



Legislation Text

File #: 2021-3147, Version: 1

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 2 & 6

Appeal of a Decision of the Historic Preservation Commission at 1354 The By Way

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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 August 16, 2021 decision of the DeKalb County Historic Preservation Commission to approve an application for a certificate of appropriateness at 1354 The By Way in the Druid Hills Historic District.

SUMMARY:

The appellants contend that the approval of a certificate of appropriateness is an abuse of discretion and arbitrary and capricious because it does not comply with BoC direction regarding the previous appeal; does not follow Druid Hills Historic District design guidelines 7.1,8.2,9.3; violates DeKalb County Land Development code Section 14-44.1(a)(1) and Georgia Rules and Regulations; disregards Olmsted's plans for Druid Hills; vacates a prior CoA; and gives over-riding consideration to the property owner's safety concerns.