



Legislation Text

File #: 2023-1308, 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 1176 Lullwater Road by Katharine Butler & George Beazley

INFORMATION CONTACT: Brandon White, Current Planning Manager

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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 September 18, 2023 decision of the Historic Preservation Commission to approve a Certificate of Appropriateness application at 1176 Lullwater Road in the Druid Hills Historic District.

SUMMARY:

Appellants Butler and Beazley assert that the commission's decision constitutes an abuse of discretion in that it approved a plan that had been rendered non-viable by the rejection of a stream buffer variance; failed to comply with the Druid Hills Design Manual; and failed to consider the impact the new building would have on drainage, water run-off, flood control, soil erosion, and other ecological features of the lot.