



# DeKalb County Government

178 Sams Street  
Decatur, GA 30030

## Legislation Text

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File #: 2018-2262, Version: 1

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### Substitute

Public Hearing: YES  NO

Department: Planning & Sustainability

### SUBJECT:

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

Appeal of a Decision of the DeKalb County Historic Preservation Commission at 1383-1385 Briarcliff Road by Joe Cahoon

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

### PURPOSE:

Appeal of the May 21, 2018 decision of the DeKalb County Historic Preservation Commission to approve a Certificate of Appropriateness at 1383-1385 Briarcliff Road in the Druid Hills Historic District.

### SUMMARY:

The appellant asserts that the Historic Preservation Commission abused its discretion by approving a Certificate of Appropriateness for construction of a new house in violation of Section 13.5-8(12) of the DeKalb County Code and several guidelines set out in the Druid Hills Design Manual.

There is no fiscal impact to the county.

