



# *Agenda*

City Council Meeting

January 27<sup>th</sup>, 2025

6:30 pm

Baldwin Municipal Courtroom, 155 Willingham Avenue, Baldwin, GA 30511

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## *Call Meeting to Order*

## *Invocation and Pledge*

## *State of the City – Mayor Almagno*

## *Fire Department Recruit Graduation*

## *Consent Agenda*

- a. Approval of Minutes: Council Meeting 1/13/25 and SCM 1/22/25.

## *Public Comments*

## *Public Hearings*

Mora-Zavala Special Use Permit Ordinance [#2025-01159Z](#)

## *Reports*

Water Treatment/Wastewater Treatment - City Engineer Fletcher Holliday

## *Old Business*

1. Consideration/Approval of 2025 Qualifying Fees Ordinance [#2024-12155](#)
2. Consideration/Approval of 2<sup>nd</sup> Reading of Mora-Zavala SUP Ordinance [#2025-01159Z](#)
3. Open Discussion of House Bill 581

## *New Business*

## *Executive Session*

## *Announcements*

- a. Homestead Exemption Affidavits for 2025 property taxes are due April 1<sup>st</sup>. If you do not have a Homestead Exemption, stop by City Hall or call 706-778-6341 to find out the exemption for which you qualify. If you have a City exemption, but not a County exemption, contact the County clerk.

## *Adjournment*

*\*\*The City of Baldwin will provide reasonable accommodations whenever needed for those participating in a City Council meeting. Please notify the City Clerk as early as possible prior to a meeting to ensure accommodations can be made in a smooth and timely fashion.*



FIRST READING 1/27/2025

ADVERTISED 1/29/2025

PASSED 1/27/2025

AN ORDINANCE NO. 2024-12155

**AN ORDINANCE PROVIDING FOR THE 2025 GENERAL ELECTION FOR THE CITY OF BALDWIN, GEORGIA; TO PROVIDE FOR A TITLE FOR SAID ORDINANCE; TO ESTABLISH AND SET THE DATE AND TIME OF THE 2025 GENERAL ELECTION FOR THREE COUNCIL SEATS UPON THE CITY COUNCIL OF THE CITY OF BALDWIN, GEORGIA; TO PROVIDE FOR THE QUALIFYING FEES FOR SAID POSITIONS; TO PROVIDE FOR THE OPENING AND CLOSING OF THE QUALIFYING PERIOD FOR SAID POSITIONS; TO PROVIDE FOR THE APPOINTMENT OF ELECTION OFFICIALS, INCLUDING THE ELECTION SUPERINTENDENT, THE CHIEF REGISTRAR, THE ABSENTEE BALLOT CLERK, THE CUSTODIAN OF VOTING MACHINES, THE CHIEF POLL MANAGER, THE ASSISTANT POLL MANAGERS, AND THE DEPUTY REGISTRAR; TO PROVIDE FOR THE LAST DATE OF VOTER REGISTRATION; AND FOR OTHER PURPOSES.**

WHEREAS, the City Council of the City of Baldwin, Georgia is authorized by Art. IX, § II, ¶ II of the Constitution of the State of Georgia of 1983, and pursuant to O.C.G.A.

§ 21-2-131 et seq., to enact ordinances for the holding of elections of public officials of the municipality;

WHEREAS, the City of Baldwin, Georgia desires to conduct its elections, openly and fairly for all duly qualified and registered electors of the City of Baldwin, Georgia;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Baldwin, Georgia, and it is hereby ordained by authority of same, as follows:

38           **Section 1. TITLE.**

39           This Ordinance shall be known as the "2025 General Election Ordinance for the City of  
40 Baldwin, Georgia."

41           **Section 2. GENERAL ELECTION.**

42           The City of Baldwin, Georgia will conduct a General Election on Tuesday, November 4,  
43 2025, from 7:00 a.m. until 7:00 p.m., with the place of said election being the authorized voting  
44 precinct and being the Habersham South Precinct, located with the Habersham County Elections  
45 & Voter Registration Building located at 403 Habersham County Shopping Center, Cornelia, GA  
46 30531 for the public positions as indicated in Section 3 of this Ordinance.

47           **Section 3. EACH CANDIDATE SHALL DESIGNATE THE SPECIFIC**  
48           **OFFICE BY POST AND INCUMBENT THAT THE CANDIDATE**  
49           **IS SEEKING.**

50  
51           (A) O.C.G.A. § 21-2-135 allows the governing authority of a municipality by ordinance  
52 to require, regarding elections involving two or more public offices, each having the same title  
53 and to be filled at the same election by the vote of the same electors, candidates to designate the  
54 specific office the candidate is seeking by incumbent or post, or both. The City Council of the  
55 City of Baldwin, Georgia, by prior ordinance duly passed on June 14, 1999, and approved by the  
56 U.S. Department of Justice on June 17, 1999 pursuant to the Voting Rights Act (42 U.S.C. §  
57 1973c), found that it is in the best interests of the citizens and electors of the City of Baldwin, for  
58 candidates to designate the specific office the candidate is seeking.

59           (B) In order to facilitate the procedure by which each candidate shall designate the  
60 specific office the candidate is seeking, each seat of a general City Councilmember shall be  
61 designated by a specific post number, which will create five specific posts for each of the seats of  
62 the general City Councilmembers, and held by the following incumbents:

63                   1. Post 1 of the City Council of the City of Baldwin, being a general  
64 Councilmember, and with the current term of the seat being Post 1 expiring on December 31,  
65 2027, and with said office being filled by an election at-large by the General Election on  
66 November 7, 2023, and having a term of four (4) years beginning on January 1, 2024 through  
67 December 31, 2027, with said post currently held by Erik Keith.

68                   2. Post 2 of the City Council of the City of Baldwin, being a general  
69 Councilmember, and with the current term of the seat being Post 2 expiring on December 31,  
70 2027, and with said office being filled by a special election on November 5, 2024, and having a  
71 term of four (4) years beginning on January 1, 2024 through December 31, 2027, with said post  
72 currently held by Nancy Lehman as of November 12, 2024 via Special Election.

73                   3. Post 3 of the City Council of the City of Baldwin, being a general  
74 Councilmember, and with the current term of the seat being Post 3 expiring on December 31,  
75 2027, and with said office being filled by an election at-large by the General Election on  
76 November 7, 2023, and having a term of four (4) years beginning on January 1, 2024 through  
77 December 31, 2027, with said post currently held by Kerri Davis.

78                   4. Post 4 of the City Council of the City of Baldwin, being a general  
79 Councilmember, and with the prior term of the seat being Post 4 expiring on December 31, 2025,  
80 and with said office being filled by an election at-large by the General Election on November 2,  
81 2021, and having a current term of four (4) years beginning on January 1, 2022 through  
82 December 31, 2025, with said post currently held by Maarten Venter.

83                   5. Post 5 of the City Council of the City of Baldwin, being a general  
84 Councilmember, and with the prior term of the seat being Post 5 expiring on December 31, 2021,  
85 and with said office being filled by an election at-large by the General Election on November 2,

86 2021, and having a term of four (4) years beginning on January 1, 2022 through December 31,  
87 2025, with said post currently held by Alice Venter.

88 In that there is only one public office upon the City Council of the City of Baldwin of  
89 Mayor, said public office does not need a Post number, but this ordinance recognizes that the  
90 term of the seat of Mayor will expire on December 31, 2025, and said office shall be filled by an  
91 election at-large by the General Election on November 2, 2021, and having a term of four (4)  
92 years beginning on January 1, 2022 through December 31, 2025, with the public office of Mayor  
93 being currently held by Stephanie Almagno as of November 13, 2023 via Special Election.

94 (C) For the General Election to be held by the City of Baldwin, Georgia, in November  
95 2025, and for each General Election hereinafter to fill the public offices of Councilmembers  
96 upon the City Council of the City of Baldwin, Georgia, until changed or modified by proper  
97 ordinance of the City Council of the City of Baldwin, Georgia, each candidate for the public  
98 office of Councilmember and Mayor upon the City Council of the City of Baldwin, Georgia,  
99 shall designate the specific office the candidate is seeking, by title and incumbent in the case of  
100 the seat of Mayor, and by Post and incumbent as to each seat of a Councilmember of the City  
101 Council of the City of Baldwin, Georgia.

102 **Section 4. COUNCIL SEATS OPEN FOR ELECTION AND THE TERMS**  
103 **THEREOF.**

104 The General Election to be held on the date established by Section 2 hereof this  
105 Ordinance is to fill the following offices:

107 (A) The office of City Councilmember of the City of Baldwin, Georgia, being Post 4,  
108 which will be elected at large for a term of four (4) years beginning on January 1,  
109 2026 through December 31, 2029, with said seat currently held by Maarten Venter.

110 (B) The office of City Councilmember of the City of Baldwin, Georgia, being Post 5,

111 which will be elected at large for a term of four (4) years beginning on January 1,  
112 2026 through December 31, 2029, with said seat currently held by Alice Venter.

113 (C) The office of Mayor of the City of Baldwin, Georgia, which will be elected at large  
114 for a term of four (4) years beginning on January 1, 2026 through December 31,  
115 2029, with said seat currently held by Stephanie Almagno.

116 **Section 5. QUALIFYING PERIOD.**

117 The qualifying period for the election set by Section 2 of this Ordinance to qualify for the  
118 offices set by Section 3 of this Ordinance, shall open on Monday, August 18, 2025, and will  
119 continue from day-to-day through Friday, August 22, 2025. The hours of qualifying each day  
120 shall be from 8:30 a.m. until 4:30 p.m. (except for a one-hour lunch break beginning at 1:00 p.m.  
121 each day), except that qualifying will end at 12:00 noon on August 22, 2025. The place of  
122 qualifying shall be the administrative office of the Election Superintendent being Habersham  
123 County Office of Elections and Registration, Habersham County Elections & Voter Registration  
124 Building located at 403 Habersham County Shopping Center, Cornelia, GA 30531.

125 **Section 6. QUALIFYING FEE.**

126 (A) The qualifying fee for the positions open for election as provided by Section 4 of this  
127 Ordinance shall be \$35.00 for each Council seat. Such fee shall be paid to the Election  
128 Superintendent at the time a candidate files the candidate's application and notice of candidacy.

129 (B) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise  
130 required by this Ordinance in Section 6(A). A candidate filing a pauper's affidavit instead of  
131 paying a qualifying fee shall under oath affirm the candidate's poverty and the candidate's  
132 resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be  
133 as prescribed by the Georgia Secretary of State and shall include a financial statement which lists

134 the total income, assets, liabilities, and other relevant financial information of the candidate and  
135 shall indicate on its face that the candidate has neither the assets nor the income to pay the  
136 qualifying fee otherwise required. The affidavit shall contain an oath that such candidate has  
137 neither the assets nor the income to pay the qualifying fee otherwise required. The following  
138 warning shall be printed on the affidavit form as prepared by the Georgia Secretary of State, to  
139 wit: "WARNING: Any person knowingly making any false statement on this affidavit commits  
140 the offense of false swearing and shall be guilty of a felony." The Election Superintendent shall  
141 place on the ballot the name of any candidate who subscribes and swears to an oath that such  
142 candidate has neither the assets nor the income to pay the qualifying fee otherwise required.

143 **Section 7. ELECTION APPOINTMENTS.**

144 (A) The following persons are hereby appointed to act as election officials for the 2025

145 General Election:

146 Election Superintendent By intergovernmental agreement with  
147 Habersham County.

148  
149 Chief Registrar By intergovernmental agreement with  
150 Habersham County.

151  
152 Absentee Ballot Clerk By intergovernmental agreement with  
153 Habersham County.

154  
155 Voting Machines Custodian By intergovernmental agreement with  
156 Habersham County.

157  
158 Chief Poll/Precinct Manager By intergovernmental agreement with  
159 Habersham County.

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161 Assistant Poll/Precinct Manager By intergovernmental agreement with  
162 Habersham County.

163  
164 Assistant Poll/Precinct By intergovernmental agreement with  
165 Habersham County.

166  
167 Assistant Poll/Precinct By intergovernmental agreement with





- 195 (5) The name of the office that the candidate is seeking;
- 196 (6) That the candidate is eligible to hold such office;
- 197 (7) That the candidate has never been convicted and sentenced in any court of
- 198 competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office,
- 199 or felony involving moral turpitude under the laws of this state or any other state or of the United
- 200 States, or that the candidate's civil rights have been restored and that at least ten years have
- 201 elapsed from the date of the completion of the sentence without a subsequent conviction of
- 202 another felony involving moral turpitude; and
- 203 (8) That the candidate will not knowingly violate any provisions of the "Georgia
- 204 Election Code" or any rules and regulations adopted under the "Georgia Election Code".

205 (B) Each person qualifying as a candidate will file a financial disclosure statement

206 prescribed by the laws of the State of Georgia in the form as prescribed therein, no later than the

207 fifteenth day following the last date of qualifying with the Election Superintendent of the City of

208 Baldwin.

209 **Section 10. WRITE-IN CANDIDATES.**

210 (A) In the general municipal election, no person elected on a write-in vote shall be

211 eligible to hold office unless notice of the person's intention of candidacy was given no later than

212 seven (7) days after the close of the municipal qualifying period in accordance with O.C.G.A. §

213 21-2-133(a) by the person to be a write-in candidate or by some other person or group of persons

214 qualified to vote in the election, to the Election Superintendent and by publication in the official

215 gazette of the City of Baldwin, Georgia (and currently being The Northeast Georgian).

216 (B) In addition to the requirements contained in subsection (A) of Section 10., the person

217 or persons giving notice of intention of candidacy for a write-in candidate shall also file, with the

218 Election Superintendent, a copy of the notice as published with an affidavit stating that the notice  
219 has been published, with the name of the newspaper and the date of publication, not later than  
220 the fifth day after the deadline for filing and publishing such notice. The affidavit may be made  
221 by the person giving notice of intention of candidacy or by the publisher of the newspaper in  
222 which the notice was published or by an employee of the newspaper designated by the publisher.

223

224 **Section 11. ADVANCE VOTING.**

225 Advance voting shall begin on Tuesday, October 14, 2025 and continue until Monday,  
226 October 16, 2023 and continue until Friday, October 31, 2025 and shall be done at the  
227 Habersham County Elections Office at 403 Habersham County Shopping Center, Cornelia, GA  
228 30531. The hours for advance voting shall be 8:00 a.m. until 5:00 p.m. Regular absentee ballots  
229 may be acquired beginning on October 14, 2025 at the Habersham County Elections Office.

230 **Section 12. SEVERABILITY.**

231 If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Ordinance  
232 should be declared invalid or unconstitutional by any court of competent jurisdiction or if the  
233 provisions of any part of this Ordinance is applied to any particular situation or set of  
234 circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed  
235 to effect the portions of this Ordinance not so held to be invalid, or the application of this  
236 Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent  
237 of the City Council of the City of Baldwin to provide for separate and divisible parts, and it does  
238 hereby adopt any and all parts hereof as may not be held invalid for any reason.

239 This \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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BALDWIN CITY COUNCIL

By: \_\_\_\_\_  
Mayor, Stephanie Almagno

\_\_\_\_\_  
Erik Keith, Council Member

\_\_\_\_\_  
Nancy Lehman, Council Member

\_\_\_\_\_  
Kerri Davis, Council Member

\_\_\_\_\_  
Maarten Venter, Council Member

\_\_\_\_\_  
Alice Venter, Council Member

Attest:

\_\_\_\_\_  
Erin Gathercoal  
City Clerk

FIRST READING January 13<sup>th</sup>, 2025

PUBLISHED January 10<sup>th</sup>, 2025

ZONING HEARING January 27<sup>th</sup>, 2025

PASSED \_\_\_\_\_

**AN ORDINANCE NO. 2025-01159Z**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BALDWIN, GEORGIA, BY GRANTING A SPECIAL USE PERMIT TO ALLOW A CLASS A DOUBLE-WIDE MANUFACTURED HOME TO ALL THAT TRACT(S) OR PARCEL(S) OF LAND OWNED BY MONTSERRAT MORA AND ROBERTO ZAVALA, AND BEING TRACT 1 WITHIN HABERSHAM COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED ON A NOVEMBER 11, 2024 WARRANTY DEED FILED IN DEED BOOK 01382, PAGE 00001 – 00002 OF THE HABERSHAM COUNTY DEED RECORDS WHICH IS ATTACHED HERETO AND, WHICH IS INCORPORATED BY REFERENCE INTO THIS ORDINANCE, AND CURRENTLY ZONED AS SINGLE-FAMILY RESIDENTIAL (R-2), WITH CONDITIONS; REPEALING CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**BE IT ORDAINED** by the City Council of Baldwin, Georgia as follows:

**Section 1. ZONING IMPOSED WITH CONDITIONS.**

That from and after the passage of this ordinance the following described lands located within the City of Baldwin shall be zoned and so designated on the zoning map of the City of Baldwin as Single-Family Residential (R-2) District with the following Special Use Permit:

Conditional Use Allowed:

- (1) Class A double-wide manufactured home
- (2) The zoning district and zoning setbacks remain the same.

Conditions:

(1) Property owner shall submit a survey of subject property within one year of the adoption of this ordinance. In the event a survey is not submitted by time specified, the action contemplated in this ordinance shall be rescinded.

(2) HUD Code: Every manufactured home located on the property shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.

(3) Interior Condition: Every floor, interior wall, and ceiling of a manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.

(4) Exterior Condition: The exterior of a manufactured home shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be free of rot and rust. The roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.

(5) Sanitary Facilities: Every plumbing fixture, water, and waste pipe of a manufactured home shall be in a sanitary working condition when properly connected and shall be free from leaks and obstructions. The home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.

(6) Heating System: Heating shall be safe and in working condition. Un-vented

heaters shall be prohibited.

(7) Electrical Systems: Switches, receptacles, fixtures, etc. shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to assure that all metallic parts are properly bonded. A manufactured home shall contain a water heater in safe and working order.

(8) Hot Water Supply: The home shall contain a water heater in safe and working condition.

(9) Egress Windows: Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary.

(10) Ventilation: The kitchen in the home shall have at least one operating window or other ventilation device.

(11) Smoke Detectors: A manufactured home shall contain one operable battery-powered smoke detector in each bedroom and in the kitchen, which must be installed in accordance with the manufacturer's recommendations.

(12) Enclosure of space beneath home: The space underneath the manufactured home shall be fully enclosed to protect this space from the elements and to create an aesthetic appearance for the unit. Materials used for this purpose shall be rigidly mounted and shall be acceptable for exterior use.

(13) Tiedowns: Acceptable provisions for tiedowns for the home shall be made in accordance with the Building Code requirements.

(14) Foundations: All piers shall be placed on footings of solid concrete not less than the following: Double-wide – 24 inches by 24 inches by eight (8) inches.

(15) Completion of site preparation: The owner shall be responsible for final site preparation with the following items which shall be required of the owner to include, but are not limited to, the following:

a. Paving of driveways and parking from the curb line of streets to the actual home location site behind the setback line.

b. Lawns shall be landscaped and seeded by the owner within a reasonable period of time (not to exceed sixty (60) days) after the installation of the manufactured home taking into consideration weather changes and conditions.

c. All trees shall remain on the lot except as their removal is required for installation of driveways and the location of the home on the lot with a reasonable yard area.

(16) Five (5') foot vegetative buffer around the entire property lines.

(17) The manufactured home shall be affixed to the real property and be a part of and conveyed with the real property.

Legal Description:

All that tract or parcel of land lying and being in Land Lot 185 of the 10<sup>th</sup> Land District of Habersham County, Georgia, being known and designated as Tract #2 containing 0.593 acres, more or less, as shown on a Plat of Survey prepared for Minnie Payne by E.G. Davidson, GRLS#2586, dated September 18, 2003.

**Section 2. REPEAL OF CONFLICTING ORDINANCES.**

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**Section 3. SEVERABILITY OF PARAGRAPHS.**

If any portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that



other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

**Section 4. AMENDMENT TO THE ZONING MAP.**

This ordinance is enacted as an amendment to the zoning map of the City of Baldwin.

**Section 5. EFFECTIVE DATE.**

The effective date of the zoning conditional use imposed by this ordinance shall be on the date the zoning conditional use is approved by the City of Baldwin, by and through its City Council.

**SO ORDAINED** this 27<sup>th</sup> day of January 27<sup>th</sup>, 2025.

**BALDWIN CITY COUNCIL**

By: \_\_\_\_\_  
Mayor Stephanie Almagno

\_\_\_\_\_  
Council Member Erik Keith

\_\_\_\_\_  
Council Member Nancy Lehman

\_\_\_\_\_  
Council Member Kerri Davis

\_\_\_\_\_  
Council Member Maarten Venter

Attest:

\_\_\_\_\_  
Council Member Alice Venter

\_\_\_\_\_  
Erin Gathercoal  
City Clerk



12/16/24  
Date Received

# Application for Variance or Zoning Change

Application Creation Date 12/13/24

First Reading Date 1/13/25

Published Date 1/10/2025

Second Reading Date 1/27/2025

### Applicant Information

Name	Roberto B Zavala
Address	20 City Park rd
City/State/Zip	Baldwin GA
Phone	706-540-9031
Fax	
Email	Zroberto213@gmail.com

### Property Owner Information

Name	Roberto B Zavala
Address	392 King St
City/State/Zip	Baldwin GA
Phone	706-949-0661
Fax	
Email	Zroberto213@gmail.com

### Status of Applicant

<input checked="" type="checkbox"/>	Current Property Owner
<input type="checkbox"/>	Option to Purchase
<input type="checkbox"/>	Area Resident
<input type="checkbox"/>	Other (Explain)

### Variance Request(s)

Describe Type Variance(s) Requested	REQUESTING TO REPLACE CURRENT CONDEMNED MANUFACTURED HOME (CLASS #) WITH NEW MANUFACTURED HOME (~2000-2002)
Vary From	
Vary To	

### Zoning Information

Current Zoning Classification(s)	RESIDENTIAL SINGLE FAMILY (R2)
----------------------------------	--------------------------------

### Parcel Information

Tax Parcel Number(s)	091 C050 B	Acreage	
Location (Street Address)	392 KING STREET		0.59
Existing Structure(s)	1 MANUFACTURED HOME, CLASS A (CONDEMNED), AND STORAGE SHED		
Description of Proposed Use	RESIDENTIAL USE FOR SINGLE FAMILY		

### Fee Information

Variance Fee	If work not in progress	\$
	If work in progress	\$
Amount Due	Include all fees required	\$ 625.00

### Supporting Documents Required

<input type="checkbox"/>	Concept Plan - Prepared by a Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect. One full scale (folded to 8.5 x 11 size) and One- 8.5 x 11 size
<input type="checkbox"/>	Plat One full scale and One reduced to 8.5 x 11 size
<input checked="" type="checkbox"/>	Statement of Hardship
<input type="checkbox"/>	Architectural Rendering One full scale (folded to 8.5 x 11 size) and One- 8.5 x 11 size
<input type="checkbox"/>	Other Explain

### Method of Payment

<input type="checkbox"/>	Paid by Check	Check No.	
<input checked="" type="checkbox"/>	Paid Cash	Receipt No.	190819

**Applicant's Certification:** I hereby certify the above information, and all attached information, is true and correct; and that I have read, understand, and have received a copy of the **Public Notice Requirements**.

Signature of Applicant

Date 12-16-24

Application Taken By

Date 12/16/24

Application **WITHDRAWAL** Notification: I/we hereby withdraw the above application.

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

**PROPERTY OWNER AUTHORIZATION**

**Instructions:** Each property owner must complete and sign a **Property Owner Authorization** page and provide the information requested under the **Owner Information Certification** section. In the event there is more than one property owner, a separate **Property Owner Authorization** page must be completed by each property owner.

**OWNER INFORMATION CERTIFICATION**

*I swear that I am the owner of the property which is the subject matter of this application, as shown in the records of Habersham or Banks County, Georgia:*

Name of Owner	Roberto B Zavala
Owner's Address	392 King St
City / State / Zip Code	Baldwin GA 30511
Owner's Phone Number	706-540-9031
Owner's Cell Phone Number	
Print Owner's Name	Roberto B Zavala

*As the owner of the subject property I hereby authorize the person named below to act on my behalf as Applicant in the pursuit of this Variance request to be heard by the City of Baldwin Planning and Zoning Board during public hearing.*

**NOTARY PUBLIC CERTIFICATION**

**Instructions:** All Property Owner Authorization sheets must be complete, signed and duly notarized.

**NOTARY PUBLIC CERTIFICATION**

Personally appeared before me the following

Roberto B Zavala  
Signature of Owner

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

[Signature]  
Notary Public

12/13/2024  
Date



Please describe briefly your reason for requesting this variance:

**APPLICANT INFORMATION CERTIFICATION**

**Instructions:** If the Owner and the Applicant are the same, the **Applicant Information Certification** section of this document is not required. If the Owner and the Applicant are not the same, each applicant must complete and sign the **Applicant Information Certification** section of a separate **Property Owner Authorization** page. The signature of each applicant must be notarized.

<b>Name of Applicant</b>	
<b>Applicant's Address</b>	
<b>City / State / Zip Code</b>	
<b>Applicant's Phone Number</b>	
<b>Applicant's Cell Phone Number</b>	
<b>Print Applicant's name</b>	

**NOTARY PUBLIC CERTIFICATION**

**Instructions:** All **Property Owner Authorization** sheets must be complete, signed and duly notarized.

**NOTARY PUBLIC CERTIFICATION**

Personally appeared before me the following

\_\_\_\_\_  
**Signature of Applicant**

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date



**CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM**

NOTE: This form is required for all annexation and/or zoning actions

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
  - (1) The name and official position of the local government official to whom the campaign contribution was made; and
  - (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- (c) When any opponent of a rezoning action had made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:
  - (1) The name and official position of the local government official to whom the campaign contribution was made; and
  - (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

**APPLICANT'S CERTIFICATION**

I hereby certify that I have read the above campaign disclosure information and declare that (select have or have not)

<input type="checkbox"/>	I have within the two years immediately preceding this date (See * below)
<input checked="" type="checkbox"/>	I have not within the two years immediately preceding this date

made any campaign contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

**\*NOTE: If you are an applicant and you have made any such contribution(s), you must provide the information required in subsection (a) above within ten (10) days after the rezoning action is first filed. If you are an opponent and you have made a contribution, you must provide the information required in subsection (c) above at least five (5) calendar days prior to the first hearing by the City Council or any of its agencies on the rezoning application.**

(1) \_\_\_\_\_  
 (Name and official position of the City Council Member and/or Planning or Zoning Commission of the City of Baldwin, Georgia to whom campaign contribution was made)

(2) Amount: \$ \_\_\_\_\_ Date: \_\_\_\_\_

**STATEMENT OF HARDSHIP**

Where the Mayor and Council find that strict compliance with the provisions of this ordinance would result in practical difficulty or unnecessary hardship, the Mayor and Council may, upon application from the property owner, grant a variance from the terms of this ordinance so that the spirit and intent of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual cases of unnecessary hardship upon consideration by the Mayor and Council of the standards for considering zoning decisions as set out in Article VXIII of the City of Baldwin Zoning Ordinance and finding that one or more of the following conditions exist:

**Describe how each situation listed below relates to your application.**

1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

2) The application of this ordinance to the particular piece of property would create an unnecessary hardship;

3) Such conditions are peculiar to the particular piece of property involved;

4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

The procedure by which the Mayor and Council will consider any request for a variance shall be governed by the provision of Article VXIII.

**I hereby certify that the above information and all attached information is true and correct.**

Signature of Applicant

Robert B Zavelle

Date

12-13-24

R-13-24

To whom it may concern

Hi My name is Roberto Zavala and my request regarding this writing is to humbly ask you to consider granting me permission to remove the mobil home in ruins and replace it with one in better condition.

I would like a house much better but my economic situation is not very good and maybe one day I would just like to be able to enjoy my own home something that my family and I can enjoy.

First my God help me with all that and also for now make that place something that all people can look at and when passing by there say what a big difference from today to before.

I only ask you to give me that opportunity to demonstrate it to you as well to the mayor and council of Baldwin Grant me permission to be able to put us another mobile home and thus be able to enjoy one of the dreams that all of us who live here have enjoy our own home.

Thank you and may God bless you all

att Roberto B Zavala

## PUBLIC NOTICE REQUIREMENTS

City of Baldwin zoning regulations require public notice be given on all zoning applications, as follows:

1. A **legal advertisement** shall be published no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing. (This requirement is covered by the Planning Department staff.)
2. A **public notice sign** shall be placed in a conspicuous location on the property which is subject to the zoning application. The original public notice sign will be posted by Planning Department staff.

**As the applicant**, you are responsible for ensuring the public notice sign remains on the site during the entire zoning process. The Planning Department staff will prepare and place a sign (or signs) for you. If any problem arises with regard to the sign, notify the City of Baldwin Department of Planning and Development immediately by calling 706-778-6341 so the sign can be replaced. Failure to report problems with the sign during the entire period of the hearings will also result in a delay.

The purpose of the public notice sign is to inform the surrounding property owners that an application has been filed. Placement of the sign in a manner that is not clearly visible violates the requirements. Failure to place the sign in a conspicuous location will result in your request being tabled until the sign is posted as required. Failure to ensure the sign remains posted on the site during the entire zoning process means there will be a delay in the hearing date set for your request. Legally, the City cannot consider a request until proper notice has been given. If it is determined at any time during the zoning process that the sign is not properly placed on the site, the City Council has no choice but to table the request, even if there is no opposition to the application. Many of the board members, as well as the planning staff, visit the sites and will be looking for the sign. Additionally, local citizens, particularly those who receive notice letters, often report when a sign is not visible. The City will not consider your request until it is satisfied that proper public notice has been given.

Multiple sign posting on a site may be required if it is so determined by the Planning Department staff to be necessary. Signs should be placed as near to the road as possible so they are clearly visible. The sign(s) cannot be obstructed by vegetation, etc.; may not be placed at an inappropriate distance from the road; or placed on something in such a manner so as to blend into the scenery.

**Applicant's Certification:** *I hereby certify the above information, and all attached information, is true and correct; and that I have read, understand, and have received a copy of the **Public Notice Requirements**.*

Signature of Applicant Roberto B Zencu

Date 12-13-24



**PLEASE RETURN TO:**

York Law, LLC  
P.O. Box 38  
Cornelia, GA 30531

eFiled & eRecorded  
DATE: 11/11/2024  
TIME: 2:23 PM  
DEED BOOK: 01382  
PAGE: 00001 - 00002  
RECORDING FEES: \$25.00  
TRANSFER TAX: \$90.00  
PARTICIPANT ID: 0919391081  
CLERK: David C Wall  
HABERSHAM County, GA  
PT61: 0682024002094

# WARRANTY DEED

[JOINT TENANCY WITH RIGHT OF SURVIVORSHIP]

STATE OF GEORGIA  
COUNTY OF HABERSHAM

**THIS INDENTURE**, made this 4th day of October, in the Year of Our Lord Two Thousand Twenty-Four, between **TILYNN IVESTER** of the State of Georgia, of the first part, and **ROBERTO B. ZAVALA** and **MONTSERRAT MORA**, the State of Georgia, of the second part.

**WITNESSETH:**

That the said party of the first part, for and in consideration of the sum of **TEN AND/NO DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS**, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents do hereby grant, bargain, sell, and convey unto the parties of the second part, as joint tenants with right of survivorship as defined and created by O.C.G.A. § 44-6-190, their heirs, executors, and assigns of said survivor, the following described property:

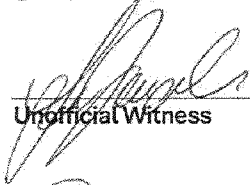
**SEE ATTACHED EXHIBIT "A"**

**TO HAVE AND TO HOLD** the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said parties of the second part, as joint tenants with the right of survivorship as defined above, their heirs, executors, and assigns of the survivor, forever, in Fee Simple.

**AND THE SAID** party of the first part, for herself, her heirs, executors, and administrators, will warrant and forever defend the right and title to the above-described property unto the said parties of the second part, their heirs and assigns, against the lawful claims of all persons whomsoever.

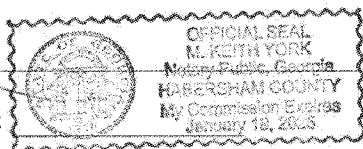
**IN WITNESS WHEREOF**, the said parties of the first part has hereunto set her hand(s) and their seal(s), the day and year first above written.

Signed, sealed, and delivered in the presence of:

  
Unofficial Witness

 (SEAL)  
Tilynn Ivester

  
Notary Public  
Commission Expires:  
[SEAL:]



## EXHIBIT "A"

**ALL THAT TRACT OR PARCEL** of land lying and being in Land Lot 185 of the 10th Land District of Habersham County, Georgia, being known and designated as Tract #2 containing 0.593 acres, more or less, as shown on a Plat of Survey prepared for Minnie Payne by E.G. Davidson, GRLS#2586, dated September 18, 2003, and being recorded among Habersham County, Georgia Records in Plat Book \_\_\_\_\_, Page \_\_\_\_\_, and with said plat being incorporated herein by reference for a more complete description.

**ALSO CONVEYED** herewith are rights to any easements which may be appurtenant to the above-described property.

**ALSO CONVEYED** is the mobile home located on said property.

**SUBJECT TO** all restrictions, reservations, easements, and rights-of-way of record, if any.