

PRELIMINARY VARIANCE ANALYSIS

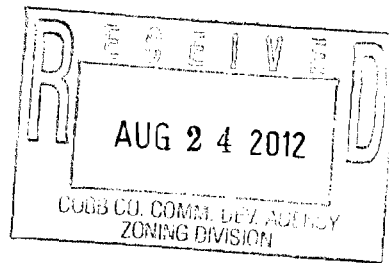
HEARING DATE: November 14, 2012

DUE DATE: October 15, 2012

Distributed: September 21, 2012

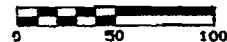


Cobb County...Expect the Best!



1"=50'

GRAPHIC SCALE



THIS PLAT 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 113

ALL MATTERS OF TITLE ARE
EXCEPTED.

"F.I.A. OFFICIAL FLOOD HAZARD
MAP" COMMUNITY NUMBER 130752
PAGE 29C . DATED 12/15/2008
SHOWS 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. 30066
PHONE: (770) 926-7759

DATE: 7-15-2010

SCALE: 1"=50'

C KR34

APPLICANT: Roger W. Samples

PHONE: 404-781-9495

REPRESENTATIVE: Roger W. Samples

PHONE: 404-781-9495

TITLEHOLDER: Roger W. Samples

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

PETITION No.: V-85

DATE OF HEARING: 11-14-12

PRESENT ZONING: R-80

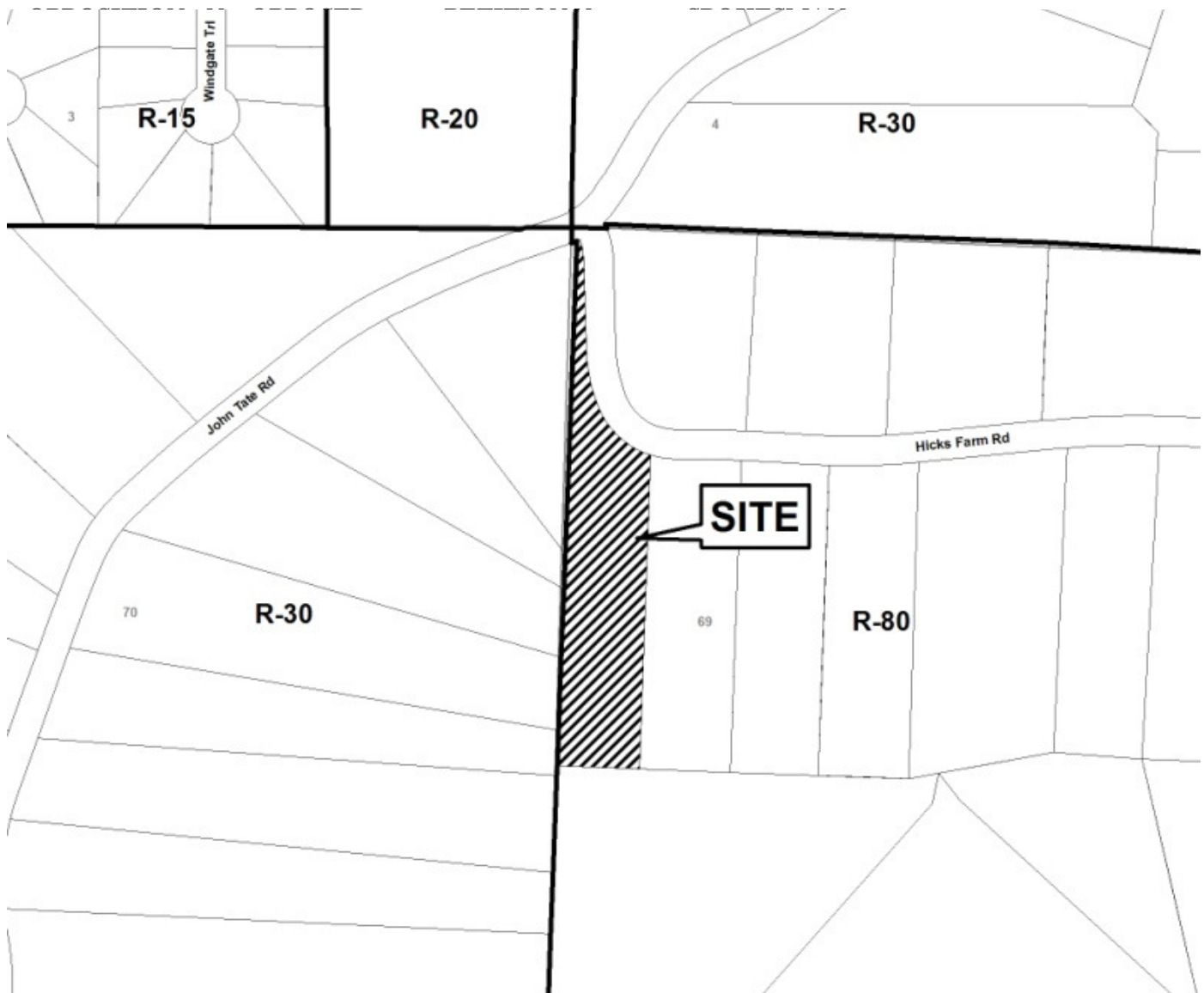
LAND LOT(S): 69

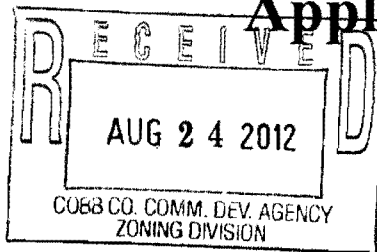
DISTRICT: 16

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.





Application for Variance Cobb County

(type or print clearly)

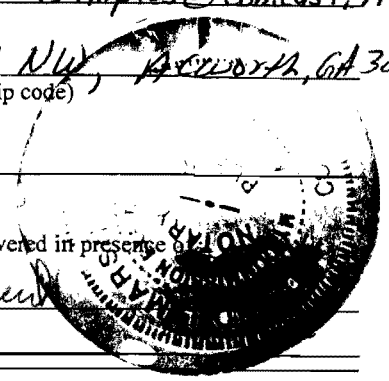
Application No. V-85
Hearing Date: 11-14-12

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)

My commission expires: 8-23-14

Signed, sealed and delivered in presence of [Signature]


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: _____



Signed, sealed and delivered in presence of: [Signature]
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 ☒

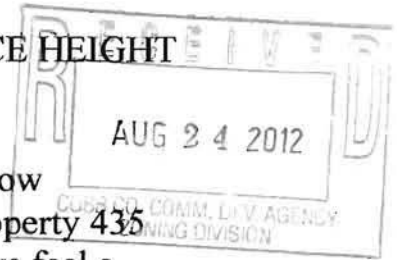
The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the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

SEE ATTACHED DOCUMENT "A"

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

"A" V-85 Attachment "A"

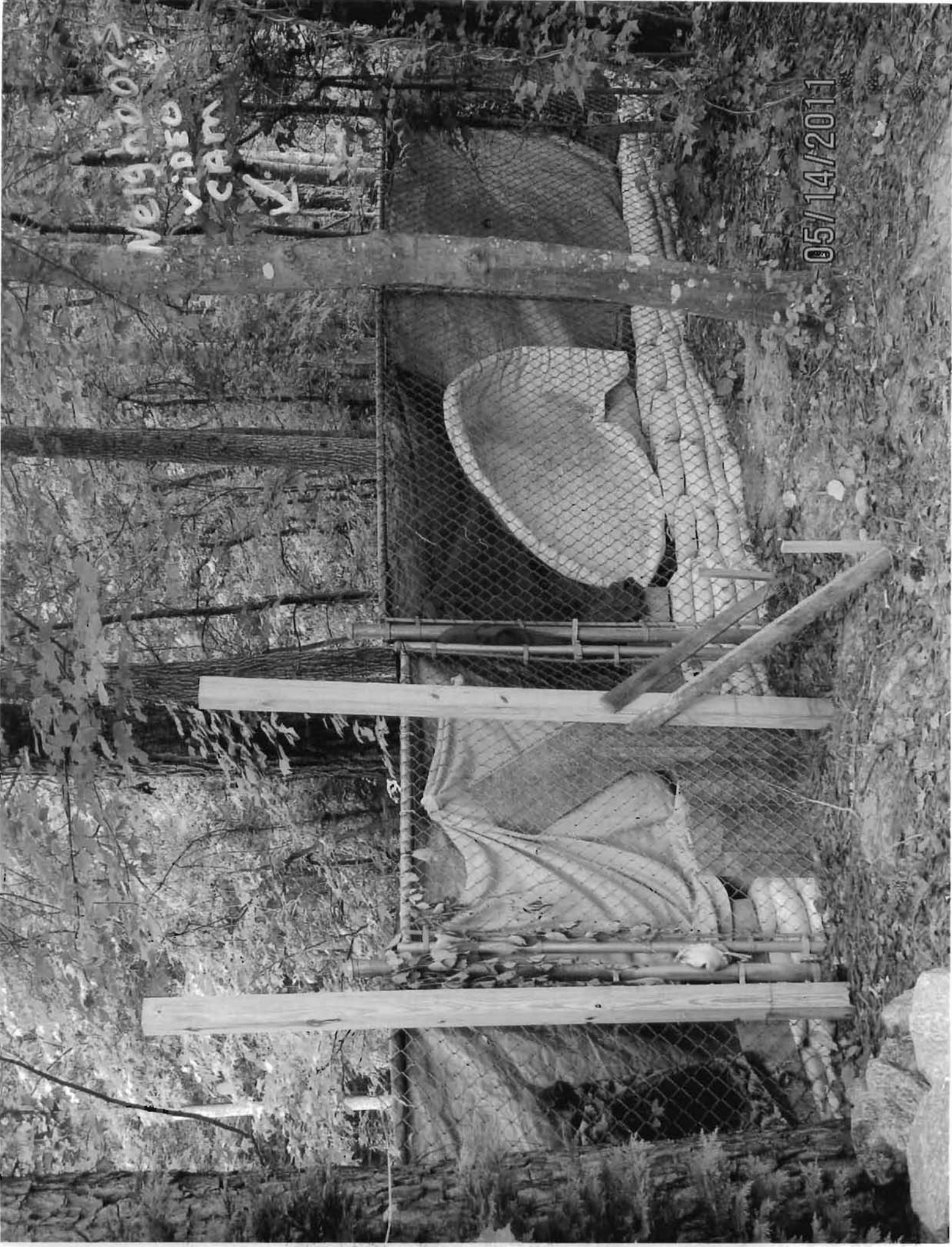
COBB COUNTY VARIANCE REQUEST FOR 8 FOOT FENCE HEIGHT
AT 451 HICKS FARM ROAD DUE TO:



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



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

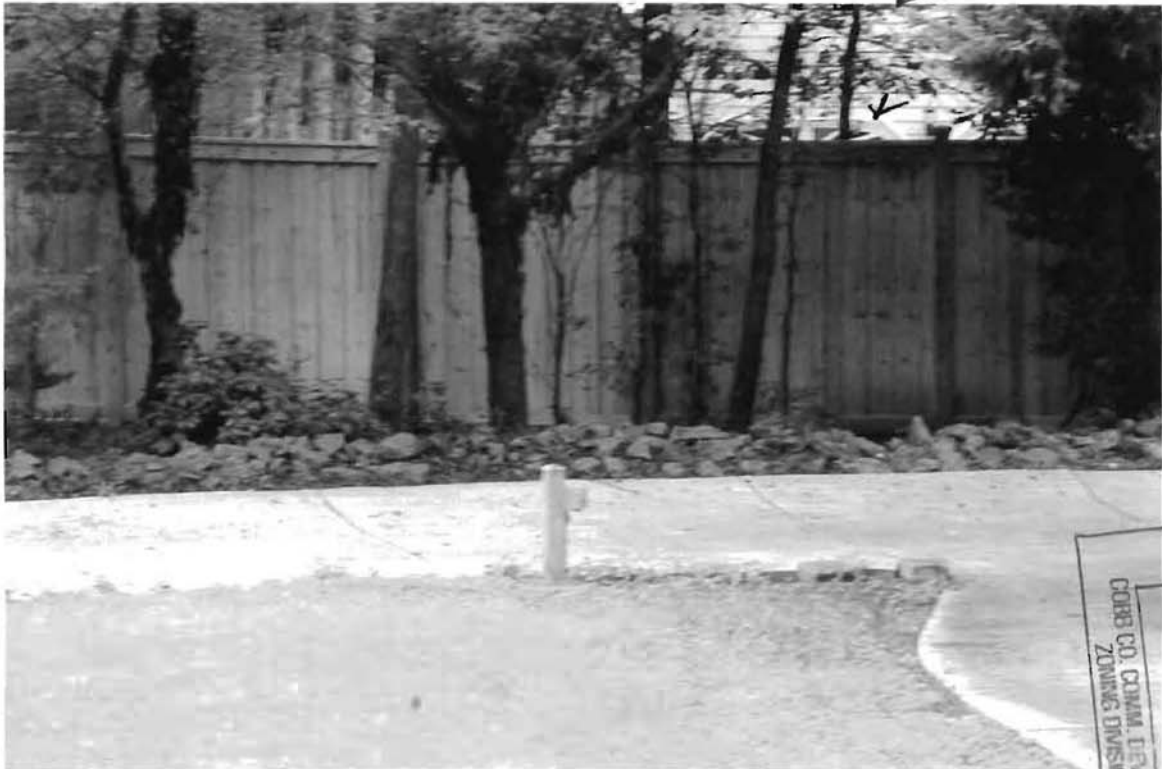


Vandalism



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 PoliceCase#
07-109147ORI
GA 0330200Date / Time Reported
08/08/2007 14:05 WedLocation of Incident
451 Hicks Farm Rd Nw, Acworth GA 30102-Premise Type
HouseZone/Tract
B, 114Last Known Secure
08/07/2007 20:00 TueAt Found
08/08/2007 13:30 Wed#1 Crime Incident(s) (Com)
Burglary - Forced Entry-residence 2202

Weapon / Tools

Entry

Exit

Activity

#2 Crime Incident ()

Weapon / Tools

Entry

Activity

#3 Crime Incident ()

Weapon / Tools

Entry

Activity

Security

Theft - 8-8-2007

MO

of Victims **3** Type: **INDIVIDUAL(NON LE)**

Injury:

Domestic: **N**Victim/Business Name (Last, First, Middle)
V1 EATON, LARRY ROBERT JR

Victim of Crime #

DOB
1971
Age **36**Race
WSex
M

Relationship To Offender

Resident Status

Military Branch/Status

Home Address
185 HAYES TRCE, Hiram, GA 30141-Home Phone
678-977-6913Employer Name/Address
UNKNOWN ADDRESS

Business Phone

Mobile Phone

VYR Make Model Style Color Lic/Lis

VIN

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

Victim of Crime #

DOB
1961
Age **45**

Race

Sex
M

Relationship To Offender

Resident Status
Resident

Military Branch/Status

Home Address
451 Hicks Farm Rd Nw Acworth, GA 30102Home Phone
404-867-6873

Employer Name/Address

Business Phone

Mobile Phone

Type: **INDIVIDUAL(NON LE)**

Injury:

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

Victim of Crime #

DOB
1961
Age **45**

Race

Sex
M

Relationship To Offender

Resident Status
Resident

Military Branch/Status

Home Address
51 Trellis Ct Acworth, GA 30101Home Phone
404-405-4074

Employer Name/Address

Business Phone

Mobile Phone

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

| V1 # | Code | Status | 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 |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

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

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

[illegible]

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

1935/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



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www.cobbcounty.org

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:

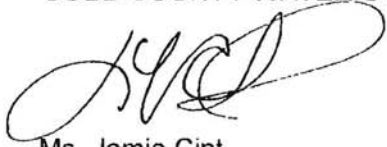
1. **Return the stormwater drainage channel to its original condition. During this operation ensure all BMPs are inspected on a regular basis to prevent sediment and debris from being discharged into the stormwater drainage system and pond.**
2. **Remove all dumped debris (sediment, railroad ties, etc.) 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 'J. Cint', with a large, looping flourish at the end.

Ms. Jamie Cint
Stormwater Environmental Compliance

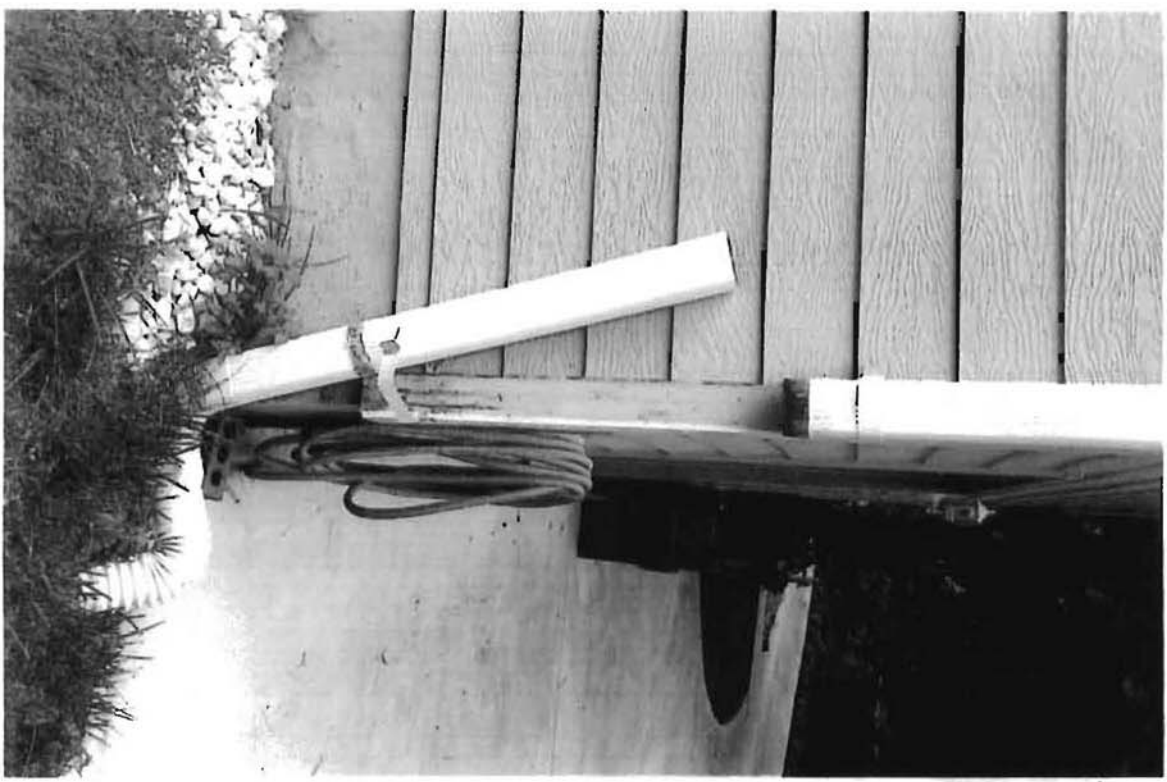
Attach:
Cobb County Protecting and Maintaining Small Streams and Open Channels

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

Mr. Frank Gipson
Erosion and Sediment Control Manager

OUR HOUSE - 451 HICKS FARM RD. (Incident Report - Attached)
 Kandalized - Downspout Removed (2nd time) 11-068568

11-4-11



RECEIVED
 24 2012
 MAINE LEV. AGENCY
 REG. DIVISION

INCIDENT/INVESTIGATION REPORT

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

Cobb County Police

Page 2

Case# 11-068568

| 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 | |
| | | | | | | | | |
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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 DATA

MO

VICTIM

OTHERS INVOLVED

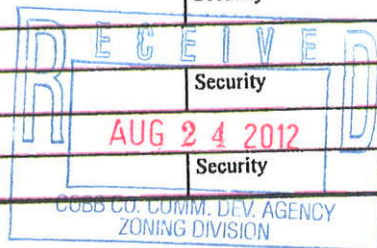
PROPERTY

INCIDENT/INVESTIGATION
REPORT

| |
|--|
| 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 |
| #1 Crime Incident(s) Damage To Property - Private 2902 | (Com) | Weapon / Tools NOT APPLICABLE/NONE |
| #2 Crime Incident | () | Weapon / Tools |
| #3 Crime Incident | () | Weapon / Tools |



| | | | |
|---|---------------------------------------|---|------------------------------------|
| # 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 06-14-53 Age 57 | Race W Sex M |
| Home Address 451 HICKS FARM RD, Acworth, GA 30102- | Home Phone 404-985-4052 | Relationship To Offender | Resident Status Resident |
| Employer Name/Address | Business Phone 404-781-9495 | Mobile Phone | |
| VYR | Make | Model | Style |
| Color | Lic/Lis | VIN | |

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

Vandalism (photos attached)

| 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 | Value | OJ | QTY | Property Description | Make/Model | Serial Number | |
| 1 | OTH | 4 | \$50.00 | | 1 | MAILBOX | | | |

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

| | | |
|--|-------------------------------------|---|
| Officer/ID# BERNARD, B. A. (2521, PCT1) (1667) | Invest ID# (0) | Supervisor LORENS, J. D. (2510, DUI) (1016) |
| Complainant Signature | Case Status Exceptionally | Case Disposition: 06/05/2011 |

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

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

[illegible]

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 # | |
| | Name (Last, First, Middle) Samples, Roger Wayne | | DOB 1953 | | Age 57 | | Race W | Sex M | |
| | OAN | | | | | | | | |

Notes

Black mail box



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

1514





451



05/14/2011

By: TURNER, 6611 08/15/2012 18:05

Cobb County Police

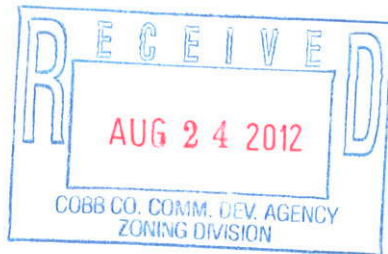
Case# 10-130822

[illegible]

Suspect Hate / Bias Motivated:

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 AT 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

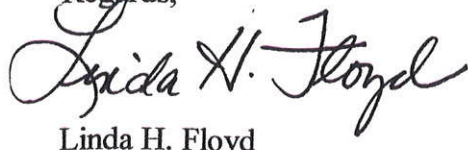
Judge Cox:

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

Level Two

| | | | | | | | | | | | | | |
|---|--|---|--|--|--|-----------------------------|--|---|--|---|--|--|--|
| Incident Number 03-100350 | | Additional Reports: <input type="checkbox"/> Page 2 <input type="checkbox"/> Citation <input type="checkbox"/> Accident <input type="checkbox"/> Impound <input type="checkbox"/> Evidence <input type="checkbox"/> Property | | Counts 1 | | Offense Code 5309 | | GOC | | Circumstance Code | | Beat 113 | |
| Primary Incident Type Harassing phone call | | | | | | | | | | | | | |
| From Date 7/23/03 | | Time 400 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 | | City Acworth | | State Ga | | 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 | | City Acworth | | State Ga | | 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 <input type="checkbox"/> Yes <input type="checkbox"/> No | | School Name | | | |
| Other Offenses | | | | Counts | | Offense Code | | GOC | | Circumstance Code | | Were drugs involved? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Specify type(s) | |
| | | | | | | | | | | | | <input type="checkbox"/> Amphetamine <input type="checkbox"/> Marijuana <input type="checkbox"/> Barbiturate <input type="checkbox"/> Methamphetamine <input type="checkbox"/> Cocaine <input type="checkbox"/> Opium <input type="checkbox"/> Hallucinogen <input type="checkbox"/> Synthetic Narcotic <input type="checkbox"/> Heroin <input type="checkbox"/> 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 | | City Acworth | | State Ga | | Zip Code 30102 | | | |
| Social Security Number | | | | Injury Code | | Victim-Offender Code | | Under Influence Alcohol? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unk. | | Under Influence Drugs? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk. | | Under Influence Drugs? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk. | | Under Influence Drugs? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk. | | Gang Name or School Name | |
| Veh. Year | | Make | | Model | | Color 1/Color 2 | | Body Style | | Lic. Number | | State | |
| VIN | | | | | | | | | | | | Year | |
| | | | | | | | | | | | | Plate Only? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | | | | | | | | | | | | Decal Number | |
| Lien Holder | | | | | | | | | | | | Value | |
| | | | | | | | | | | | | <input type="checkbox"/> Stolen <input type="checkbox"/> Damaged <input type="checkbox"/> Recovered <input type="checkbox"/> Suspicious | |
| | | | | | | | | | | | | Policy Number | |
| Were children involved as targets of violence? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | If not targets, were children present during violence? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | Child Abuse/Neglect (Detail Physical Abuse in Victim Injury Section!) | | | | | |
| Number of previous complaints advised by victim: A <input type="checkbox"/> 0 B <input type="checkbox"/> 1-5 C <input type="checkbox"/> 6-10 D <input type="checkbox"/> 10+ U <input type="checkbox"/> Unk | | | | Do prior court orders exist? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown | | | | Type: <input type="checkbox"/> Sexual <input type="checkbox"/> Physical <input type="checkbox"/> Emotional <input type="checkbox"/> Neglect | | | | | |
| Was victim apprised of available remedies/services? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | How was primary aggressor identified? <input type="checkbox"/> Physical Evidence <input type="checkbox"/> Testimonial Evidence <input type="checkbox"/> Other (Describe) | | | | Protective Custody <input type="checkbox"/> Yes Number taken into custody | | | | | |
| Abuse Type 1 <input type="checkbox"/> Fatal 2 <input type="checkbox"/> Perm Dis. 3 <input type="checkbox"/> Temp. Dis. 4 <input type="checkbox"/> Broke Bone 5 <input type="checkbox"/> Gun/Knife 6 <input type="checkbox"/> Superficial 7 <input type="checkbox"/> Prop. Dam./Theft 8 <input type="checkbox"/> Threat 9 <input type="checkbox"/> Language 10 <input type="checkbox"/> Sexual 11 <input type="checkbox"/> Other | | | | Police Action Taken 1 <input type="checkbox"/> Arrest 2 <input type="checkbox"/> Citation 3 <input type="checkbox"/> Separation 4 <input type="checkbox"/> Mediation 5 <input type="checkbox"/> Other (Describe) | | | | Comments: | | | | | |
| Reason for No Arrest | | | | Aggressor not at scene <input type="checkbox"/> Insufficient Prob Cause <input type="checkbox"/> Other (Describe) | | | | 6 <input type="checkbox"/> None | | | | | |
| Was there evidence of a hate crime? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If so, what type? | | | | Ethnic <input type="checkbox"/> Religious <input type="checkbox"/> Sexual <input type="checkbox"/> Other | | | | | | | | | |
| Narrative | | | | | | | | | | | | | |
| <p>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 is making a report made at this time.</p> | | | | | | | | | | | | | |
| Reporting Officer T. J. Smith | | | | Badge Number 1132 | | | | Related Incident Reports | | | | | |

M

| | | | |
|--|--|---|--|
| | 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. | |
| 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. | | | |

-435 + 0445
425

| 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

Revised 8/31/01 dlc

CITIZEN'S COMPLAINT FORM

DATE:

YOUR NAME:

YOUR ADDRESS

YOUR PHONE NUMBER:

NAME OF ANIMAL OWNER (IF KNOWN):

ADDRESS OF PROBLEM:

DESCRIPTION OF ANIMAL(S):

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

YOUR SIGNATURE AND DATE:

FOR OFFICE USE ONLY

INTERNAL FILE NUMBER: 207118

Revised 8/31/01 dlc

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,

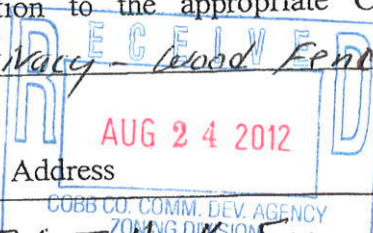
Linda Floyd

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>Marina Khritin</u> | MARINA KHREDIT | 280 HICKS F. Rd. |
| 5. <u>Bryan 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>Clinch Booth</u> | CLINCH 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. | | |
| 15. | | |
| 16. | | |
| 17. | | |
| 18. | | |
| 19. | | |
| 20. | | |

(Attach additional pages if necessary)

Revised October 1, 2009

PLAT OF SURVEY FOR

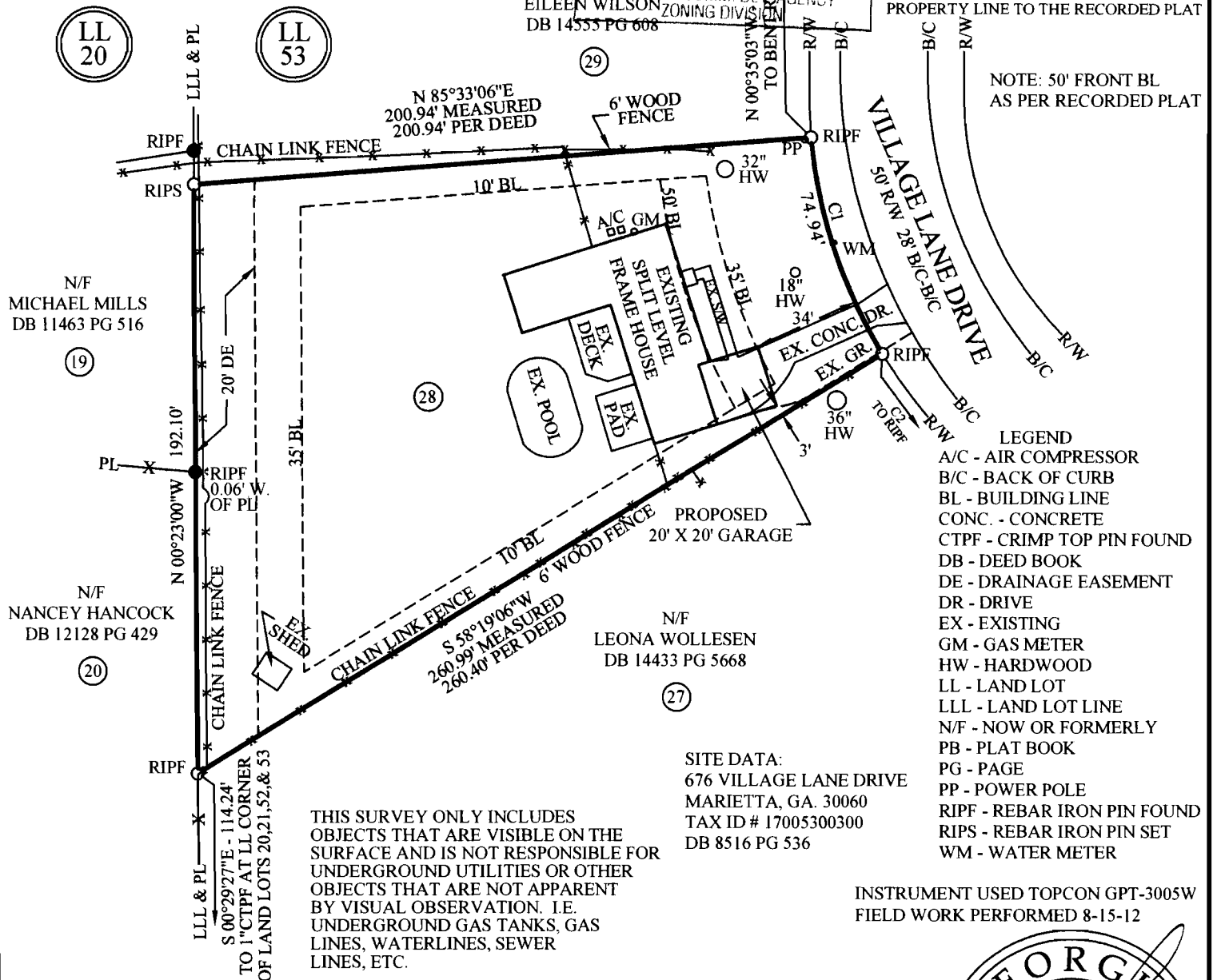
RONALD LOWE

V-86 (2012)

LOT: 28 BLOCK "B" VILLAGE LANE S/D PB. 50 PG. 199
 LAND LOT 53 17TH DISTRICT 2ND SECTION
 COBB COUNTY, GEORGIA
 DATE: 8-16-12 SCALE: 1" = 50'

TRACT AREA = 0.653 ACRES

| CURVE | RADIUS | ARC | CHORD | CHORD BEARING |
|-------|---------|--------|-----------------|---------------|
| C 1 | 161.87' | 74.94' | 74.27' MEASURED | S 18°04'48"E |
| | 157.39' | 75.00' | 74.29' PER DEED | |
| C 2 | 161.87' | 75.95' | 75.26' MEASURED | S 44°47'09"E |
| | 157.39' | 75.00' | 74.29' PER DEED | |



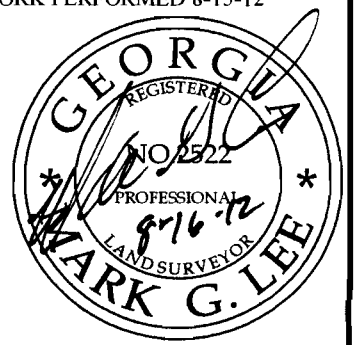
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 81,887 FEET AND AN ANGULAR ERROR OF 03" PER ANGLE AND WAS ADJUSTED BY CRANDALL'S METHOD.

THE DATA SHOWN ON THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.

AS PER THE F.I.R.M. FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 13067C0202 G DATED 12-16-08 THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.



THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENT AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.



PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.

PLANNING - ENGINEERING - LAND SURVEYING
 3982 AUSTELL-POWDER SPRINGS ROAD - POWDER SPRINGS, GEORGIA 30127
 Ph. (770) 435-2576 - Fax (770) 943-6912

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

COMP.

JOB.

2012036

APPLICANT: Ronald G. Lowe

PHONE: 770-437-9278

REPRESENTATIVE: Ronald G. Lowe

PHONE: 770-437-9278

TITLEHOLDER: Ronald Gary and Shirley E. Lowe

PROPERTY LOCATION: On the west side of

Village Lane Drive

(676 Village Lane Drive).

PETITION No.: V-86

DATE OF HEARING: 11-14-12

PRESENT ZONING: R-20

LAND LOT(S): 53

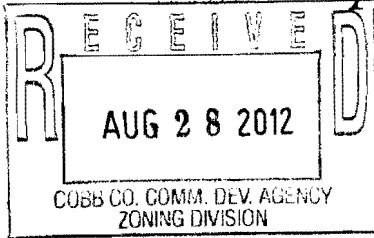
DISTRICT: 17

SIZE OF TRACT: 0.653 acres

COMMISSION DISTRICT: 4

TYPE OF VARIANCE: 1) Waive the front setback from required 50 feet to 34 feet; and 2) waive the side setback from required 10 feet to 3 feet.





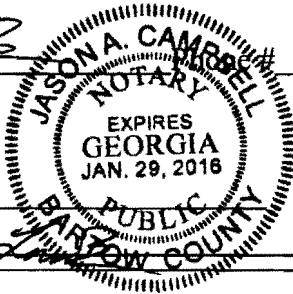
Application for Variance Cobb County

(type or print clearly)

Application No. V-86
Hearing Date: 11-14-12

Applicant RONALD G LOWE Phone # 7704379278 E-mail RLOWE10466@Bellsouth.NET
Address 676 VILLAGE LN DR SW
(representative's name, printed) (street, city, state and zip code) MARIETTA, GA 30060

[Signature]
(representative's signature)



E-mail _____

My commission expires: _____

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

Titleholder RONALD G. LOWE Phone # 7704379278 E-mail RLOWE10466@Bellsouth.NET
Signature [Signature] Address: 676 VILLAGE LN DR SW
(attach additional signatures if needed) (street, city, state and zip code)

Shirley E Lowe

MARIETTA, GA 30060
Signed, sealed and delivered in presence of:

My commission expires: _____

[Signature]
Notary Public

Present Zoning of Property _____

Location 676 VILLAGE LN DR SW MARIETTA, GA 30060
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 28 District 17 Size of Tract 1.653 Acre(s)

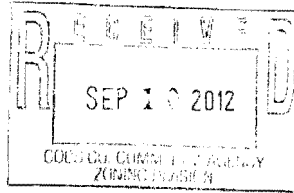
Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

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.

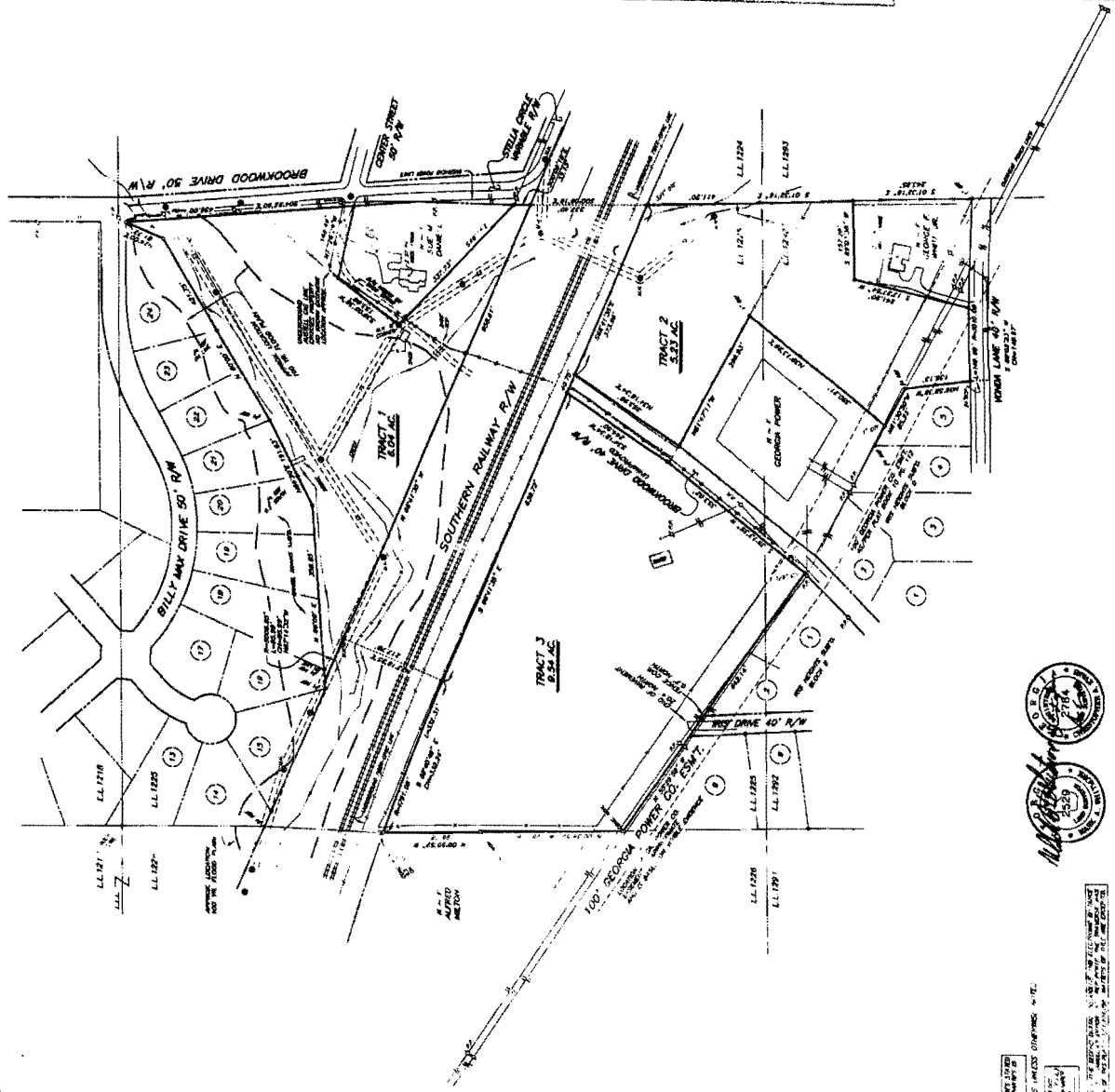
List type of variance requested: MOVE SETBACK FROM 50 FT TO 35 FT
+ ALLOW GARPORT TO BE ADDED 20X20 AT LT FRONT
OF HOUSE.

V-87 (2012)



SCALE OF FEET
0 10 20 30 40 50 60 70 80 90 100
CURTIS DANIELL
GASKINS SURVEYING CO.
1000 JEFFERSON ST.
JEFFERSON, MISSOURI 64501
(781) 341-7744

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10/10/2012 BY 60322 UCBAW/STP
EXEMPT FROM GDS, 5 U.S.C. 552, 5 U.S.C. 552A
GASKINS SURVEYING CO.
1000 JEFFERSON ST.
JEFFERSON, MISSOURI 64501
(781) 341-7744



| LEGEND |
|---|
| 1. 1/4 SECTION 10, T.12N, R.10E, S.10 |
| 2. 1/4 SECTION 11, T.12N, R.10E, S.10 |
| 3. 1/4 SECTION 12, T.12N, R.10E, S.10 |
| 4. 1/4 SECTION 13, T.12N, R.10E, S.10 |
| 5. 1/4 SECTION 14, T.12N, R.10E, S.10 |
| 6. 1/4 SECTION 15, T.12N, R.10E, S.10 |
| 7. 1/4 SECTION 16, T.12N, R.10E, S.10 |
| 8. 1/4 SECTION 17, T.12N, R.10E, S.10 |
| 9. 1/4 SECTION 18, T.12N, R.10E, S.10 |
| 10. 1/4 SECTION 19, T.12N, R.10E, S.10 |
| 11. 1/4 SECTION 20, T.12N, R.10E, S.10 |
| 12. 1/4 SECTION 21, T.12N, R.10E, S.10 |
| 13. 1/4 SECTION 22, T.12N, R.10E, S.10 |
| 14. 1/4 SECTION 23, T.12N, R.10E, S.10 |
| 15. 1/4 SECTION 24, T.12N, R.10E, S.10 |
| 16. 1/4 SECTION 25, T.12N, R.10E, S.10 |
| 17. 1/4 SECTION 26, T.12N, R.10E, S.10 |
| 18. 1/4 SECTION 27, T.12N, R.10E, S.10 |
| 19. 1/4 SECTION 28, T.12N, R.10E, S.10 |
| 20. 1/4 SECTION 29, T.12N, R.10E, S.10 |
| 21. 1/4 SECTION 30, T.12N, R.10E, S.10 |
| 22. 1/4 SECTION 31, T.12N, R.10E, S.10 |
| 23. 1/4 SECTION 32, T.12N, R.10E, S.10 |
| 24. 1/4 SECTION 33, T.12N, R.10E, S.10 |
| 25. 1/4 SECTION 34, T.12N, R.10E, S.10 |
| 26. 1/4 SECTION 35, T.12N, R.10E, S.10 |
| 27. 1/4 SECTION 36, T.12N, R.10E, S.10 |
| 28. 1/4 SECTION 37, T.12N, R.10E, S.10 |
| 29. 1/4 SECTION 38, T.12N, R.10E, S.10 |
| 30. 1/4 SECTION 39, T.12N, R.10E, S.10 |
| 31. 1/4 SECTION 40, T.12N, R.10E, S.10 |
| 32. 1/4 SECTION 41, T.12N, R.10E, S.10 |
| 33. 1/4 SECTION 42, T.12N, R.10E, S.10 |
| 34. 1/4 SECTION 43, T.12N, R.10E, S.10 |
| 35. 1/4 SECTION 44, T.12N, R.10E, S.10 |
| 36. 1/4 SECTION 45, T.12N, R.10E, S.10 |
| 37. 1/4 SECTION 46, T.12N, R.10E, S.10 |
| 38. 1/4 SECTION 47, T.12N, R.10E, S.10 |
| 39. 1/4 SECTION 48, T.12N, R.10E, S.10 |
| 40. 1/4 SECTION 49, T.12N, R.10E, S.10 |
| 41. 1/4 SECTION 50, T.12N, R.10E, S.10 |
| 42. 1/4 SECTION 51, T.12N, R.10E, S.10 |
| 43. 1/4 SECTION 52, T.12N, R.10E, S.10 |
| 44. 1/4 SECTION 53, T.12N, R.10E, S.10 |
| 45. 1/4 SECTION 54, T.12N, R.10E, S.10 |
| 46. 1/4 SECTION 55, T.12N, R.10E, S.10 |
| 47. 1/4 SECTION 56, T.12N, R.10E, S.10 |
| 48. 1/4 SECTION 57, T.12N, R.10E, S.10 |
| 49. 1/4 SECTION 58, T.12N, R.10E, S.10 |
| 50. 1/4 SECTION 59, T.12N, R.10E, S.10 |
| 51. 1/4 SECTION 60, T.12N, R.10E, S.10 |
| 52. 1/4 SECTION 61, T.12N, R.10E, S.10 |
| 53. 1/4 SECTION 62, T.12N, R.10E, S.10 |
| 54. 1/4 SECTION 63, T.12N, R.10E, S.10 |
| 55. 1/4 SECTION 64, T.12N, R.10E, S.10 |
| 56. 1/4 SECTION 65, T.12N, R.10E, S.10 |
| 57. 1/4 SECTION 66, T.12N, R.10E, S.10 |
| 58. 1/4 SECTION 67, T.12N, R.10E, S.10 |
| 59. 1/4 SECTION 68, T.12N, R.10E, S.10 |
| 60. 1/4 SECTION 69, T.12N, R.10E, S.10 |
| 61. 1/4 SECTION 70, T.12N, R.10E, S.10 |
| 62. 1/4 SECTION 71, T.12N, R.10E, S.10 |
| 63. 1/4 SECTION 72, T.12N, R.10E, S.10 |
| 64. 1/4 SECTION 73, T.12N, R.10E, S.10 |
| 65. 1/4 SECTION 74, T.12N, R.10E, S.10 |
| 66. 1/4 SECTION 75, T.12N, R.10E, S.10 |
| 67. 1/4 SECTION 76, T.12N, R.10E, S.10 |
| 68. 1/4 SECTION 77, T.12N, R.10E, S.10 |
| 69. 1/4 SECTION 78, T.12N, R.10E, S.10 |
| 70. 1/4 SECTION 79, T.12N, R.10E, S.10 |
| 71. 1/4 SECTION 80, T.12N, R.10E, S.10 |
| 72. 1/4 SECTION 81, T.12N, R.10E, S.10 |
| 73. 1/4 SECTION 82, T.12N, R.10E, S.10 |
| 74. 1/4 SECTION 83, T.12N, R.10E, S.10 |
| 75. 1/4 SECTION 84, T.12N, R.10E, S.10 |
| 76. 1/4 SECTION 85, T.12N, R.10E, S.10 |
| 77. 1/4 SECTION 86, T.12N, R.10E, S.10 |
| 78. 1/4 SECTION 87, T.12N, R.10E, S.10 |
| 79. 1/4 SECTION 88, T.12N, R.10E, S.10 |
| 80. 1/4 SECTION 89, T.12N, R.10E, S.10 |
| 81. 1/4 SECTION 90, T.12N, R.10E, S.10 |
| 82. 1/4 SECTION 91, T.12N, R.10E, S.10 |
| 83. 1/4 SECTION 92, T.12N, R.10E, S.10 |
| 84. 1/4 SECTION 93, T.12N, R.10E, S.10 |
| 85. 1/4 SECTION 94, T.12N, R.10E, S.10 |
| 86. 1/4 SECTION 95, T.12N, R.10E, S.10 |
| 87. 1/4 SECTION 96, T.12N, R.10E, S.10 |
| 88. 1/4 SECTION 97, T.12N, R.10E, S.10 |
| 89. 1/4 SECTION 98, T.12N, R.10E, S.10 |
| 90. 1/4 SECTION 99, T.12N, R.10E, S.10 |
| 91. 1/4 SECTION 100, T.12N, R.10E, S.10 |

REFERENCE: G.S. 10-14
THIS MAP IS FOR THE COASTLINE OF THE UNITED STATES
AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
AN ERROR FOUND ON SET AT ALL CORNERS: (IN CASE OF ERROR, SEE SET)
THIS MAP IS FOR THE COASTLINE OF THE UNITED STATES
AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
AN ERROR FOUND ON SET AT ALL CORNERS: (IN CASE OF ERROR, SEE SET)

APPLICANT: Kevin S. Daniell

PHONE: 678-910-6201

REPRESENTATIVE: Kevin S. Daniell

PHONE: 678-910-6201

TITLEHOLDER: David Royce Daniell, Alan Curtis Daniell, Sue Marlene Daniell, Peggy Dale Martin, Kimberly Ann Daniell-White, and Kevin Scott Daniell

PROPERTY LOCATION: At the end of Iris Drive, south of Southern Railway Right-Of-Way, and at the end of Brookwood Drive.

TYPE OF VARIANCE: 1) Allow an accessory building on a lot without a principal building; and 2) allow a second electrical meter on a residential lot.

PETITION No.: V-87

DATE OF HEARING: 11-14-12

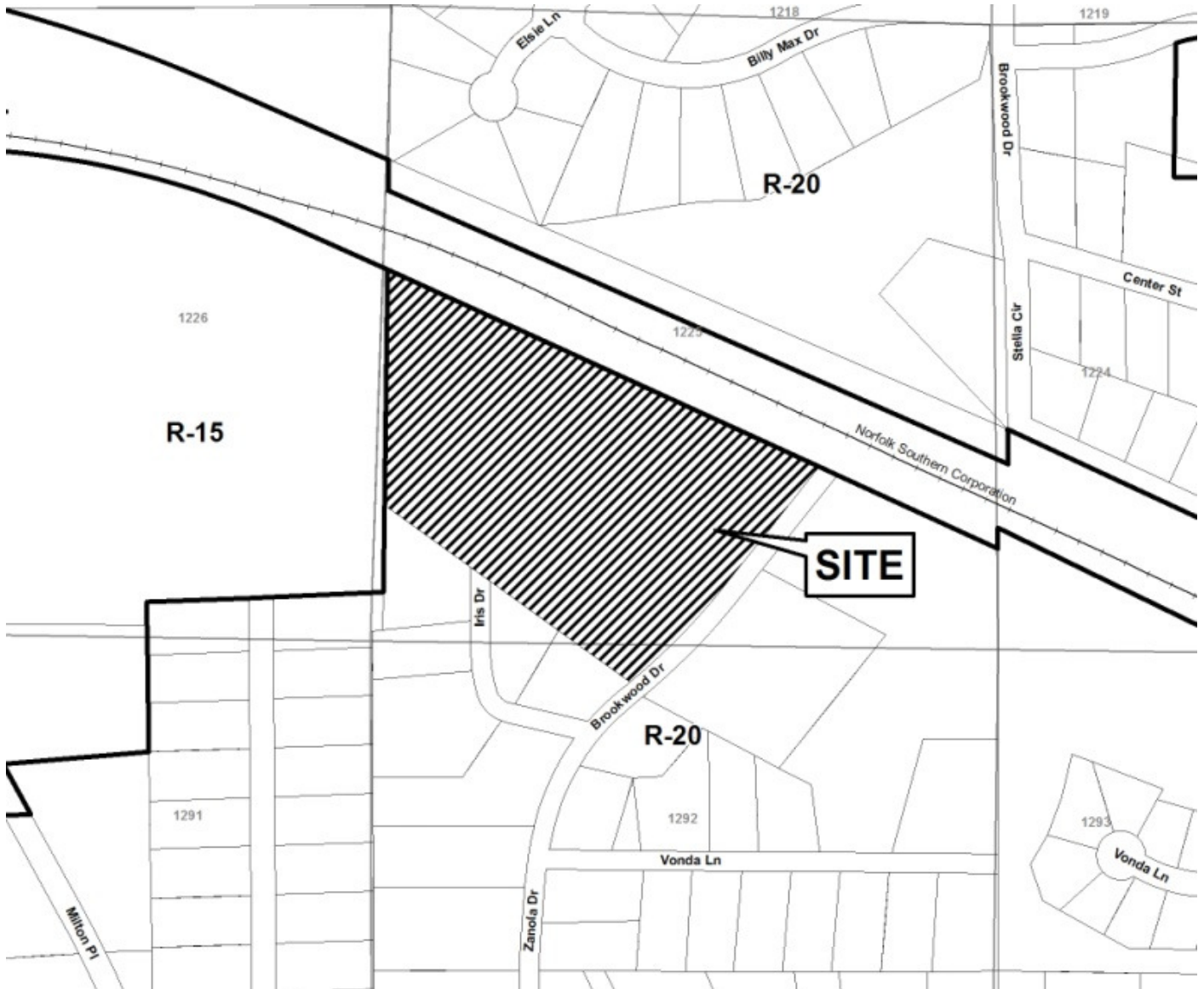
PRESENT ZONING: R-20

LAND LOT(S): 1225, 1292

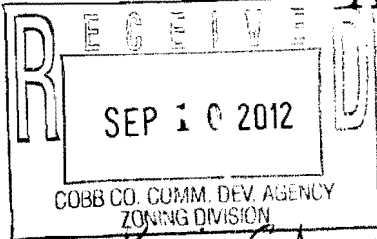
DISTRICT: 19

SIZE OF TRACT: 9.54 acres

COMMISSION DISTRICT: 4



Application for Variance Cobb County



(type or print clearly)

Application No. V-87
Hearing Date: 11/14/2012

Applicant Kevin S Daniell Phone # 678-910-6201 E-mail KSDaniell@gmail.com
Kevin S Daniell Address 5509 Muirwood Court
(representative's name, printed) (street, city, state and zip code) Powder Springs, GA 30127
Kevin S Daniell Phone # _____ E-mail _____
(representative's signature)

Notary Public, Paulding County, Georgia
My commission expires: August 17, 2015

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

← Titleholder SEE ATTACHMENT Phone # 678-910-6201 E-mail KSDaniell@gmail.com
Signature _____ Address: _____
(attach additional signatures, if needed) (street, city, state and zip code)

Notary Public, Paulding County, Georgia
My Commission Expires August 17, 2015
My commission expires: August 17, 2015

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

Present Zoning of Property R-20
Location Brookwood Dr & Iris Dr
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1225 District 19 Size of Tract 9.5 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 ☒

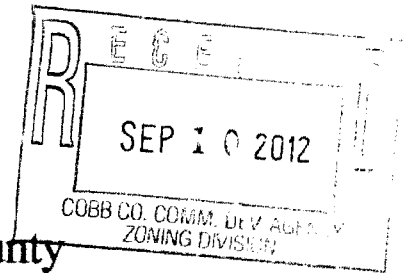
The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the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

This lot has no primary structure. The accessory structure (barn) has no power meter and has been repeatedly vandlized. Power would allow for the installation of an alarm system and additional lighting in order to increase our utilization of the building as a hobby shop/storage building. There has been power on this site in the past.

List type of variance requested: To allow for a power meter on an existing building on a lot that does not have a primary structure.

Attachment A

Application for Variance Cobb County



David Royce Daniell

David R. Daniell

Alan Curtis Daniell

Alan Curtis Daniell

Sue Marlene Daniell

Sue Marlene Daniell

Peggy Dale Martin

Peggy D. Martin

Jeffrey John Roden
Notary Public, Fulton County, Georgia
My Commission Expires December 26, 2014

Kimberly Ann Daniell-White

Kimberly Ann Daniell-White

Kevin Scott Daniell

Kevin Scott Daniell

Andrew Horvath
Notary Public, Paulding County, Georgia
My Commission Expires August 17, 2015
For all parties but Kimberly
Ann Daniell-White

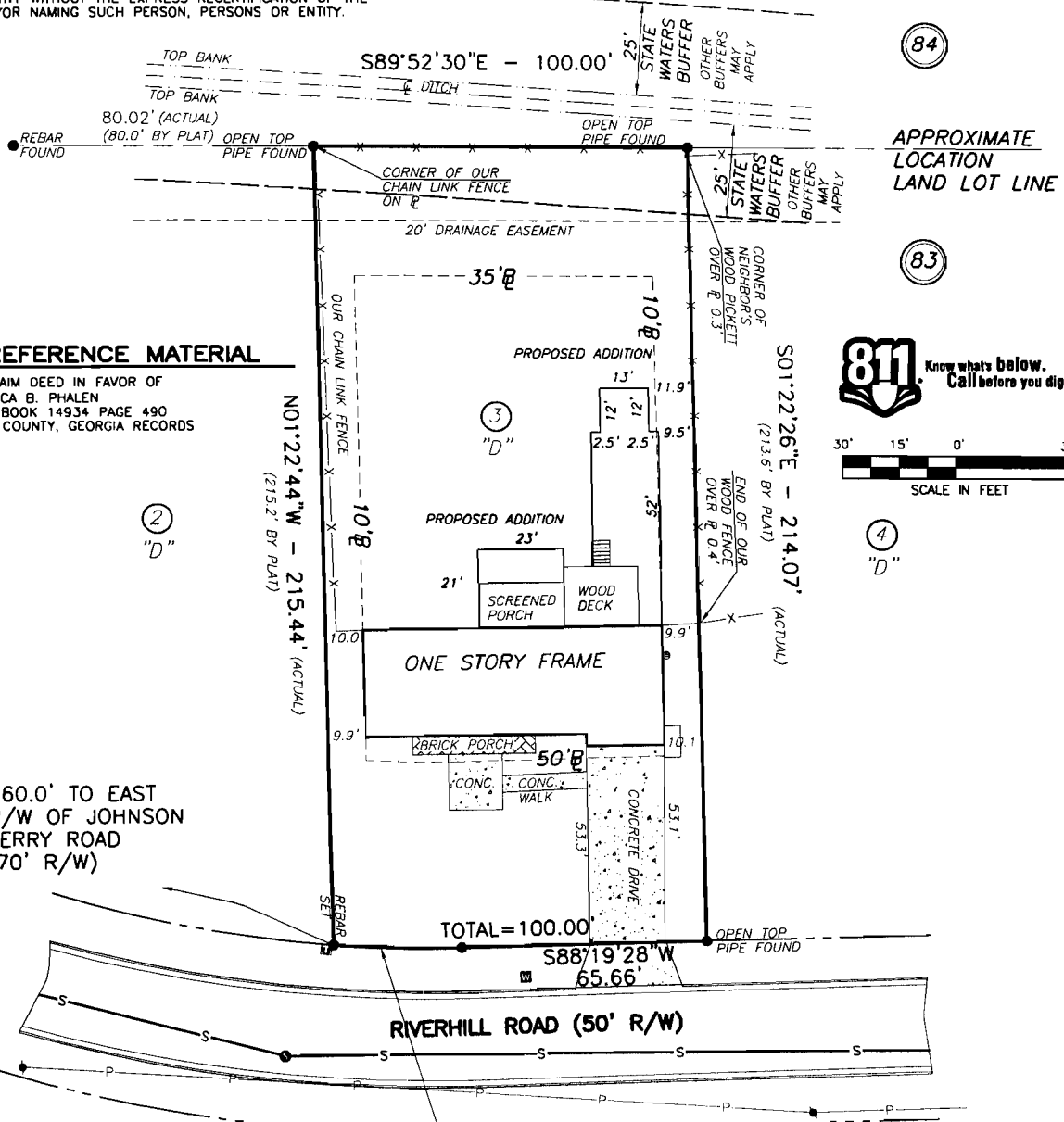
SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, THE FOLLOWING OFFICES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS. EASEMENTS AS SHOWN ARE APPROXIMATE AND TAKEN FROM RECORDED DOCUMENTS.
2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.

V-88 (2012)

4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSE APPROXIMATION OF ONE FOOT IN 10,000+ FEET, AND AN ANGLE ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET. LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED BY USING A TOPCON TOTAL STATION.
5. BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
6. THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS. R-20, COBB COUNTY, GA
7. THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. A SECOND OPINION OR COMPREHENSIVE FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE INFORMATION. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS, AN INSURANCE COMPANY OR APPRAISER.
8. THIS PLAT NOT INTENDED FOR RECORDING.

MAGNETIC
N



REFERENCE MATERIAL

1. QUITCLAIM DEED IN FAVOR OF REBECCA B. PHALEN DEED BOOK 14934 PAGE 490 COBB COUNTY, GEORGIA RECORDS

②
"D"

260.0' TO EAST
R/W OF JOHNSON
FERRY ROAD
(70' R/W)

TOTAL=100.00

S88°19'28"W
65.66'

RIVERHILL ROAD (50' R/W)

MC
LUNG

TOTAL AREA= 0.494± ACRES
OR 21,534± SQ. FT.

A=34.34', R=333.10'
CHD=N88°43'19"W
34.32'

4833 RIVERHILL ROAD
MARIETTA, GEORGIA

4833 South Cobb Drive Suite 200
Smyrna, Georgia 30080 (770) 434-3383

This property is not
located in a Federal Flood
Area as indicated by F.I.R.M.
Official Flood Hazard Maps.

In my opinion this plot is a
correct representation of the
land platted.

This original of
this document was
sealed and signed by
Michael R. Noles
L.S. #2646
on 8-28-12. THIS
REPRODUCTION IS NOT
A CERTIFIED
DOCUMENT.

Michael R. Noles
Georgia RLS #2646
Member SAMSOG

REV: 8-28-12

JOB#232257

LEGEND

- RCP
- CMP
- REINFORCED CONCRETE PIPE
- CORRUGATED METAL PIPE
- POWER POLE
- LIGHT POLE
- POWER METER
- POWER BOX
- AIR CONDITION
- TELEPHONE BOX
- GAS METER
- GAS VALVE
- WATER METER
- WATER VALVE
- JUNCTION BOX
- DROP INLET
- SANITARY SEWER MANHOLE

PROPERTY OF
WILLIAM PHALEN

LOT 3, BLOCK "D", UNIT TWO
RIVERHILL

LAND LOT 83
DISTRICT 1ST SECTION 2ND
COUNTY COBB
GEORGIA

PLAT PREPARED: 8-24-12
FIELD: 8-20-12 SCALE: 1"=30'

PB 47
PG 10
DB PG

APPLICANT: Rebecca B. Phalen

PHONE: 404-323-0162

REPRESENTATIVE: Rebecca B. Phalen

PHONE: 404-323-0162

TITLEHOLDER: Rebecca B. Phalen

PROPERTY LOCATION: On the north side of
Riverhill Road, east of Johnson Ferry Road
(4833 Riverhill Road).

PETITION No.: V-88

DATE OF HEARING: 11-14-12

PRESENT ZONING: R-20

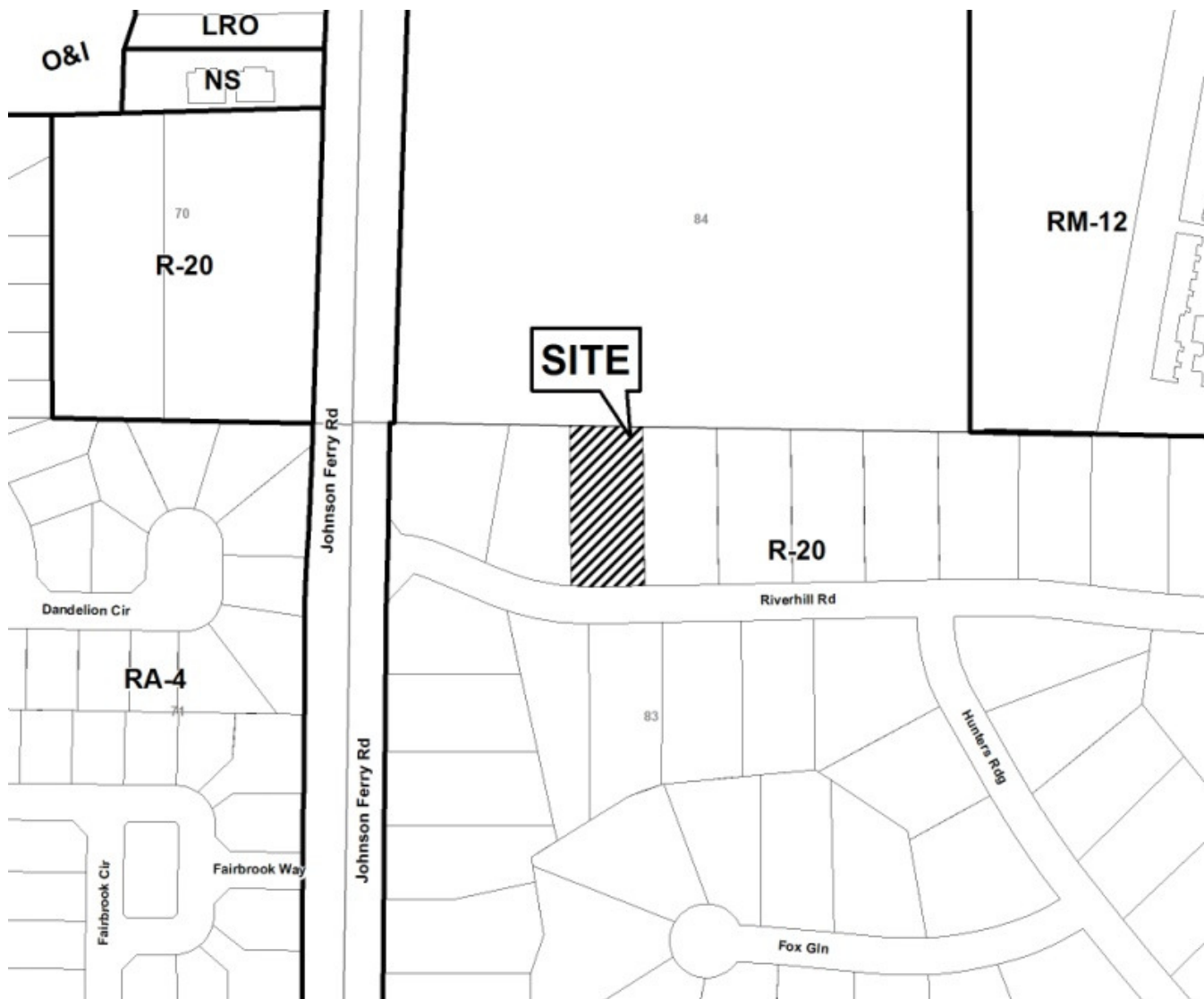
LAND LOT(S): 83

DISTRICT: 1

SIZE OF TRACT: 0.494 acres

COMMISSION DISTRICT: 2

TYPE OF VARIANCE: 1) Waive the side setback (existing footprint on western side) from the required 10 feet to 9 feet; and 2) waive the side setback (proposed rear addition to the eastern side) from the required 10 feet to 8 feet.



Application for Variance Cobb County

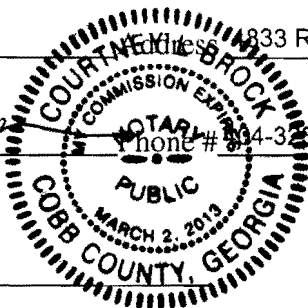
(type or print clearly)

Application No. V-68
Hearing Date: 11-14-12

Applicant Rebecca B. Phalen Phone # 404-323-0162 E-mail rebecca@rebeccaphalen.com

Rebecca B. Phalen
(representative's name, printed) 4833 Riverhill Rd, Marietta, Georgia 30068
(street, city, state and zip code)

Rebecca B. Phalen
(representative's signature) 404-323-0162 E-mail rebecca@rebeccaphalen.com



My commission expires: _____

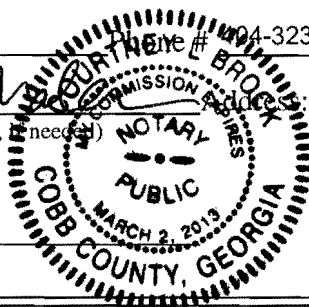
Signed, sealed and delivered in presence of:

C. Brock

Notary Public

Titleholder Rebecca B. Phalen Phone # 404-323-0162 E-mail rebecca@rebeccaphalen.com

Signature Rebecca B. Phalen
(attach additional signatures, if needed) 4833 Riverhill Rd, Marietta, Georgia 30068
(street, city, state and zip code)



My commission expires: _____

Signed, sealed and delivered in presence of:

C. Brock

Notary Public

Present Zoning of Property R-20

Location 4833 Riverhill Road, Marietta, Georgia 30068
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 83 District 1st Size of Tract 0.494 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 X 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.

If the setback is not changed, then the proposed addition would have to be offset from the original building, creating a visually unappealing addition, which may be viewed from the road. Because the house extends to both side-setback lines, there is no other location to place the proposed addition where it could tie into the main living area of the house on the same level, a critical issue when designing for a multigenerational family. We are not seeking to widen the house from its original design, only to build straight back from what was originally built in 1970. The addition is to serve as a suite for my father-in-law with universal-design elements, and designed by an architect in the neighborhood and to be built by a contractor in the neighborhood. It will only be used for living space.

List type of variance requested: We are requesting a variance to waive the side-setback line along the east property line from the required 10 feet to 8 feet. Currently, the back right corner is approx. 0.1 foot over the 10' side-setback line. The proposed in-law suite addition will extend directly off the back right corner of the house such that the sight line from the street would be uninterrupted. Due to the shape of the property line, the back right corner of the addition will extend 0.5' over the side-set back line. (We are requesting a 2-foot variance in the event that the set-back line is measured from the addition's eaves, which will extend an additional 12" -15".)

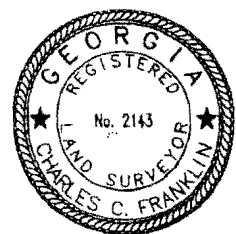
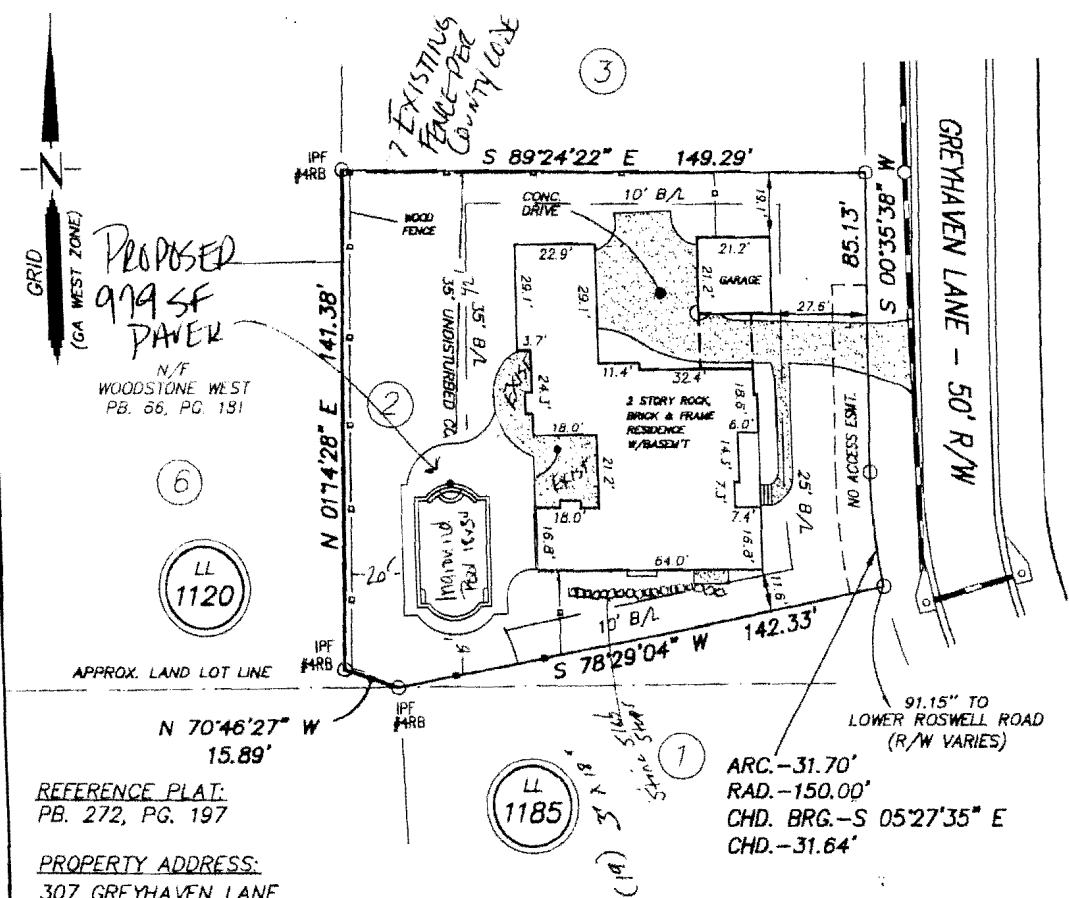
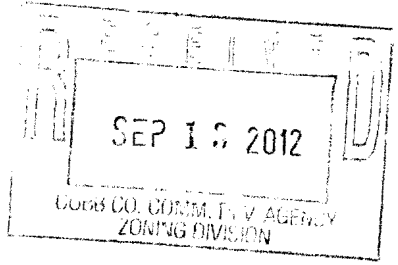
Revised: December 6, 2005

NTS

TRAVERSE CLOSURE - 1:10,000+
ANGULAR ERROR - 1 SEC's/STA.
ADJUSTMENT - COMPASS RULE
EQUIPMENT - TOPCON 303 TOTAL STATION
PLAT CLOSURE - 1: 107,517
ALL MATTERS OF TITLE EXCEPTED.

THIS PROPERTY IS LOCATED WITHIN
A FEMA 100 YEAR FLOOD ZONE ACCORDING
TO COBB COUNTY F.I.R.M. PANEL 0133 G
COMMUNITY #13067C DATED: DEC. 16, 2008

V-89 (2012)



Aqua Design Pools & Spas, LLC
1120 Pilgrim Road
Cumming, GA 30040
770 517-1117

Ron Deering
307 Greyhaven Lane
Marietta, GA 30067
770-315-5701

IMPERVIOUS CALCULATIONS

TOTAL EXISTING: 6840

TOTAL PROPOSED: 588 (979- 40% CREDIT FOR PAVERS)

TOTAL EXISTING
AND PROPOSED: 7428 (37.1 %)

APPLICANT: Ron and Suzy Deering

PHONE: 770-977-7431

REPRESENTATIVE: Aqua Design Pools and Spas, LLC

PHONE: 770-517-1117

TITLEHOLDER: Suzette M. and Ronald H. Deering

PROPERTY LOCATION: On the west side of

Greyhaven Lane, north of Lower Roswell Road

(307 Greyhaven Lane).

PETITION No.: V-89

DATE OF HEARING: 11-14-12

PRESENT ZONING: R-20

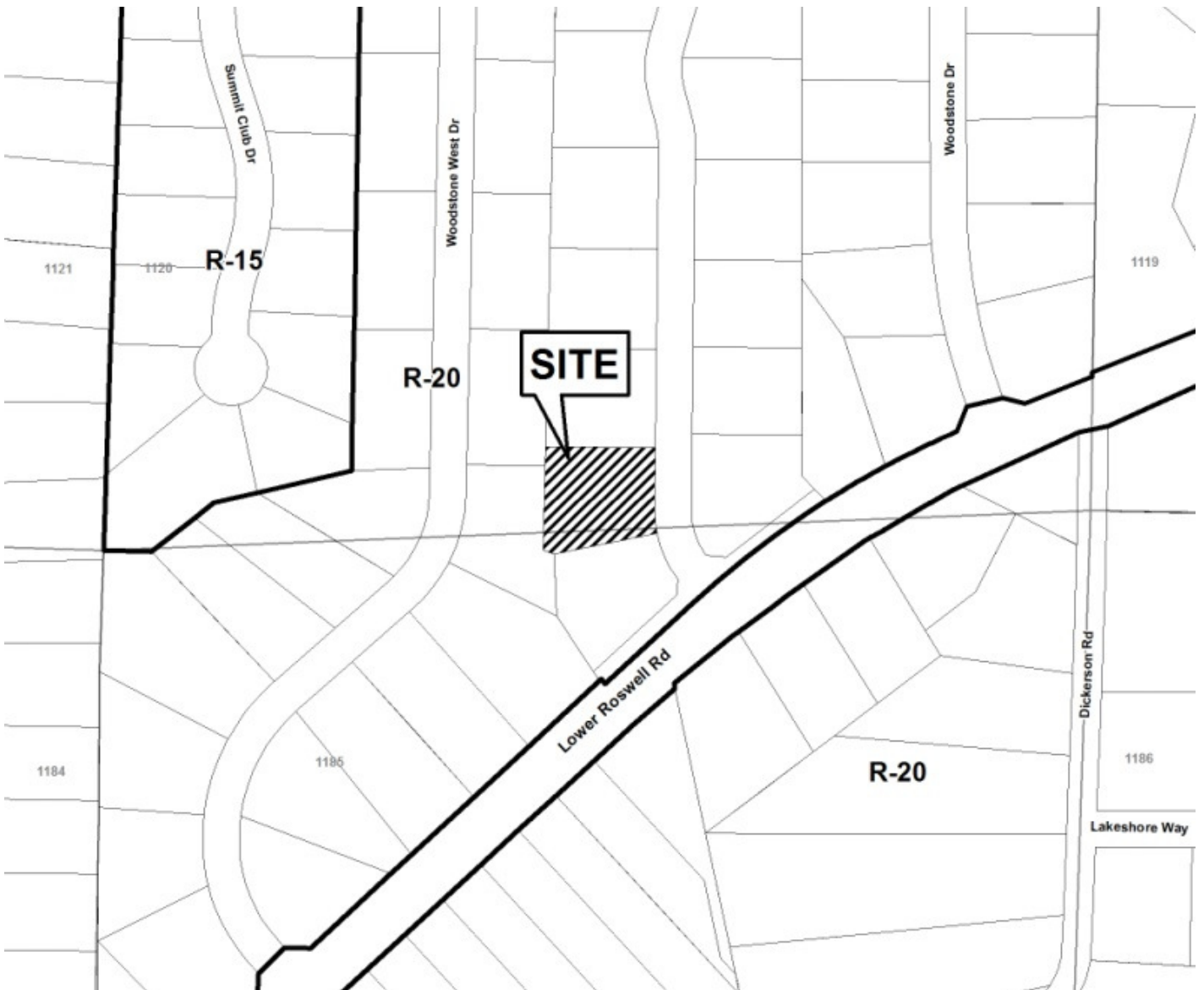
LAND LOT(S): 1120, 1185

DISTRICT: 16

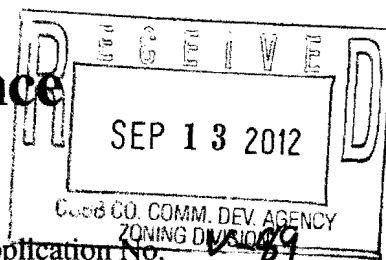
SIZE OF TRACT: 0.4591 acres

COMMISSION DISTRICT: 2

TYPE OF VARIANCE: Increase the maximum allowable impervious surface from 35% to 38%.



Application for Variance Cobb County



(type or print clearly)

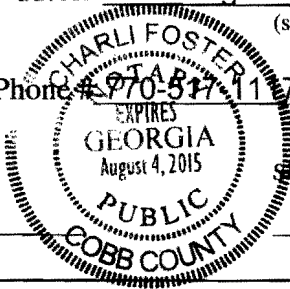
Application No. V-89
Hearing Date: 11/14/2012

Applicant Ron & Suzy Deering Phone # 770-977-7431 E-mail rdeering27@yahoo.com

Aqua Design Pools & Spas, LLC Address 1120 Pilgrim Road, Cumming GA 30040
(representative's name, printed) (street, city, state and zip code)

[Signature]
(representative's signature)

Phone # 770-517-1107 E-mail construction@aquadesignpools.com



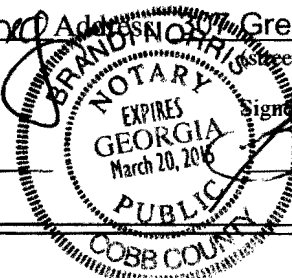
My commission expires: Aug 4, 2015

Signed, sealed and delivered in presence of:
Charli Foster
Notary Public

Titleholder Ronald Deering & Suzette Deering Phone # 770-977-7431 E-mail rdeering27@yahoo.com

Signature [Signature] Address Greyhaven Lane Marietta GA 30068
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 3/20/15



Signed, sealed and delivered in presence of:
Brandi Morris
Notary Public

Present Zoning of Property R-20

Location 307 Greyhaven Lane Marietta GA 30068
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1120 District 16 Size of Tract .4591 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 x 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.

Without the variance, the homeowner will not be able to install adequate deck around the swimming pool. The proposed pool deck would be pavers

List type of variance requested: Increase the maximum percentage of impervious surface allowed from 35% to 38%

ZONING INFORMATION

Property Zoned General Commercial
Min. Lot Area = 20,000 S.F.
Min Street Frontage = 60 Feet
Max Lot Coverage = N/A

Setbacks:

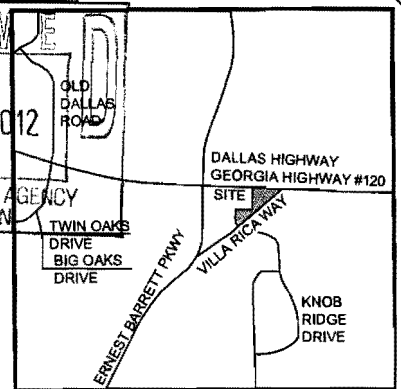
Front - 40 Feet
Sides - 10 Feet
Rear - 30 Feet

LEGEND

SS = Sanitary Sewer
PP = Power Pole
IPP = Iron Pin Placed
IPF = Iron Pin Found
POB = Point of Beginning
B/C = Back of Curb
SSMH = Sewer Manhole
SSE = Sanitary Sewer Ease.
PL = Property Line
DE = Drainage Easement
WM = Water Meter
WV = Water Valve
FH = Fire Hydrant
R/W = Right of Way
BL = Building Setback Line

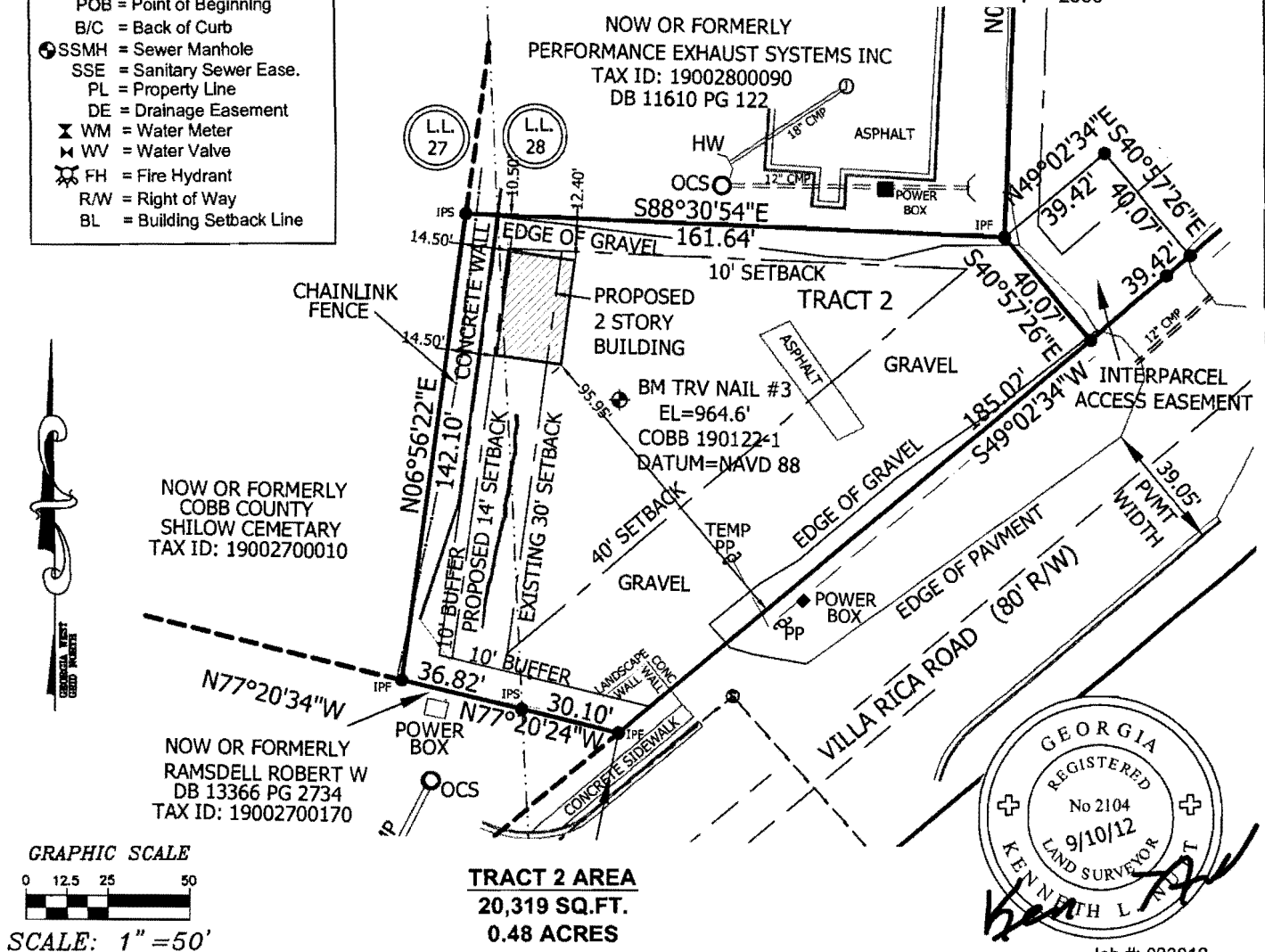
Zoning approved with the following conditions:

- 1) Additional retail/wholesale building to be similar in style with existing West Cobb Lighting Gallery.
- 2) Style of proposed building to be a Williamsburg with a maximum of 2 stories.
- 3) Square Footage of building not to exceed 18,400 S.F.
- 4) Site to be brought up to commercial standards.
- 5) Signage to be approved by staff.
- 6) no portable, off-premise or billboard signs.
- 7) no additional convenience stores, gas stations or fast food restaurants to be established on site.
- 8) 10 ft natural maintained buffer along southerly property line.
- 9) subject to D.O.T. comments.
- 10) subject to Cobb Water and Sewer comments.
- 11) subject to Cobb Development comments.
- 12) subject to preserving the cemetery adjacent to the property with a 10 ft buffer extending to property line adjacent to cemetery.



Location Map

1" = 2000'



- All Iron pins are 1/2" Rebar unless otherwise noted.
- Equipment used: Topcon GTS Total Station
- The field data upon which this plat is based has a closure precision of 1 foot in 25,000 feet and an angular error of 03 seconds per angle point, and was adjusted using Compass Rule.
- This plat has been calculated for closure and is found accurate within one foot in 373,233 feet.
- This plat subject to all easements public and private.
- This plat may be based on a recorded plat from Iron pins referenced on said plat for closure tie in.
- According to F.I.R.M. Community Panel #13067C 0050F, dated Aug 18, 1992 this property is not located in an area having special flood hazards.

Variance Application Survey for: W. L. CHASTAIN

Land Lot 27 & 28 19th District 2nd Section
Cobb County, Georgia



Perimeter Surveying Co., Inc

1065 Sandtown Road, Marietta, GA 30008
Phone: (770) 425-6824 Fax: (770) 425-6768

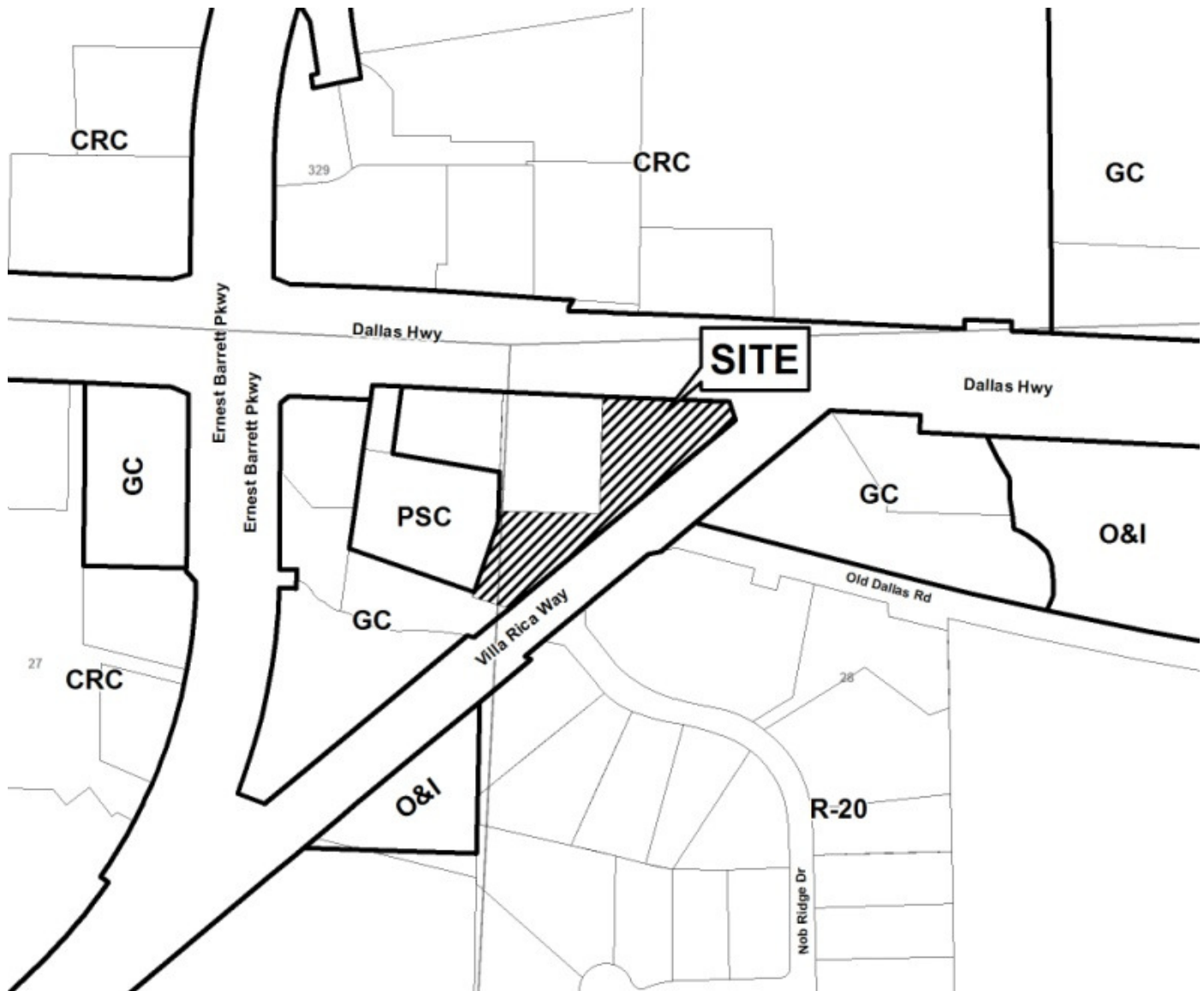
Computed by: JDR
Drawn by: JF
Checked by: KN

Party Chief: JF
Date Surveyed:
05-29-12

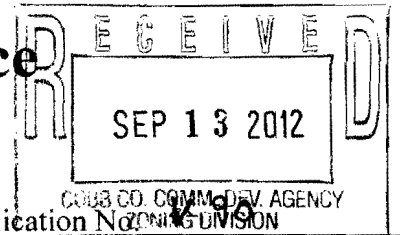
REFERENCES

Plat Bk: Pg.
Deed Bk: Pg.

| | | | |
|---------------------------|--|-----------------------------|------------|
| APPLICANT: | S R M L, Inc., dba West Cobb Pine Straw | PETITION No.: | V-90 |
| PHONE: | 678-525-9334 | DATE OF HEARING: | 11-14-12 |
| REPRESENTATIVE: | Garvis L. Sams, Jr. | PRESENT ZONING: | GC |
| PHONE: | 770-422-7016 | LAND LOT(S): | 27, 28 |
| TITLEHOLDER: | Walter L. Chastain Revocable Trust | DISTRICT: | 19 |
| PROPERTY LOCATION: | On the west side of Villa Rica Way, south of Dallas Highway (2325 Dallas Highway). | SIZE OF TRACT: | 0.48 acres |
| | | COMMISSION DISTRICT: | 1 |
| TYPE OF VARIANCE: | Waive the rear setback for a proposed two (2) story building from the required 30 feet to 14 feet. | | |



Application for Variance Cobb County



(type or print clearly)

Application No. 12-009

Hearing Date: 11/14/2012

Applicant S R M L, Inc., dba West Cobb Pine Straw Phone # 678-525-9334 E-mail steve@westcobbpinestraw.com
Garvis L. Sams, Jr.
Sams, Larkin & Huff, LLP Address 376 Powder Springs St., #100, Marietta, GA 30064
(representative's name, printed) (street, city, state and zip code)

Phone # 770-422-7016 E-mail gsams@samslarkinbuff.com

(representative's signature)

My commission expires: 7/7/14

Signed, sealed and delivered in presence of

Titleholder Walter L. Chastain Revocable Trust,
dated July 16, 2001 Phone # 770-422-6381 E-mail _____

Signature Walter L. Chastain Address: 3766 Ridge Lake Ct., Marietta, GA 30064
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: April 10, 2016

Signed, sealed and delivered in presence of

Present Zoning of Property General Commercial (GC)

Location Northwest side of Villa Rica Way
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 27 & 28 District 19th Size of Tract 0.48 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 X Shape of Property X 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.

A literal interpretation or enforcement of Cobb County Zoning Ordinance provisions creates an unnecessary hardship due and owing to the shape and configuration of the subject property. Moreover, the granting of said Variance, waiving provisions of the Cobb County Zoning Ordinance, will not impair the purpose, spirit and intent of the ordinance, nor will the granting of same set an adverse precedent.

List type of variance requested: Waiver of the rear set-back from 30 ft. to 14 ft. **

** The Variance request has been discussed with People Looking After Neighborhoods ("PLAN") and they have expressed that PLAN will not oppose the Variance Application.

V-91 (2012)

SURVEY NOTES:

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSE PRECISION OF 1 FOOT IN 36,275 FEET AND AN ANGULAR ERROR OF 00" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSE AND HAS BEEN FOUND TO BE ACCURATE WITHIN 1 FOOT IN 36,275 FEET.

EQUIPMENT USED: TOPCON 875-303 TOTAL STATION
DATE OF SURVEY: MARCH 3, 2003

44 REBAR AT CORNERS UNLESS NOTED OTHERWISE NOTED.

REFERENCE: SURVEY FOR J. BARTLETT DALTON BY CHARLES C. JONES, R.S., DATED 2-19-1972 & SURVEY FOR SWATH-DAVIS BUILDERS, INC., BY JACK R. BERRY, L.S., #1675

I HAVE THIS DATE EXAMINED THE F.T.A. OFFICIAL, R.000 HAVING NO OBJECTION TO THE PLAT AND HAVE DETERMINED THAT THE PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

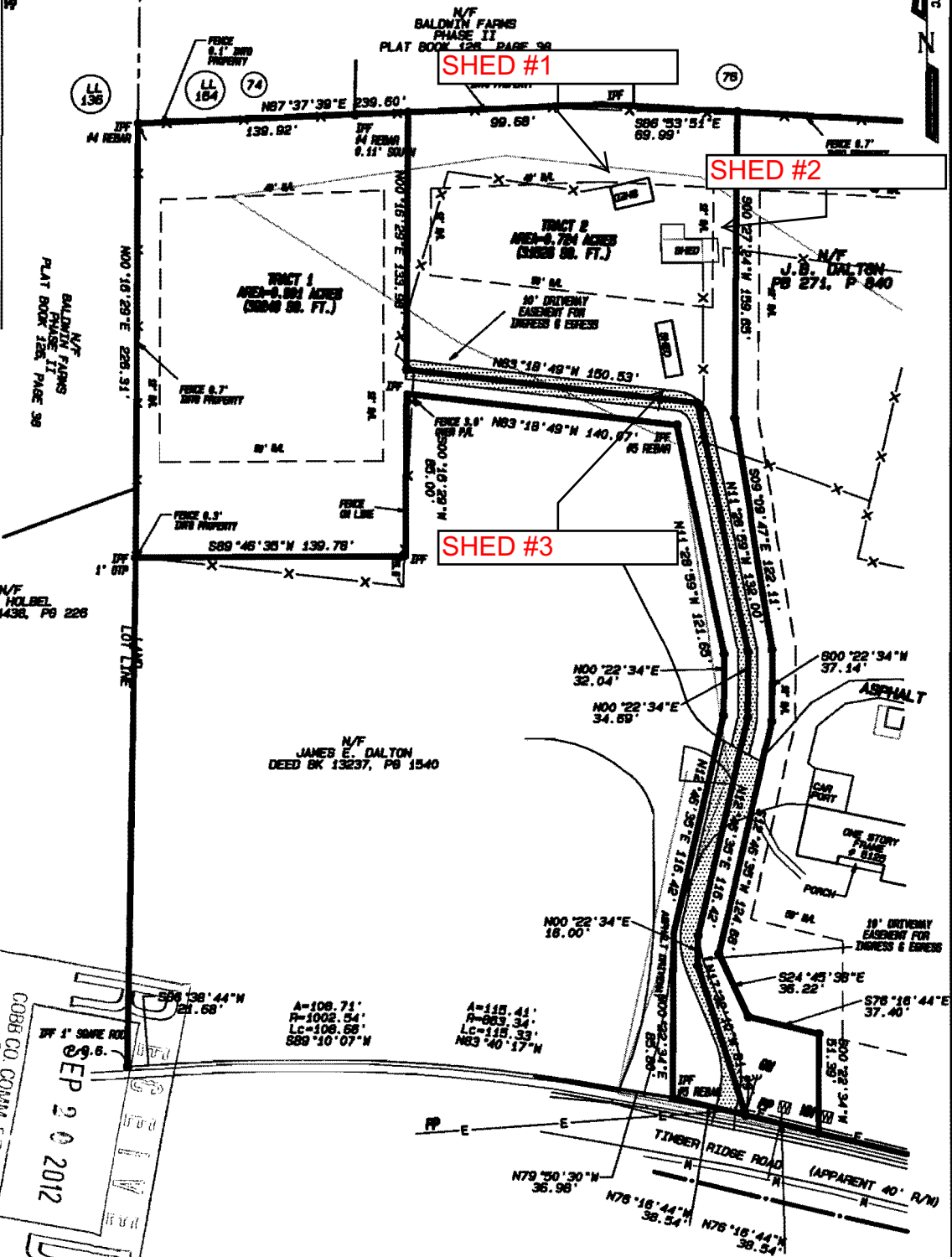
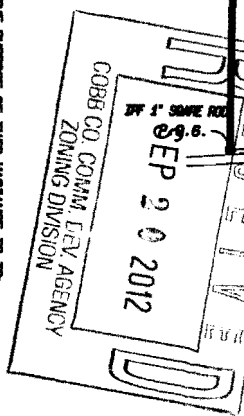
ZONING NOTES:

EXISTING ZONING: R-30
LOT SIZE: 36,000 SQ FT
LOT WIDTH: 75'
LOT DEPTH: 50'
REAR YARD: 40'
SIDE YARD: 12'
ACCESSORY BUILDING SIZE/REAR SETBACK: 5'

SITE AREA: 1.625 ACRES

IN MY OPINION, THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

- THE PURPOSE OF THIS VARIANCE IS TO:
1. RESOLVE THE UNUSUAL LOT FRONTAGE ALONG THE ROAD
 2. ALLOW THE EDITIONS TO REMAIN WITHOUT A MAIN RESIDENCE ON THE PROPERTY.

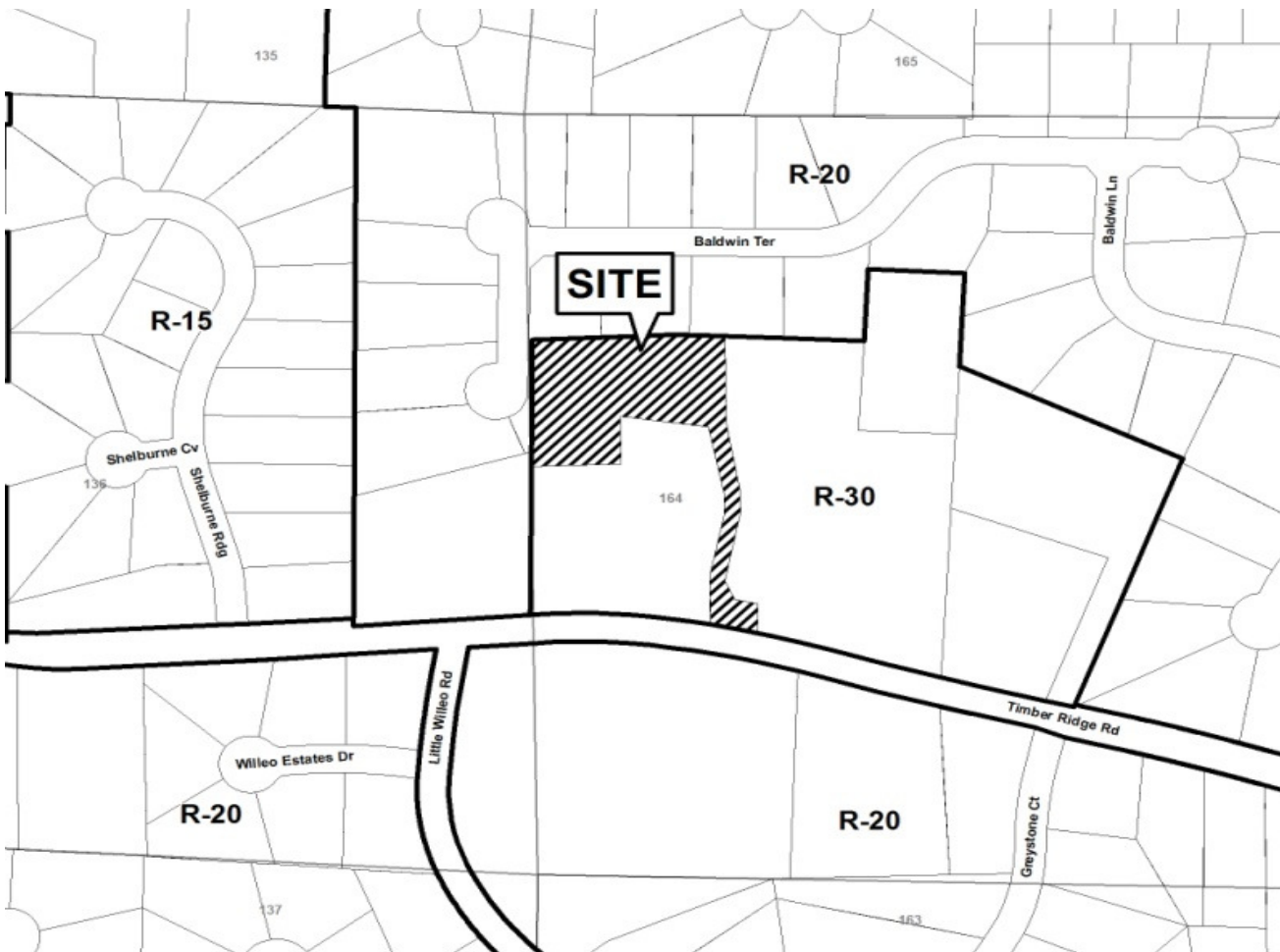


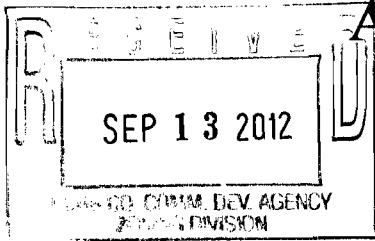
| | | | | |
|--|-----------------------------|--|---|--------------|
| VARIANCE PLAT 5123 TIMBER RIDGE ROAD | | | BETTERTON SURVEYING & DESIGN, INC. LAND SURVEYING PLANNING SUBDIVISION & COMMERCIAL SITE DESIGN 1111 SOUTH MARIETTA PARKWAY, SUITE A MARIETTA, GEORGIA 30060 (678) 483-0242 | 12125 |
| LOCATED IN: LAND LOT 184 1ST DISTRICT, 2ND SECTION COBB COUNTY, GEORGIA PREPARED FOR: DONALD & NOBUKO MAC KAY | | | | |
| DATE: SEPTEMBER 17, 2012 | BY: DONALD & NOBUKO MAC KAY | | | |

APPLICANT: Nobuko Mackay
PHONE: 404-406-4925, 678-314-7443
REPRESENTATIVE: Gary L. Smith
PHONE: 770-605-7152
TITLEHOLDER: Nobuko Mackay
PROPERTY LOCATION: On the north side of
Timber Ridge Road
(No Assigned Address).

PETITION No.: V-91
DATE OF HEARING: 11-14-12
PRESENT ZONING: R-30
LAND LOT(S): 164
DISTRICT: 1
SIZE OF TRACT: 1.625 acres
COMMISSION DISTRICT: 3

TYPE OF VARIANCE: 1) Waive the minimum lot width at front setback line from the required 75 feet to 20 feet for Tract 1; 2) waive the minimum lot width at front setback line from the required 75 feet to 55 feet for Tract 2; 3) waive the minimum public road frontage from the required 75 feet to 38.54 feet for Tracts 1 and 2; 4) to allow accessory structures (existing sheds 1, 2, and 3) on a lot with no principal building; 5) waive the rear setback for an accessory structure over 144 square feet (existing 240 square foot shed #1) from the required 40 feet to 37 feet; 6) waive the side setback for an accessory structure over 144 square feet (existing 456 square foot shed #2) from the required 12 feet to 8 feet; and 7) waive the front setback for an accessory structure over 144 square feet (existing 300 square foot shed #3) from the required 50 feet to 10 feet.





Application for Variance Cobb County

(type or print clearly)

Application No. V-91

Hearing Date: 11/14/12

Applicant Nobuko Mac Kay Phone # 404-406-4925 E-mail drmac45@gmail.com
678-314-7443 E-mail nmacatl@gmail.com

Gary L. Smith
(representative's name, printed)

Address 5043 Lakeland Dr. Marietta, GA
(street, city, state and zip code) 30068-4328

Gary L. Smith
(representative's signature)

FAX 770-977-1153
Phone # 770-977-1153 E-mail gsmith5043@
bellsouth.net

My commission expires: August 16, 2014

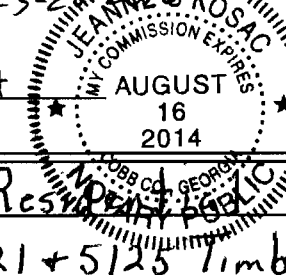


Signed, sealed and delivered in presence of:
Jeanne S. Kosac
Notary Public

Titleholder Nobuko Mac Kay Phone # 404-406-4925 E-mail drmac45@gmail.com
678-314-7443 E-mail nmacatl@gmail.com

Signature Nobuko Mac Kay Address: 6810 Black Fox Ln., Cumming, GA
(attach additional signatures, if needed) (street, city, state and zip code) 30040
Nobuko Mac Kay

My commission expires: August 16, 2014



Signed, sealed and delivered in presence of:
Jeanne S. Kosac
Notary Public

Present Zoning of Property R-30 Residential

Location Between + Behind 5121 + 5125 Timber Ridge Rd, Marietta, GA
(street address, if applicable; nearest intersection, etc.) 30068

Land Lot(s) 164 District 1st 2nd Section Size of Tract 1.625 Acre(s)

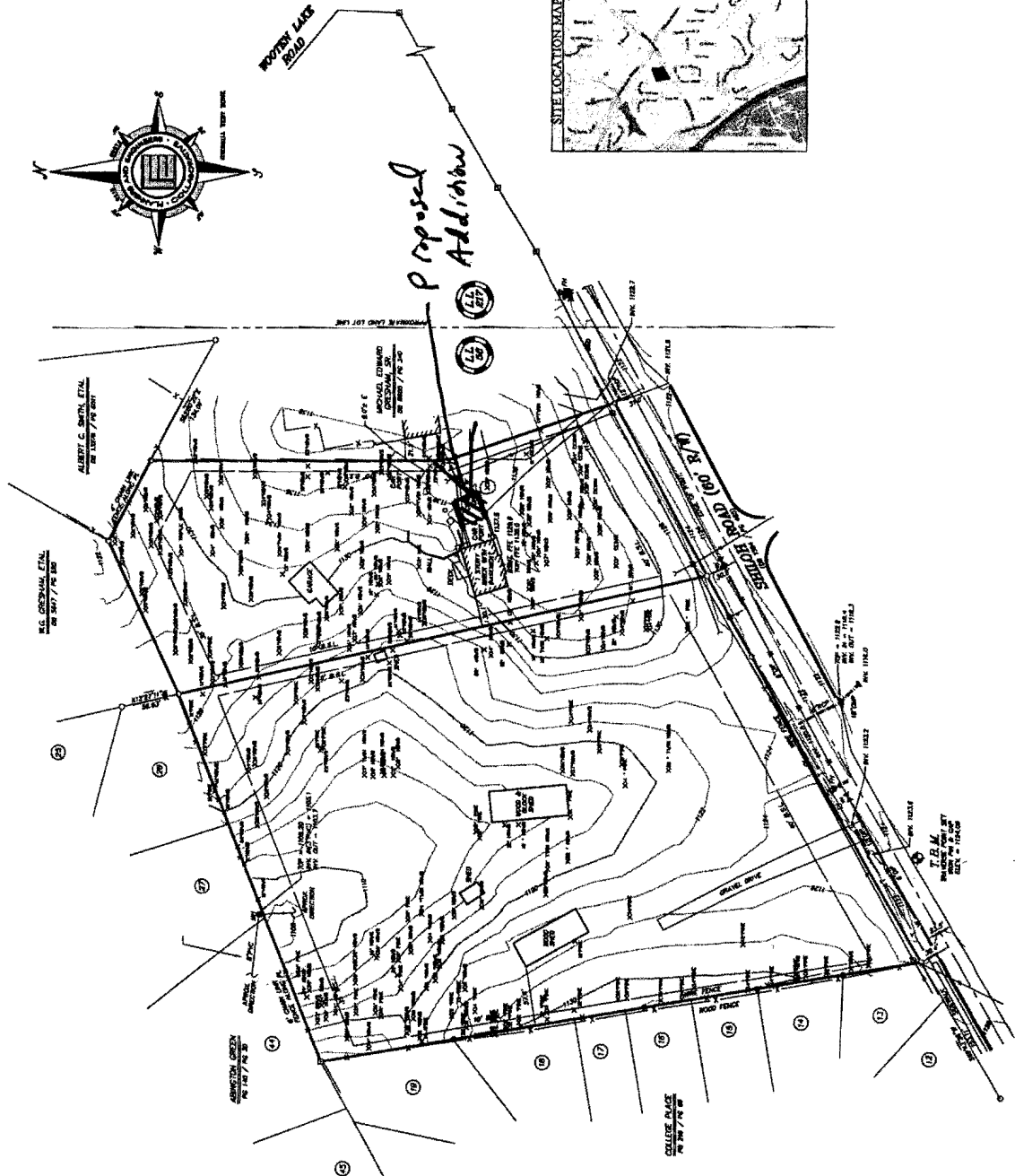
Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property 1.625 ac Shape of Property L Topography of Property Level to mild 700' driveway
slope Other to property

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.

- ① By dividing the existing R-30 1.625 acres into two 30,000' + lots would require an additional 75ft. (beyond current 75ft.) frontage on Timber Ridge Rd which is unavailable for purchase.
- ② Existing accessory sheds have been on property for over 40 years and were part of adjoining property with main dwelling and additional accessory sheds. The three sheds will be used for storage of building materials while constructing new home(s).
- ① Divide the property into two R-30 lots of 30,000' + ft. that will share common driveway. Reduce the 150ft road frontage to the existing 75ft. to service both lots.
- ② Leave existing (3) accessory sheds in place for building materials storage. Do these sheds qualify for any grandfather consideration for being in place before the current zoning code?

| REV | DATE | DESCRIPTION | BY |
|-----|------|-------------|----|
| | | | |
| | | | |
| | | | |



RECEIVED
SEP - 5 2012
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

2. The concerned offices have been briefed that they may disseminate and make use of the information received from the concerned agencies and entities and the underground and street level sources, which may be of use to the concerned agencies and entities. The concerned agencies and entities are requested to ensure that the information received from the concerned agencies and entities is not disseminated to the public and is not used for any purpose other than the investigation of the case. The concerned agencies and entities are requested to ensure that the information received from the concerned agencies and entities is not disseminated to the public and is not used for any purpose other than the investigation of the case.
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10. The concerned agencies and entities are requested to ensure that the information received from the concerned agencies and entities is not disseminated to the public and is not used for any purpose other than the investigation of the case.

- [illegible]

APPLICANT: Towne View Baptist Church

PHONE: 770-423-9300

REPRESENTATIVE: Michael N. Smith

PHONE: 770-231-6976

TITLEHOLDER: Towne View Baptist Church, Inc.

PROPERTY LOCATION: On the north side of
Shiloh Road, west of Wooten Lake Road
(950 Shiloh Road).

PETITION No.: V-92

DATE OF HEARING: 11-14-12

PRESENT ZONING: R-20

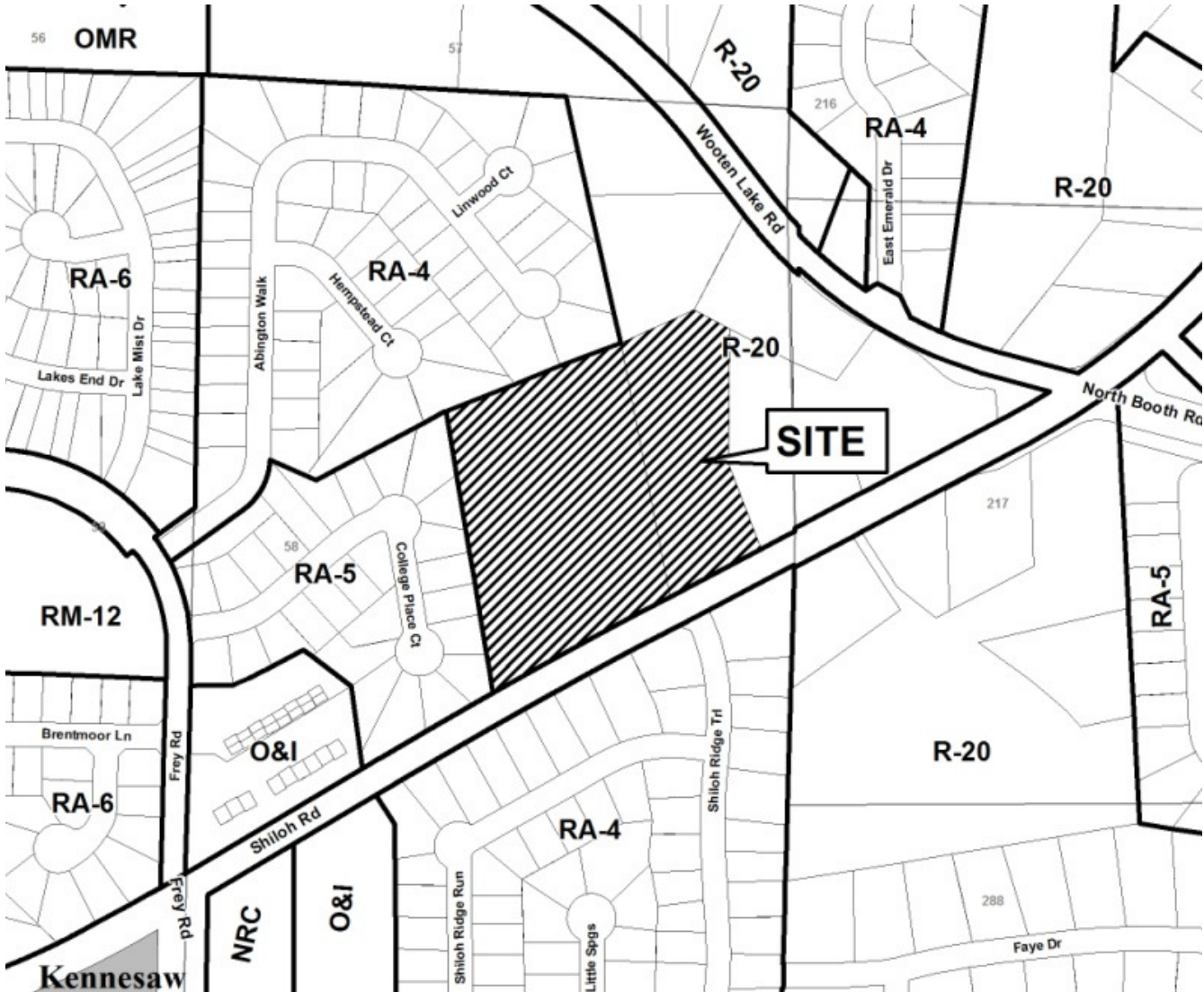
LAND LOT(S): 58

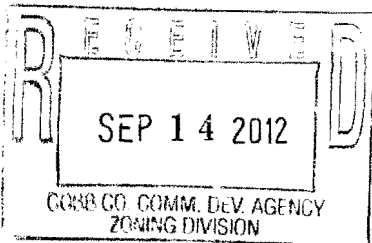
DISTRICT: 20

SIZE OF TRACT: 2.234 acres

COMMISSION DISTRICT: 3

TYPE OF VARIANCE: 1) Waive the required 50 foot setback for church buildings to 30 feet (existing footprint on the western side); 2) waive the required 50 foot setback for church buildings to 25 feet (proposed addition on the eastern side); and 3) waive the required 35 foot landscaped screening buffer abutting residential property lines to zero feet (existing).





Application for Variance Cobb County

(type or print clearly)

Application No. V-92
Hearing Date: 11/14/12
www. Towneview.org

Applicant Towne View Baptist Church Phone # 770-423-9300 E-mail Towneview.org
Michael N. Smith Address 5230 Dewberry Road Acworth, Ga. 30101
(representative's name, printed) (street, city, state and zip code)

Michael N. Smith Phone # 770-231-6976 E-mail Jdssire@Bellsouth.net
(representative's signature)

My commission expires: 6-9-2013



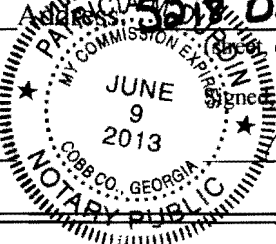
Signed, sealed and delivered in presence of:

Patricia M. Durdan
9-14-2012 Notary Public

Titleholder Towne View Baptist Church Phone # 770-423-9300 E-mail Towneview.org
www.

Signature Amanda Co. J. Address 5230 Dewberry Road Acworth, Ga. 30101
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: 6-9-13



Signed, sealed and delivered in presence of:

Patricia M. Durdan
9-14-12 Notary Public

Present Zoning of Property R-20

Location 950 Shiloh Road Kennesaw, Ga. 30144
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 58 District 20 Size of Tract 2.234 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 97,331 SF 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.

We would like to waive the setback From 50' to 38'
We would also like to waive the landscape Buffer.

List type of variance requested: _____

