



## Legislation Details (With Text)

**File #:** 2022-1657    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Appeal  
**File created:** 5/12/2022    **In control:** Board of Commissioners  
**On agenda:** 6/14/2022    **Final action:**  
**Title:** COMMISSION DISTRICT(S): 2 & 6  
Appeal of A Decision of the Historic Preservation Commission At 1405 Cornell Road

**Indexes:**

**Attachments:** 1. 1405 Cornell Road Appeal Packet

Date	Ver.	Action By	Action	Result
6/14/2022	1	Board of Commissioners	upheld HPC decision	Pass
6/7/2022	1	Committee of the Whole	Accepted to the BOC agenda - Appeal	

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

**SUBJECT:**

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

Appeal of A Decision of the Historic Preservation Commission At 1405 Cornell Road

**INFORMATION CONTACT:** Brandon White

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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 revise reverse the preservation commission's decision and remand the application to the preservation commission with direction.

**PURPOSE:**

Appeal of the April 18, 2022, decision of the DeKalb County Historic Preservation Commission to approve an application for a certificate of appropriateness at 1405 Cornell Road in the Druid Hills Historic District.

**SUMMARY:**

Applicant contends that the denial of a certificate of appropriateness is an abuse of discretion and arbitrary and capricious because the HPC's decision was inconsistent with their previous decisions; that there are many stained or painted brick homes on his street and the surrounding area; the HPC misinterpreted guideline 6.1.1 because the proposed stain is not a surface treatment; staff did not conduct a site visit; and the HPC failed to act on a previous application within the required 45-day window of review.