Legislation Text

File #: 2021-3180, **Version:** 1

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

SUBJECT:
COMMISSION DISTRICT(S): 2 & 6

Appeal by Susan Casey of a Decision of the Historic Preservation Commission at 1815 South Ponce de Leon Ave

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STANDARD OF REVIEW:

Excerpted from code section 13.5-8(12):
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 revise reverse the preservation commission's decision and remand the application to the preservation commission with direction.

PURPOSE:

Appeal by Susan Casey of the August 16, 2021 decision of the DeKalb County Historic Preservation Commission to approve an application for a certificate of appropriateness at 1815 South Ponce de Leon Avenue in the Druid Hills Historic District.

SUMMARY:
The appellant asserts that the decision was not based on sections 8.1 (Open Space and Parkland Preservation and Conservation) and 9.4 (Enclosures and Walls) of the Druid Hills Design Manual, DeKalb County zoning code Sec. 27-5.4.7, that the map on which the decision was based was not accurate or detailed, and that changes to the uses of the property under the zoning code were not addressed.