

## DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief of Executive Officer  
Lorraine Cochran-Johnson

Director  
Juliana A. Njoku

# Application to Appeal a Decision of the DeKalb County Historic Preservation Commission

**All appeals must comply with the procedures set forth herein.**

An application to appeal a decision of the Historic Preservation Commission on a certificate of appropriateness application must be filed within fifteen (15) calendar days after the issuance or denial of the certificate of appropriateness.

**To be completed by County:**

**Date Received:** \_\_\_\_\_

**To be completed by appellant:**

**Name:** \_\_\_\_\_

**Address of appellant:** \_\_\_\_\_

**Address of property:** \_\_\_\_\_

This appeal is a review of the record of the proceedings before the preservation commission by the governing authority of DeKalb County, Georgia. The governing authority is looking for an abuse of discretion as revealed by the record. An abuse of discretion exists where the record presented to the governing authority shows that the preservation commission: (a) exceeded the limits of its authority; (b) 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; (c) 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; (a) reverse the preservation commission's decision, or; (b) it may reverse the preservation commission's decision and remand the application to the preservation commission with direction.**

**Date(s) of hearing, if any:** \_\_\_\_\_

**Date of Historic Preservation Commission decision:** \_\_\_\_\_

**Historic Preservation Commission Appeal Form**

In the space provided below the Appellant must describe how the preservation commission’s decision constitutes an abuse of discretion. Specifically, the appellant must, citing to the preservation commission’s written decision, show at least one of the following: 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) of the DeKalb County Code or on the guidelines adopted by the preservation commission pursuant to section 13.5-6 of said code or that the preservation commission’s decision was otherwise arbitrary and capricious.

**Grounds for appeal:**

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The appellant may submit a written supplementary explanation in support of the appeal. The supplementary explanation shall be submitted with the appeal. The supplementary explanation may not exceed three pages and must be typewritten and double-spaced using a twelve-point font with a one-inch margin on all four sides. The governing authority will not consider text in excess of the page limit set forth herein.

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Instructions:** The appellant shall also deliver copies of this appeal to the planning department and the county attorney. The appellant and any person who has filed a statement in opposition to, or in support of the appeal may attend the meeting at which the appeal is considered and may be called upon by any member of the governing authority to provide information or answer questions. There shall be no other public participation in the appeal.