



## Legislation Details (With Text)

**File #:** 2023-0413    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Appeal  
**File created:** 3/30/2023    **In control:** Board of Commissioners  
**On agenda:** 5/9/2023    **Final action:** 5/9/2023  
**Title:** COMMISSION DISTRICT(S): 2 & 6  
Appeal of a Decision of the Historic Preservation Commission at 1853 North Decatur Road

**Indexes:**

**Attachments:** 1. Substitute 2023 05.09 Item 2023-0413, 2. 1853 North Decatur Road Appeal

Date	Ver.	Action By	Action	Result
5/9/2023	1	Board of Commissioners	approved	Pass
4/25/2023	1	Board of Commissioners	deferred to the next meeting	Pass
4/18/2023	1	Committee of the Whole	Accepted to the BOC agenda - Appeal	

Substitute

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

**SUBJECT:**

COMMISSION DISTRICT(S): 2 & 6

Appeal of a Decision of the Historic Preservation Commission at 1853 North Decatur Road

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

**PHONE NUMBER:** 404-371-2155

**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 February 21, 2023, decision of the Historic Preservation Commission to deny a Certificate of Appropriateness application at 1853 North Decatur Road in the Druid Hills Historic District.

**SUMMARY:**

On February 21, 2023, the Historic Preservation Commission denied an application to demolish and replace a historic house. The appellant contends the commission abused its discretion by disregarding evidence of the feasibility of rehabilitation and applying an incorrect standard when assessing the demolition request; and that the decision was arbitrary and capricious in light of prior demolition approvals of historic properties, that there was no evidence of a substantial adverse effect on any specific property or on the district as a whole, and the written decision failed to clearly set forth the reasons for the decision.