



Legislation Details (With Text)

**File #:** 2017-0354    **Version:** 1    **Name:**  
**Type:** Approved    **Status:** Appeal  
**File created:** 5/3/2017    **In control:** Board of Commissioners  
**On agenda:** 5/23/2017    **Final action:**  
**Title:** Commission District(s): 2 & 6  
Appeal of a Decision of the Historic Preservation Commission for 1551 Briarcliff Road

**Indexes:**

**Attachments:** 1. Sequence, 2. Location map, 3. Appeals, 4. Appeal responses, 5. CoA & decision form, 6. Staff report April, 7. Application & supporting documents, 8. Applicant's clarification regarding lot division, 9. Site plan overlaid on aerial photo, 10. Applicant's responses to staff questions, 11. Documents submitted in opposition, 12. Briarpark Court Historic District nomination, 13. DHCA letter in support of the historic district nomination, 14. Draft stream buffer markup, 15. Site plan from the rezoning application, 16. Aerial photo & topographic maps, 17. 2017 5.23 Item 2017-0354 Comm. Radar Motion Language.pdf, 18. 2017 5.23 Item 2017-0354 Viviane Ernestes.pdf

Date	Ver.	Action By	Action	Result
5/23/2017	1	Board of Commissioners	remand	Pass
5/16/2017	1	Committee of the Whole		

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

**SUBJECT:**

**Commission District(s): 2 & 6**

Appeal of a Decision of the Historic Preservation Commission for 1551 Briarcliff Road

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**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 approval of a Certificate of Appropriateness for division of the property and construction of two multi-family buildings with related work at 1551 Briarcliff Road in the Druid Hills Historic District.

**SUMMARY:**

Six appellants contend that the DeKalb County Historic Preservation Commission's approval of a certificate of appropriateness was arbitrary, capricious and an abuse of discretion. Five appellants state that the preservation commission did not adequately consider the historical value and significance of the subject property. One appellant states the commission interpreted guideline Section 8.1 ("Open Space Linkages") too narrowly and did not inquire into the possibility of destroying "unknown archeological materials" at the site, guided by guideline Section 10.0 (Archeological Resources).