

Agenda Item

File ID: 2024-0917

Substitute

8/27/2024

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 02 Super District 06

Appeal of a decision of the Historic Preservation Commission at 1384 Emory Road.

Petition No.: 2024-0917

Proposed Use: Appeal a decision of the Historic Preservation Commission.

Location: 1384 Emory Road, Atlanta, Georgia 30306, in the Druid Hills Historic District.

Parcel No.: 18 054 11 015

INFORMATION CONTACT: Brandon White, Deputy Director – Development Services (Interim)

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STANDARD OF REVIEW:

Chapter 13.5-8 (12) allows an applicant to appeal a decision by the Historic Preservation Commission to the Board of Commissioners. The appeal shall be limited to a review of the record of the proceedings before the preservation commission. The standard of review shall be an abuse of discretion. An abuse of discretion exists where the record presented to the governing authority shows 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) or the guidelines adopted by the preservation commission pursuant to section 13.5-6 or 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 reverse the preservation commission's decision, or it may reverse the preservation commission's decision and remand the application to the preservation commission with direction.

PURPOSE:

Appeal of the June 17th, 2024, decision of the Historic Preservation Commission to deny the painting of a historic brick home at 1384 Emory Road in the Druid Hills Historic District.

SUMMARY:

The appellant asserts that the DeKalb County Historic Preservation Commission's determination was arbitrary and capricious in that the previous painting of the home located at 1384 Emory Road cannot be determined while other brick structures in the district have been painted previously, and that the removal of paint from the home would cause damage to the masonry of the structure and the historical accuracy of the home. The appellant asserts that the determination will cause a monetary undue hardship to the property owner.