



Legislation Text

File #: 2021-3013, Version: 1

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 2 & 6

Appeal of a Decision of the Historic Preservation Commission to Deny a Certificate of Appropriateness Application at 1156 Springdale Road in the Druid Hills Historic District

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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 July 19, 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 July 19, 2021 the Historic Preservation Commission denied an application for a Certificate of Appropriateness for 1156 Springdale Road to construct an addition to an historic house. The appellate contends that the HPC's decision was arbitrary and capricious and not supported by the relevant ordinances and Guidelines or the facts. The appellant further contends that the HPC determined that the application did not meet Guidelines 7.2.7-Scale/Height and 7.3.1-Additions without substantiating facts being cited. Staff recommended that the addition should be denied, the appellant contends, without identifying the dominant pattern of scale within the area of influence as required by Guideline 7.2.7 or how the addition purportedly

overwhelmed the existing home and the HPC denied the application based on Staff recommendation. The appellant states the HPC abused its discretion in that it failed to make any findings substantiating its decision to deny the COA application purportedly based on Guidelines 7.2.7 and 7.3.1 and that there were no facts in the Record to support the HPC's findings of non-compliance with said Guidelines.