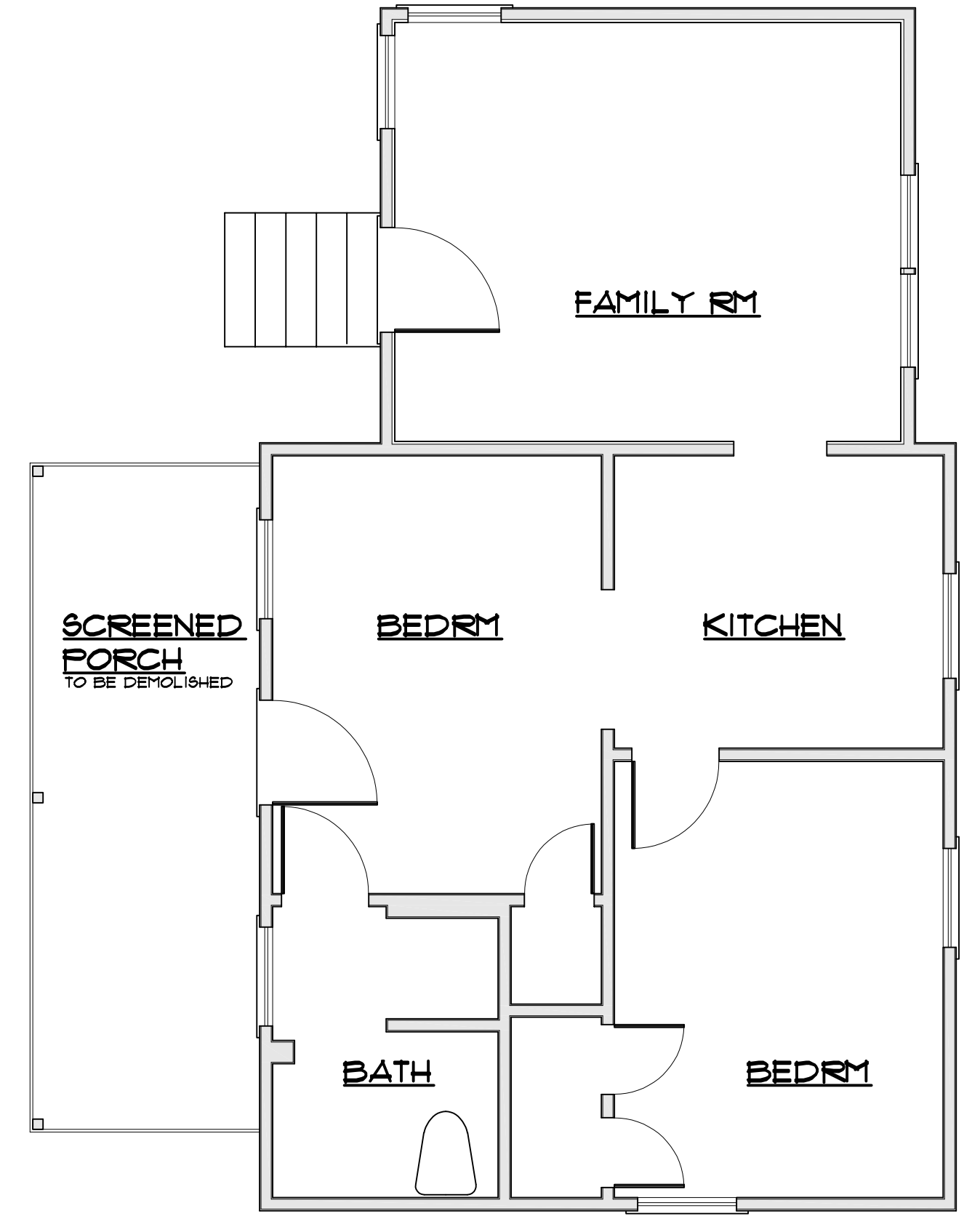
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LEFT ELEVATION
SCALE: 1/4" = 1'-0"



GARAGE PLAN
SCALE: 1/4" = 1'-0"



ADU FLOOR PLAN
SCALE: 1/4" = 1'-0"

BIRNBAUM/KLEIN RES.
1320 HARVARD ROAD
PRICE RESIDENTIAL DESIGN



BIRNBAUM/KLEIN RES.
1320 HARVARD ROAD
ATLANTA, GEORGIA
EXISTING ADU
PLANS & ELEVATIONS
SHEET A-2
MARCH 26, 2025

Decision of the DeKalb County Historic Preservation Commission

Name of Applicant: Dave Price

Address of Property: 1320 Harvard Road

Date(s) of hearing if any: April 21, 2025

Case Number: 1247501

☒ **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:

Rehabilitate an accessory structure on the rear of a historic property. To rehabilitate the structure, this includes the following work:

1. Replace roof. The asphalt shingle roof will be re-shingled with new asphalt shingles.
2. Replace siding. The current wood siding will be replaced with new Hardi plank siding and trim.
3. Replace doors. The current 16' wide overhead garage door will be replaced with a 16' 7" garage door. A new steel, 6 panel door will be installed on the lower level of the right elevation as a new side entry.
4. Replace windows. All of the current windows will be replaced with wood, fiberglass, paintable composite, or aluminum clad windows. All windows will be either double hung or fixed windows with simulated divided lites in a three-over-four pane lite pattern. The single window on the front elevation of the garage will be removed and replaced with a set of two double-hung windows on either side of front façade. The single window on the rear elevation will also be removed and replaced with a set of two double-hung windows on either side of the rear façade. The door

currently leading onto the enclosed porch will be removed and replaced with a double hung window.

5. Remove and rebuild enclosed porch. The current 124 square foot screened porch and concrete stairs on the left elevation of the garage will be removed. A new, 217 square foot wood porch will be constructed in the same location with an asphalt shingle roof, wood railing, and a set of wood stairs leading to the front of the structure. 90 square feet of the porch will be unscreened and the remaining 127 square feet will be screened.

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: 4/23/25

Signature: _____

Vice Chair, DeKalb County
Historic Preservation Commission

Dekalb County Historic Preservation Commission

330 Ponce De Leon Avenue, Suite 300

Decatur, GA 30030

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

Lorraine Cochran-Johnson
Chief Executive Officer

CERTIFICATE OF APPROPRIATENESS

April 24, 2025

Site Address: 1320 Harvard Road
Atlanta GA, 30306

Parcel ID: 18 054 12 015

Application Date: March 26, 2025

Applicant: David Price

Mailing Address: 1595 Nottingham Way
Atlanta, GA 30309

THIS IS TO ADVISE YOU THAT THE DEKALB COUNTY HISTORIC PRESERVATION COMMISSION, AT ITS REGULARLY SCHEDULED PUBLIC MEETING ON April 21, 2025, REACHED THE FOLLOWING DECISION ON THIS APPLICATION:

ACTION: Approval

Rehabilitate an accessory structure on the rear of a historic property. To rehabilitate the structure, this includes the following work:

1. Replace roof. The asphalt shingle roof will be re-shingled with new asphalt shingles.
2. Replace siding. The current wood siding will be replaced with new Hardi plank siding and trim.
3. Replace doors. The current 16' wide overhead garage door will be replaced with a 16' 7" garage door. A new steel, 6 panel door will be installed on the lower level of the right elevation as a new side entry.
4. Replace windows. All of the current windows will be replaced with wood, fiberglass, paintable composite, or aluminum clad windows. All windows will be either double hung or fixed windows with simulated divided lites in a three-over-four pane lite pattern. The single window on the front elevation of the garage will be removed and replaced with a set of two double-hung windows on either side of front façade. The single window on the rear elevation will also be removed and replaced with a set of two double-hung windows on either side of the rear façade. The door currently leading onto the enclosed porch will be removed and replaced with a double hung window.
5. Remove and rebuild enclosed porch. The current 124 square foot screened porch and concrete stairs on the left elevation of the garage will be removed. A new, 217 square foot wood porch will be constructed in the same location with an asphalt shingle roof, wood railing, and a set of wood stairs leading to the front of the structure. 90 square feet of the porch will be unscreened and the remaining 127 square feet will be screened.