



Legislation Details (With Text)

File #: 2022-1831 **Version:** 1 **Name:**
Type: Resolution **Status:** Appeal
File created: 6/17/2022 **In control:** Board of Commissioners
On agenda: 7/12/2022 **Final action:**
Title: Commission District(S): Commission District 02 Super District 06
Appeal of Decision of the Historic Preservation Commission Concerning Property Located at 1215 N Decatur Road.

Indexes:

Attachments: 1. Appeals Packet 1215 N Decatur Road

Date	Ver.	Action By	Action	Result
7/12/2022	1	Board of Commissioners	reversed and remanded HPC decision	Pass
7/5/2022	1	Committee of the Whole	Accepted to the BOC agenda - Appeal	

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

SUBJECT:

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

Appeal of Decision of the Historic Preservation Commission Concerning Property Located at 1215 N Decatur Road.

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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 May 16, 2022, decision of the Historic Preservation Commission to deny a Certificate of Appropriateness application at 1215 North Decatur Road in the Druid Hills Historic District.

SUMMARY:

On May 16, 2022, the Historic Preservation Commission denied an application to replace wooden windows with vinyl windows at 1215 North Decatur. The appellant contends that the HPC's decision should be overturned because the decision was arbitrary and capricious because the change should be reviewed under a lesser standard because the windows are not visible from a public right of way (Guideline 5.0), the proposed replacements would look better than the existing deteriorated windows and replacing the existing wood windows with wood windows is cost prohibitive. In addition, the appeal states that the application should be approved under 13.5-11 (exceptions) due to undue hardship.