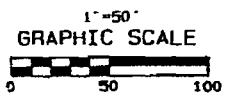


RECEIVED
AUG 24 2012
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



THIS PLAN WAS CALCULATED FOR ERROR AND IS ACCURATE TO BETTER THAN 1:100,000 EQUIPMENT USED ON THIS PROJECT WAS A TRIMBLE 5500

REFERENCE PLAT:
BOOK 74, PAGE 112

ALL MATTERS OF TITLE ARE EXCEPTED.

"F.I.S. OFFICIAL FLOOD HAZARD MAP" COMMUNITY NUMBER 130752 PAGE 255, DATED 12/16/2008. BEING THIS PROPERTY NOT TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

AREA
91718 SQ. FT.
2.11 ACRES

SURVEY ON LOT 14, BLOCK "B"
HICKS FARM SUBDIVISION FOR
ROGER SAMPLES

LOCATED IN:
L.L. 69
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GA

451 HICKS FARM ROAD
ACWORTH, GA 30102



SOUTHERN SURVEYING & MAPPING COMPANY, INC.

4076 EBENEZER ROAD, N.E., MARIETTA, GA. 30065
PHONE: (770) 926-7759

DATE: 7-15-2010 SCALE: 1"=50' C KR34

N/F RAYMOND & RHONDA KEY

N/F RICHARD & MARGRET LAW

N/F KENNETH SHELLEY

N/F LAMAR & DEBRA PARKER

N/F STEPHEN MITTELMAN & ANDREW NASS

N/F RENEE RAKESTRAM FORD

N/F MICHAEL & EVELYNNE BELLO

APPLICANT: Roger W. Samples

PETITION No.: V-85

PHONE: 404-781-9495

DATE OF HEARING: 11-14-12

REPRESENTATIVE: Roger W. Samples

PRESENT ZONING: R-80

PHONE: 404-781-9495

LAND LOT(S): 69

TITLEHOLDER: Roger W. Samples

DISTRICT: 16

PROPERTY LOCATION: On the south side of Hicks Farm Road, east of John Tate Road (451 Hicks Farm Road).

SIZE OF TRACT: 2.11 acres

COMMISSION DISTRICT: 3

TYPE OF VARIANCE: Waive the maximum height of a fence adjacent to a public road right-of-way, or in front of or to the side of the house in a residential district from 6 feet to 8 feet.

OPPOSITION: No. OPPOSED **PETITION No.** **SPOKESMAN**

BOARD OF APPEALS DECISION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **CARRIED**

STIPULATIONS:



APPLICANT: Roger W. Samples

PETITION No.: V-85

COMMENTS

TRAFFIC: This request will not have an adverse impact on the transportation network.

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: No comment.

STORMWATER MANAGEMENT: No adverse stormwater management issues related to the fence height are anticipated.

HISTORIC PRESERVATION: After examining Civil War trench maps, Cobb County historic property surveys, county maps, and various other resources, staff has no comments regarding the impact or treatment of historic and/or archaeological resources.

DESIGN GUIDELINES: No comment.

CEMETERY PRESERVATION: No comment.

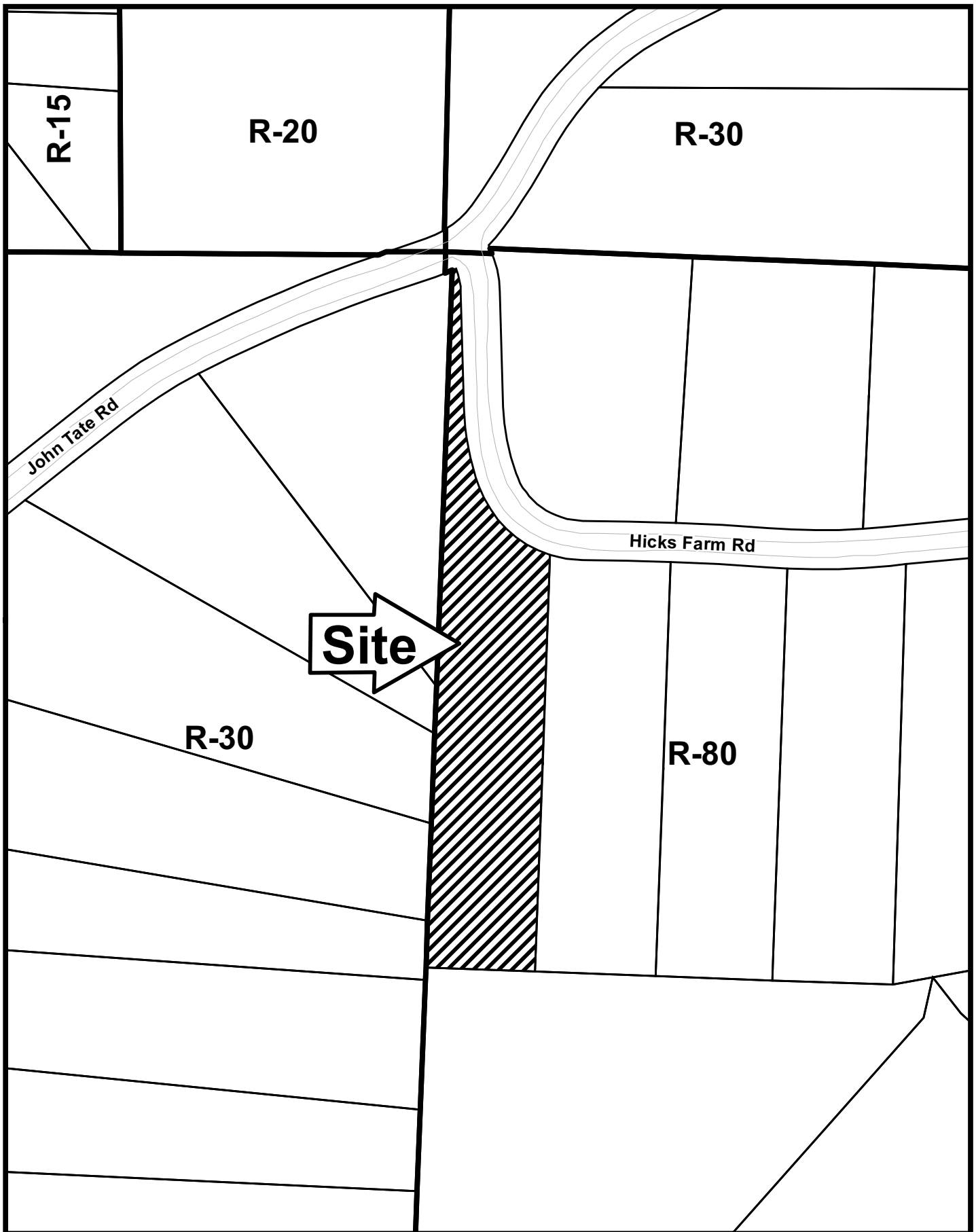
WATER: No conflict.

SEWER: No conflict.

APPLICANT: Roger W. Samples **PETITION No.:** V-85

FIRE DEPARTMENT: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

V-85

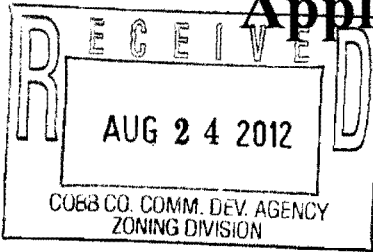


This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 100 200
Feet



City Boundary
Zoning Boundary



Application for Variance Cobb County

(type or print clearly)

Application No. V-85
Hearing Date: 11-14-12

Applicant Roger W Samples Phone # 404.781.9495 E-mail rw.samples@comcast.net

Roger W. Samples Address 451 Hicks Farm Rd NW, Acworth, GA 30102
(representative's name, printed) (street, city, state and zip code)

Roger W Samples Phone # 404.781.9495 E-mail _____
(representative's signature)

Signed, sealed and delivered in presence of
Ed J. Mead

My commission expires: 8-23-14

Titleholder Roger W Samples Phone # 404.781.9495 E-mail rw.samples@comcast.net

Signature Roger W Samples Address: 451 Hicks Farm Rd NW, Acworth, GA 30102
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: _____

Jason A. Campbell
Notary Public

Present Zoning of Property R80

Location 451 Hicks Farm Rd NW, Acworth, GA 30102
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 0069 District 16 Size of Tract 1.9 Acre(s)

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property _____ Shape of Property _____ Topography of Property _____ Other

The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance.

SEE ATTACHED DOCUMENT "A"

List type of variance requested: Fence Height 8' - (code 6')

THIS

PAGE

INTENTIONALLY

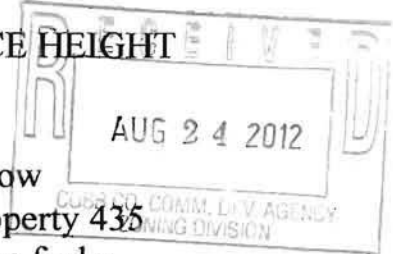
LEFT

BLANK

"A"

V-85 Attachment "A"

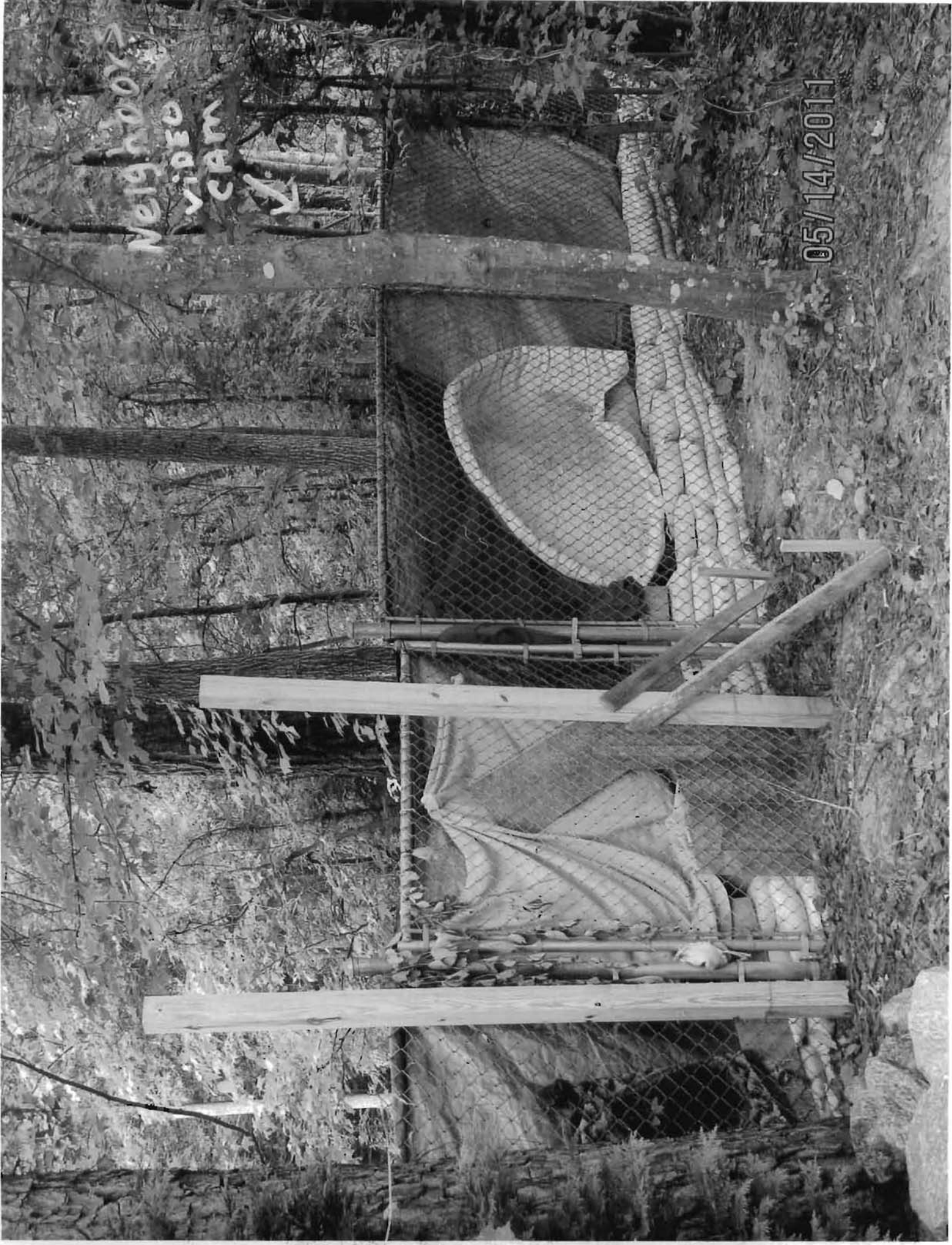
COBB COUNTY VARIANCE REQUEST FOR 8 FOOT FENCE HEIGHT AT 451 HICKS FARM ROAD DUE TO:



1. Security Concerns- Due to the numerous items mentioned below including the spy cam aimed at our property (from adjoining property 435 Hicks Farm Rd) which could be used as "peeping tom" device we feel a minimum 8 foot height is necessary for the safety of our family.
2. Harassment and Slander (neighbors 435 Hicks Farm Rd)- on numerous occasions Renee Ford has yelled slanderous comments when we are out in the yard and does not seem concerned that the children are present. This behavior has been documented by other neighbors (enclosed).
Also as evidenced by photos and witnessed by several Cobb County officials along with other Hicks Farm Rd residents for several years they hung out old dirty towels, rugs and other misc household items on their chain link fence for our family to view from our living room windows.
3. Vandalism- As evidenced by photos... mail box painted; drain pipes removed in yard; downspout ripped off side of our house on 2 occasions; eggs in front yard; neighbor built dam in drain easement causing water to back up in our yard (see photos and NOV attached).
4. Trespassing (neighbors 435 Hicks Farm Rd) - These people have a history of trespassing as documented by previous owner (certified letter enclosed). In preparation for fence installation neighbors removed survey stakes on 2 occasions making it necessary for us to pay for 2 surveys.
Also attempted to install fence on our property after survey.
5. Quality of Life and Safety of our Children ages 3 and 5 (neighbors dogs 435 Hicks Farm Rd) - Numerous large dogs (over 5) which continuously bark and have a history of roaming the neighborhood and terrorizing neighbors. (See attached documents and incident reports from other neighbors)
6. Fence privacy is only equivalent to a 5 or 6 foot fence in some sections due to landscaping and terrain of the lots at property line as evidenced by photos.
7. The majority of Hicks Farm Rd. neighbors approve of variance (signatures attached).
8. After enduring several years of the above mention hardships we pray for the variance approval as requested.

Neighbors
VIDEO
CAM

05/14/2011



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AUG 24 2012
COBB CO. COMM. DEV. AGE.
ZONING DIVISION

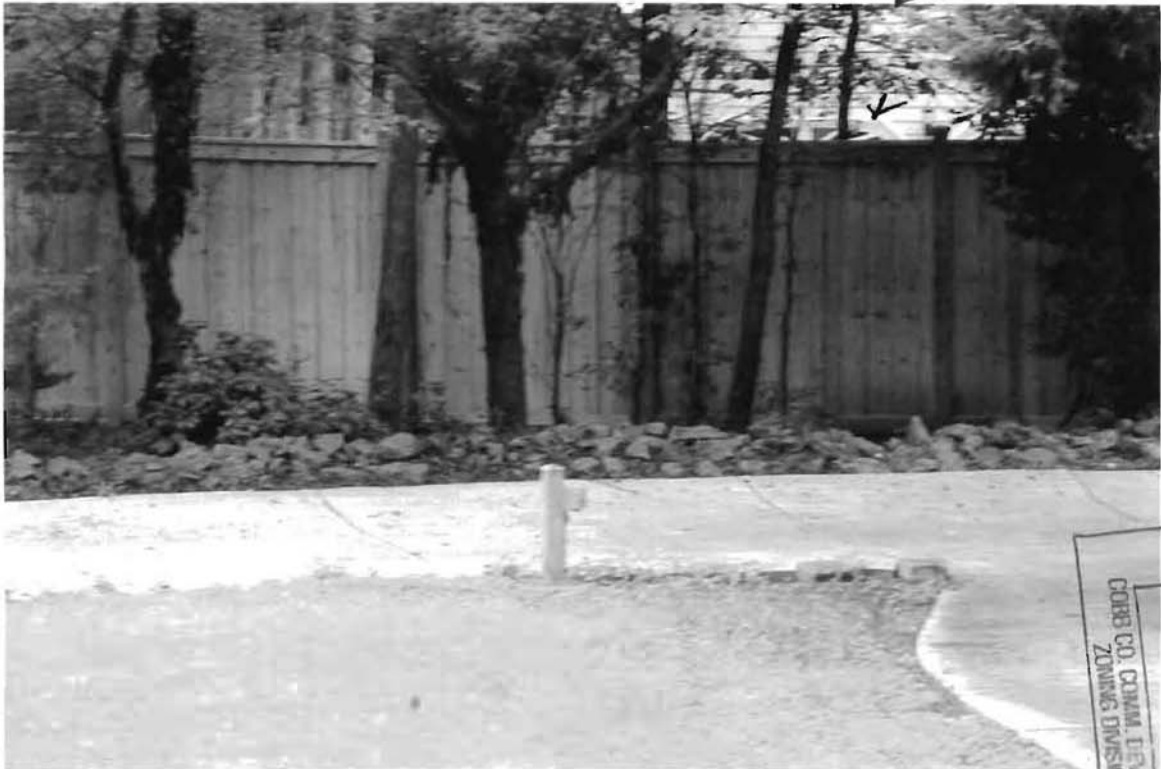


Vandalism



Harassment

Top of Neighbors (435)
7' garage door



4-26-05

Mr. Kenneth Murphy & Renee'
Resident
435 Hicks Farm Road
Acworth, GA 30102
770 928 6942



Mr. Chris Kirksey
Kirksey Construction
310 Kirk Road NW
White, GA 30184-2016
770 607 2272

RE: Earthwork/drainage control work at 451 Hicks Farm Road


Gentlemen.

The purpose of this letter is to inform all parties that the earthwork/drainage control work that was performed on my property at 451 Hicks Farm Road on 25 April, 2005, was done without my knowledge. This work was also performed without my consent. This work was done with no discussion regarding specific prices, quotations, or charges for this work.

In addition this letter is also to establish the fact that this work, even though done on my property, was done on behalf of the owners of the home at 435 Hicks Farm Road to divert water that crosses my property at 451 Hicks Farm Road.

Finally, this letter is to establish the fact that the residents of 435 Hicks Farm Road initiated conversations with Kirksey Construction/Chris Kirksey, the sole purpose of which was to accomplish earthwork/drainage control work on my property for their sole benefit.

Sincerely,


Phillip Dell Howard
451 Hicks Farm Road
Acworth, GA 30102
404 867 6873

INCIDENT/INVESTIGATION REPORT

Agency Name
Cobb County Police

ORI
GA 0330200

Case#
07-109147

Date / Time Reported
08/08/2007 14:05 Wed

Last Known Secure
08/07/2007 20:00 Tue

At Found
08/08/2007 13:30 Wed

Location of Incident 451 Hicks Farm Rd Nw, Acworth GA 30102-		Premise Type House	Zone/Tract B, 114
#1	Crime Incident(s) Burglary - Forced Entry-residence 2202	(Com) F	Weapon / Tools Entry _____ Exit _____
#2	Crime Incident	()	Weapon / Tools Entry _____ Exit _____
#3	Crime Incident	()	Weapon / Tools Entry _____ Exit _____

Theft - 8-8-2007

INCIDENT DATA

MO

of Victims **3** Type: **INDIVIDUAL(NON LE)** Injury: _____ Domestic: **N**

V1 Victim/Business Name (Last, First, Middle)
EATON, LARRY ROBERT JR

Victim of Crime # _____ DOB **██████████ 1971** Race **W** Sex **M** Relationship To Offender _____ Resident Status _____ Military Branch/Status _____

Age **36**

Home Address
185 HAYES TRCE, Hiram, GA 30141-

Home Phone **678-977-6913**

Employer Name/Address
UNKNOWN ADDRESS

Business Phone _____ Mobile Phone _____

VYR Make Model Style Color Lic/Lis VIN

VICTIM

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: **INDIVIDUAL(NON LE)** Injury: _____

V2 Name (Last, First, Middle)
HOWARD, DALE

Victim of Crime # _____ DOB **██████████ 1961** Race _____ Sex **M** Relationship To Offender _____ Resident Status **Resident** Military Branch/Status _____

Age _____

Home Address
451 Hicks Farm Rd Nw Acworth, GA 30102

Home Phone **404-867-6873**

Employer Name/Address _____ Business Phone _____ Mobile Phone _____

OTHERS

Type: **INDIVIDUAL(NON LE)** Injury: _____

V3 Name (Last, First, Middle)
LOCKE, DAVID

Victim of Crime # _____ DOB **██████████ 1961** Race _____ Sex **M** Relationship To Offender _____ Resident Status **Resident** Military Branch/Status _____

Age **45**

Home Address
51 Trellis Ct Acworth, GA 30101

Home Phone **404-405-4074**

Employer Name/Address _____ Business Phone _____ Mobile Phone _____

INVOLVED

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown
("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Firm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
36	7		\$550.00		1	HAND / POWER TOOLS	DEWALT/12 Inch	NONE
36	7		\$400.00		1	HAND / POWER TOOLS	NO BRAND	NONE
36	7		\$150.00		1	HAND / POWER TOOLS	ROBERTS/Jam Saw	NONE
36	7		\$50.00		1	HAND / POWER TOOLS	JIG SAW	NONE
OTH	7		\$1.00		1	ALL OTHER TYPES	CARPET TOOLS	NONE
36	7		\$200.00		1	HAND / POWER TOOLS	NO BRAND	NONE
36	7		\$1.00		1	HAND / POWER TOOLS	NO BRAND	NONE
36	7		\$1.00		1	HAND / POWER TOOLS	NO BRAND	NONE

PROPERTY

Officer/ID# **STYMUS, J. J. (2521, PCT1) (1265)**

Invest ID# **MCCOLLUM, B. D. (NLE, NLE) (0288)** Supervisor **(0)**

Status Complainant Signature _____ Case Status **Inactive/pending 08/24/2007** Case Disposition: _____ Page 1

Cobb County Police

Page 2

Case# 07-109147

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

IBR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE

I MET WITH MR. EATON, CONTRACTOR, IN REFERENCE TO A BURGLARY AT THE ABOVE LOCATION. HE SAID THAT HE HAS BEEN REMODELING THE HOUSE FOR THE HOMEOWNER, DALE HOWARD. HE SAID THAT WHEN HE ARRIVED TODAY AND WENT INTO THE GARAGE, HE NOTICED THAT A INTERIOR DOOR WAS OPEN. HE SAID THAT HE THEN SAW THAT THE REAR DOOR TO THE DECK WAS CLOSED, BUT UNLOCKED. HE SAID THAT HE PERSONALLY LOCKED THE DOOR THE PREVIOUS NIGHT. I THEN OBSERVED PRY MARKS TO THE REAR DOOR WHERE THE DOOR HAD BEEN FORCED OPEN. EATON REPORTED THAT SEVERAL TOOLS WERE STOLEN FROM THE HOUSE.



03/03/2012

435/Neighbors Built Dam - damage for our property



03/03/2012



03/03/2012

Harassment



03/03/2012

RECEIVED
AUG 24 2012



COBB COUNTY WATER SYSTEM

Field Operations Center
680 South Cobb Drive
Marietta, Georgia 30060-3113

Steve D. McCullers, P. E.
Director

DIVISIONS:
Business Services
Customer Services
Engineering & Records
Stormwater Management
System Maintenance
Water Protection

May 15, 2012

Ford Renee Rakestraw
435 Hicks Farm Road
Acworth, Georgia 30102

RE: Notice of Violation- blocking of, dumping in, and sediment discharge to the stormwater drainage system- 435 Hicks Farm Road

Dear Ford Renee Rakestraw,

The undersigned Water Quality Section (WQS) staff member of the Cobb County Stormwater Management Environmental Compliance Section inspected the stormwater drainage system located on west side of 435 Hicks Farm Road (PIN 16006900140) due to a citizen's concern of flooding and sediment/ toxic chemical discharge to the stormwater drainage system due to modification (blocking and filling) of the stormwater drainage channel. The stormwater drainage channel flows from 451 Hicks Farm Road, flows through your property at 435 Hicks Farm Road (before modification), drains through 425 Hicks Farm Road, and to the pond on 385 Hicks Farm Road. The undersigned WQS staff member investigated the concern and observed that the stormwater drainage channel had been modified without approval from the Stormwater Department, the Erosion and Sediment Control Division, and surrounding property owners who would be affected by the modification.



The investigation revealed that:

- The stormwater drainage channel has been blocked by railroad ties, filled in with sediment, and debris preventing stormwater during rain events from flowing down the channel. The blockage prevents stormwater from flowing from 451 Hicks Farm Road down the natural drainage channel and causes the stormwater to be diverted and flood the upstream property.
- A large amount of sediment was observed downstream entering the stormwater drainage pipe and entering



the pond on 385 Hicks Farm Road causing sediment overload. The blockage of the channel with sediment has caused the sediment during a rain event to enter the channel and pollute the stormwater drainage system (channel and pond). The sediment is building up in the corrugated metal pipe that runs under the driveway to 385 Hicks Farm Road and is building up in the pond. The sediment endangers the natural environmental habitat and reduces the capacity of the pond.



- Rail road ties covered in creosote are used to block the drainage channel. Creosote is a possible human carcinogen and toxic to fish and wildlife [please see information from the United States Environmental Protection Agency (USEPA) below].



The above concerns violate Cobb County Code Sections 50-191a Prohibited Discharges and the Creosote in the railroad ties is a health and environmental risk.

Section 50-191a Prohibited Discharges states that *"It is unlawful for any person to throw, drain, run, or otherwise discharge to any component of the county separate storm drainage system or to cause, permit or suffer to be thrown, drained, run or allow to seep or otherwise discharge into such system any matter of any nature excepting only such stormwater or surface water as authorized in this article. Prohibitions of this section shall include all trash of any sort, household products, furniture, toys, yard clippings, shrubbery, trees, limbs, etc".*



Creosote Information

http://www.epa.gov/pesticides/factsheets/chemicals/creosote_prelim_risk_assess.htm

Per the USEPA, Creosote is a wood preservative used for commercial purposes only; is a possible human carcinogen; and has no registered residential uses. Creosote is obtained from high temperature distillation of coal tar (itself a mixture of hundreds of organic substances), and over 100 components in creosote have been



identified. It is used as a fungicide, insecticide, miticide, and sporicide to protect wood and is applied by pressure methods to wood products, primarily utility poles and railroad ties. This treated wood is intended for exterior/outdoor uses only and commercially is used for railroad ties, utility poles, and other miscellaneous commercial uses.

Creosote penetrates deeply into and remains in the pressure-treated wood for a long time and exposure to creosote may present certain hazards. Therefore, the following precautions should be taken both when handling the treated wood and in determining where to use the treated wood.

USE SITE PRECAUTIONS

- Do not use where frequent or prolonged contact with bare skin can occur.
- Do not use in residential settings.
- Do not use in the interiors of farm buildings where there may be direct contact with domestic animals or livestock which may bite or lick the wood.
- Do not use treated wood for cutting-boards or counter tops.
- Do not use where it may come into direct or indirect contact with public drinking water. The Cobb County stormwater system includes creeks, streams, and reservoirs that are used for our drinking water.

HANDLING PRECAUTIONS

- Dispose of treated wood by ordinary trash collection or burial. Do not burn wood in open fires or in stoves, fireplaces, or residential boilers because toxic chemicals may be produced as part of the smoke and ashes.
- Avoid frequent or prolonged inhalation of sawdust from treated wood.
- Avoid frequent or prolonged skin contact with creosote-treated wood.
- When handling the wood, wear long-sleeve shirts and long pants and use gloves impervious to the chemicals.
- When power-sawing and machining, wear goggles to protect eyes from flying particles.
- Wash work clothes separately from other household clothing.

Federal mandate to protect local streams and the public health, safety, and general welfare Cobb County requires that you:

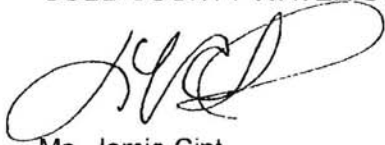
1. **Return the stormwater drainage channel to its original condition. During this operation ensure all BMPs are inspected on a regular basis to prevent sediment and debris from being discharged into the stormwater drainage system and pond.**
2. **Remove all dumped debris (sediment, railroad ties, etc.) from the drainage channel.**
3. **Stabilize the area to prevent more sediment from entering the stormwater drainage system.**

Failure to comply will result in a citation being issued for you to appear in Cobb County Magistrate Court and you may be subject to a fine, imprisonment, or both.

Please contact me by telephone at 770-419-6432 or electronic mail at jamie.cint@cobbcounty.org by May 30th, 2012 to discuss a schedule for repair and activities needed to ensure your residence is within Cobb County code by June 14th, 2012.

Respectfully,

COBB COUNTY WATER SYSTEM

A handwritten signature in black ink, appearing to read 'JC', written over a white background.

Ms. Jamie Cint
Stormwater Environmental Compliance

Attach:

Cobb County Protecting and Maintaining Small Streams and Open Channels

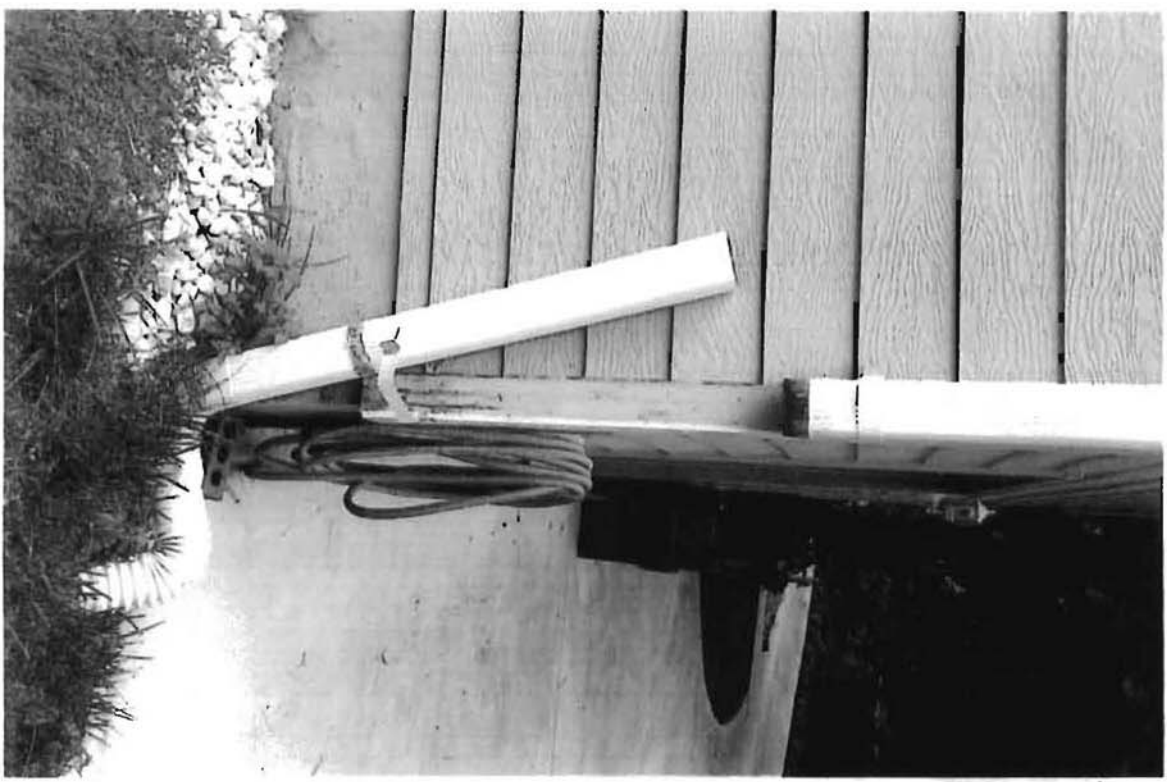
cc

Mr. William Higgins, P.E.
Stormwater Management Division Manager

Mr. Frank Gipson
Erosion and Sediment Control Manager

11-4-11

OUR HOUSE - 451 HICKS FARM RD. (Incident Report - Attached)
Kandalized - Downspout Removed (2nd time) 11-26-8568



RECEIVED
24 2012
MAM. LEV. AGENCY
IG DIVISION

INCIDENT/INVESTIGATION REPORT

Agency Name
Cobb County Police

ORI
GA 0330200

Case#
11-068568

Date / Time Reported
07/04/2011 20:48 Mon

Last Known Secure
07/03/2011 19:00 Sun

At Found
07/04/2011 19:00 Mon

Location of Incident <i>451 Hicks Farm Rd, Acworth GA 30102-</i>		Premise Type <i>House</i>	Zone/Tract <i>B, 113</i>
#1	Crime Incident(s) <i>Criminal Trespass 5707</i>	(Com)	Weapon / Tools <i>NOT APPLICABLE/NONE</i>
		M	Entry Exit Security
#2	Crime Incident	()	Weapon / Tools
			Entry Exit Security
#3	Crime Incident	()	Weapon / Tools
			Entry Exit Security

INCIDENT DATA

MO

of Victims *1* Type: INDIVIDUAL(NON LE) Injury: None Domestic: N

V1 Victim/Business Name (Last, First, Middle)
SAMPLES, ROGER WAYNE

Victim of Crime # *1* DOB *0953* Race *W* Sex *M* Relationship To Offender *UN* Resident Status *Resident* Military Branch/Status

Home Address
451 HICKS FARM RD, Acworth, GA 30102- Home Phone *404-985-4052*

Employer Name/Address Business Phone *404-781-9495* Mobile Phone

VYR Make Model Style Color Lic/Lis VIN

VICTIM

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: Injury:

Code	Name (Last, First, Middle)	Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
Home Address							Home Phone	
Employer Name/Address						Business Phone		Mobile Phone

Type: Injury:

Code	Name (Last, First, Middle)	Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
Home Address							Home Phone	
Employer Name/Address						Business Phone		Mobile Phone

OTHERS INVOLVED

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown
("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Fm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number

PROPERTY

Officer/ID# *MOORE, J. L. (2521, PCT1) (1028)*

Invest ID# *WIECK, J. H. (2310, CIUI) (1073)* Supervisor *LORENS, J. D. (2510, DUI) (1016)*

Status Complainant Signature Case Status *Inactive/pending* 09/12/2011 Case Disposition: Page 1

INCIDENT/INVESTIGATION REPORT

By: TURNEP, 6611 08/15/2012 18:03

Page 2

Cobb County Police

Case# 11-068568

Status Codes		1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown					
IBR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity		
D R U G S							

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE

The victim, Roger Samples, stated that he has an ongoing property boundary dispute with his neighbors at 435 Hicks Farm Rd. and they are also mad at him because rain water drains off of his property onto their property. He said there have been several acts of criminal trespass to his property and drainage pipes which he believes were done by the neighbor.

Samples advised that between the incident dates/times two of the bands that attach one of the gutter downspouts to the back of his house were pulled away from the house. He said this is not the first time someone has damaged this downspout and he suspects the neighbor did this. He wanted to press charges if a case can be made. I also advised him to look into a camera to monitor his property and hopefully catch the perpetrator.

INCIDENT/INVESTIGATION REPORT

INCIDENT DATA

Agency Name
Cobb County Police

ORI
GA 0330200

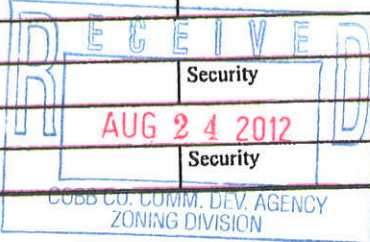
Case# **11-058983**

Date / Time Reported
06/04/2011 20:23 Sat

Last Known Secure
06/04/2011 20:23 Sat

At Found
06/04/2011 20:23 Sat

Location of Incident 451 Hicks Farm Rd, Acworth GA 30102-	Premise Type House	Zone/Tract B, 113	Activity
#1 Crime Incident(s) (Com) Damage To Property - Private Z902	Weapon / Tools NOT APPLICABLE/NONE		Security
	Entry	Exit	Activity
#2 Crime Incident ()	Weapon / Tools		Security
	Entry	Exit	Activity
#3 Crime Incident ()	Weapon / Tools		Security
	Entry	Exit	Activity



MO

VICTIM

of Victims **1** Type: **INDIVIDUAL(NON LE)** Injury: **None** Domestic: **N**

Victim/Business Name (Last, First, Middle) SAMPLES, ROGER WAYNE	Victim of Crime # 1	DOB 06-27-953 Age 57	Race W	Sex M	Relationship To Offender	Resident Status Resident	Military Branch/Status
Home Address 451 HICKS FARM RD, Acworth, GA 30102-						Home Phone 404-985-4052	
Employer Name/Address						Business Phone 404-781-9495	Mobile Phone
VYR	Make	Model	Style	Color	Lic/Lis	VIN	

OTHERS INVOLVED

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type:	Injury:							
Code	Name (Last, First, Middle)	Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
Home Address						Home Phone		
Employer Name/Address						Business Phone	Mobile Phone	

Vandalism (photos attached)

PROPERTY

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
1	OTH	4	\$50.00		1	MAILBOX		

Downspout - 1st time (6-4-11)
mailbox (5-14-11)

Officer/ID# **BERNARD, B. A. (2521, PCT1) (1667)** Supervisor **LORENS, J. D. (2510, DUI) (1016)**

Invest ID# **(0)** Case Status **Exceptionally** **06/05/2011** Case Disposition: **Page 1**

INCIDENT/INVESTIGATION REPORT

By: TURNEP, 6611 08/15/2012 18:03

Cobb County Police

Page 2

Case# 11-058983

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown					
IBR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D R U G S					

Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE

I was dispatched to the above location because of damage to property call. I spoke with Roger Samples, who said that his mailbox was spray painted. Samples also stated that one of the gutters on the side of his residence was disconnected. Sample said that he thought his neighbors were to blame and he needed a report.

Incident Report Related Property List

Cobb County Police

OCA: 11-058983

1	Property Description MAILBOX		Make		Model		Caliber	
Color		Serial No.		Value \$50.00		Qty 1.00	Unit	Jurisdiction Locally
Status Destroyed/damage		Date 06/04/2011	NIC #		State #	Local #		OAN
Name (Last, First, Middle) Samples, Roger Wayne					DOB [REDACTED] 1953	Age 57	Race W	Sex M

Notes

Black mail box



Secured by
05/14/2011
1-800-369-0996

451







451

Secured by
451
05/14/2011
1-800-369-0996

INCIDENT/INVESTIGATION REPORT

Case# **10-130822**
 Date / Time Reported **10/24/2010 10:50 Sun**
 Last Known Secure **10/24/2010 10:49 Sun**
 At Found **10/24/2010 10:50 Sun**

INCIDENT DATA

Agency Name
Cobb County Police
 ORI **GA 0330200**

Location of Incident **451 Hicks Farm Rd, Acworth GA 30102-** Premise Type **B, 113**
 #1 Crime Incident(s) **Civil Dispute 9917** Activity **Security**
 #2 Crime Incident Activity **Security**
 #3 Crime Incident Activity **Security**

Trespassing -
10-24-10

RECEIVED
 SECURITY
 AUG 24 2012
 COBB COUNTY SOCRIM. DEV. AGENCY
 CODING DIVISION

MO

VICTIM

of Victims **1** Type: **INDIVIDUAL (NON LE)** Injury: **Domestic: N**
 Victim/Business Name (Last, First, Middle) **MURPHY, GLENN KENNETH** Victim of Crime # **1** DOB **08/29/52** Age **58** Race **W** Sex **M** Relationship To Offender **Resident Status** **Military Branch/Status**
 Home Address **435 HICKS FARM RD NW, Acworth, GA 30102-** Home Phone **[REDACTED]**
 Employer Name/Address Business Phone **423-309-0131** Mobile Phone

OTHERS INVOLVED

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)
 Type: **INDIVIDUAL (NON LE)** Injury:
 Code **R** Name (Last, First, Middle) **SAMPLES, ROGER WAYNE** Victim of Crime # **1** DOB **08/29/53** Age **57** Race **W** Sex **M** Relationship To Offender **Resident Status** **Military Branch/Status**
Resident
 Home Address **451 Hicks Farm Rd Acworth, GA 30102** Home Phone **404-985-4052**
 Employer Name/Address Business Phone **404-781-9495** Mobile Phone
 Type: **INDIVIDUAL (NON LE)** Injury:
 Code **IO** Name (Last, First, Middle) **FORD, RENEE RAKESTRAW** Victim of Crime # **1** DOB **08/29/53** Age **57** Race **W** Sex **F** Relationship To Offender **Resident Status** **Military Branch/Status**
 Home Address **435 Hicks Farm Rd Nw Acworth, GA 30102** Home Phone **[REDACTED]**
 Employer Name/Address Business Phone **770-952-4444** Mobile Phone
790 Church St Ext Ne Marietta Ga 30060

PROPERTY

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown
 ("OJ" = Recovered for Other Jurisdiction)

YI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number

Officer/ID# **TOWNSEND, D. S. (2521, PCT1) (1378)** Supervisor **HAWLEY, G. D. (2510, K9) (0883)**

Invest ID# **(0)** Case Status **Exceptionally** **10/24/2010** Case Disposition: **Page 1**

INCIDENT/INVESTIGATION REPORT

Cobb County Police

Case# 10-130822

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity	

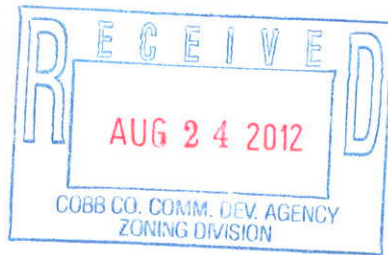
Assisting Officers

Suspect Hate / Bias Motivated:

NARRATIVE

I MET WITH MR. SAMPLES AT HIS RESIDENCE IN REFERENCE TO THE NEIGHBORS AT 435 HICKS FARM RD., KNOWN AS KENNETH AND RENEE MURPHY, PLACING A FENCE LINE ON MR. SAMPLES'S PROPERTY LINE. MR. SAMPLES EXPLAINED THAT HE HAD HIS PROPERTY SURVEYED EARLIER THIS YEAR AND METAL STAKES WERE PLACED BY THE COMPANY HE HIRED. MR. SAMPLE SHOWED ME THESE STAKES WHICH REVEALED THE PROPERTY LINE THAT THE RESIDENTS AR 435 HAVE BEEN CROSSING. MR. SAMPLES REQUESTED THAT THIS ONGOING INCIDENT BE DOCUMENTED AS HE WAS UNSURE OF FUTURE BEHAVIOR OF THE NEIGHBORS.

January 9, 2004



debra.cook@cobbcounty.org
Cindy Franklin
cfranklin@cobbcounty.org

Judge Frank R. Cox
32 Waddell Street
Marietta, Georgia 30090

RE: Ashley Ford's Dogs

Judge Cox:

I am writing to notify you that I am still having problems with our neighbor's three dogs barking all hours of the day and night. We were in your court on November 4th, 2003, and Ashley Ford was ordered to either buy 3 of the citronella bark collars or pay a \$300.00 fine. To date, I cannot see that the dogs are wearing the collars nor has the barking subsided. They have been barking around 3:30 AM for the last two weeks.

In addition, Ashley's mother, Renee, made a threat toward me as she was leaving your courtroom. Although some of her actions have been petty, they demonstrate she has no respect for her neighbors in addition to none for the law. The same night that we left court she put a beat-up garbage can and moving pad in her front yard next to our property line. She has steadily added junk to her side porch, such as an old washer, toys, and furniture. This past Tuesday we had a break-in and strongly suspect that her son and his friends played a part in that since she has many transient people living in her house now. She stated she would get even with me, so by creating eyesores and fear, she is continuing to "get even" and to depreciate our property. (This is an average priced subdivision; houses have been evaluated at around \$285,000 and up.)

I called and e-mailed Animal Control in order to update them on the situation and to file another complaint form, but I have had no response from them. I am trying desperately to resolve this issue through the legal system, but after three plus years and her accelerated aggravations and continued refusal to quiet the dogs, I am totally frustrated. I am asking for your guidance as to what course of action I should pursue now. We have lived in our home for 24 years and have only had problems with this one neighbor after she divorced her husband. If you could please advise us on any options open to us at this time, we would greatly appreciate it.

Regards,

Linda H. Floyd



Incident Report

Family Violence Juvenile

GA0330200

Level One

Incident Number: 03-100350 Additional Reports: Page 2 Citation Accident Impound Evidence Property

Primary Incident Type: HARRASSING phone CALL. Counts: 1 Offense Code: 5309 GOC: Circumstance Code: Beat: 113

From Date: 7/23/03 Time: 600 hrs To Date: 7/23/03 Time: 2100 hrs Report Date: 7/23/03 Time: 2100 hrs Premise Code: 02

Location: 425 Hicks Farm Rd Apt/Suite Number: Acworth City: GA State: Zip Code: 30102

Business or Apartment Complex Name: Business Phone: ()

COMPLAINANT (Last, First, Middle): Floyd, Linda Race: W Sex: F DOB: 2/13/49 Home Phone: (770) 928-1096 Work Phone: ()

Address: 425 Hicks Farm Rd Apt/Suite Number: Acworth City: GA State: Zip Code: 30102

VICTIM (Last, First, Middle): Race: Sex: DOB: Home Phone: () Work Phone: ()

Address: Apt/Suite Number: City: State: Zip Code:

Social Security Number: Injury Code: Victim-Offender Code: Student: Yes No School Name:

Other Offenses: Counts: Offense Code: GOC: Circumstance Code: Were drugs involved? Yes No Specify type(s):
 Amphetamine Marijuana
 Barbiturate Methamphetamine
 Cocaine Opium
 Hallucinogen Synthetic Narcotic
 Heroin Unknown

Name Type Codes: VIC - Additional Victim WIT - Witness COM - Complainant OTH - Other Involved Party

Name Type: OTH Name (Last, First, Middle): Murphy, Ken Race: W Sex: M DOB: 1/1/ Home Phone: (423) 309-4801 Work Phone: ()

Address: 435 Hicks Farm Rd Apt/Suite Number: Acworth City: GA State: Zip Code: 30102

Social Security Number: Injury Code: Victim-Offender Code: Under Influence Alcohol? Yes No Unk. Under Influence Drugs? Yes No Unk. Gang Name or School Name:

Name Type: Name (Last, First, Middle): Race: Sex: DOB: Home Phone: () Work Phone: ()

Address: Apt/Suite Number: City: State: Zip Code:

Social Security Number: Injury Code: Victim-Offender Code: Under Influence Alcohol? Yes No Unk. Under Influence Drugs? Yes No Unk. Gang Name or School Name:

Name Type: Name (Last, First, Middle): Race: Sex: DOB: Home Phone: () Work Phone: ()

Address: Apt/Suite Number: City: State: Zip Code:

Social Security Number: Injury Code: Victim-Offender Code: Under Influence Alcohol? Yes No Unk. Under Influence Drugs? Yes No Unk. Gang Name or School Name:

Veh. Year: Make: Model: Color 1/Color 2: Body Style: Lic. Number: State: Year: Plate Only? Yes No Decal Number:

VIN: Other Identifiers: Value: \$ Stolen Damaged Recovered Suspicious

Lien Holder: Insurance Company: Policy Number:

Level Two

Were children involved as targets of violence? Yes No

If not targets, were children present during violence? Yes No

Number of previous complaints advised by victim: A 0 B 1-5 C 6-10 D 10+ U Unk

Do prior court orders exist? Yes No Unknown

Was victim apprised of available remedies/services? Yes No

How was primary aggressor identified? Physical Evidence Testimonial Evidence Other (Describe):

Abuse Type 1 Fatal 2 Perm Dis. 3 Temp. Dis. 4 Broke Bone 5 Gun/Knife 6 Superficial 7 Prop. Dam./Threat 8 Threat 9 Language 10 Sexual 11 Other

Police Action Taken 1 Arrest 2 Citation 3 Separation 4 Mediation 5 Other (Describe): 6 None

Reason for No Arrest Juvenile Aggressor not at scene Insufficient Prob Cause Other (Describe):

Was there evidence of a hate crime? Yes No If so, what type? Ethnic Religious Sexual Other

Narrative

I spoke with Linda Floyd. She stated her neighbor (Ken Murphy) has been calling her numerous times because he was upset about them calling animal control for their barking dogs. She didn't tell him to stop calling Mrs. Floyd in a report made at this time.

Reporting Officer: T. J. Smith Badge Number: 1132 Related Incident Reports:

	that they ran loose and bit a neighbor.	courtroom, in front of the Judge. Renee never put Bark Collars on any of the dogs.	
January 12, 2004	Renee's dogs continued to bark and stink up our back yard.	Renee was given a warning by Animal Control.	
January 19, 2004	Renee's dogs continued to bark and stink up our back yard.	Renee was given a warning by Animal Control.	
February 2004	Renee began stacking junk & garbage on the side of her porch, next to our house. She also placed several old garbage cans next to our property line, next to the street.		
February 2004	Someone broke into our house with one of our hammers in our garage.	The police were called to our house by our alarm company and a report was made. We found our hammer hanging from the top of one of the shrubs between our two houses.	-435 + 0445 425
<p>The harassment by Renee and her boyfriend, Ken Murphy, subsided after the break-in and the police filed a report. However, Renee continues to have a group of dogs locked up in her backyard pen. I do not know if she breeds dogs, uses them to fight each other, or just keeps them because she is evil.</p>			

Incidents/Events between Rodney & Linda Floyd (425 Hicks Farm Rd, 30102) and Renee Ford & Ken Murphy (435 Hicks Farm Rd, 30102)		
Date	Incident	Results
January 1980	Renee's former husband, Mike Ford, came to our front door and threatened to sue us if Cobb EMC did not move the newly installed Utility pole off his property onto ours.	We contacted EMC and they took down the pole and moved it over a foot or so onto our property.
April 1985	We had a dog (a Collie and Sheppard mix) that attacked our other neighbor's chickens.	My husband took our dog to the animal shelter because he was afraid she might hurt someone and Renee went to the shelter and got her. She gave our dog to her brother and told our son that the dog was killed by a car. (That story turned out to be untrue).
May 2002	Renee Ford started keeping several dogs, who barked constantly, in an outdoor pen.	We contacted Animal Control and Renee was issued a warning.
April 2003	Renee increased the number of dogs in her pen and the barking increased along with the strong smell of dog waste.	Animal Control gave her a warning.
May 2003	Barking and dog stench continued to increase.	Animal Control issued her a Citation.
June 2003	Renee was scheduled to Appear in Court.	She was a no show for court. The court date was rescheduled for July 24, 2003.
July 23 2003	Ken Murphy, Renee's live-in boyfriend, started calling me over and over. After I blocked 2 different phone numbers, he came to my front door at 9pm.	I called the police and told them Ken was harassing me, telling me I was going to lose the court case and that Ashley (Renee's daughter had to miss school in order to go to court.) I gave the phone to Ken with the police still on the line and he left my house after talking with the police.
July 24, 2003	Renee called the Solicitor and requested a non-jury trial.	The trial was scheduled for November 4 th , 2003.
November 4, 2003	Two of my neighbors and I went to court to testify that the Ford's dogs barked non-stop and	The judged fined Renee \$300, but waived it if she would purchase Bark Collars and put them on the dogs. Renee threatened me as she left the

Cobb County Animal Control
Citizen's Complaint Form

Date: 5/13/03

Name: Linda Floyd
Address: 425 Hicks Farm Road
Acworth, GA 30102

Phone: 770-928-1046

Name of Animal Owner: Renee Ford
435 Hicks Farm Road
Acworth, GA 30102

Description Of Animals: 3 Dogs (1 Black, long tail) 2 German Shepard Mixed

Information:

- Prolonged barking all hours of the night and early morning over a 3+ year time period, usually between 2 AM and 5 AM
- During the summer, during dry periods, the strong stench of dog waste inhibits our family from using the back yard or back porch.
- The dogs appear to be left alone for long periods of time, since I get no answer when I call Ms. Ford's home during their barking spells.

Signature and Date: _____

Internal File Number: 0305812

CITIZEN'S COMPLAINT FORM

DATE:	5/29/02
YOUR NAME:	Linda Floyd
YOUR ADDRESS:	425 Hicks Farm Road / Acworth GA 30102
YOUR PHONE NUMBER:	770-928-1046

NAME OF ANIMAL OWNER (IF KNOWN):	Renee Ford
ADDRESS OF PROBLEM:	435 Hicks Farm Road / Acworth GA 30102
DESCRIPTION OF ANIMAL(S):	(4) (1) Black, long tail (1) white (2) German Shepard / mixed Black & Cream

PLEASE PROVIDE ANIMAL CONTROL ANY INFORMATION YOU MAY POSSESS ON THE LINES BELOW (USE ADDITIONAL PAPER IF NEEDED):

Problems:

- ✓ - Two or more are allowed to run loose and charge up to the road, NOT allowing people to walk up or down the road.
- ✓ - Constant barking during the night over a 2+ year time period between the hours of 2AM to 5AM.
- ✓ - During the summer, during dry periods, the strong stench of dog waste prevents using my yard or back porch.
- ✓ - They appear to be left alone for long periods of time during which the barking goes on night and day.
(- They are kept locked in an outdoor pen most days and nights)

[Signature]

Notary Public, Cobb County, Georgia
My Commission Expires July 29, 2005

YOUR SIGNATURE AND DATE:	Linda H. Floyd 5/29/02
--------------------------	------------------------

FOR OFFICE USE ONLY

INTERNAL FILE NUMBER:	207118
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Animal Control Division
Debra Cook, Manager

1060 Al Bishop Drive
Marietta, Georgia 30008
Telephone (770) 499-4136
FAX (770) 590-5620



Lee New
Chief of Police

Arthur Allred
Deputy Chief

DATE & TIME: May 28, 2002

Cobb County Animal Control is currently conducting an investigation regarding dog(s) and/or cat(s) running loose in your area. To conduct an adequate investigation we need to contact residence in the area to find out if in fact this problem exists. Attached you will find a Citizens Complaint Form. If you would like to provide Animal Control with information on any animal running loose in you area or let us know that you are not having a problem with loose animals it would help our investigation.

This Citizen Complaint Form can be mailed or faxed to Animal Control. If you have an questions or would like to have the report picked up by an Animal Control Officer contact the Animal Control Supervisor at 770-499-4136 Selection 4.

Thank you, in advance, for your assistance in this matter.

You can e-mail either of us:

OFFICER: G. Ott / AC 9033

glenda.ott@cobbcounty.org
william.mayfield@cobbcounty.org

BADGE #: AC 9021 / AC 9033

CASE #: 207118

Cobb Co. Animal Control Phone Number 770-499-4136

Cobb Co. Animal Control Fax Number 770-590-5620

Revised 11/06/01 dc

July 12, 2004

Judge Frank R. Cox
32 Waddell Street
Marietta, Georgia 30090

RE: Three (3) Dogs residing at 435 Hicks Farm Road, Acworth, GA
Case # 0306240
Warrant # 03K1877

Judge Cox:

I am writing to notify you that we are still having problems with our neighbors' (Ken Murphy, Renee Ford and Ashley Ford) three dogs and the problems are escalating. On November 4th, 2003 Ashley Ford was ordered by Your Honor to buy and use bark collars for each of her three (3) dogs OR pay a \$300.00 fine. To date, the dogs do not wear bark collars and frequently roam free terrorizing the neighbors. Various problems with the dogs have been going on since September of 2000.

Here is a summary of recent events:

- The dogs continue to bark day and night.
- In January, Animal Control issued the Fords a warning for not using the court ordered bark collars on the three dogs (Case No. 400410).
- On July 1st, 2004 two of the Fords' dogs were running free and BIT a neighbor, Sandy Klingler.
- Animal Control issued the Fords various citations (including a citation for owning vicious animals) and the dogs were quarantined.
- On July 12th, 2004 two of the Fords' dogs were running free again terrorizing and chasing various neighbors (including Sandy Klingler).
- Animal Control was called and Sandy Klingler was informed that the Fords had received another citation.

I have been trying desperately to work through the legal system to resolve this problem, but as you can see from the above summary of events the problems have now escalated out of control. Animal Control has informed me that it is up to you to enforce the law in this case and I am urging you to require the Fords to maintain control over their animals and comply with Your Honor's previous order.

I have not been able to enjoy my property for the last four years and now I am in constant fear that the dogs will bite or fatally wound a member of my family.

Regards,

Linda Floyd

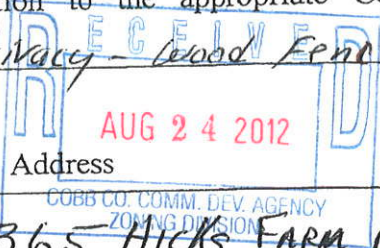
cc: Bill Pardue

CONSENT OF CONTIGUOUS OCCUPANTS OR LAND OWNERS

TO ACCOMPANY APPLICATION FOR THE PURPOSE OF VARIANCE REQUEST

By signature, it is hereby acknowledged that I give my consent/or have no objection that _____

Roger Sampler intends to make an application to the appropriate Cobb County Authorities for a variance request for the purpose of 8'6" Privacy Wood Fence on the premises described in the application.



Signature	Printed name	Address
1. <u>Talley E Fountain</u>	TALLEY E FOUNTAIN	365 HICKS FARM Rd 30102
2. <u>Jane Clark</u>	JANE A. ADAMS	375 HICKS FARM Rd. 30102
3. <u>Ollie Patterson</u>	Ollie Patterson	215 HICKS FARM Rd 30102.
4. <u>Mariam Khritik</u>	Mariam Khritik	280 Hicks F. rd.
5. <u>Byron Wilson</u>	BYRON WILSON	320 HICKS RD
6. <u>Kevin Prybylski</u>	Kevin Prybylski	345 Hick Farm Road
7. <u>Janet Rollor</u>	Janet Rollor	389 Hicks Farm Rd. Acw. 30102
8. <u>Sandy Klingler</u>	Sandy Klingler	387 HICKS Farm Rd Ac. 30102
9. <u>Rodney C Floyd</u>	Rodney C Floyd	425 Hicks Farm Rd 30102
10. <u>Clinby Booth</u>	Clinby Booth	405 Hicks Farm Rd 30102
11. <u>Annette Esposito</u>	Annette Esposito	350 Hicks Farm Rd 30102.
12. <u>Todd Shirley</u>	Todd Shirley	211 Hicks Farm Rd 30102
13. <u>Juanita Cheek</u>	Juanita Cheek	325 Hicks Farm Rd 30102
14.		
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