



Appeal of an Administrative Decision Application Packet

Check all items attached to this application

- 1 Application
- 2 Survey Plat of the Property
- 3 Photographs
- 4 Property Owner's Authorization (to be notarized)
- 5 Site Plan or exhibits
- 6 Applicant's Written Analysis
- 7 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

The Community Development Dept.
4181 Atlanta Street
Powder Springs GA 30127.
commdev@cityofpowdersprings.org
770-943-1666


Zoning Administrator
Shaun Myers
Planning and Zoning Manager
smyers@cityofpowdersprings.org
770-943-1666



Appeal of an Administrative Decision

Application Form

Applicant Information

| | |
|--|--|
| Applicant Name *David Pearson | Permit # / Citation # 24PDR-00573 |
| Phone [REDACTED] | Email [REDACTED] |
| Property Address 5550 Story Road (north); Story Road (south) Powder Springs, GA | Property PIN 19088300010; 19088200380 |
| Appeal Request | Appeal of denial of fence and wall plans for construction of entrance walls for both phases of Naturewalk Subdivision. |
| Reason for Appeal | Provide Mayor and Council an opportunity for review and consideration of revision to fence type. |
| Signature | MOORE INGRAM JOHNSON & STEELE, LLP |
| BY:  Signature of Applicant | *J. Kevin Moore, Attorney for Applicant Printed Name |
| | December 12, 2024 Date |

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 ***David Pearson**

Permit # / Citation # **24PDR-00573**

Property Address **5550 Story Road (north); Story Road (south), Powder Springs, GA**

Property PIN **19088300010; 19088200380**

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
Special Exception

Special Use
Flood Protection Variance

Variance
Rezoning

Signature of Property Owner(s)

Signature of Owner

DAVID PEARSON
Printed Name

DECEMBER 12, 2024
Date

State of GA, County of Cobb.

This instrument was acknowledged before me this 12th day of **DECEMBER**

20 24, by David Pearson Identification Presented: Self

Sandra Blair
Signature of Notary Public

Sandra Blair
Name of Notary Public

12-3-27
My Commission Expires



Signature of Taxpayer Owner

Printed Name

Date

State of _____, County of _____.

This instrument was acknowledged before me this _____ day of _____

20 _____, by _____ Identification Presented: _____

Signature of Notary Public

Name of Notary Public

My Commission Expires



Appeal of an Administrative Decision

Applicant's Written Analysis

Applicant Information

| | | | |
|------------------|---|-----------------------|--------------------------|
| Applicant Name | *David Pearson | Permit # / Citation # | 24PDR-00573 |
| Property Address | 5550 Story Road (north); Story Road (south) Powder Springs, GA | Property PIN | 19088300010; 19088200380 |

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

1. In detail, describe the decision being appealed:

Applicant is appealing the decision to deny the permit for design and construction of the entrance walls and fencing for both phases of the development known as Naturewalk Subdivision.

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

Applicant has expended time and money in the design and implementation of the plans for the entrance area of the development, including the subject walls and fencing in order to provide an upscale, high quality appearance. The fencing approved by the Mayor and Council was an aluminum, wrought-iron type fence; however, Applicant installed a double-sided, solid wood privacy fence. In Applicant's opinion, the fencing installed is of a better quality, of a higher standard, and is consistent with the intent of the community to be a "five-star" subdivision. Please refer to enclosures for further explanation.

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.

***APPLICANT/OWNER'S REPRESENTATIVE: J. KEVIN MOORE
MOORE INGRAM JOHNSON & STEELE, LLP**

centerline
 Surveying and Land Planning, Inc.
 1801 BIRCHMOUNT ROAD, SUITE 410, ALPHARETTA, GA 30201
 PHONE: 770.241.1111 FAX: 770.241.1114

DATE OF ORIGINAL FIELD WORK COMPLETED - AUGUST 12, 2021
 DATE OF PLAT ON MAP IS SEPTEMBER 13, 2021

Charles C. Ashland 4-22-21
 CHARLES C. PEARSON GEORGIA REG. #2113

| NO. | REVISIONS | DATE |
|-----|-------------------------------|---------|
| 1 | CONVERTED LOTS TO LITER BLOCK | 9/13/21 |
| 2 | UPDATED MAP | 9/13/21 |

THIS DRAWING AND ANY COPIES THEREOF ARE THE PROPERTY OF CENTERLINE SURVEYING AND LAND PLANNING, INC. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEMS, WITHOUT PERMISSION IN WRITING FROM CENTERLINE SURVEYING AND LAND PLANNING, INC. PERMISSION IS GRANTED TO ANY UNLIMITED THIRD PARTY.

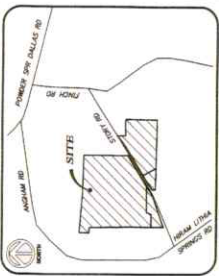
| CURVE | RADIUS | LENGTH | CHORD | BEARING |
|-------|---------|---------|---------|---------------|
| 1 | 118.30' | 118.30' | 118.30' | S 89°54'47" W |
| 2 | 118.30' | 118.30' | 118.30' | S 89°54'47" W |
| 3 | 118.30' | 118.30' | 118.30' | S 89°54'47" W |

| LINE | DISTANCE | DIRECTION |
|------|----------|---------------|
| 1 | 118.30' | S 89°54'47" W |
| 2 | 118.30' | S 89°54'47" W |
| 3 | 118.30' | S 89°54'47" W |



GENERAL SURVEY NOTES:

- The basis of bearings for this survey is true north.
- The survey was conducted in accordance with the Georgia Surveying and Mapping Act of 2005, as amended.
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TRANSVERSE CLOSURE - 7.2607' SECONDS
 ADJUSTMENT - COMPASS RULE
 PLAT CLOSURE - 1.2607' SECONDS
 DATE OF FIELD WORK - AUGUST 12, 2021

LEGEND

- FIRE HYDRANT
- WATER VALVE
- WIRE FENCE
- POWER POLE
- UTILITY PIPE
- POWER LINE
- ROAD FENCE
- CHAIN LINK FENCE
- BARBED WIRE FENCE
- EXCEPTION NUMBER

17

PARCEL NUMBERS:
 1000000000
 1000000000

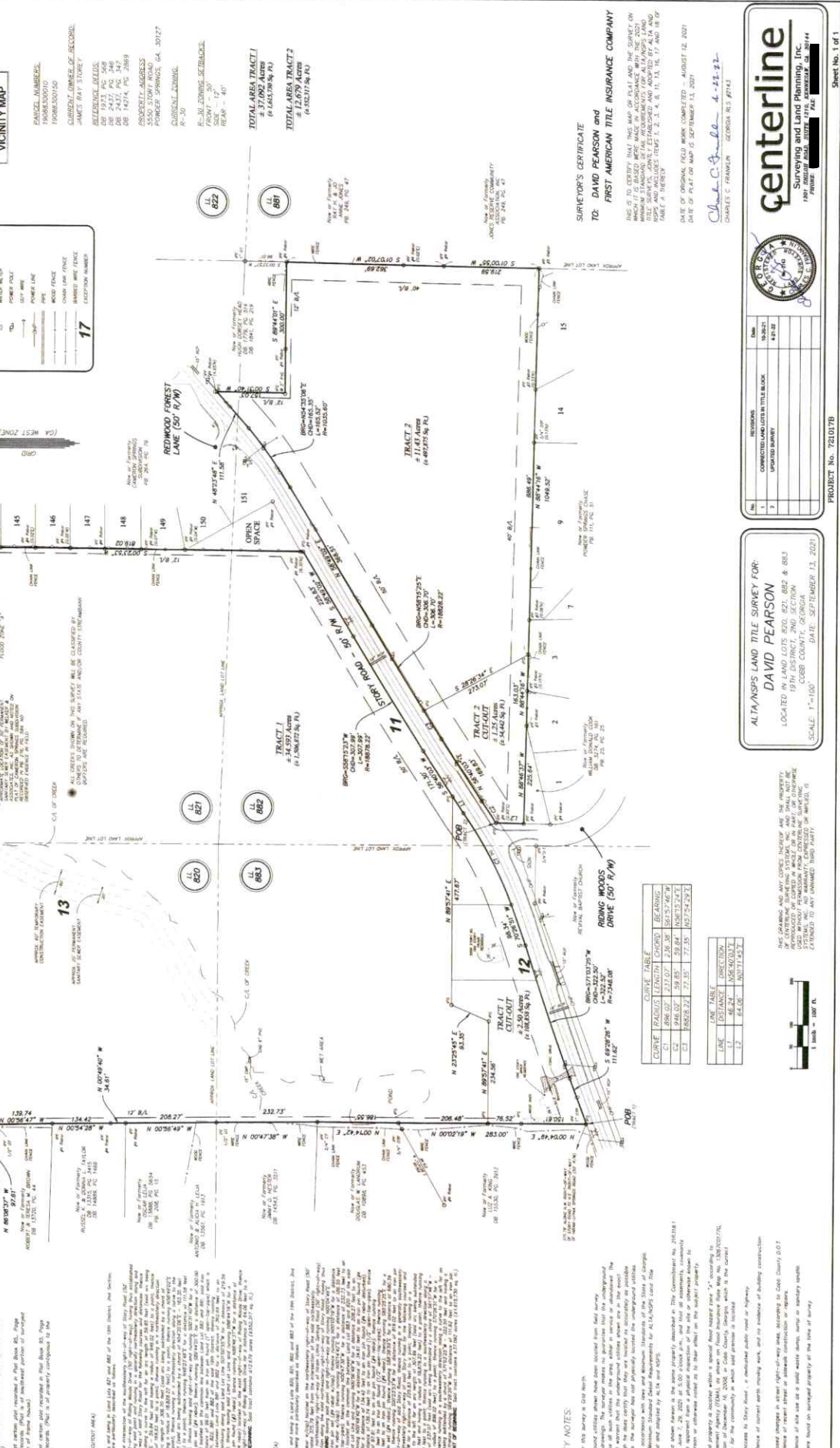
OWNER'S ADDRESS:
 5550 START ROAD
 POWDER SPRINGS, GA 30127

CURRENT ADDRESS:
 R-50

PLAT NO. ZONING SETBACKS:
 FROM - 50'
 REAR - 40'

TOTAL AREA TRACT 1
 4.17,092 ACRES
 (4,645,296 SQ. FT.)

TOTAL AREA TRACT 2
 10,127,079 ACRES
 (4,532,175 SQ. FT.)



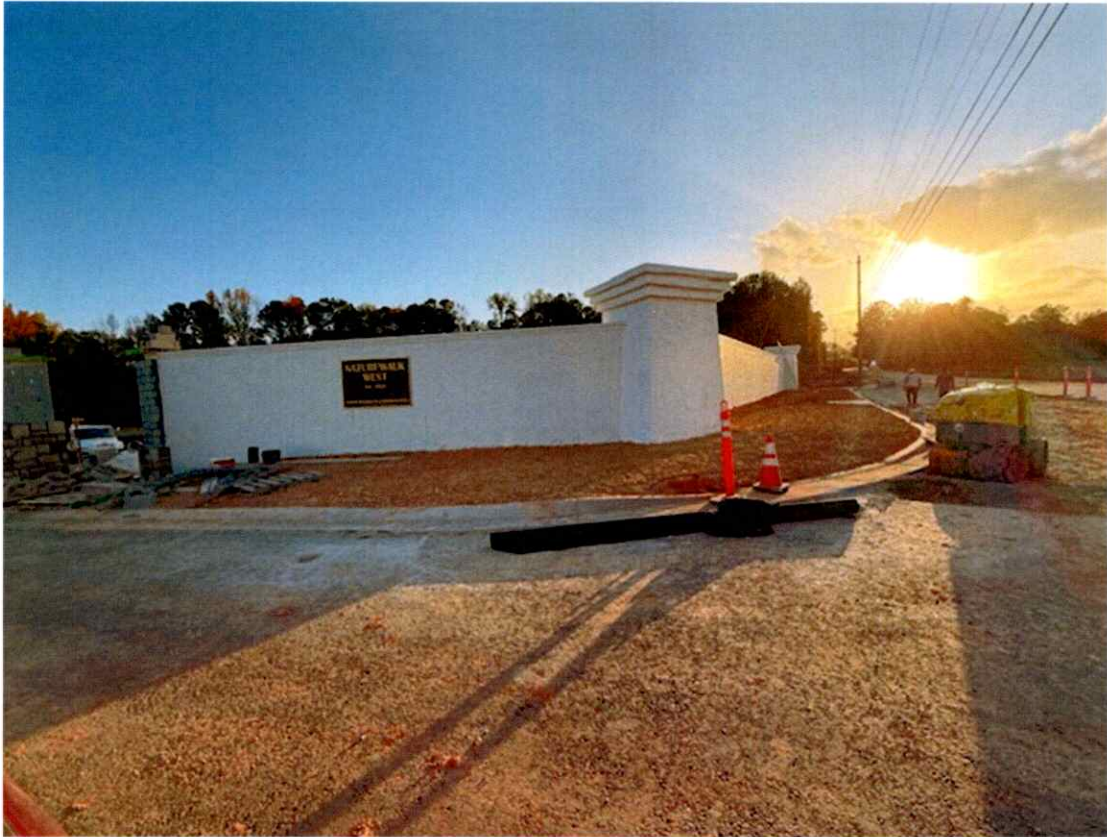
DATE OF ORIGINAL FIELD WORK COMPLETED - AUGUST 12, 2021
 DATE OF PLAT ON MAP IS SEPTEMBER 13, 2021

Charles C. Ashland 4-22-21
 CHARLES C. PEARSON GEORGIA REG. #2113

We have worked very hard and spent considerable sums of capital to ensure that Naturewalk will be a Five Star residential development that the City of Powder Springs can be very proud of. Some of the upgraded features at Naturewalk are as follows:

Beautiful masonry walls with expansive columns at both entrances along Story Road have been installed at a cost approaching \$1,000,000.







We have provided large, enhanced entrances for both the north and south phases of Naturewalk that were meticulously graded to be level visually with Story Road. We enlarged both entrances to have extra-wide pavement widths providing convenient turn-around areas in front of the future security gate locations. The security gates are being custom built and will be installed in the next several weeks.



We have installed a luxury, upgraded wooded 8' tall wooden "Board on Board" wooden privacy fence along the entrances that utilize horizontal board placement which allows for a "finished side" look on both sides of the fences. The fence boards are installed horizontally to reduce passing automobile headlights and reduce street traffic sound from penetrating the fence which is a significant, common complaint from homebuyers.



The 8' wooden fence was installed at a cost of \$49,170 (\$53.10 / LF) versus the price of 6' aluminum fence of \$34,216 (\$36.95 / LF). The 8' wooden fence is a significant upgrade over the 6 foot black aluminum fence due to light and sound reduction qualities. We will soon be installing substantive landscaping packages, sod grassing, and irrigation improvements along the walls and fences as well.

Summit Fence

Billing Address:

4200 Arrington Road
Acworth, GA. 30102

Shop Address:

5522 Glade Road
Acworth, GA. 30102

OFFICE: [REDACTED]

FAX: [REDACTED]

Date: 11/20/2024

CUSTOMER:

David Pearson Communities

Job: Naturewalk Subdivisions, North and South
Totals for fencing along Right of Ways:

South Side:

Total footage along R/W = 532' of fencing
the 8' privacy fencing cost = \$28,249.20
the 6' Aluminum Fencing cost = \$19,657.40

North Side:

Total footage along R/W = 394' of fencing
the 8' privacy cost = \$20,921.40
The 6' aluminum cost = \$14,558.30

Totals: For both the North and South sides:
926' of fencing

8' wood privacy fencing = \$49,170.60

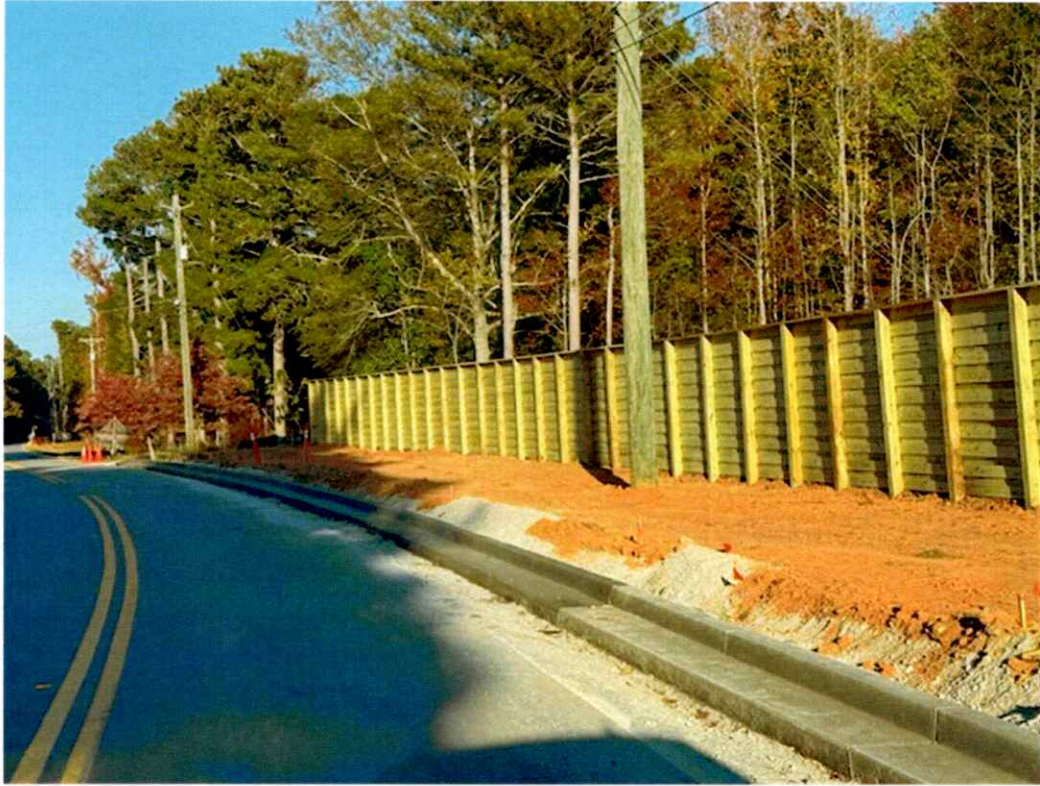
6' aluminum fencing cost = \$34,215.70

Objective: As a Fencing company owner with 38 years of experience dealing with home-owners one of the biggest complaints I have heard from all home-owners that back up to a main road is dealing with the light pollution of passing cars. Having a uniform solution for all houses in these subdivisions was a main priority for the decision of the fencing along these R/W's. If you look we also turned the fence to go down the sides to also attempt to block the light from passing cars so these eventual home-owners do not have to try to have solutions to this problem that create a non-uniform look along the roadway.

Lee Tuck

Summit Fence

C- [REDACTED]



We are installing decorative security fencing around the entire outer perimeter of the community. We recently worked with homeowners in an adjacent community, at our expense, to grade out and sod their backyards (they had a huge ravine behind their houses) and created expansive, usable backyards for those neighbors. Additionally, we installed, at our cost, decorative fencing between our properties.



The total costs of the grading, sodding and fencing enhancements for our neighbors was approximately \$35,000. The remaining perimeter fencing being installed around the entire boundary of the community will cost approximately \$500,000.

We are very apologetic in our very honest mistake in the installation of the privacy wooden fence. We hope however the City agrees the mistake actually improves the quality of the road frontage appearance along with the other upgrades we have made.

Please do not hesitate to let us know if additional information is required.

Much thanks,

Joe Sumner

Chief Financial Officer & Chief Asset Officer

DAVID PEARSON COMMUNITIES, INC.

2000 First Drive, Suite 400

Marietta, GA 30062

Office: [REDACTED]

Cell: [REDACTED]

Email: [REDACTED]