



Legislation Text

File #: 2017-1009, Version: 1

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

Appeal of a Decision of the DeKalb County Historic Preservation Commission by Alan D. Armstrong

COMMISSION DISTRICT(S): 2 & 6

INFORMATION CONTACT: Marian Eisenberg/David Cullison

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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 September 18, 2017 decision of the preservation commission to deny an application for a certificate of appropriateness at 1290 Oakdale Road in the Druid Hills Historic District.

SUMMARY:

The appellant is the owner of the property. This is a historic house in the Druid Hills Historic District. In September 2017 the appellant filed an application to modify a previously approved certificate of appropriateness by adding a porte cochere to the house. The preservation commission denied the application. The appellant contends that the denial was arbitrary and capricious and was not based on factors set out in Code Section 13.5-8(3) or the relevant guidelines. The appellant asserts that there was no evidence submitted that the proposal would have a substantial adverse effect on the district and that the preservation commission improperly considered factors outside the code and guidelines. The appellant also asserts that his due process rights were violated by the preservation commission's failure to record the proceedings.

There is no fiscal impact to the county.