

Application to Appeal a Decision of the DeKalb County Historic Preservation Commission

APR 27 2017

All appeals must comply with the procedures set forth herein.

DR

Application to appeal a decision of the Historic Preservation Commission on application for a certificate of appropriateness must be filed within fifteen (15) calendar days after the issuance or denial of the certificate of appropriateness.

To be completed by County:

Date Received:

To be completed by appellant:

Name: BARBARA MILLER GOLDMAN

Address of appellant:

735 BRIARPARK COURT NE, ATL GA 30306

Address of Property:

OLD BRIARCLIFF ROAD

The Manuel Mabul Government Center 1300 Commerce Drive Decatur, Georgia 30030 voice 404.371
www.co.dekalb.ga.us/planning

This appeal is a review of the record of the proceedings before the preservation commission by the governing authority of DeKalb County, Georgia. The governing authority is looking for an abuse of discretion as revealed by the record. An abuse of discretion exists where the record presented to the governing authority shows that the preservation commission: (a) exceeded the limits of its authority; (b) that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) or the guidelines adopted by the preservation commission pursuant to section 13.5-6 or; (c) that the preservation commission's decision was otherwise arbitrary and capricious.

If the governing authority finds no abuse of discretion, then it may affirm the decision of the preservation commission. If the governing authority finds that the preservation commission abused its discretion in reaching a decision, then it may; (a) reverse the preservation commission's decision, or; (b) it may reverse the preservation commission's decision and remand the application to the preservation commission with direction.

Date(s) of hearing, if any:

Date of Historic Preservation Commission decision: 4-17-17

In the space provided below the Appellant must describe how the preservation commission's decision constitutes an abuse of discretion. Specifically, the appellant must, citing to the preservation commission's written decision, show at least one of the following: that the preservation commission exceeded the limits of its authority, or that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) of the DeKalb County Code or on the guidelines adopted by the preservation commission pursuant to section 13.5-6 of said code or that the preservation commission's decision was otherwise arbitrary and capricious.

Grounds for appeal:

I believe the role of the Historic Planning Commission is to maintain the appearance of a property in a historic neighborhood. I question their ability to determine the layout of a three building development on 2.2 acres in an old growth forest along a 2 lane road that is becoming more impassable each day. At the first of the three meetings, the developer's drawing showed the buildings set back with a veil of trees in front. At the final meeting we learned that the buildings would be close to the road with a corner of the building approximately 100 feet from my house. This was not addressed by the Commission. It is too close.

The appellant may submit a written supplementary explanation in support of the appeal. The supplementary explanation shall be submitted with the appeal. The supplementary explanation may not exceed three pages and must be typewritten and double-spaced using a twelve-point font with a one-inch margin on all four sides. The governing authority will not consider text in excess of the page limit set forth herein.

Date: 4-26-17 Signature: Barbara M. Goldman

Instructions: The appellant shall also deliver copies of this appeal to the planning department and the county attorney. The appellant and any person who has filed a statement in opposition to, or in support of the appeal may attend the meeting at which the appeal is considered and may be called upon by any member of the governing authority to provide information or answer questions. There shall be no other public participation in the appeal.

Application to Appeal a Decision of the DeKalb County Historic Preservation Commission

All appeals must comply with the procedures set forth herein.

Application to appeal a decision of the Historic Preservation Commission on application for a certificate of appropriateness must be filed within fifteen (15) calendar days after the issuance or denial of the certificate of appropriateness.

To be completed by County:
Date Received:

To be completed by appellant:
Name: Carol S. Tarver
Address of appellant:

791 Briar Park Court NE Atlanta GA 30306

Address of Property: Parcel along Old Briarcliff Road to be subdivided as proposed from the parent property at 1551 Briarcliff Rd., Atlanta, GA 30306

This appeal is a review of the record of the proceedings before the preservation commission by the governing authority of DeKalb County, Georgia. The governing authority is looking for an abuse of discretion as revealed by the record. An abuse of discretion exists where the record presented to the governing authority shows that the preservation commission: (a) exceeded the limits of its authority; (b) that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) or the guidelines adopted by the preservation commission pursuant to section 13.5-6 or; (c) that the preservation commission's decision was otherwise arbitrary and capricious.

If the governing authority finds no abuse of discretion, then it may affirm the decision of the preservation commission. If the governing authority finds that the preservation commission abused its discretion in reaching a decision, then it may; (a) reverse the preservation commission's decision, or; (b) it may reverse the preservation commission's decision and remand the application to the preservation commission with direction.

Date(s) of hearing, if any: April 17, 2017

Date of Historic Preservation Commission decision: April 17, 2017

In the space provided below the Appellant must describe how the preservation commission's decision constitutes an abuse of discretion. Specifically, the appellant must, citing to the preservation commission's written decision, show at least one of the following: that the preservation commission exceeded the limits of its authority, or that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) of the DeKalb County Code or on the guidelines adopted by the preservation commission pursuant to section 13.5-6 of said code or that the preservation commission's decision was otherwise arbitrary and capricious.

Grounds for appeal: The preservation commission's decision was arbitrary and capricious and demonstrated an abuse of its discretion as described in the accompanying supplemental explanation.

The appellant may submit a written supplementary explanation in support of the appeal. The supplementary explanation shall be submitted with the appeal. The supplementary explanation may not exceed three pages and must be typewritten and double-spaced using a twelve-point font with a one-inch margin on all four sides. The governing authority will not consider text in excess of the page limit set forth herein.

Date: April 29, 2017 **Signature:** 

Instructions: The appellant shall also deliver copies of this appeal to the planning department and the county attorney. The appellant and any person who has filed a statement in opposition to, or in support of the appeal may attend the meeting at which the appeal is considered and may be called upon by any member of the governing authority to provide information or answer questions. There shall be no other public participation in the appeal.

My name is Carol S. Tarver and I live at 791 Briar Park Court NE Atlanta, GA 30306. As allowed under DeKalb County Code section 13.5-8(12d), I am providing the following supplementary explanation to my appeal. This explanation is provided as evidence of how I am adversely affected by the resolution adopted by the DeKalb County Historic Preservation Commission at its April 17, 2017 hearing to approve the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC (“Minerva USA”). The proposed development aims to divide the parent property at 1551 Briarcliff Road (Druid Hills) into two parcels and develop one of those parcels by constructing two multifamily buildings.

I contend that the preservation commission’s decision was arbitrary and capricious and demonstrated an abuse of its discretion by not adequately considering the historical value and significance of the parcel proposed to be subdivided from the parent property as described in section 13.5-8(3).

I believe this decision to be not in keeping with its principle mandate to protect and preserve the entire historic area that this project affects, in particular, my subdivision, Old Briar Park Court. Our homes are in the process of a historic district designation, as we are a well-preserved collection of mid-century modern residential architecture and site planning. The homes in the district represent notable regional examples of an expression of modern design philosophy attributable to the Bauhaus Art School, founded by Walter Gropius in the Weimar Republic of Germany in 1919. This minimalist approach which features clean lines with bold, simple coloration is reflected in many of

the district's homes, particularly those designed by architect Andre Steiner who studied at the Bauhaus School in 1932. The Bauhaus had a major impact on art and architecture trends in the United States in the decades following its demise during World War II, as many of its artists and designers, including Steiner, fled to the U.S. to escape the Nazi regime. For Atlanta, Mr. Steiner's work in the district, including his personal residence which he occupied for forty years, are important preserved examples of this international design phenomenon. In fact, Mr. Steiner is credited with bringing the Bauhaus Modern style to Atlanta per a 2010 article in the Times of DeKalb entitled, "The Ranch House in DeKalb County". The other homes in the neighborhood are also well-worth of the deliberate protection of historic preservation. Their designs represent interesting and well-preserved variations of mid-century ranch home design that, while not as purely representative of the Bauhaus design philosophy as the Steiner homes, contribute to a harmonious modern aesthetic rarely found so intact in other neighborhoods in the region.

Our neighborhood is now vulnerable to the completion of this project. The incompatible, over bearing, inappropriate development both within and adjacent to its boundaries, is in complete opposition to our homes and its existence diminishes the historic character of Briar Park Court. Please reconsider this decision and do what is right to preserve and protect the pre-existing historic homes.

Application to Appeal a Decision of the DeKalb County Historic Preservation Commission

All appeals must comply with the procedures set forth herein.

Application to appeal a decision of the Historic Preservation Commission on application for a certificate of appropriateness must be filed within fifteen (15) calendar days after the issuance or denial of the certificate of appropriateness.

To be completed by County:

Date Received:

To be completed by appellant:

Name: Frederic and Judy Shaw

Address of appellant:

765 Briar Park CT NE, Atlanta, GA 30306

Address of Property: Parcel along Old Briarcliff Road to be subdivided as proposed from the parent property at 1551 Briarcliff Rd., Atlanta, GA 30306

This appeal is a review of the record of the proceedings before the preservation commission by the governing authority of DeKalb County, Georgia. The governing authority is looking for an abuse of discretion as revealed by the record. An abuse of discretion exists where the record presented to the governing authority shows that the preservation commission: (a) exceeded the limits of its authority; (b) that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) or the guidelines adopted by the preservation commission pursuant to section 13.5-6 or; (c) that the preservation commission's decision was otherwise arbitrary and capricious.

If the governing authority finds no abuse of discretion, then it may affirm the decision of the preservation commission. If the governing authority finds that the preservation commission abused its discretion in reaching a decision, then it may; (a) reverse the preservation commission's decision, or; (b) it may reverse the preservation commission's decision and remand the application to the preservation commission with direction.

Date(s) of hearing, if any: April 17, 2017

Date of Historic Preservation Commission decision: April 17, 2017

In the space provided below the Appellant must describe how the preservation commission's decision constitutes an abuse of discretion. Specifically, the appellant must, citing to the preservation commission's written decision, show at least one of the following: that the preservation commission exceeded the limits of its authority, or that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) of the DeKalb County Code or on the guidelines adopted by the preservation commission pursuant to section 13.5-6 of said code or that the preservation commission's decision was otherwise arbitrary and capricious.

Grounds for appeal: The preservation commission's decision was arbitrary and capricious and demonstrated an abuse of its discretion as described in the accompanying supplemental explanation.

The appellant may submit a written supplementary explanation in support of the appeal. The supplementary explanation shall be submitted with the appeal. The supplementary explanation may not exceed three pages and must be typewritten and double-spaced using a twelve-point font with a one-inch margin on all four sides. The governing authority will not consider text in excess of the page limit set forth herein.

Date: 4/30/17 **Signature:** *Frederic Shaw*
Judy K Shaw

Instructions: The appellant shall also deliver copies of this appeal to the planning department and the county attorney. The appellant and any person who has filed a statement in opposition to, or in support of the appeal may attend the meeting at which the appeal is considered and may be called upon by any member of the governing authority to provide information or answer questions. There shall be no other public participation in the appeal.

Our name is Frederic and Judy Shaw and we live at 765 Briar Park Court NE, Atlanta. As allowed under DeKalb County Code section 13.5-8(12d), we are providing the following supplementary explanation to our appeal. This explanation is provided as evidence of how we are adversely affected by the resolution adopted by the DeKalb County Historic Preservation Commission at its April 17, 2017 hearing to approve the Certificate of Appropriateness (COA) application 21354 filed by Residential Recovery Fund, LLC (“Minerva USA”). The proposed development aims to divide the parent property at 1551 Briarcliff Road (Druid Hills) into two parcels and develop one of those parcels by constructing two multifamily buildings.

Our reading of the Design Manual indicates that the preservation commission’s decision was arbitrary and capricious and demonstrated an abuse of its discretion by 1) interpreting Sections 8.1 (“Open Space Linkages”) of the Design Manual too narrowly, and 2) failing to inquire into the possibility of destroying “unknown archaeological materials” at the site, guided by Section 10.0.

Section 8.1 of the Manual states that “... the green spaces [of Druid Hills] are connected by the stream corridors that extend through them. It is imperative that the large scale, historic, public and private open spaces be preserved to provide a rich habitat for plants and wildlife and also to protect the stream corridors... (emphasis added) (p. 77)” The drafters were careful to specify not just the green spaces themselves for protection, but also “the stream corridors [i.e., ‘linkages’] that extend through them.”

We heard expert testimony presented at the Commission indicating that rainwater drains through a steep ravine inside the proposed Minerva building site a short distance north into Peavine Creek. This testimony indicated that the Minerva development could have an adverse environmental effect on drainage through the property into Peavine Creek. As we read the Manual, this violates the Guideline in Section 8.1 that requires, “the conservation of major open spaces and the linear system of parks and green spaces that buffer the stream corridors (p. 77).” We respectfully ask that the COA be remanded to the Commission in accordance with this conservation guideline.

In December, we heard from a knowledgeable neighbor that the building site may contain military embankments and trenching dating back to the Battle of Atlanta in 1864. This is supported by a historical marker on the site (“4th A.C. at Durand’s Mill”). The guideline in Section 10.0 of the Manual states that, “When planning new construction, ... minimize disturbance of terrain to reduce the possibility of destroying unknown archaeological materials (emphasis added).” In addition, it recommends that developers “Hire qualified professionals to survey areas where major terrain alteration is planned to identify potential archaeological resources.” To our knowledge, the Commission did not take into account “unknown” or “potential” archaeological materials. We respectfully ask that the COA be remanded to the Commission so that this can be done.

Application to Appeal a Decision of the DeKalb County Historic Preservation Commission

All appeals must comply with the procedures set forth herein.

Application to appeal a decision of the Historic Preservation Commission on application for a certificate of appropriateness must be filed within fifteen (15) calendar days after the issuance or denial of the certificate of appropriateness.

To be completed by County:
Date Received:

To be completed by appellant:
Name: _____ Jean Krugman

Address of appellant: 741 Briarpark Court NE Atlanta GA 30306

Address of Property: Parcel along Old Briarcliff Road to be subdivided as proposed from the parent property at 1551 Briarcliff Rd., Atlanta, GA 30306

This appeal is a review of the record of the proceedings before the preservation commission by the governing authority of DeKalb County, Georgia. The governing authority is looking for an abuse of discretion as revealed by the record. An abuse of discretion exists where the record presented to the governing authority shows that the preservation commission: (a) exceeded the limits of its authority; (b) that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) or the guidelines adopted by the preservation commission pursuant to section 13.5-6 or; (c) that the preservation commission's decision was otherwise arbitrary and capricious.

If the governing authority finds no abuse of discretion, then it may affirm the decision of the preservation commission. If the governing authority finds that the preservation commission abused its discretion in reaching a decision, then it may; (a) reverse the preservation commission's decision, or; (b) it may reverse the preservation commission's decision and remand the application to the preservation commission with direction.

Date(s) of hearing, if any: April 17, 2017

Date of Historic Preservation Commission decision: April 17, 2017

In the space provided below the Appellant must describe how the preservation commission's decision constitutes an abuse of discretion. Specifically, the appellant must, citing to the preservation commission's written decision, show at least one of the following: that the preservation commission exceeded the limits of its authority, or that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) of the DeKalb County Code or on the guidelines adopted by the preservation commission pursuant to section 13.5-6 of said code or that the preservation commission's decision was otherwise arbitrary and capricious.

Grounds for appeal: The preservation commission's decision was arbitrary and capricious and demonstrated an abuse of its discretion as described in the accompanying supplemental explanation.

The Commission took an unnecessarily restricted view of its mandate, which is to preserve _____ **" a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the county, state or nation;**

Residents__of the adjoining neighborhood presented arguments maintaining that the natural urban forest is part of the continuing value of green space in the heritage of this county

The mission statement of the DHCA includes these words: "**preserve the beauty, serenity, and unique heritage of the Druid Hills neighborhood.**" Allowing the destruction of 400 trees to construct a multi-family dwelling in an area already famous for its traffic congestion does not further this mission.

Although the Commission argued that the plot in question is not strictly within the Olmstead design district, it is part of the Druid Hills Historic District, whose guiding principles are inspired by those of Olmstead and should not be dismissed in this case

**"Open Space and Parkland Preservation and Conservation
Open Space Linkages -**

The open spaces, preserved in Olmsted's original concepts for Druid Hills, remain as major open spaces today. These green spaces are connected by the stream corridors that extend through them. It is imperative that the large scale, historic, public and private open spaces be pre- served to provide a rich habitat for plants and wildlife and also to protect the stream corridors. The park-like character created by these large open spaces is reinforced by the unbroken landscapes of the residential settings."

The fact that the Commission ignored the significance of the preservation of the natural environment in maintaining the overall aesthetic of our beautiful neighborhood, and approved the development with only a stipulation to reduce the size of the entrance sign on Old Briarcliff Road can only be described as capricious.

The appellant may submit a written supplementary explanation in support of the appeal. The supplementary explanation shall be submitted with the appeal. The supplementary explanation may not exceed three pages and must be typewritten and double-spaced using a twelve-point font with a one-inch margin on all four sides. The governing authority will not consider text in excess of the page limit set forth herein.

Date: _April 28 2017_____ **Signature:** Jean Krugman

Instructions: The appellant shall also deliver copies of this appeal to the planning department and the county attorney. The appellant and any person who has filed a statement in opposition to, or in support of the appeal may attend the meeting at which the appeal is considered and may be called upon by any member of the governing authority to provide information or answer questions. There shall be no other public participation in the appeal.

My name is Jean Krugman and I live at 741 Briarpark Court, Atlanta GA 30306. As allowed under DeKalb County Code section 13.5-8(12d), I am providing the following supplementary explanation to my appeal. This explanation is provided as evidence of how I am adversely affected by the resolution adopted by the DeKalb County Historic Preservation Commission at its April 17, 2017 hearing to approve the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC (“Minerva USA”). The proposed development aims to divide the parent property at 1551 Briarcliff Road (Druid Hills) into two parcels and develop one of those parcels by constructing two multifamily buildings.

I contend that the preservation commission’s decision was arbitrary and capricious and demonstrated an abuse of its discretion by not adequately considering the historical value and significance of the parcel proposed to be subdivided from the parent property as described in section 13.5-8(3).

“The Druid Hills Local Historic District is a cultural landscape within a natural setting that contains remnants of a mature hardwood forest within a system of creek corridors. The district is located in the Georgia Piedmont within the Peavine and Lullwater Creek Watershed. The district; portions of Edgewood, Kirkwood, Candler Park, Lake Claire, and Poncey Highlands; and the City of Decatur are included in this watershed. This watershed is located near the sub- continental divide, which separates the Atlantic Ocean and Gulf of Mexico drain- age areas. Illustration F: Peavine/Lullwater Creek Watershed Map shows the ex- tent of the entire watershed on a USGS base map.

This hydrological system was protected by F. L. Olmsted in his original design for Druid Hills and by the later subdivision designers as well. Roads and subdivision lots followed the natural topography, causing minimal disruption to the landscape. Long rectangular lots with houses sited toward the front of their lots fostered the preservation of drainage ways and stream corridors within rear yard spaces. Significant expanses of the natural landscape surrounding the creek corridors were preserved in the overall plan.”

Two acres of old urban forest will be destroyed by the proposed Minerva development. The Commission took a narrow view of its mandate to preserve, by focusing on codified design elements rather than the overall impact on the character of Druid Hills.

Certain elements are widely accepted as public goods, contributing to everyone’s quality of life. We understand that we live in a community and that individual legal rights, while recognized, should sometimes be examined in the light of their effect on the larger community. Obvious examples are the threat to clean air and water, public safety, and the preservation of structures and environments with historical or aesthetic value. All of these values, incorporated in the founding principles of Druid Hills, and of critical importance to the well-being of its residents, including my family, come into question when we consider this proposal.

Atlanta has long been distinct among large cities because of its trees. Druid Hills is widely recognized as outstanding in integrating architectural design with its wooded

topography. However, over the years we have lost a great deal of the tree canopy to development. Agencies such as Trees Atlanta are nationally seen as critical in maintaining this distinction, and neighborhood groups like ours work to stop the creeping erosion of the beauty of the city. The Commission was easily persuaded to dismiss the extensive report provided by Trees Atlanta which detailed the significant losses that will occur; the notion that these will be offset by 'landscaping' is ludicrous.

This proposal to destroy just two more acres of forest for the benefit of faceless investors is part of the gradual process that leads to the sterile anonymity of so many big cities. It is no argument to say that because this process has begun it should be continued. We are coming to understand that further loss of tree canopy, more impermeable surfaces, and higher density construction will eventually erode the public goods that encourage us to live and work in this area. It is critical to find the balance between growth and respect for the interdependence of the human and natural environment.

I appeal to DeKalb County to reconsider the narrow priorities involved in the definition of preservation and to adopt a more far-seeing standard in weighing the appropriateness of this destructive development.

Application to Appeal a Decision of the DeKalb County Historic Preservation Commission

All appeals must comply with the procedures set forth herein.

Application to appeal a decision of the Historic Preservation Commission on application for a certificate of appropriateness must be filed within fifteen (15) calendar days after the issuance or denial of the certificate of appropriateness.

To be completed by County:

Date Received:

To be completed by appellant:

Name Katherine M. McRitchie

Address of appellant:

1616 Briarcliff Rd. NE #6, Atlanta,

GA.30306

Address of Property: Parcel along Old Briarcliff Road to be subdivided as proposed from the parent property at 1551 Briarcliff Rd., Atlanta, GA 30306

This appeal is a review of the record of the proceedings before the preservation commission by the governing authority of DeKalb County, Georgia. The governing authority is looking for an abuse of discretion as revealed by the record. An abuse of discretion exists where the record presented to the governing authority shows that the preservation commission: (a) exceeded the limits of its authority; (b) that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) or the guidelines adopted by the preservation commission pursuant to section 13.5-6 or; (c) that the preservation commission's decision was otherwise arbitrary and capricious.

If the governing authority finds no abuse of discretion, then it may affirm the decision of the preservation commission. If the governing authority finds that the preservation commission abused its discretion in reaching a decision, then it may; (a) reverse the preservation commission's decision, or; (b) it may reverse the preservation commission's decision and remand the application to the preservation commission with direction.

Date(s) of hearing, if any: April 17, 2017

Date of Historic Preservation Commission decision: April 17, 2017

In the space provided below the Appellant must describe how the preservation commission's decision constitutes an abuse of discretion. Specifically, the appellant must, citing to the preservation commission's written decision, show at least one of the following: that the preservation commission exceeded the limits of its authority, or that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) of the DeKalb County Code or on the guidelines adopted by the preservation commission pursuant to section

13.5-6 of said code or that the preservation commission's decision was otherwise arbitrary and capricious.

Grounds for appeal: The preservation commission's decision was arbitrary and capricious and demonstrated an abuse of its discretion as described in the accompanying supplemental explanation.

The appellant may submit a written supplementary explanation in support of the appeal. The supplementary explanation shall be submitted with the appeal. The supplementary explanation may not exceed three pages and must be typewritten and double-spaced using a twelve-point font with a one-inch margin on all four sides. The governing authority will not consider text in excess of the page limit set forth herein.

Date: 04-28-17 _____

Signature Katherine M. McRitchie

Instructions: The appellant shall also deliver copies of this appeal to the planning department and the county attorney. The appellant and any person who has filed a statement in opposition to, or in support of the appeal may attend the meeting at which the appeal is considered and may be called upon by any member of the governing authority to provide information or answer questions. There shall be no other public participation in the appeal.

My name is Kathy McRitchie and I live at 1616 Briarcliff Rd. NE, #6, Atlanta, GA 30306. As allowed under DeKalb County Code section 13.5-8(12d), I am providing the following supplementary explanation to my appeal. This explanation is provided as evidence of how I am adversely affected by the resolution adopted by the DeKalb County Historic Preservation Commission at its April 17, 2017 hearing to approve the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC (“Minerva USA”). The proposed development aims to divide the parent property at 1551 Briarcliff Road (Druid Hills) into two parcels and develop one of those parcels by constructing two multifamily buildings.

I contend that the preservation commission’s decision was arbitrary and capricious and demonstrated an abuse of its discretion by not adequately considering the historical value and significance of the parcel proposed to be subdivided from the parent property as described in section 13.5-8(3).

My neighbors and I will be adversely affected by this development because it will introduce extremely hazardous traffic conditions onto Old Briarcliff Rd. The blind curve and descent from the north off Briarcliff Rd. hinders the quick deceleration that would be required to either turn safely into the development or avoid impact with those attempting to turn into or out of it. Old Briarcliff is already heavily used as a shortcut between Briarcliff Rd., the CDC, Emory University and its medical center. Per DeKalb County, the road does not qualify for traffic calming measures since it is a route routinely used by emergency vehicles. State DOT data confirm that accidents at its intersection with

Briarcliff are already routine (there have been 6 accidents on the road in the past year and one of those resulted in 2 injuries). I believe that allowing this development to create new or exacerbate existing dangerous road conditions is inconsistent with the thoughtful site and road planning of inherent to the Olmsted design legacy.

This parcel is a key also part of a very unique and rare contiguous urban forest and important watershed. Trees Atlanta issued a letter in support of the community's opposition to this development and they have concluded that, "deforestation around Fox 5's tower would incur significant loss to the surrounding neighborhood in terms of carbon sequestration, wildlife habitat, air quality and general public health". They further state that, "the steep grade of the land renders it unsuitable for responsible development and would be tremendously destructive to the woodland and watershed". I believe that loss of such a prominent portion of this rare urban forest is inconsistent with the historic district's goal to protect the historic landscape design through preservation and rehabilitation of the natural elements, namely the urban forest and Peavine/Lullwater Creek system, on which it was based.

This proposed development will also significantly alter a historic landscape and disrupt the harmony between the built and natural environments of the adjacent Briarpark Court neighborhood; a neighborhood nominated last year as a DeKalb County Historic District, a nomination recently approved by the Historic Preservation Division of the Georgia Department of Natural Resources and now very slowly working its way through the county's review process.

I ask the Commissioners to consider that by including this undeveloped tract of forest, the vision of the historic district was clear: conservation, not development. This decision should not be borne of a debate about the building massing, style, materials, color and placement on this lot. The debate should be whether to allow the destruction of this rare and important forest that will be lost forever if the approval of this application is allowed to stand. This isn't just about the views from my windows, my property value or my love of trees. This is truly about fighting for the health of our environment, the safety of me, my family and my neighbors and the quality of our lives. I implore the Commissioners to consider that this proposal is inappropriate and clearly inconsistent with the vision and mandate of the historic district, therefore I respectfully ask that you deem it as such and reject the Historic Preservation Commissions approval of this application.

To conclude, I believe that this development is a threat to public health and safety and will have severely negative impacts on a rare contiguous urban forest and a very special historic neighborhood. I respectfully ask the Commission to overturn the Historic Preservation Commission's arbitrary and capricious decision to approve this Certificate of Appropriateness.

Application to Appeal a Decision of the DeKalb County Historic Preservation Commission

All appeals must comply with the procedures set forth herein.

Application to appeal a decision of the Historic Preservation Commission on application for a certificate of appropriateness must be filed within fifteen (15) calendar days after the issuance or denial of the certificate of appropriateness.

To be completed by County:
Date Received:

To be completed by appellant:

Name: _Russ Haynie_

Address of appellant: 751 Briar Park Court NE, Atlanta, GA 30306

Address of Property: Parcel along Old Briarcliff Road to be subdivided as proposed from the parent property at 1551 Briarcliff Rd., Atlanta, GA 30306

This appeal is a review of the record of the proceedings before the preservation commission by the governing authority of DeKalb County, Georgia. The governing authority is looking for an abuse of discretion as revealed by the record. An abuse of discretion exists where the record presented to the governing authority shows that the preservation commission: (a) exceeded the limits of its authority; (b) that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) or the guidelines adopted by the preservation commission pursuant to section 13.5-6 or; (c) that the preservation commission's decision was otherwise arbitrary and capricious.

If the governing authority finds no abuse of discretion, then it may affirm the decision of the preservation commission. If the governing authority finds that the preservation commission abused its discretion in reaching a decision, then it may; (a) reverse the preservation commission's decision, or; (b) it may reverse the preservation commission's decision and remand the application to the preservation commission with direction.

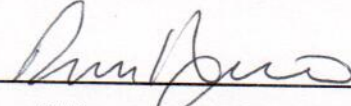
Date(s) of hearing, if any: April 17, 2017

Date of Historic Preservation Commission decision: April 17, 2017

In the space provided below the Appellant must describe how the preservation commission's decision constitutes an abuse of discretion. Specifically, the appellant must, citing to the preservation commission's written decision, show at least one of the following: that the preservation commission exceeded the limits of its authority, or that the preservation commission's decision was not based on factors set forth in the section 13.5-8(3) of the DeKalb County Code or on the guidelines adopted by the preservation commission pursuant to section 13.5-6 of said code or that the preservation commission's decision was otherwise arbitrary and capricious.

Grounds for appeal: The preservation commission's decision was arbitrary and capricious and demonstrated an abuse of its discretion as described in the accompanying supplemental explanation.

The appellant may submit a written supplementary explanation in support of the appeal. The supplementary explanation shall be submitted with the appeal. The supplementary explanation may not exceed three pages and must be typewritten and double-spaced using a twelve-point font with a one-inch margin on all four sides. The governing authority will not consider text in excess of the page limit set forth herein.

Date: 5/2/2017 **Signature:** 

Instructions: The appellant shall also deliver copies of this appeal to the planning department and the county attorney. The appellant and any person who has filed a statement in opposition to, or in support of the appeal may attend the meeting at which the appeal is considered and may be called upon by any member of the governing authority to provide information or answer questions. There shall be no other public participation in the appeal.

My name is Russ Haynie and I live at 751 Briar Park Court NE, Atlanta, GA 30306. As allowed under DeKalb County Code section 13.5-8(12d), I am providing the following supplementary explanation to my appeal. This explanation is provided as evidence of how I am adversely affected by the resolution adopted by the DeKalb County Historic Preservation Commission at its April 17, 2017 hearing to approve the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC (“Minerva USA”). The proposed development aims to divide the parent property at 1551 Briarcliff Road (Druid Hills) into two parcels and develop one of those parcels by constructing two multifamily buildings.

I contend that the preservation commission’s decision was arbitrary and capricious and demonstrated an abuse of its discretion by not adequately considering the historical value and significance of the parcel proposed to be subdivided from the parent property as described in section 13.5-8(3).

Destruction of this forest is inappropriate. Ruining this watershed and wildlife habitat is inappropriate. Clogging narrow, ill-prepared Old Briarcliff Rd. with even more cars than it barely manages to service today is inappropriate. Making our community streets unsafe by allowing this impossible entrance on a blind curve and descent mere yards from Briarcliff Rd. is inappropriate. Building homes beneath an 1140 tall broadcast tower and knowingly exposing future occupants to danger from falling ice and debris or structural failure is inappropriate. And last but certainly not least, cramming 24 condominiums regardless of their style, materiality, shape, color or form, on a small

wooded lot that serves as a critical buffer between the Fox 5 facility and tower and the adjacent historic single family homes of Briar Park Court is inappropriate. The Druid Hills Historic District Design Manual states, "it is imperative that the large scale, historic, public and private open spaces be preserved to provide a rich habitat for plants and wildlife and to protect the stream corridors." We believe there was one reason this tract was included on the map and within the mandate of the historic district: so that it would be preserved. Trees Atlanta states in their letter of support for our alliance's cause, "Deforestation around Fox 5's tower would incur significant loss to the surrounding neighborhood in terms of carbon sequestration, wildlife habitat, air quality, and general public health."

Trees, not condos, are the best neighbors for Fox 5's facility and tower. The existing mature trees screen the station's facility audibly and visually and provide an important buffer against falling ice and debris from the tower. I don't dispute the rights of Fox 5 as a private landowner. But I believe they exercised those rights with the choice to install this extremely tall tower; a choice that should obligate them to maintain this natural buffer between the tower and my neighborhood. An obligation I believe the charter of the historic district mandates this Historic Preservation Commission enforce but that it failed to do so. By allowing this historically platted lot to be carved-up and developed densely piece by piece and from edge to edge today, the opportunity to see future use of the full, intact parcel that would preserve this important buffer and edge of the larger contiguous forest is forever lost.

I and the alliance of over 150 community members that I led to fight this development remain unconditionally opposed to this development and I respectfully ask the Commissioners to reject the Historic Preservation Commission's approval of this application. Our alliance was quite dismissively told by the HPC to negotiate with this developer and I understand that doing so would have made the HPC's and now your decision easier, but we could not collaborate on plans that would destroy this historic forest. The Design Manual gave the HPC a clear mandate and unprecedented opportunity to preserve this historic forest. With a motion to reverse its arbitrary and capricious decision to approve this application, the DeKalb County Commission can establish a strong precedent that ties our neighborhood's commitment to preserve not only our historic built but also our natural environment. You clearly have the mandate. All that is left to know now is whether you have the will to serve the best interests of your constituents.