



Legislation Details (With Text)

**File #:** 2023-1013    **Version:** 1    **Name:**  
**Type:** Resolution    **Status:** Appeal  
**File created:** 8/11/2023    **In control:** Board of Commissioners  
**On agenda:** 10/10/2023    **Final action:**  
**Title:** COMMISSION DISTRICT(S): 2 & 6  
Appeal of a Decision of the Historic Preservation Commission at 1853 North Decatur Road by Margarita Studemeister and Renee Nelson

**Indexes:**

**Attachments:** 1. 1853 N Decatur Rd July Appeal full

| Date       | Ver. | Action By              | Action                              | Result |
|------------|------|------------------------|-------------------------------------|--------|
| 10/10/2023 | 1    | Board of Commissioners | approved                            | Pass   |
| 9/26/2023  | 1    | Board of Commissioners | deferred to the next meeting        | Pass   |
| 9/12/2023  | 1    | Board of Commissioners | deferred to the next meeting        | Pass   |
| 8/24/2023  | 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 at 1853 North Decatur Road by Margarita Studemeister and Renee Nelson

**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 July 17, 2023, decision of the Historic Preservation Commission to approve a Certificate of Appropriateness application at 1853 North Decatur Road in the Druid Hills Historic District.

**SUMMARY:**

On July 17, 2023, the Historic Preservation Commission approved an application to demolish and replace a historic house. The appellant asserts that the preservation commission's decision was arbitrary and capricious because the commission did not apply the design guidelines properly and relied on insufficient information and flawed technical reports.