



# Appeal of an Administrative Decision Application Packet

Check all items attached to this application

1	<input checked="" type="checkbox"/>	Application
2	<input checked="" type="checkbox"/>	Survey Plat of the Property N/A
3	<input checked="" type="checkbox"/>	Photographs
4	<input checked="" type="checkbox"/>	Property Owner's Authorization (to be notarized)
5	<input checked="" type="checkbox"/>	Site Plan or exhibits
6	<input checked="" type="checkbox"/>	Applicant's Written Analysis
7	<input checked="" type="checkbox"/>	Application Fee (\$25.00)

The community development director may waive one or more of the requirements of this section (excluding fees which shall not be waived) in individual cases when he/she determines that one or more elements of the required information specified in this section are not essential to the review process.

## Contact Information

<p><b>The Community Development Dept.</b> 4181 Atlanta Street Powder Springs GA 30127. commdev@cityofpowdersprings.org 770-943-1666</p>	<p><b>Zoning Administrator</b> Shaun Myers Planning and Zoning Manager smyers@cityofpowdersprings.org 770-943-1666</p>
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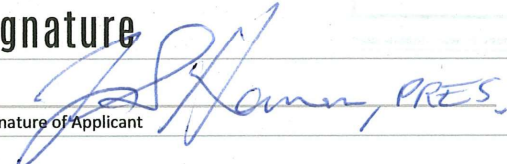


# Appeal of an Administrative Decision Application Form

## Applicant Information

Applicant Name	CFL HOUSING CORP	Permit # / Citation #	22PDR-00065
Phone	[REDACTED]	Email	[REDACTED]
Property Address	3292 CREEK TRACE E. Powder Springs, GA	Property PIN	
Appeal Request	Refund of escrowed monies		
Reason for Appeal	Penalizing wrong party		

## Signature

 Signature of Applicant	Joseph S. Herren Printed Name	12/13/2023 Date
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## Unified Development Code. Article 14 - Appeal of an Administrative Decision.

Any person aggrieved by a decision of the community development director or any person acting administratively under authority of this development code may initiate, by application, an appeal of an administrative action or interpretation to the governing body.

- Sec. 14-3. - Bases for an appeal.* An appeal may be filed where it is alleged that the community development director has misinterpreted or misapplied one or more requirements or other provisions of this development code.
- An appeal may be filed where it is alleged that an enforcement officer erred in finding the person or property in violation of any provision of this development code or in violation of permit conditions.

### *Sec. 14-4. - Application requirements.*

- All appeal applications shall be submitted to the community development director on forms provided by the Department. When the appeal application is referred to the governing body, the applicant shall be required to submit the documentation necessary to support the appeal application.
- An application for an appeal shall include such descriptions, maps or drawings as needed to clearly illustrate or explain the action requested. The City may request such additional information from the appellant as necessary to provide a full understanding of the appeal.
- All appeal applications shall be accompanied by a non-refundable fee, as set by resolution of the governing body from time to time.
- The community development director shall review the application for completeness within 5 working days of submission. Incomplete or improper applications will be returned to the applicant.
- Such appeal application must be filed within 30 days of the action or interpretation that is the subject of the appeal. If the person aggrieved by an action by an administrative official with regard to this development code does not file a complete appeal application within 30 days of the decision appealed from, then the decision of the community development director shall stand, and no further remedy shall be available under this development code.

### *Sec. 14-6. - Appeal procedures.*

- Notification to the general public.* At least 15 days but not more than 45 days prior to public hearing, notice shall be published in a newspaper of general circulation within the city. The notice shall state the time, place and purpose of the hearing. The published notice shall also include the location of the property for which the appeal arises, if applicable, the existing zoning classification of the property, and the nature of the appeal.
- Assembly of record.* Upon receiving a complete and timely application for an appeal, the community development director or designee shall assemble such memos, papers, plans, or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.
- Schedule of appeal hearing.* Once the record has been assembled, the community development director or his/her designee shall schedule the appeal for public hearing and consideration at the next meeting of the governing body for which adequate public notice can be given.



# Appeal of an Administrative Decision Owner's Authorization Form

## Owner's Authorization

Applicant Name	CFL HOUSING CORP	Permit # / Citation #	22PDR-00065
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Property Address	3292 CREEK TRACE E Powder Springs, GA	Property PIN	
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This is to certify that I am  or We are  or I am  the Authorized Representative of a Corporation that is the owner of a majority interest in the subject property of the attached application. By execution of this form, this is to authorize the person names as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

Check all that apply:

Appeal of Administrative Decision <input checked="" type="checkbox"/>	Special Use <input type="checkbox"/>	Variance <input type="checkbox"/>
Special Exception <input type="checkbox"/>	Flood Protection Variance <input type="checkbox"/>	Rezoning <input type="checkbox"/>

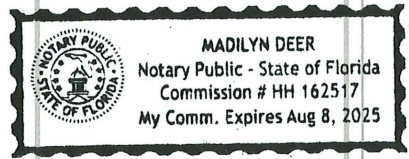
## Signature of Property Owner(s) (FORMER)

Signature of Owner	<i>[Signature]</i> PRES. J.S. HERREN	Date	12/24/2023
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State of FL, County of Brevard

This instrument was acknowledged before me this 26<sup>th</sup> day of December month.

2023, by Joseph Herren of signer. Identification Presented: FL/DL.



Signature of Notary Public	Madilyn Deer	Name of Notary Public	08/08/2025	My Commission Expires
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Signature of Taxpayer Owner	Printed Name	Date
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State of \_\_\_\_\_, County of \_\_\_\_\_.

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ month.

20 \_\_\_\_\_, by \_\_\_\_\_ name of signer. Identification Presented: \_\_\_\_\_.

Signature of Notary Public	Name of Notary Public	My Commission Expires
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# Appeal of an Administrative Decision

## Applicant's Written Analysis

### Applicant Information

Applicant Name	CFL HOUSING CORP	Permit # / Citation #	22PDR-00065
Property Address	3292 CREEK TRACE Powder Springs, GA	Property PIN	

### Written Analysis. *Submit additional pages to capture all administrative decisions being appealed.*

1. In detail, describe the decision being appealed:

See Addendum.

2. How has the applicant been aggrieved by the administrative decision:

See Addendum.

3. Would granting the appeal requested confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located?

No. It only applies this subject property. See Addendum

## **ADDENDUM TO APPLICATION**

### **(Describe the decision being appealed)**

The decision of the Community Development Director (CDD) requiring “property owner” to post a bond in the amount of \$7,995.00 to cover estimated costs of mandated modifications of front elevation as built by Builder of record (an unlicensed builder) is the decision being appealed.

CFL HOUSING CORP is a FL Nonprofit Corporation organized in 2007. It is an IRS Approved 501C3. It is an Approved Federal Contractor. We were previously the only approved CHDO in Brevard County, FL.

The bond was a requirement by the CDD to issue a Certificate of Occupancy, which allowed the Closing of the sale of the property. We, CFL HOUSING CORP, (CFL) submit this is tantamount to extortion of an innocent party.

The CDD allowed the issuance of a building permit to an unlicensed party who did not own the property, as required in permit regulations.

CDD policy requires an elevation inspection ONLY after completion of the House, which negates any opportunity to correct modifications during construction.

We submit CDD erred in allowing issuance of PERMIT to unlicensed builder who did not own property. Despite policy, CDD erred in failure to inspect elevation during construction phase.

Blaming the Lender and Property Owner is Ex Post Facto enforcement (Prohibited by U S Constitution) of innocent party.

The Building Inspection Process has the express intent and purpose of identifying errors and causing their correction DURING the construction phase. This did not happen as concerning the building elevation.

Adding extortion to the injury only serves to aggravate the insult. Asserting a “MONEY PENALTY” borders on criminal. Definition of extortion is “The act of obtaining something of value by using threats, force, or abuse of authority “.

It should be noted that the house, as built, has been approved by both the HOA and

Architecture review Committee for the subdivision. Approvals attached. In fact, we know of no objections from anyone other than the CDD.

Also of note, is the fact that the house was built on an "OUT" lot which has been vacant for over twenty years because of backing up to the railroad tracks.

The house sits on a cul de sac at the end of a dead end street which no one will ever see unless that is their destination.

The point is simply CFL has done nothing wrong, violated no regulations and is being punished for errors committed by others.



**(HOW HAS THE APPLICANT BEEN AGGRIEVED BY THE ADMINISTRATIVE DECISION):**

The most obvious aggrievment is financial for the requirement to post a bond of \$7,995.00. In addition, the closing of our sale was delayed. This caused both our buyers and our organization inconvenience and financial expense. The buyers were forced to pay multiple extension fees for their loan commitment and additional unbudgeted continued rent. CFL contributed to their unanticipated expenses because they were not at fault. But then neither were we.

Of course multiple parties, including Buyers, Seller, Lenders, Closing Attorneys, our Contractor, Two Real Estate Companies, Movers, and others were inconvenienced, suffered financial delays and expenses and

unnecessary and unwarranted emotional distress. "We're from the government and we are here to help", comes to mind.

As Seller, we have no interest in pursuing any other legal remedy. We will be satisfied with release of our monies and a future "Hold Harmless" agreement by both parties.

Respectfully submitted,

  
\_\_\_\_\_, President

Joseph S. Herren

CFL HOUSING CORP

PH 



**Warren Creek Homeowners Assoc.  
ACC/ARC Request Approved**

November 7, 2023

CFL Housing Corp  
900 Buice Lake Parkway #4210  
Acworth, GA 30102

RE: Exterior Change Request for 3292 Creek Trace East

Dear CFL Housing Corp:

After reviewing your request for Painting and house plans and consulting the guidelines for your Association, I am pleased to advise that the Architectural Control Committee approved your request as submitted.

There are a few things you need to know concerning the approval. The approval is good only for the dates requested. If you do not start and complete the job within the requested time frame or if alterations from the approved work are necessary, you are required to obtain permission prior to proceeding. To do so, simply send an email to [REDACTED] or call the main office line and your call will be directed accordingly. Any deviations or modifications of the project as approved by the committee may result in a fine and you may be required to remove or alter the work to conform to the plan originally approved.

The work you propose is completely consistent with maintaining neighborhood attractiveness and property values. We wish you every success with this and any future improvements you may undertake.

Sincerely,

Liz Koehler  
Community Manager

[REDACTED]

Tolley Community Management  
8295 Highway 92  
Woodstock, GA 30189

Ph: [REDACTED]

Fx: [REDACTED]

[www.tolleycm.com](http://www.tolleycm.com)

# Warren Creek

Gmail

Dec 18, 2023  
1:15:03 PM

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**Subject:** Warren Creek  
**Date:** Nov 16, 2023 3:55:33 PM  
**From:** Maggie Guest  
**To:** Joseph Herren  
**Cc:** Gary Travis; Brandon Travis

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Joe,

Please see the houses attached that do not have brick/stone fronts in Warren Creek. Below are the addresses.

1. 3308 Pathway Circle
2. 3169 Creek Trce W
3. 5700 Allison Wood Ct.
4. 3164 Creek Trce W
5. 3184 Creek Trce W
6. 3201 Warren Creek Dr.

Thank you,  
Maggie Guest

  
Associate Broker  
Atlanta Communities Real Estate Brokerage

# Warren Creek

Gmail

Dec 26, 2023  
3:35:27 PM

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**Subject:** Warren Creek  
**Date:** Nov 16, 2023 3:55:33 PM  
**From:** Maggie Guest  
**To:** Joseph Herren  
**Cc:** Gary Travis; Brandon Travis

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Joe,

Please see the houses attached that do not have brick/stone fronts in Warren Creek. Below are the addresses.

1. 3308 Pathway Circle
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Thank you,  
Maggie Guest

  
Associate Broker  
Atlanta Communities Real Estate Brokerage







3

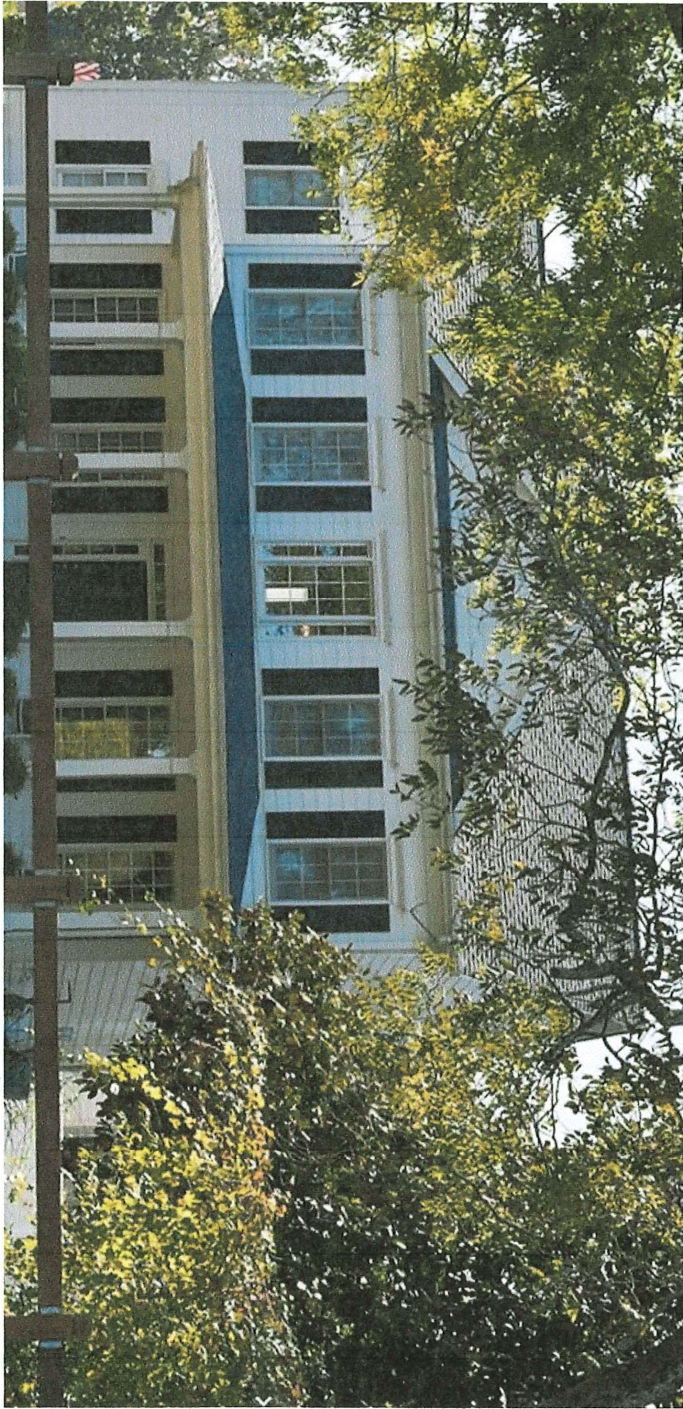




4



5



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SUBJECT

3292 Warren Creek Trace East

