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Board of Adjustment and Appeals
NOTICE OF HEARING
Tuesday, October 18, 2022
9:00am
Perry City Hall -Council Chambers
1211 Washington Street, Perry

1. Call to Order – Chairman Mehserle
2. Roll Call
3. Election of Vice Chairman
4. Hillpointe Construction, LLC – Notice of Appeal of Decision of Building Official – 400 General Courtney Hodges Blvd.
 - Swearing in of all witnesses to testify by the Chairman
 - Petitioner’s Case (direct, cross)
 - Respondent’s Case (direct, cross)
 - Rebuttal of Petitioner, if requested
 - Closing Statements- Petitioner, Respondent and Concluding Argument of Petitioner
 - Discussion of evidence by board- if prepared to render a decision, identify reasons for the decision to be included in the written notice of decision
5. Adjourn

RULES OF PROCEDURE FOR HEARINGS
BEFORE THE BOARD OF ADJUSTMENTS AND APPEALS

1. All appeals will be heard by no less than a quorum of the Board.
2. All hearings before the Board shall be recorded, and a transcript of the proceedings or hearings shall be made available to any person on request for the payment of the cost of preparing the transcript.
3. The hearing on the appeal shall be within 10 days after notice of appeal has been received unless the parties agree to extend the time for hearing the appeal. A request by the building owner for additional time before the hearing on good cause shown shall be granted.
4. The Board through the City of Perry's Code Enforcement Officer may obtain the issuance and service of subpoenas for the attendance of witnesses or the production of evidence at the hearings.
5. The hearings shall not be required to be conducted in accordance with the technical rules relating to evidence and testimony and hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence. Any further use of hearsay evidence shall be limited to that which would be admissible in civil court.
6. In any appeal proceeding before the Board, any member of the Board shall have the power to administer oaths and affirmations and to certify official acts, and oral evidence shall be taken only on oath or affirmation.
7. The City of Perry, through the Code Enforcement Officer or its designated representative shall present its evidence and call its witnesses. The building owner or his representative shall have the right to cross examine said witnesses.
8. The building owner shall have the right, after the case has been presented by the City, to call any witnesses on his behalf and the City shall have the right to cross examine said witnesses.
9. The Board may inspect any building, structure or premise involved in the appeal during the course of the hearing provided that notice of such inspection is given to the parties prior to making the inspection, the parties are allowed to be present during the inspection and the Board states for the record, upon completion of the inspection, the facts observed and any conclusions drawn therefrom.

- ✓ 10. When an appeal is heard before the Board, any member who did not hear the evidence presented shall not vote or take part in any decision.
- ✓ 11. Within 20 days from the date of the hearing, the Board shall make a decision.
- ✓ 12. The decision of the Board shall be in writing and shall contain all findings of fact and detailed requirements to be complied with.
- ✓ 13. A copy of the decision shall be ~~mailed~~ filed with the Code Enforcement Officer and all other parties shall be mailed a copy of the decision by certified mail, postage pre-paid, return receipt requested.

JL 7/15/92
WSTG

Sec. 5-26. - Established.

There is hereby established a board to be called the board of adjustments and appeals.

(Code 1966, § 5-18)

Sec. 5-27. - Members.

- (a) The board of adjustments and appeals shall consist of seven (7) members. Three (3) members shall be either an architect, contractor or engineer.
- (b) The members of the board of adjustments and appeals shall be appointed by the mayor and council with the mayor and each council person appointing one (1) member. At the first meeting in January of 1986, the council persons representing District 1, Post 2, and District 2, Post 2 shall appoint one (1) member for a two-year term. At the first meeting in January of 1987, the council persons representing District 1, Post 1, and District 3, Post 1 shall each appoint one (1) member for a two-year term. At the first meeting in January of 1988, the mayor shall appoint a member for a one-year term, and the council persons representing District 1, Post 2, District 2, Post 2, and District 3, Post 2 shall each appoint one (1) member for a two-year term. At the first meeting in January of 1989, the mayor and the council persons representing District 1, Post 1, District 2, Post 1, and District 3, Post 1 shall appoint one (1) member for a two-year term. Thereafter, the mayor and each council person will appoint a member at the beginning of his term, for a term to run concurrently with his term.
- (c) Vacancies shall be filled for an unexpired term by the mayor or council person who made the original appointment.

(Code 1966, §§ 5-18, 5-18.1, 5-18.2)

Sec. 5-28. - Meetings.

- (a) The board of adjustments and appeals shall establish rules and regulations for its own procedure not inconsistent with the provisions of the technical codes adopted by the city. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet within ten (10) days after notice of appeal has been received.
- (b) Four (4) members of the board shall constitute a quorum. In varying the application of any provisions of the technical codes adopted by the city or in modifying an order of the building official, affirmative votes of the majority present, but not less than four (4) affirmative votes shall be required. A board member shall not act in any case of which he has a personal interest.
- (c) The building official shall act as secretary to the board of adjustments and appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a

member to vote.

(Code 1966, §§ 5-18.3—5-18.5)

Sec. 5-29. - Appeals.

- (a) *Decision of the building official.* The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the building official to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist.
- (1) The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
 - (2) The provisions of this Code do not apply to this specific case.
 - (3) That an equally good or more desirable form of installation can be employed in any specific case.
 - (4) The true intent and meaning of this Code or any of the regulation thereunder have been misconstrued or incorrectly interpreted.
- (b) *Variances.* The construction board of adjustments and appeals, when so appealed to an[d] after a hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this technical code or public interest, and also finds all of the following:
- (1) That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
 - (2) That the special conditions and circumstances do not result from the action or inaction of the applicant.
 - (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other buildings, structures or service system.
 - (4) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
 - (5) That the grant of the variance will be in harmony with the general intent and purpose of this Code and will not be detrimental to the public health, safety and general welfare.
- (c) *Notice of appeal.* Notice of appeal shall be in writing and filed within thirty (30) calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the building official.
- (d) *Unsafe or dangerous buildings or service systems.* In case of a building, structure or service system which, in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in his order, limit the time for such notice of appeals to a shorter period.

(Code 1966, §§ 5-18.6—5-18.8; Ord. No. 99-01, § 4, 5-18-99)

Sec. 5-30. - Decisions.

The construction board of adjustment and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this Code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

(Ord. No. 99-01, § 4, 5-18-99)

PERMIT DETAILED REPORT (BLDC 220597) FOR CITY OF PERRY, GA

Permit Type: Building (Non-Residential)	Project:	App Date: 07/20/2022
Work Class: Alteration	District: Fairgrounds	Issue Date: NOT ISSUED
Status: Resubmittal Required	Square Feet: 0 00	Exp Date: NOT AVAILABLE
Description: Small cosmetic repairs to metal rooms	Valuation: \$0.00	Final Date: NOT FINALED

Parcel: P28-14	Main	Address: 400 General Courtney Hodges Blvd Perry, GA 31069	Main	Zone: MUC (MUC)	Main
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Applicant	Certificate Holder	Owner
Lowrey P Love	Kelly Mahoney	Tnj Enterprises Llc
8830 Macon Highway	8830 Macon Hwy , 300	400 Gen C Hodges Blvd
Athens, GA 30606	Athens, GA 30606	Perry, GA 31069
Home:	Home:	Home: 4789872393
Business:	Business:	Business:
Mobile: (912) 399-3923	Mobile:	Mobile:

Nota	Created By	Date and Time Created
1. D. Kitchens has advised customer of requirements due to dollar value listed. On hold until further advised	Christina Sewell	July 27, 2022 10:25 am

Invoice No.	Fee	Fee Amount	Amount Paid
NOT INVOICED	Structure Permit Fee (C)	\$2,810.00	\$0.00
	Non Single-family Resid. -Certificate of Occupancy	\$160.00	\$0.00
	Fire: Remodeling Structure-(2,501-10,000 sq. ft.)	\$172.00	\$0.00
	Solid Waste Franchise Fee - Other	\$35.00	\$0.00
	<i>Total for Invoice NOT INVOICED</i>	\$3,177.00	\$0.00
	Grand Total for Permit	\$3,177.00	\$0.00

PERMIT HISTORY REPORT (BLDC 220597) FOR CITY OF PERRY, GA

Changed On	User	Description	Before	After	Additional Info
7/20/2022 3:36:01PM	Lowrey Love	Permit added			Permit (6737)
7/27/2022 10:25:33AM	Christine Sewell	BalanceDue	\$0.00	\$3,017.00	Permit (6737)
7/27/2022 10:25:33AM	Christine Sewell	Geo Rules Caller Type	None	Address	Permit (6737)
7/27/2022 10:25:33AM	Christine Sewell	Permit Note added			Permit note text: (D. Kitchens has advised customer of requirements due to dollar value listed. On hold until further advised)
8/2/2022 9:17:46AM	Christine Sewell	BalanceDue	\$0.00	\$3,017.00	Permit (6737)
8/2/2022 9:17:46AM	Christine Sewell	Description	small cosmetic repairs to motel rooms	Small cosmetic repairs to motel rooms	Permit (6737)
8/2/2022 9:17:46AM	Christine Sewell	Permit District	City of Perry	Fairgrounds	Permit (6737)
8/2/2022 9:17:46AM	Christine Sewell	Geo Rules Caller Type	None	Parcel	Permit (6737)
8/2/2022 9:17:46AM	Christine Sewell	Permit Parcel Number	[none]	P28-14	Permit (6737)
8/2/2022 9:17:46AM	Christine Sewell	Permit Parcel added			Permit parcel text: (P28-14)
8/2/2022 9:17:46AM	Christine Sewell	Permit Zone added			Permit zone text: (MUC)
8/2/2022 9:19:08AM	Christine Sewell	Description of Proposed Work	small cosmetic repairs as well as some drywall replacement	Small cosmetic repairs as well as some drywall replacement	Permit (6737)
8/2/2022 9:20:13AM	Christine Sewell	BalanceDue	\$3,017.00	\$3,177.00	Permit (6737)
8/2/2022 9:20:13AM	Christine Sewell	Computed Fee added			Computed Fee (Flat: \$160.00/each)
8/2/2022 9:20:13AM	Christine Sewell	Permit Contact added			Permit contact text: ()
8/2/2022 9:21:38AM	Christine Sewell	BalanceDue	\$0.00	\$3,177.00	Permit (6737)
8/2/2022 9:21:38AM	Christine Sewell	Permit District	Fairgrounds	Sand Hill	Permit (6737)
8/2/2022 9:21:38AM	Christine Sewell	Geo Rules Caller Type	None	Parcel	Permit (6737)
8/2/2022 9:21:38AM	Christine Sewell	Permit Status	Submitted - Online	In Review	"Automated Change: Action [SET VALUE: Permit In Review]"; Permit (6737)
8/2/2022 9:21:38AM	Christine Sewell	Start Date	[none]	8/2/2022	Permit Workflow Step text: (Review)
8/2/2022 9:21:38AM	Christine Sewell	Step Workflow Status	Not Started	Started	Permit Workflow Step text: (Review)
8/2/2022 9:21:38AM	Christine Sewell	Action Workflow Status	Not Started	Passed	Permit Workflow Step text: (Confirm application complete)
8/2/2022 9:21:38AM	Christine Sewell	Permit Submittal added			Permit submittal text: (8/2/2022)
8/2/2022 9:21:38AM	Christine Sewell	Permit WFStep Action Start Date	[none]	8/2/2022	Permit Workflow Step text: (Building Review (Non-Residential))
8/2/2022 9:21:38AM	Christine Sewell	Action Workflow Status	Not Started	Started	Permit Workflow Step text: (Building Review (Non-Residential))
8/2/2022 9:21:57AM	Christine Sewell	Permit District	Sand Hill	Fairgrounds	Permit (6737)
8/4/2022 9:20:19AM	Darryl Kitchens	Attachment added			Attachment (Executive Inn Letter.pdf)
8/4/2022 9:20:19AM	Darryl Kitchens	BalanceDue	\$0.00	\$3,177.00	Permit (6737)
8/4/2022 9:20:19AM	Darryl Kitchens	Geo Rules Caller Type	None	Parcel	Permit (6737)
8/4/2022 9:34:03AM	EnerGov Service	Permit WFStep Action End Date	[none]	8/4/2022	Permit Workflow Step text: (Building Review (Non-Residential))
8/4/2022 9:34:03AM	EnerGov Service	Completed	No	Yes	Permit submittal text: (8/2/2022)
8/4/2022 9:34:03AM	EnerGov Service	Complete Date	[none]	8/4/2022	Permit submittal text: (8/2/2022)
8/4/2022 9:34:03AM	EnerGov Service	Needs Resubmit	No	Yes	Permit submittal text: (8/2/2022)
8/4/2022 9:34:03AM	EnerGov Service	Completed	No	Yes	Permit submittal text: (8/2/2022)
8/4/2022 9:34:03AM	EnerGov Service	Submittal Status ID	In Review	Requires Re-submit	Permit submittal text: (8/2/2022)
8/4/2022 9:34:03AM	EnerGov Service	Action Workflow Status	Started	Failed	Permit Workflow Step text: (Building Review (Non-Residential))

PERMIT HISTORY REPORT (BLDC 220597)

Changed On	User	Description	Before	After	Additional Info
8/4/2022 9:34:03AM	EnerGov Service	Permit Workflow Step Action added			Permit Workflow Step text: (Building Review (Non-Residential))
8/4/2022 9:52:19AM	Christine Sewell	BalanceDue	\$0.00	\$3,177.00	Permit (8737)
8/4/2022 9:52:19AM	Christine Sewell	Allow Revision File Upload	No	Yes	
8/4/2022 9:52:19AM	Christine Sewell	Allow View Correction	No	Yes	Project File Version (Executive Inn Cleaning and Repair List_v1.pdf)
8/4/2022 9:52:19AM	Christine Sewell	eReviews File Version Comments	[none]	Please advised when resubmitted. Thank you.	Project File Version (Executive Inn Cleaning and Repair List_v1.pdf)
8/4/2022 9:52:19AM	Christine Sewell	ERFileResubmittalInstruction added			
8/4/2022 9:52:19AM	Christine Sewell	eReviews Project File Version Status ID	35A41C3A-54FC-4524-A8EE-7443943C92B4	1C54C8E1-87B6-4C0A-A30D-0005D4440514	Project File Version (Executive Inn Cleaning and Repair List_v1.pdf)
8/4/2022 9:52:19AM	Christine Sewell	File Status	Awaiting Review	Required For Resubmittal	Project File Version (Executive Inn Cleaning and Repair List_v1.pdf)
8/4/2022 9:52:19AM	Christine Sewell	NeedAttention	No	Yes	Project File Version (Executive Inn Cleaning and Repair List_v1.pdf)
8/4/2022 9:52:19AM	Christine Sewell	Geo Rules Caller Type	None	Parcel	Permit (8737)
8/4/2022 9:52:52AM	Christine Sewell	BalanceDue	\$0.00	\$3,177.00	Permit (8737)
8/4/2022 9:52:52AM	Christine Sewell	Geo Rules Caller Type	None	Parcel	Permit (8737)
8/4/2022 9:52:52AM	Christine Sewell	Permit Status	In Review	Resubmittal Required	Permit (8737)
8/22/2022 3:25:57PM	Lowrey Love	File Status	RequiredForResubmittal	Resubmitted	Project File Version (Executive Inn Cleaning and Repair List_v1.pdf)



HILPOITE

Corporate Office
 1521 N. Loop West, Suite 1700
 P.O. Box 1000
 Houston, Texas 77245
 (713) 861-1000
 Fax: (713) 861-1001
 www.hilpoite.com

Executive Inn

400 GENERAL COURTNEY
 HODGES BLVD
 CITY OF PEERY
 HOUSTON COUNTY, GA

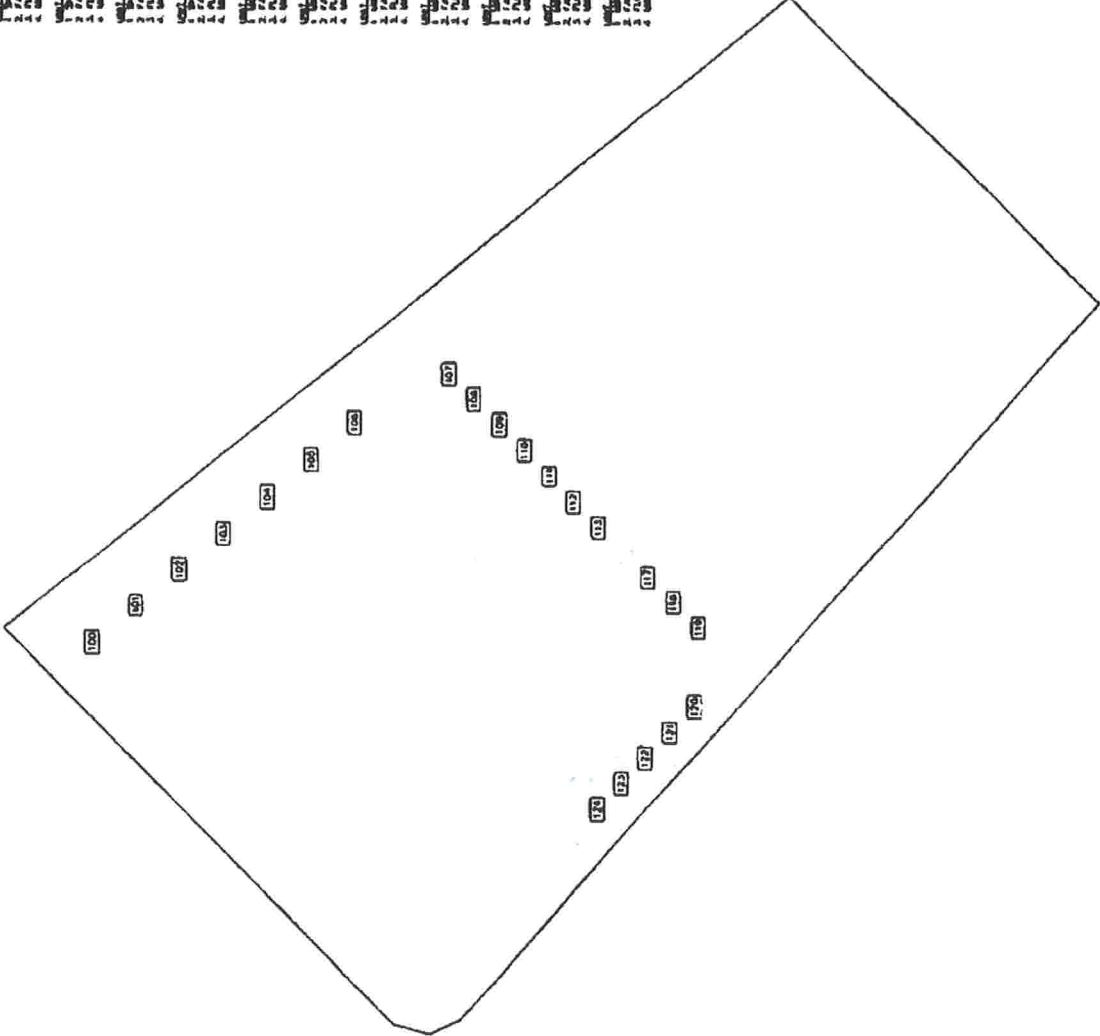
CLEANING AND REPAIR LIST

DRAWING SCALE:
 HORIZONTAL: 1" = 20'
 VERTICAL: 1" = 20'
 NORTH: N/A

DATE	07/26/2012
SHEET NUMBER	01
PROJECT	

SHEET 1.00

- UNIT 101
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FIRE MARSHALS OFFICE

Please see corrections letter in Portal attachments

Requires resubmit



HILLOITE

Corporate Office
1001 N. Loop West, Suite 300
Houston, TX 77003
Tel: (713) 782-1000

Construction Office
1001 N. Loop West, Suite 300
Houston, TX 77003
Tel: (713) 782-1000

Project Office
1001 N. Loop West, Suite 300
Houston, TX 77003
Tel: (713) 782-1000

Project
Name: Executive Inn
P. (713) 204-3253
E. (713) 204-3253

Executive Inn
400 GENERAL COURTENAY
HOUSTON BLVD
CITY OF HOUSTON
HOUSTON COUNTY, TX

SHEET TITLE

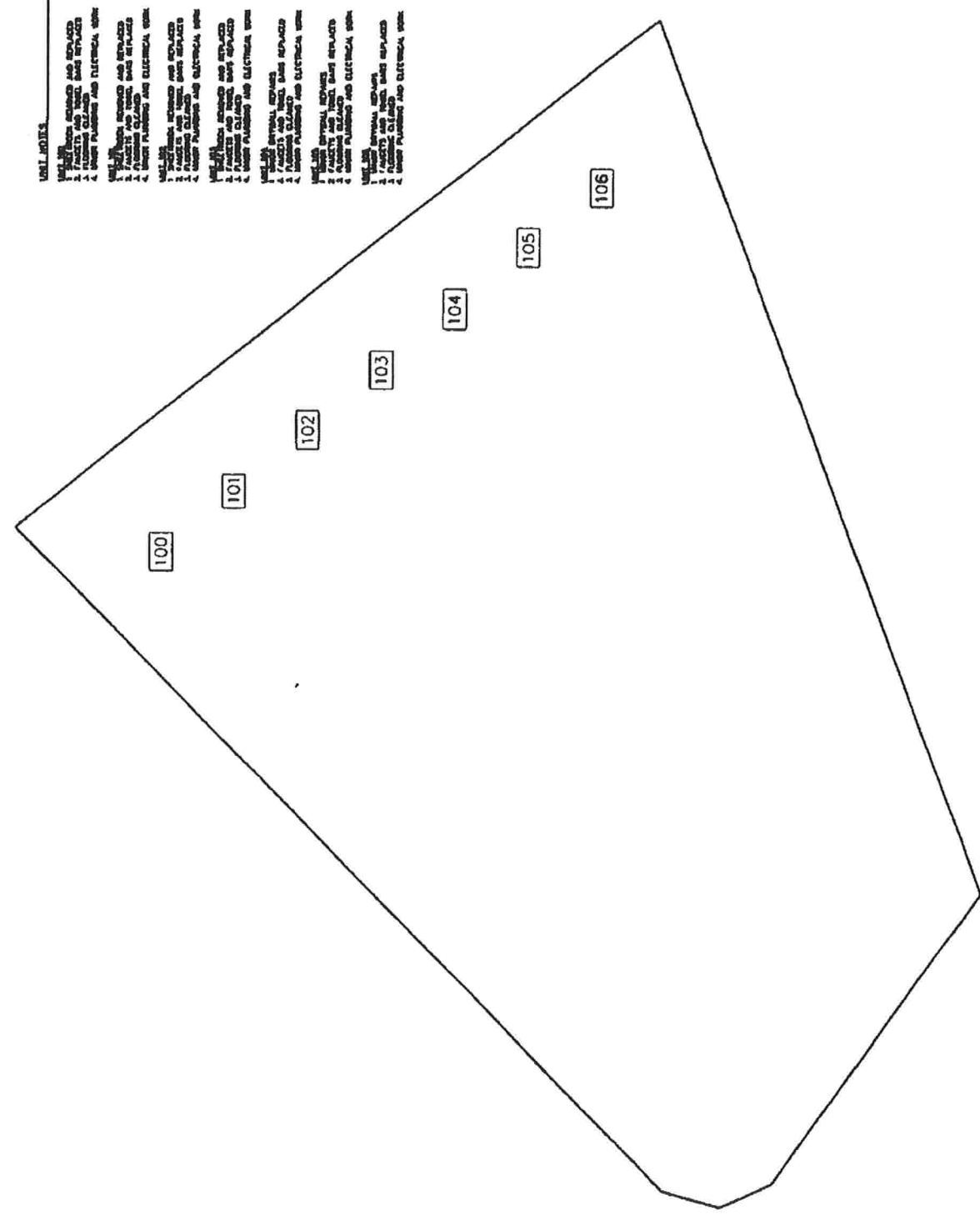
CLEANING AND REPAIR LIST

DATE	11/11/03
SCALE	AS SHOWN
PROJECT NO.	03-001
DATE	11/11/03
SCALE	AS SHOWN
PROJECT NO.	03-001

DATE	11/11/03
SCALE	AS SHOWN
PROJECT NO.	03-001
DATE	11/11/03
SCALE	AS SHOWN
PROJECT NO.	03-001

SHEET 1/50

- UNIT 100**
1. PAINTS REMOVED AND REPLACED
 2. FLOORING REMOVED AND REPLACED
 3. PLUMBING AND ELECTRICAL WORK
- UNIT 101**
1. PAINTS REMOVED AND REPLACED
 2. FLOORING REMOVED AND REPLACED
 3. PLUMBING AND ELECTRICAL WORK
- UNIT 102**
1. PAINTS REMOVED AND REPLACED
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 3. PLUMBING AND ELECTRICAL WORK
- UNIT 103**
1. PAINTS REMOVED AND REPLACED
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- UNIT 104**
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- UNIT 105**
1. PAINTS REMOVED AND REPLACED
 2. FLOORING REMOVED AND REPLACED
 3. PLUMBING AND ELECTRICAL WORK
- UNIT 106**
1. PAINTS REMOVED AND REPLACED
 2. FLOORING REMOVED AND REPLACED
 3. PLUMBING AND ELECTRICAL WORK





Fire Marshal's Office
City of Perry, Georgia
Fire & Emergency Services Department
1207 Washington Street, Post Office Box 2030
Perry, Georgia 31069
Office (478) 988-2759 • Fax (478) 988-2753



Darryl Kitchens, Fire Marshal

Where Georgia comes together.

August 3, 2022

Mr. Wiedower,

After extensive review of your permit application (permit #220597), 400 General Courtney Hodges Boulevard, and further review of our city and state rules and regulations, this property must be purposed as a new building and follow all required codes and regulations thereof. Please resubmit stamped architectural plans for the property that address bringing the buildings up to current codes. Below are the state-adopted regulations that require the City of Perry to hold the existing building to current standards. Please call us at our office if you have questions about these requirements.

1. Ga. Comp. R. & Regs. 120-3-3-.04 State Minimum Fire Safety Standards with Modifications

103.2 Existing buildings.

103.2.1 Existing buildings to be deemed a proposed building. For the purposes of O.C.G.A. 25-2-14(b), any existing building or structure listed in paragraph (1) of subsection (b) of O.C.G.A. 25-2-13 and which comes under the jurisdiction of the Office of the Safety Fire Commissioner, pursuant to O.C.G.A. 25-2-12, shall be deemed to be a proposed (new) building in the event such building or structure is subject to substantial renovation, a fire or other hazard of serious consequence, or a change in the classification of occupancy, or a change to the occupant load or structure issued as a condition of occupancy. The term "substantial renovation", for purposes of this subsection means any construction project involving exits or internal features of such building or structure costing more than the building's or structure's assessed value according to county tax records at the time of such renovation (O.C.G.A. 25-2-14). Where a change of classification is involved, also refer to 102.3 of this Code.

103.3 Proposed (new) buildings and additions to existing buildings.

103.3.1 Pursuant to O.C.G.A. 25-2-14.1(b), every proposed building and structure listed in paragraph (1) of subsection (b) of O.C.G.A. 25-2-13 shall comply with the adopted minimum fire safety standards that were in effect on the date that plans and specifications therefore were received by the state fire marshal, the proper local fire official marshal, or state inspector for review and approval. Complete plans for proposed (new) buildings and structures recorded as received by the authority having jurisdiction for review prior to the effective date of this Chapter, may be reviewed under the codes, standards, and Rules and Regulations of the Safety Fire Commissioner in force prior to the effective date of this Chapter.

The City of Perry has deemed this project a substantial renovation based on the valuation of work as stated on the permit application to be more than the assessed value according to county tax records at the time of the permit. After investigation of the building, it is the determination of the fire department that this building also constitutes a hazard of serious consequence due to insufficient fire department access, fire protection, and egress.

2. 2018 IFC Section 111.1.1

Structures or exiting equipment that are or hereafter become unsafe or deficient because of inadequate means of egress, that constitute a fire hazard, or involve illegal improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secure against unauthorized entry as required by Section 311 shall be deemed unsafe.

The City of Perry, after our investigation as stated above, has deemed the building unsafe due to the inadequate means of egress, and in accordance with Section 111.1.1, hereby notifies the permittee to remedy the unsafe conditions and refer the permittee to the building department for remedy.

3. 2018 IBC 102.6.1

A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the International Building Code or International Residential Code, as applicable, for new construction or with any current permit for such occupancy.

The buildings have been deemed unsafe, vacant, and dilapidated and the structures have not been in use for the proposed occupancy since the adoption of the current 2018 code cycle. Therefore, the buildings must meet the requirements of new construction as this is a change of use.

September 2, 2022

VIA EMAIL

(*bryan.wood@perry-ga.gov*)

(*cody.gunn@perry-ga.gov*)

(*comm.development@perry-ga.gov*)

Cody Gunn
Building Official
City of Perry
741 Main Street
Perry, GA 31069

Brian Wood
Director of Community Development
City of Perry
741 Main Street
Perry, GA 31069

Christine Sewell
Department of Community Development
City of Perry
741 Main Street
Perry, GA 31069

Re: Appeal of Decision of Building Official Pursuant to City of Perry Ord. § 5-29

Dear Mr. Gunn, Mr. Wood and Ms. Sewell:

We write at the direction of our client, Hillpointe Construction, LLC ("Hillpointe"), to advise you of Hillpointe's appeal of the denial of building permit application number 220597 (the "Application"), which was submitted on July 20, 2022 regarding the property located at 400 General Courtney Hodges Boulevard, Perry Georgia (the "Property").

In support of this appeal, Hillpointe presents the following:

On July 20, 2022, Hillpointe submitted the Application, seeking a permit to clean and repair 22 rooms in the front buildings of the hotel formerly known as The Executive Inn located on the Property. The buildings and the rooms have been operated and used as a hotel for over thirty years.

Hillpointe included with the Application a plan depicting the rooms subject to the Application and outlining the desired repairs. Specifically, Hillpointe sought only to (1) remove and replace sheetrock; (2) remove and replace faucets and towel bars; (3) clean the floors; and (4) make minor electrical and plumbing repairs.

On August 4, 2022, the City of Perry, through its Building Official, Cody Gunn, denied the Application and instructed Hillpointe to resubmit the Application with revised plans to bring the Property into compliance with current building codes. Mr. Gunn's decision was based upon a letter from Darryl Kitchens, the Fire Marshal for the City of Perry.

In his letter, Mr. Kitchens cited three reasons for his conclusion that the Property must be "purposed as a new building" and brought "up to current codes":

- (1) the proposed repairs outlined in the Application constitute a "substantial renovation" based upon the valuation of the work as compared to the assessed value of the Property;
- (2) the Property is unsafe due to inadequate means of egress; and
- (3) the Property is "deemed unsafe, vacant, and dilapidated" and has not been used as a hotel since at least the adoption of the 2018 code cycle.

Mr. Kitchen's findings regarding the Property and Mr. Gunn's decision regarding the Application are erroneous and must be reversed.

As an initial matter the front buildings on the Property have been operated as a hotel for years, including the months preceding Hillpointe's purchase of the Property in 2022. Hillpointe did not seek permission to change the use of the Property; it sought only to make the hotel rooms cleaner and safer. Moreover, the value of the repairs outlined in the Application hardly exceed the assessed value of the Property, as Hillpointe sought permission to do little more than simple cosmetic work.

As for the issue of egress, Hillpointe and the Fire Marshal discussed at length the nature of the concerns, as well as a potential resolution. The Fire Marshal's concerns regarding egress related only to the building located at the rear of the Property, a building that currently is unoccupied and was not subject to the Application. Moreover, Hillpointe proposed an alteration to the front building that alleviated the Fire Marshal's concerns and allowed unobstructed access to the rear building.

Finally, the City has never declared the Property dilapidated, nor has it ever restricted the use of the rooms located in the front buildings on the Property.

In light of these things, Mr. Gunn's decision to deny the Application was clearly in error, and Hillpointe should be allowed to proceed with the proposed repairs to all 22 units in the front buildings on the Property.

In addition to the above reasons to overturn Mr. Gunn's decision, the denial of the Application violates Hillpointe's constitutional rights, as it unreasonably impairs and destroys Hillpointe's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Denial of the Application is unconstitutional, illegal, null and void, constituting a taking of the Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States.

Denial of the Application unconstitutionally discriminates, in an arbitrary, capricious and unreasonable manner, between Hillpointe and other similarly situated property owners in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Denial of the Application also constitutes an unreasonable and extreme hardship upon Hillpointe, without remotely advancing the public health, safety and welfare and constitutes an arbitrary and capricious act without any rational basis, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

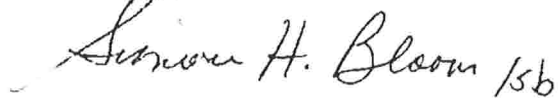
Denial of the Application constitutes a violation of Hillpointe's vested rights and Article I, Section I, Paragraph X of the Constitution of the State of Georgia of 1983.

Mr. Cody Gunn
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Ms. Christine Sewell
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Denial of the Application violates Hillpointe's procedural due process rights under Article I, Section I, Paragraph I of the Constitution of the State of Georgia, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Georgia's Zoning Procedures Law, O.C.G.A. § 36-66-1.

Hillpointe seeks the immediate reversal of Mr. Gunn's decision and requests that the Department of Community Development immediately approve the Application and issue the requested building permit.

Sincerely,

A handwritten signature in cursive script that reads "Simon H. Bloom" followed by a small mark that appears to be "15b".

Simon Bloom