

DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability 178 Sams Street, Decatur, GA 30030

Wednesday June 11, 2025



Cedric Hudson

Interim Director

Chief Executive Officer

Lorraine Cochran-Johnson

Planning Department Staff Analysis

N2. Case No: A-25-1247502 Parcel ID(s): 18 054 12 015

Commission District 02 Super District 06

Applicant:

Dave Price

1320 Harvard Road Atlanta, GA 30306

Owner:

Dave Price

1320 Harvard Road Atlanta, GA 30306

Project Name:

1320 Harvard – Accessory structure renovation

Location:

1320 Harvard Road, Atlanta, GA 30306

Requests: Application by Dave Price to request variance from Section 27-4.2.2 and 5.1.10 of the DeKalb County Zoning Ordinance to reduce side yard setback from 7.5 feet to 2.1 feet, and to increase lot coverage from the existing 43.25 to the

proposed 43.85% to facilitate renovation of an existing accessory structure in the R-75 (Residential Medium Lot-75)

zoning district and Druid Hills Historic District.-

Staff Recommendation: Denial

STAFF FINDINGS:

The applicant requests variances from Section 27-4.2.2 of the DeKalb County Zoning Ordinance to reduce the side yard setback from 7.5 feet to 2.1 feet, reduce the rear setback from 40 feet to 21.5 feet, and increase lot coverage from the 35% maximum to 43.8%, slightly above the existing 43.25%.

The subject property is located at 1320 Harvard Road within the R-75 zoning district and the Druid Hills Historic District. The proposed variances are associated with the renovation of a deteriorating accessory structure, including reconstruction of an aging garage with an accessory dwelling unit (ADU) and replacement of a failing porch.

1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), 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, as distinguished from a special privilege or convenience sought by the property owner.

The subject property presents multiple physical challenges that were not created by the current owner. The lot is irregularly shaped, wedged along a road curve, and features an elevation drop of approximately 30 feet from front to rear. These factors complicate site planning and make compliance with modern setback standards difficult without removal or redesign of existing structures. The accessory structure itself is nearly a century old and was constructed under a different regulatory context.

According to submitted reports, the structure has suffered major deterioration including termite damage, foundational settling, and inadequate lateral bracing. These issues were verified by a structural engineer, and the existing conditions limit safe use of the space without substantial intervention. There are exceptional physical conditions of the property that impact development.

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 request includes a small footprint increase—a 4.5-foot extension to rebuild and cover entryways with a new porch. While this could be viewed as a modest expansion, it may be beyond the strict minimum needed to stabilize the structure. Much of the renovation, including structural repair and lateral reinforcement, could occur within the current footprint, and the porch enlargement appears to reflect a design preference more than a technical necessity.

Nearby historic accessory structures are similarly close to property lines, and that contextual compatibility supports some flexibility. However, the choice to add to the footprint raises questions about whether the request fully respects the minimum necessary criteria.

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 proposed renovation is likely to improve the safety, structural integrity, and overall aesthetics of the property, which supports both the historic district's goals and neighborhood stability. The accessory structure is not being expanded in a way that intrudes into new areas of the lot; rather, it replaces deteriorating components and restores historic character. The improvements include foundation repair, addition of a new retaining wall, and other life-safety reinforcements that will benefit both the property and its surroundings.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:

Strict application of the zoning ordinance would prevent reconstruction that increases lot coverage or modifies nonconforming setbacks, even where such work addresses structural deficiencies. This may pose a hardship when rehabilitating aging structures, particularly those serving as primary access points. Many of the repairs could likely occur within the existing footprint, maintaining safety and usability without requiring variances. In this case, the need for relief appears to reflect design preference rather than a condition inherent to the site.

5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:

The DeKalb County comprehensive plan encourages sensitive rehabilitation of nonconforming structures in historic areas, especially when those efforts promote safety and long-term viability. The proposed renovation aligns with these principles by addressing visible disrepair and improving code compliance.

FINAL STAFF ANALYSIS:

Staff recommends denial of the current request. While the intent to restore and preserve the historic accessory structure is understood, the proposed expansion exceeds what may be considered the minimum necessary for relief and raises concerns within the context of a tightly regulated historic district. A revised proposal limited to repairs within the existing footprint would likely be more consistent with applicable zoning standards and preservation objectives.

Staff Recommendation: Denial



DeKalb County Department of Planning & Sustainability

178 Sams Street Decatur, GA 30030 Phone: (404) 371-2155 dekalbcountyga.gov/planning



Lorraine Cochran-Johnson Chief Executive Officer

Cedric Hudson Interim Director

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
ADDRESS/LOCATION OF SUBJECT PROPERTY
Address: 1320 Harvard Road City: Atlanta State: GA Zip: 30306
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.)

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



DEPARTMENT OF PLANNING & SUSTAINABILITY

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

SIGNATURE:



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 ZoningBoard of Appeals for the requests as shown in this application.

ZoningBoard of Appeals for the requests as shown in this application.

3.25.25

DATE: 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.

Notary Public

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,

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.

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Project: #-18063 – 1320 Harvard Road

2/16/2018

- 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.

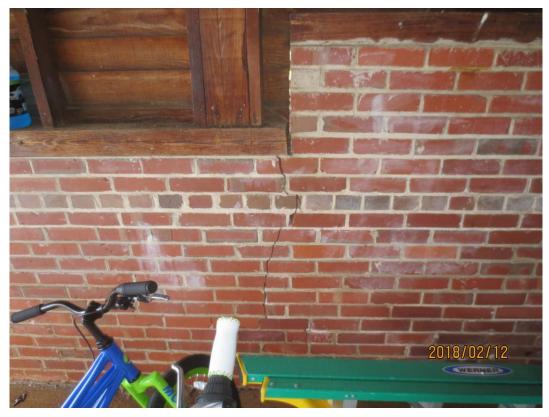
Sincerely, Stability Engineering, Inc.

Bob Evylund

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

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Addition side wall to be replaced

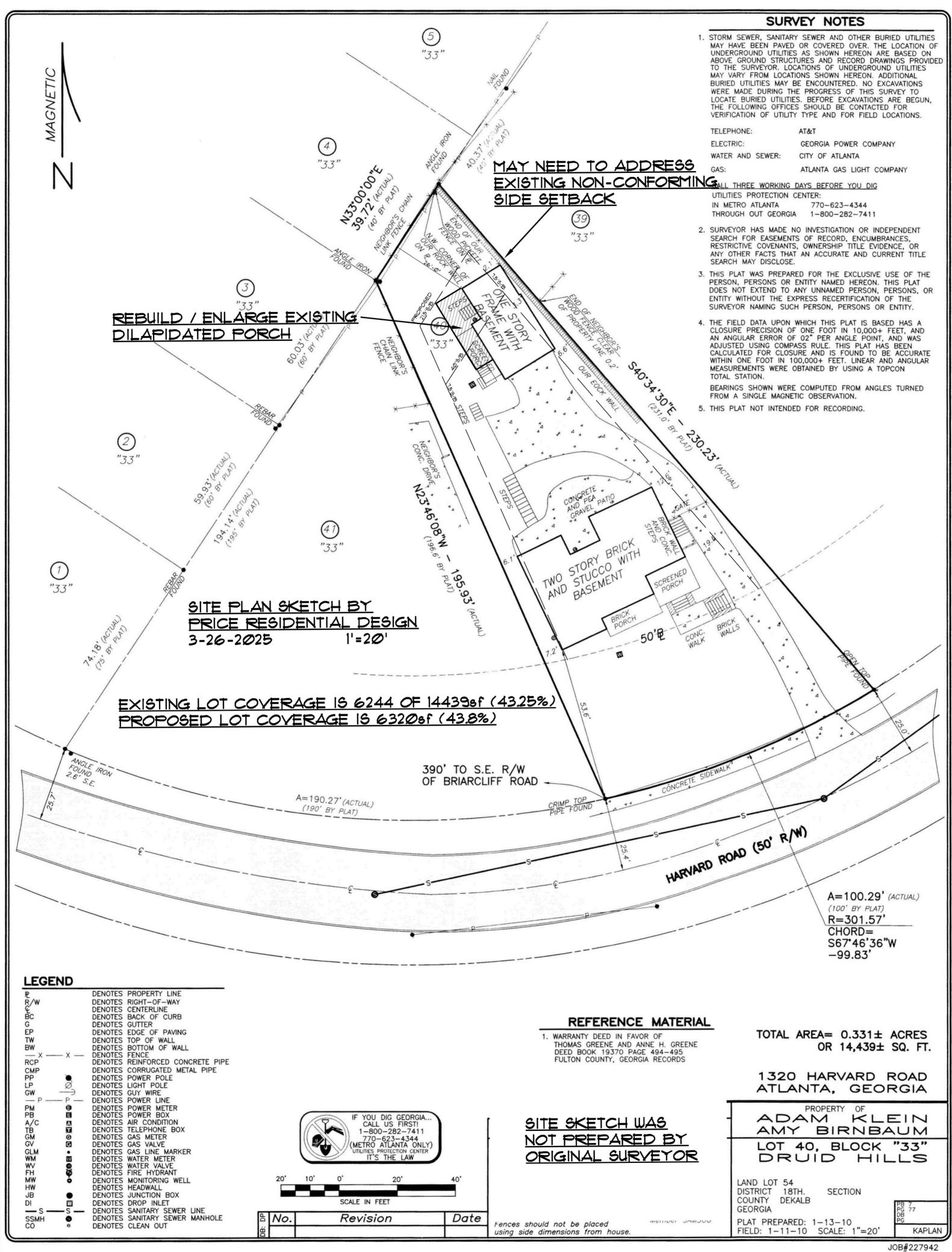


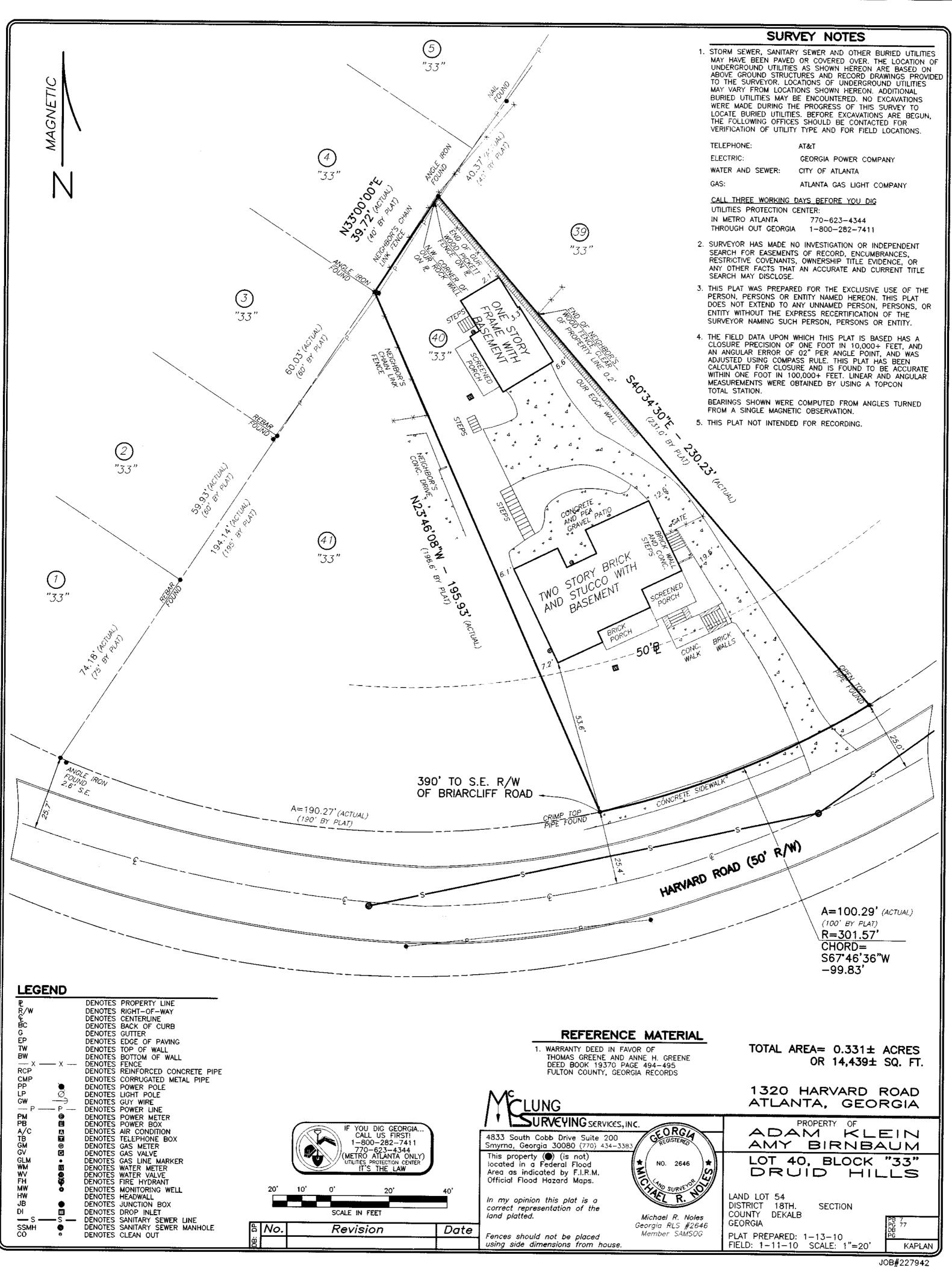
Damaged wall framing to be replaced

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Side porch to be re-built







BIRNBAUM/KLEIN RES.
1320 HARVARD ROAD
ATLANTA, GEORGIA
PROPOSED ADU
PLANS & ELEVATIONS

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MARCH 26, 2025



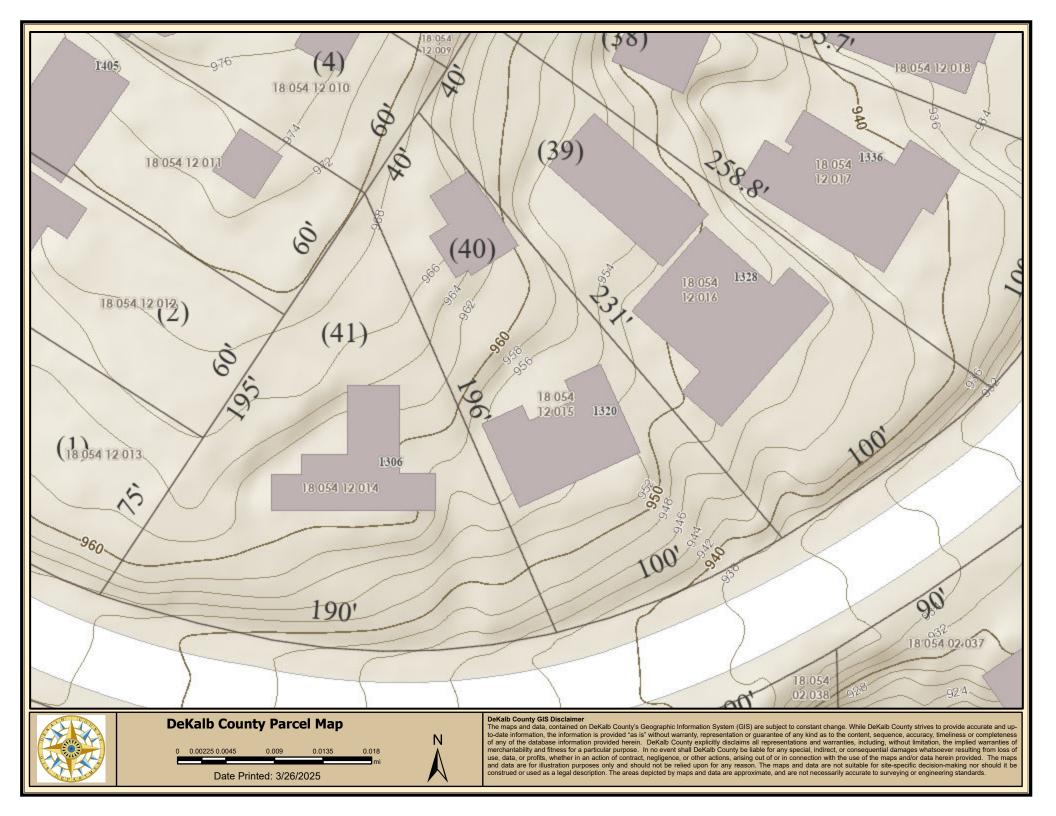


BIRNBAUM/KLEIN RES. 1320 HARVARD ROAD ATLANTA, GEORGIA

EXISTING ADU PLANS & ELEVATIONS

SHEET A-2

MARCH 26, 2025



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.

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 ☐ De	ferred	
behalf of the applicant and all other matter the proposed change(s) will not have a s	mission, having considered the submissions made on s presented to the Preservation Commission finds that ubstantial adverse effect on the aesthetic, historic, or historic district and hereby approves the issuance of a	
Any conditions or modifications are shown	below.	
considered the historical and architectur height; setback; landscaping; general architectural features involved and the rel architectural style; pertinent features of	ty, § 13.5-8(3), the Preservation Commission has al value and significance; architectural style; scale; design; arrangement; texture and materials of the ationship of such texture and materials to the exterior other properties in the immediate neighborhood, as pecifically by the district design guidelines.	
Preservation Commission by Code of Dek has also used the Secretary of the Interio with Guideline for Preserving, Rehabilitat	g building, pursuant to the authority granted to the alb County, § 13.5-8(3), the Preservation Commission r's Standards for the Treatment of Historic Properties ing, Restoring and Reconstructing Historic Buildings ommission finds that all relevant guidelines have been	
Additional pertinent factors:	,	
Rehabilitate an accessory structure on the real includes the following work:	of a historic property. To rehabilitate the structure, this	
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Application is approved with conditions or modifications \square /without conditions or modifications \boxtimes
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 \square / or, the applicant has not provided sufficient information for the Preservation Commission to approve the application \square . 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: 124 M. R. R. C. C.

Vice Chair, DeKalb County
Historic Preservation Commission