



Legislation Text

File #: 2021-3444, 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 1156 Springdale 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 October 18, 2021 decision of the Historic Preservation Commission to deny a Certificate of Appropriateness application at 1156 Springdale Road in the Druid Hills Historic District.

SUMMARY:

On October 18, 2021 the Historic Preservation Commission denied a remanded application for a Certificate of Appropriateness for 1156 Springdale Road to construct an addition to an historic house. The appellants contend that the HPC's decision was arbitrary and capricious. They further contend that the HPC failed to 1) clearly set forth the reasons for the decision 2) failed to specifically set forth which factors it considered in reaching the decision and 3) failed to articulate how the proposed addition would have a substantial adverse effect on the historic property or the historic district. The applicant requests an outright reversal as "remanding to the HPC

for further proceedings would be a waste of time and energy in light of previous proceedings before them.”