



Legislation Details (With Text)

File #: 2020-1528 **Version:** 1 **Name:**
Type: Resolution **Status:** Appeal
File created: 11/24/2020 **In control:** Board of Commissioners
On agenda: 12/15/2020 **Final action:**
Title: COMMISSION DISTRICT(S): 2 & 6
 Appeal of a Decision of the DeKalb County Historic Preservation Commission at 935 Springdale Road by Eugene Hurwitz (and legal counsel, Eric C. Lang, Esq.).

Indexes:

Attachments: 1. Application to Appeal & Supplementary Explanation, 2. 935 Springdale Rd case file 10-5-2020, 3. Opposition Addendum, 4. Supplemental Explanation in Opposition

Date	Ver.	Action By	Action	Result
12/15/2020	1	Board of Commissioners		

Public Hearing: YES NO **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 2 & 6

Appeal of a Decision of the DeKalb County Historic Preservation Commission at 935 Springdale Road by Eugene Hurwitz (and legal counsel, Eric C. Lang, Esq.).

INFORMATION CONTACT: Brandon White, Current Planning Manager

PHONE NUMBER: 404-371-2155

STANDARD OF REVIEW:

Excerpted from code section 13.5-8(12):

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 October 5, 2020 decision of the Historic Preservation Commission to deny a Certificate of Appropriateness application at 935 Springdale Road in the Druid Hills Historic District.

SUMMARY:

Appellant respectfully submits that this appeal is not subject to the abuse of discretion standard but rather concerns an error of law for failure to issue a Certificate of Appropriateness under DeKalb County Code Sections 13.5-8(7) and (8), under which the only standard is the passage of 45 days.

There is no fiscal impact to the County.