



## Legislation Details (With Text)

**File #:** 2023-1306    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Appeal  
**File created:** 10/10/2023    **In control:** Special Called Meeting  
**On agenda:** 12/5/2023    **Final action:** 12/5/2023  
**Title:** COMMISSION DISTRICT(S): 2 & 6  
 Appeal of Decision of the Historic Preservation Commission at 1176 Lullwater Road by Virginia Tate

**Indexes:**

**Attachments:** 1. Appeal attachment Tate 10-11-23

Date	Ver.	Action By	Action	Result
12/5/2023	1	Special Called Meeting		
11/8/2023	1	Board of Commissioners	deferred	Pass
11/8/2023	1	Board of Commissioners	deferred to the next meeting	Pass
11/8/2023	1	Board of Commissioners	reconsidered	Pass
10/26/2023	1	Committee of the Whole	accepted to BOC agenda - Appeal	

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

**SUBJECT:**

**COMMISSION DISTRICT(S):** 2 & 6

Appeal of Decision of the Historic Preservation Commission at 1176 Lullwater Road by Virginia Tate  
**INFORMATION CONTACT:** Brandon White, Current Planning Manager

**PHONE NUMBER:** 404-371-2155

**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 September 18, 2023 decision of the Historic Preservation Commission to approve a Certificate of Appropriateness application at 1176 Lullwater Road in the Druid Hills Historic District.

**SUMMARY:**

Appellant Tate asserts that the commission's decision was arbitrary and capricious in that it was not based on Code Section 13.5-8(3) or the Druid Hills Design Manual and did not consider the commission's previous denials of COA applications; and that the commission exceeded its authority by approving the application even though the application for a stream buffer variance had been denied.