



Legislation Text

File #: 2022-2144, Version: 1

Public Hearing: YES ☐ NO ☒

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 2 & 6

Appeal of Decision of the Historic Preservation Commission Concerning Property Located at 1300 Oxford 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 August 15, 2022, decision of the Historic Preservation Commission to deny a Certificate of Appropriateness application at 1300 Oxford Road in the Druid Hills Historic District.

SUMMARY:

On August 15, 2022, the Historic Preservation Commission denied an application to construct a walkway between the front porch and the street at 1300 Oxford Road. The appellants contend that the HPC's decision should be overturned because rule 9.1 was not violated, the preservation commission exceeded the limits of its authority, the decision was not based on factors set forth in the section 13.5-8(3) of the DeKalb County Code, the decision was not based on the guidelines adopted by the preservation commission pursuant to section 13.5-6, and the decision was arbitrary and capricious.

