



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Legislation Text

File #: 2017-1011, Version: 1

SUBSTITUTE

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

Appeal of a Decision of the DeKalb County Historic Preservation Commission by Eugene S. Hurwitz

COMMISSION DISTRICT(S): 2 & 6

INFORMATION CONTACT: Marian Eisenberg/David Cullison

PHONE NUMBER: 404-371-4922

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

PURPOSE:

Appeal of the September 18, 2017 decision of the preservation commission to approve an application for a certificate of appropriateness at 929 Springdale Road in the Druid Hills Historic District.

SUMMARY:

The appellant owns the adjacent property to the north. He states that the work approved in the certificate of appropriateness will have an adverse effect on his property by damaging a large tree growing near the property line. The appellant asserts that the preservation commission's decision was arbitrary and capricious because it failed to consider the effect of the work on the adjacent property.

There is no fiscal impact to the county.