



# DeKalb County Government

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## Legislation Details (With Text)

**File #:** 2021-2669    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Appeal  
**File created:** 5/28/2021    **In control:** Board of Commissioners  
**On agenda:** 6/22/2021    **Final action:** 6/22/2021  
**Title:** COMMISSION DISTRICT(S): 2 & 6  
Appeal of a Decision of the Historic Preservation Commission

**Indexes:**

**Attachments:** 1. 935 Springdale Rd HPC Appeal

Date	Ver.	Action By	Action	Result
6/22/2021	1	Board of Commissioners		
6/15/2021	1	Committee of the Whole	Accepted to the BOC agenda - Appeal	

**Public Hearing:** YES ☐ NO ☒    **Department:** Planning & Sustainability

**SUBJECT:**

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

Appeal of a Decision of the Historic Preservation Commission

**INFORMATION CONTACT:** Brandon White, Current Planning Manager

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**STANDARD OF REVIEW:**

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 April 19, 2021 denial by the Historic Preservation Commission of a Certificate of Appropriateness application at 935 Springdale Road by applicant Ben Showalter.

**SUMMARY:**

On April 19, 2021 the Historic Preservation Commission denied an application for a Certificate of

Appropriateness for 935 Springdale Road to construct an addition to an historic house. The appellate contends that the decision of the Historic Preservation Commission was incorrect, improper, or improvidently granted in violation of Section 13.5-8 (3) by using recommended practices in the Druid Hills Design Manual that were not formally adopted; by failing to consider evidence properly in the record as to the location of the addition at the rear of the house and minimally visible from the right-of-way; by failing to consider previous construction approved within the area of influence that is substantially similar or greater in height, massing, and scale than the proposed addition.