

# 2566 CHESTEA DR NE

Chronological record (last  
to first) of tree  
removal/run-off problems  
including request for basket  
ball court, fence

5266 CHESTER DR NE

**Cook's Valley Home Owners' Association**  
[cvhoa@cooksvalleyhoa.com](mailto:cvhoa@cooksvalleyhoa.com)

July 24, 2020

Lei Yang (Penny) & Aiping Guo (Eric)  
2566 Chestea Drive  
Marietta, GA 30066

Following our meeting with you yesterday afternoon, your drainage control program, caused by the unapproved removal of trees in rear yard, is conditionally approved by the Architectural Control Committee as presented in the two drawings attached. It must also include grading the lot to allow the installation of the sod and the creation of the grassed swale to pitch run-off away from the neighbor's property as noted in the attached response from the Cobb County Storm Management Division regarding this situation. It is also understood that this project will not intrude on the adjoining property's lot. Per our discussion at the end of our meeting, work on this project will commence within the next week. It is strongly suggested that you have the contractor sign off that his implemented plan will eliminate the problem or substantially reduce it to the levels noted in the email from Cobb County.

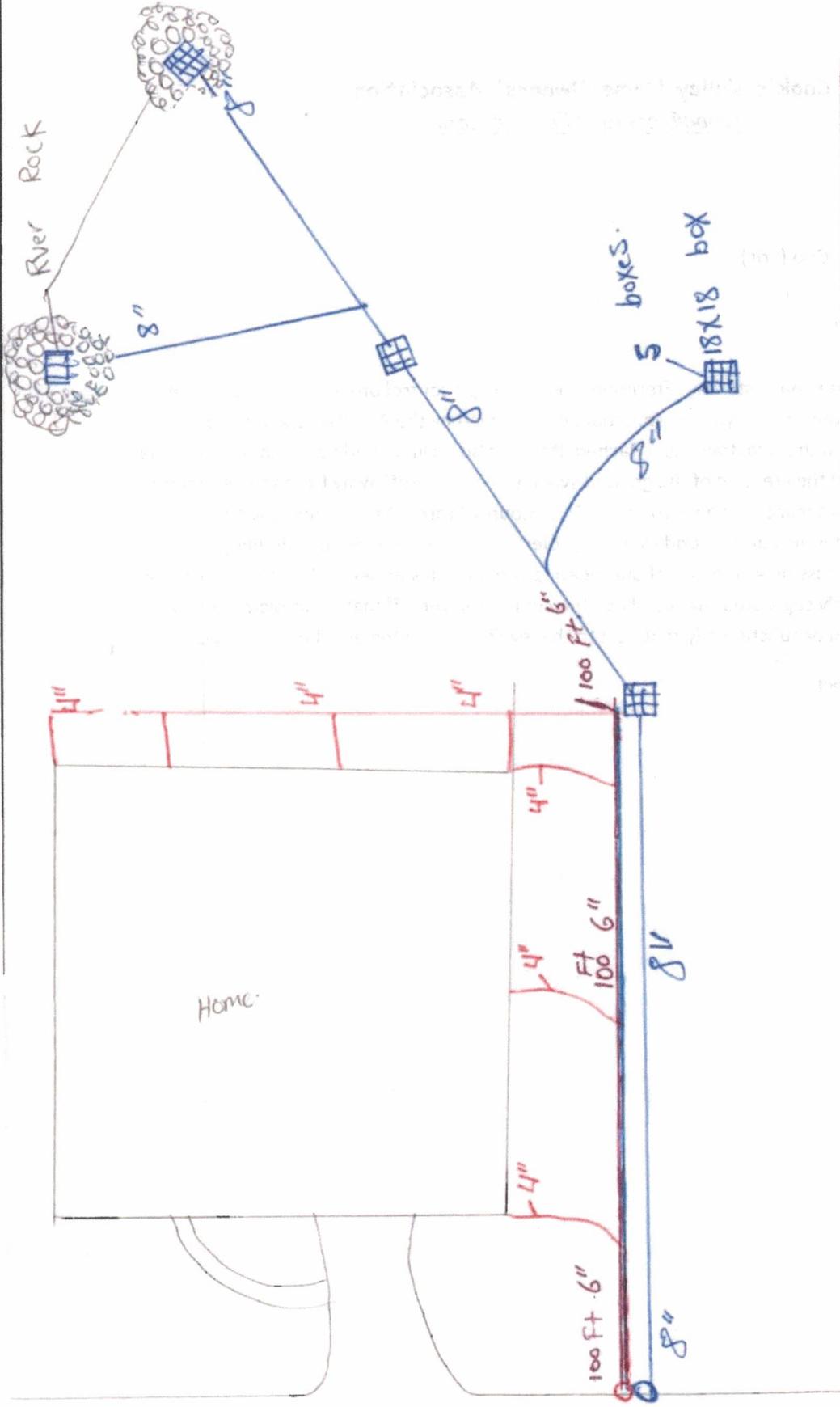
Good luck with your project,

Bob Kern  
770-331-1314  
Chairman ACC  
Cook's Valley HOA Inc.

CHESTER LN NE

CHESTER LN

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Look at the  
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Look at the  
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David Breaden <david.breaden@cobbcounty.org>

7/22/2020 2:18 PM

## RE: 2566 Chestea DR NE

To Bob Kern <bob.kern@cooksvalleyhoa.com>

Bob,

This is definitely a better design than the previous plan. As we discussed on the phone, this will obviously not convey runoff from a 100-year event like a County-dedicated system would be required to do, but should be adequate for smaller, more frequent events. **Particularly if a grassed swale is created** roughly along the new pipe alignment to direct additional surface water runoff to the street right-of-way along the same path.

### David W. Breaden, PE

Division Manager  
Stormwater Management Division  
Cobb County Water System  
770-419-6454

#### COVID-19 Notice:

Water System Divisions are encouraging all customers to conduct business with our office virtually or by phone. For assistance related to stormwater, you may contact the Stormwater Management Division at 770-419-6435 or by email at [stormwater@cobbcounty.org](mailto:stormwater@cobbcounty.org).

If required, plans or permits may be dropped off in the Water System Field Operations Center lobby. However, access into the building to meet with staff will be limited and by appointment only.

**From:** Bob Kern <[bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)>

**Sent:** Monday, July 20, 2020 4:53 PM

**To:** Breaden, David <[David.Breaden@cobbcounty.org](mailto:David.Breaden@cobbcounty.org)>

**Cc:** Eli Sbaity <[eli.sbaity@cooksvalleyhoa.com](mailto:eli.sbaity@cooksvalleyhoa.com)>; Bob Adamec <[bob.adamec@cooksvalleyhoa.com](mailto:bob.adamec@cooksvalleyhoa.com)>

**Subject:** 2566 Chestea DR NE

David,

Bob Adamec (Eli had a conflict) and I finished meeting earlier this afternoon with a representative of F & D Landscaping Services regarding resolving the drainage problem that has plagued us for the last couple of months. I have attached a scanned-in copy of the drawing provided by F & D at that time. He is to email the landscape drawing later.

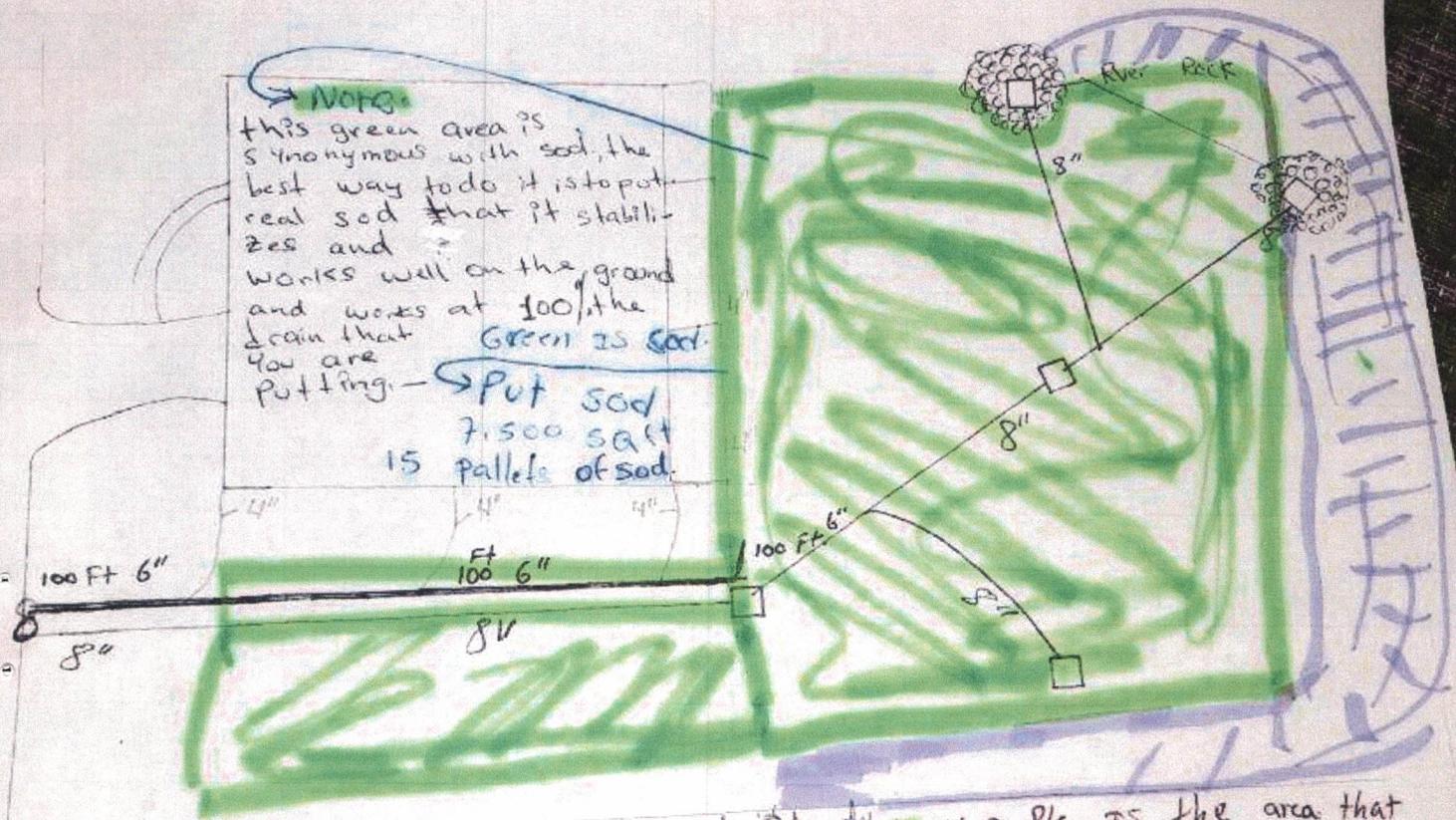
From what we can draw from this drawing is that the rear of the lot will feed through river rock from both points indicated on the drawing into an 8" line which will follow around the house and feed into the street. The 4" gutters at the rear of the house will feed into a 6" line running along side the west side of the house. The 4" gutters on the west side of the house will also feed into this 6" line and from there into the street. At no point will they tap into the county easement storm drain on the Price property.

My question is whether the 6" pipe is adequate to handle the volume of water collected by the 4" gutter system? Do you feel this configuration along with the accompanying 8" configuration, will perform to abate or substantially reduce this problem? Any recommendation you can suggest will be most appreciated. Our goal is to have them get the desired results from the funds they will be allocating to this project.

**NOTE:**

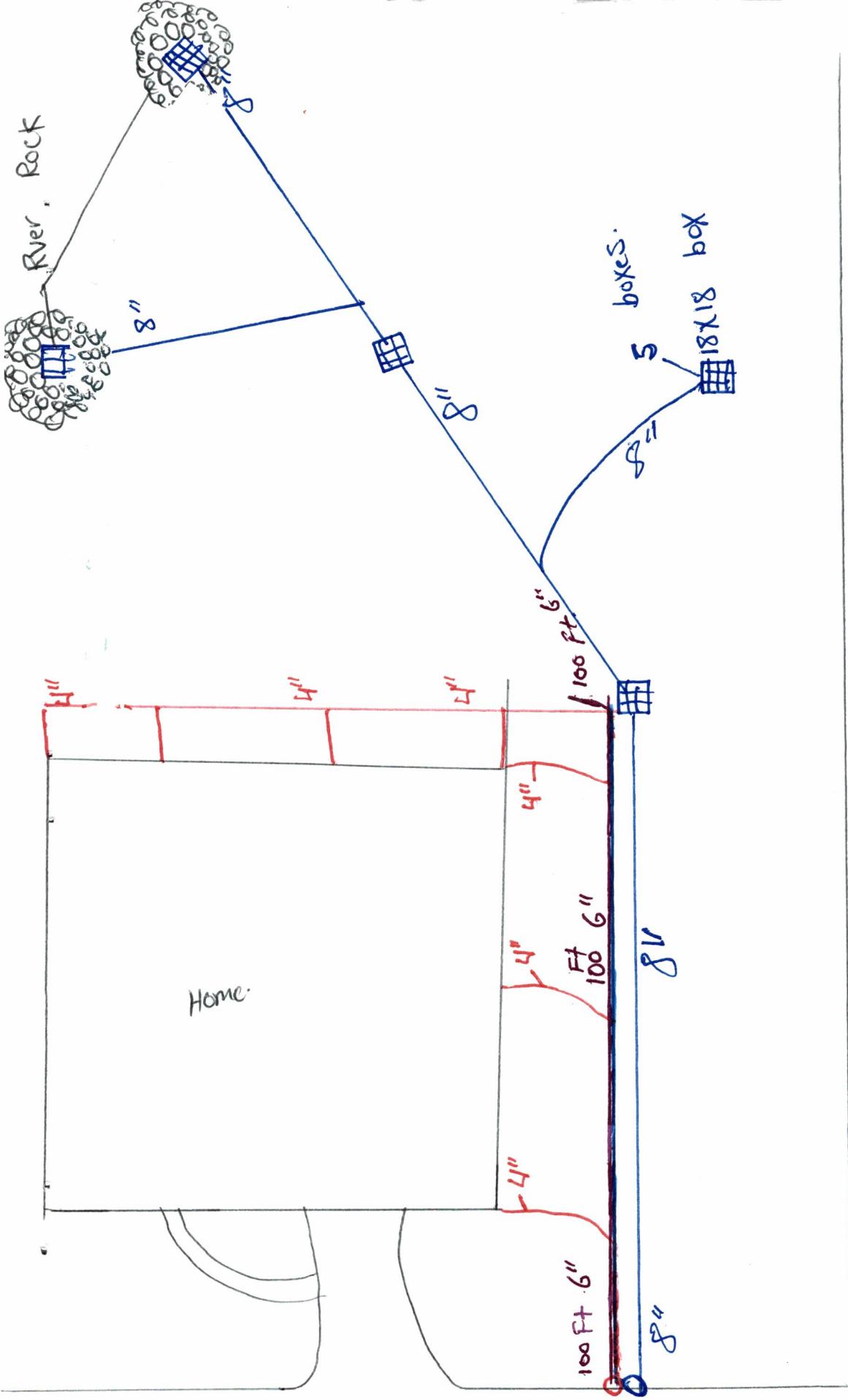
this green area is synonymous with sod, the best way to do it is to put real sod that it stabilizes and works well on the ground and works at 100% the drain that you are putting. **Green is sod.**

Put sod 7,500 sq ft 15 pallets of sod.



Note: the total to put all the sod already installed and the pine straw are \$6,000 and I would buy everything.

Note \* purple is the area that will pine straw \* To cover the earth and help those who do not wash.



CHESTER LN

## Jose Figueroa in Norcross, GA (Georgia)

28 FREE public records found for Jose Figueroa in Norcross, GA.

FastPeopleSearch results provide contact information, address, phone, email & more for Jose Figueroa. Discover aliases, relatives, and associates of Jose Figueroa. Review address history and property records. Dive deeper with a full background report including criminal records, arrest records, and more...

### Jose Figueroa Norcross, GA

**Age:** 41

**Full Name:** Jose Alfredo Figueroa

**Current Home Address:**

5232 Downs Ln  
Norcross GA 30093

**Past Addresses:** Home Address, Rental Property, Businesses, Apartments, Condos & Real Estate for Jose Figueroa in Norcross, GA.

9904 National Cir, Unit B  
Tucker GA 30084

7130 Buford Hwy NE, Unit A-120  
Doraville GA 30340

6259 S Norcross Tucker Rd, Unit D6  
Tucker GA 30084

**Phone:** Cell, Mobile, Wireless, and landline telephone numbers for Jose Figueroa in Norcross, GA. **(770) 231-4881**

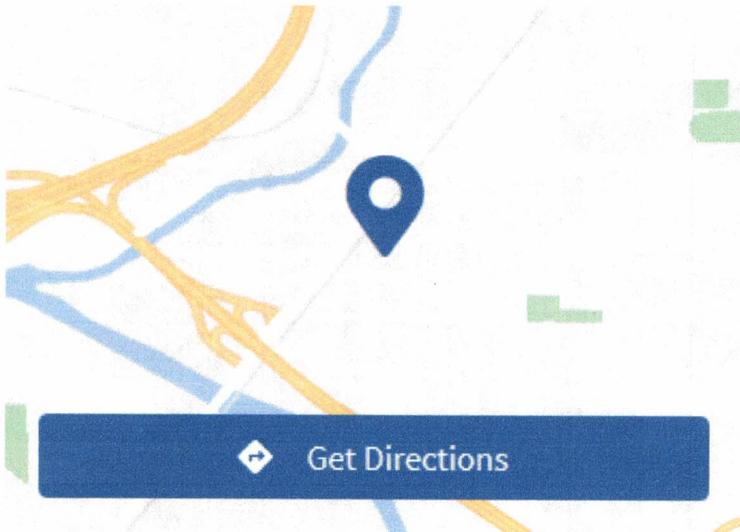
(770) 856-5782

(770) 935-4042

## Contact

 F And D Landscaping  
5232 Downs Lane  
Norcross, GA 30093

 (770) 231-4881



# STATE OF GEORGIA

## Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

### Annual Registration

\*Electronically Filed\*

Secretary of State

Filing Date: 04/29/2020 11:19:18

#### BUSINESS INFORMATION

**BUSINESS NAME** : F&D LANDSCAPING SERVICES LLC  
**CONTROL NUMBER** : 17013193  
**BUSINESS TYPE** : Domestic Limited Liability Company  
**ANNUAL REGISTRATION PERIOD** : 2020

#### BUSINESS INFORMATION CURRENTLY ON FILE

**PRINCIPAL OFFICE ADDRESS** : 5232 Downs Lane, Norcross, GA, 30093, USA  
**REGISTERED AGENT NAME** : Jose Figueroa, A  
**REGISTERED OFFICE ADDRESS** : 5232 Downs Ln, Norcross, GA, 30093, USA  
**REGISTERED OFFICE COUNTY** : Gwinnett

#### UPDATES TO ABOVE BUSINESS INFORMATION

**PRINCIPAL OFFICE ADDRESS** : 5232 Downs Lane, Norcross, GA, 30093, USA  
**REGISTERED AGENT NAME** : Jose Figueroa, A  
**REGISTERED OFFICE ADDRESS** : 5232 Downs Ln, Norcross, GA, 30093, USA  
**REGISTERED OFFICE COUNTY** : Gwinnett

#### AUTHORIZER INFORMATION

**AUTHORIZER SIGNATURE** : JOSE FIGUEROA  
**AUTHORIZER TITLE** : Organizer

# STATE OF GEORGIA

Secretary of State  
Corporations Division  
313 West Tower  
2 Martin Luther King Jr. Plz.  
Atlanta, Georgia 30334-1530

Electronically Filed  
Secretary of State  
Filing Date: 04/20/2020 11:19:18

Annual Registration

BUSINESS INFORMATION  
BUSINESS NAME : F&I ASSOCIATING SERVICE, LLC  
CONTROL NUMBER : 17013187  
BUSINESS TYPE : Domestic Limited Liability Company  
ANNUAL REGISTRATION PERIOD : 2020  
BUSINESS INFORMATION CURRENTLY ON FILE  
REGISTERED OFFICE ADDRESS : 5233 Downs Ln, Norcross, GA, 30092, USA  
REGISTERED AGENT NAME : F&I Services, LLC  
REGISTERED OFFICE ADDRESS : 5233 Downs Ln, Norcross, GA, 30092, USA  
REGISTERED OFFICE COUNTY : Gwinnet  
F&I PARTS TO ABOVE BUSINESS INFORMATION  
REGISTERED OFFICE ADDRESS : 5233 Downs Ln, Norcross, GA, 30092, USA  
REGISTERED AGENT NAME : F&I Services, LLC  
REGISTERED OFFICE ADDRESS : 5233 Downs Ln, Norcross, GA, 30092, USA  
REGISTERED OFFICE COUNTY : Gwinnet  
AUTHORIZER INFORMATION  
AUTHORIZER SIGNATURE : JOSEPH C. BERRY  
AUTHORIZER TITLE : Officer



GEORGIA  
CORPORATIONS  
DIVISION

GEORGIA SECRETARY OF STATE  
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RAFFENSPERGER**

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## BUSINESS SEARCH

### BUSINESS INFORMATION

Business Name:	<b>F&amp;D LANDSCAPING SERVICES LLC</b>	Control Number:	<b>17013193</b>
Business Type:	<b>Domestic Limited Liability Company</b>	Business Status:	<b>Active/Compliance</b>
NAICS Code:	<b>Administrative and Support and Waste Management and Remediation Services</b>	NAICS Sub Code:	<b>Landscaping Services</b>
Principal Office Address:	<b>5232 Downs Lane, Norcross, GA, 30093, USA</b>	Date of Formation / Registration Date:	<b>1/26/2017</b>
State of Formation:	<b>Georgia</b>	Last Annual Registration Year:	<b>2020</b>

### REGISTERED AGENT INFORMATION

Registered Agent Name: **Jose Figueroa, A**  
Physical Address: **5232 Downs Ln, Norcross, GA, 30093, USA**  
County: **Gwinnett**

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BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	ERD LANDSCAPING SERVICES LLC	Control Number:	17013193
Business Type:	Domestic Limited Liability Company	Business Status:	Active/Compliance
NAICS Code:	Administrative and Support and Waste Management and Remediation Services	NAICS Sub Code:	Landscaping Services
Principal Office Address:	2232 Downs Lane, Norcross, GA, 30093, USA	Date of Formation / Registration Date:	1/26/2017
State of Formation:	Georgia	Last Annual Registration Year:	2020

REGISTERED AGENT INFORMATION

Registered Agent Name: Jose Figueroa, A  
Physical Address: 2232 Downs Ln, Norcross, GA, 30093, USA  
County: Gwinnett

Filing History Name History

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----- Original Message -----

From: Ihwa Wen <[ihwa.wen@cbcmetrobrokers.com](mailto:ihwa.wen@cbcmetrobrokers.com)>

To: "[bob.kern@cooksvallyhoa.com](mailto:bob.kern@cooksvallyhoa.com)" <[bob.kern@cooksvallyhoa.com](mailto:bob.kern@cooksvallyhoa.com)>

Date: July 17, 2020 at 10:32 AM

Subject: Yang Meeting

Hello

Meeting with Contractor, tentative for Next Thursday July 23, 2020 @1pm. I have spoken to Eric and Penny. Please let Eli know. You will be meeting with Keith Jones of Thomas Morgan Construction.

If anything changes, I will let you know.



**GEORGIA  
CORPORATIONS  
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RAFFENSPERGER**

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**BUSINESS SEARCH**

**BUSINESS INFORMATION**

Business Name: **MORGAN THOMAS CONSTRUCTION, INC.** Control Number: **0436794**

Business Type: **Domestic Profit Corporation** Business Status: **Admin. Dissolved**

Business Purpose: **NONE**

Principal Office Address: **P.O. BOX 994, LAWRENCEVILLE, GA, 30046, USA** Date of Formation / Registration Date: **5/19/2004**

State of Formation: **Georgia** Last Annual Registration Year: **2005**

Dissolved Date: **05/16/2008**

**REGISTERED AGENT INFORMATION**

Registered Agent Name: **ROCHELLE M. JONES**

Physical Address: **1172 PROVIDENCE WAY, LAWRENCEVILLE, GA, 30045, USA**

County: **NONE**

**OFFICER INFORMATION**

Name	Title	Business Address
KEITH L. JONES	CFO	PO BOX 994, LAWRENCEVILLE, GA, 30046, USA
ROCHELLE M. JONES	CEO	PO BOX 994, LAWRENCEVILLE, GA, 30046, USA
ROCHELLE M. JONES	Secretary	PO BOX 994, LAWRENCEVILLE, GA, 30046, USA

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Office of the Georgia Secretary of State Attn: 2 MLK, Jr. Dr. Suite 313, Floyd West Tower Atlanta, GA 30334-1530, Phone: (404) 656-2817 Toll-free: (844) 753-7825, WEBSITE: <https://sos.ga.gov/>

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GEORGIA SECRETARY OF STATE  
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**BUSINESS SEARCH**



## BUSINESS INFORMATION

Business Name: **MORGAN THOMAS CONSTRUCTION, INC.**

Business Type: **Domestic Profit Corporation**

Business Purpose: **NONE**

Principal Office Address: **P.O. BOX 994, LAWRENCEVILLE, GA, 30046, USA**

State of Formation: **Georgia**

Disolved Date: **05/16/2008**

Date of Formation / Registration Date: **2/19/2004**

Last Annual Registration Year: **2008**

Contact Number: **0486784**

Business Status: **Admin. Dissolved**

## REGISTERED AGENT INFORMATION

Registered Agent Name: **ROCHELLE M. JONES**

Physical Address: **1125 PROVIDENCE WAY, LAWRENCEVILLE, GA, 30042, USA**

County: **NONE**

## OFFICER INFORMATION

Name	Title	Business Address
ROCHELLE M. JONES	CEO	PO BOX 994, LAWRENCEVILLE, GA, 30046, USA
ROCHELLE M. JONES	CEO	PO BOX 994, LAWRENCEVILLE, GA, 30046, USA
ROCHELLE M. JONES	Sec. 1350	PO BOX 994, LAWRENCEVILLE, GA, 30046, USA

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 Phone: (404) 552-1817 Toll-free: (844) 753-7825, WEBSTIE: [www.sos.ga.gov](http://www.sos.ga.gov)  
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**BRAD  
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**BUSINESS SEARCH**

BUSINESS INFORMATION

Business Name: **THOMAS MORGAN CONSTRUCTION, LLC** Control Number: **0675321**  
 Business Type: **Domestic Limited Liability Company** Business Status: **Admin. Dissolved**  
 Business Purpose: **NONE**  
 Principal Office Address: **1801 Whitaker St., Savannah, GA, 31401, USA** Date of Formation / Registration Date: **9/13/2006**  
 State of Formation: **Georgia** Last Annual Registration Year: **NONE**  
 Dissolved Date: **05/16/2008**

REGISTERED AGENT INFORMATION

Registered Agent Name: **Morgan, Thomas**  
 Physical Address: **1801 Whitaker St., Savannah, GA, 31401, USA**  
 County: **NONE**

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**Cook's Valley Home Owners' Association**  
[cvhoa@cooksvalleyhoa.com](mailto:cvhoa@cooksvalleyhoa.com)

June 16, 2020

Lei Yang & Aiping Guo  
2566 Chestea Drive  
Marietta, GA 30066

As noted in our response to your text on June 12, 2020, your request was sent out to the Board and Architectural Control Committee (ACC). Their response was unanimous - that while you can choose to grade the sides of your property to redirect the run-off flow back onto your property, you are still strongly advised to contact a landscaper capable of doing the job as defined by Cobb County with the recommended diameter pipe following the following steps listed below as outlined in our earlier letter:

1. You are to instruct a Landscaping contractor of your choice (strongly recommend one that is licensed and insured) to contact David Breaden (770-419-6454) and discuss this project and the specifications of the pipe required to collect the anticipated water volume.
2. Complete an application with the Community Development department at Cobb County. A detailed plan of the work to be completed should be submitted with the application.
3. No work is to begin on this lot until the application is approved by Cobb County.
4. The recommended approach is to use an 18" pipe and connect it to the county's catch basin. Since the pipe's path will go thru the adjacent owner's lot (Andy & Trisha Price) it will require their approval before the work begins.

Following the above steps will allow you to arrive at the cost to do the project correctly. Once the drain pipe is installed the land will still need to be graded and sodded. This situation was caused by the unapproved clearing of trees from your rear yard and must be corrected. We expect this problem to be resolved to the satisfaction of Cobb County, Andy & Tricia Price, and Cook's Valley HOA by October 1, 2020. Page 2 is a position statement from Andy Price addressing this issue dated. It is clearly stated and would be acceptable to Cook's Valley HOA.

Sincerely,

Eli Sbaity  
President  
[eli.sbaity@cooksvalleyhoa.com](mailto:eli.sbaity@cooksvalleyhoa.com)

Bob Kern  
Chairman ACC  
[bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)

Cc: Ihwa Wen [ihwa.wen@metrobrokers.com](mailto:ihwa.wen@metrobrokers.com)  
David Breaden [david.breaden@cobbcounty.org](mailto:david.breaden@cobbcounty.org)  
Andy & Tricia Price [andytaylorprice@gmail.com](mailto:andytaylorprice@gmail.com)

June 16, 2020; 2:03 PM

To [bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com), [Eli Sbaity](#)

Phased drainage plan for 2566 Chestea Dr.

Thank you to everyone who is involved in the solution of this obvious problem. It has been brought to my attention that a complete project may not be possible at this time. I would like to establish some facts at this stage of this process.

Fact #1

An 18" pipe is a minimum diameter to handle this volume of water.

Fact#2

Water flows down hill and there is no area low enough to temporarily or permanently direct this amount of water within this lot.

Fact#3

The only place that this water can be directed to permanently or temporarily to correct this issue is the storm drain located on my lot, 2564 Chestea Drive, where the water is already going.

If anyone disagrees with these facts there may be a separate issue. I hope that is not the case. We have been exposed to these conditions since before March 1st and I have actively participated in achieving a solution. Part of that participation was to meet with an experienced landscaper to determine these facts and produce the plan I have already submitted. This plan can be achieved in phases to reduce cost all at once.

The first phase would relieve me from this flow and allow some temporary grading that would eliminate standing water. This phase would include the retaining wall at the end of our fence, the 18" pipe to the storm drain and the open grate drain at the side of the house.

With this phase in place the other work could be postponed briefly to do a more refined grading and landscaping plan.

With the facts established this is a minimum temporary fix.

Tricia and I are only interested in helping to be part of this solution and resolving this for both families.

We would like this process to continue with a spirit of cooperation and progress.

Just to clarify, I am and have been a licensed General Contractor for 30+ years and am willing to bring that experience to move this project along.

Please let us know your thoughts.

Thank you,  
Andy T. Price

# COOK'S VALLEY HOME OWNERS' ASSOCIATION INC.

[cvhoa@cooksvalleyhoa.com](mailto:cvhoa@cooksvalleyhoa.com)

June 12, 2020

Lei Yang & Aiping Guo  
2566 Chestea Drive  
Marietta, GA 30066

Summarizing the meeting we had on June 9<sup>th</sup> with David Breaden ([david.breaden@cobbcounty.org](mailto:david.breaden@cobbcounty.org)), Manager, Cobb County Storm Water Management Department to address the large volume of storm water flowing through the adjacent neighbor's property. This situation was caused by the unapproved clearing of trees from your rear yard and must be corrected. This meeting was attended by Aiping Guo (Eric), Ihwa Wen realtor/translator on speaker phone ([ihwa.wen@metrobrowsers.com](mailto:ihwa.wen@metrobrowsers.com)), neighbors Andy & Trisha Price ([andytaylorprice@gmail.com](mailto:andytaylorprice@gmail.com)) adjacent neighbors, Eli Sbaity, President Cook's Valley HOA ([eli.sbaity@cooksvalleyhoa.com](mailto:eli.sbaity@cooksvalleyhoa.com)) and Bob Kern, Chairman Architectural Control Committee, Cook's Valley HOA ([bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)). The actions we agreed on necessary to abate this problem are summarized below:

1. You are to instruct a Landscaping contractor of your choice (strongly recommend one that is licensed and insured) to contact David Breaden and discuss this project and the specifications of the pipe required to collect the anticipated water volume.
2. Complete an application with the Community Development department at Cobb County. A detailed plan of the work to be completed should be submitted with the application.
3. No work is to begin on this lot until the application is approved by Cobb County.
4. The recommended approach is to use an 18" pipe and connect it to the county's catch basin. Since the pipe's path will go thru the adjacent owner's lot (Andy & Trisha Price) it will require their approval before the work begins.

David Breaden (770-419-6454) should be contacted by your contractor within the next seven days so that this may move forward ASAP and abate the problem at hand. Please keep all on this copy list informed of your actions as they are taken. So that we know you are sincerely working on resolving this situation as soon as possible. Regarding the safety of your children as mentioned in your text message to me this afternoon, the ACC suggests you take all precautionary measures you determine necessary to protect your family. For this project to be approved by the ACC it must follow the steps as outlined above

Sincerely,

Eli Sbaity  
President

Bob Kern  
Chairman ACC

# COOK'S VALLEY HOME OWNERS' ASSOCIATION INC.

## COMMUNITY DEVELOPMENT

June 11, 2020

Lei Yang & Aiping Guo  
2266 Chestnut Drive  
Marietta, GA 30066

Summarizing the meeting we had on June 9<sup>th</sup> with David Braden (770-419-6424) from Cobb County Storm Water Management Department to address the large volume of storm water flowing through the adjacent neighbor's property. This situation was caused by the unapproved closing of trees from your yard and must be corrected. This meeting was attended by Aiping Guo (770-419-6424) (Trish Wu) neighbor/translator on speaker phone (770-419-6424) (Trish Wu) & Trish Wu (770-419-6424) (Trish Wu) adjacent neighbor, Eli Shainy, President Cook's Valley HOA (770-419-6424) (Trish Wu) and Bob Kern, Chairman Architectural Control Committee, Cook's Valley HOA (770-419-6424) (Trish Wu). The actions we agreed on necessary to solve this problem are summarized below:

1. You are to first start a landscaping contractor of your choice (strongly recommend one that is licensed and insured) to contact David Braden and discuss this project and the specifications of the pipe required to collect the anticipated water volume.
2. Complete an application with the Community Development Department at Cobb County. A detailed plan of the work to be completed should be submitted with the application.
3. No work is to begin on this lot until the application is approved by Cobb County.
4. The recommended approach is to use an 18" pipe and connect it to the county's catch basin. Since the pipe's path will go thru the adjacent owner's lot (Trish Wu) it will require their approval before the work begins.

David Braden (770-419-6424) should be contacted by your contractor within the next seven days so that they may come forward ASAP and start the permit process. Please keep all on this copy for informed of your actions as they are taken. So that we know you are sincerely working on resolving this situation as soon as possible. Regarding the safety of your children as mentioned in your text message to me this afternoon, the ACC suggests you take all precautionary measures you determine necessary to protect your family. For this project to be approved by the ACC it must follow the steps as outlined above.

Sincerely,

Eli Shainy  
President  
Bob Kern  
Chairman ACC

## **ARTICLE VI, MAINTENANCE**

Section 2. Owner's Responsibilities. Each Owner of a Lot, whether vacant or occupied, shall keep and maintain his Lot and the exterior of any and all improvements located thereon in a neat, attractive and safe condition. Such maintenance shall include, but shall not be limited to, painting, repairing, replacing and care for roofs, gutters, downspouts, building surfaces, trees, shrubs, grass, walks and other exterior improvements. Should any Owner of a Lot fail to maintain his lot or the improvements thereon as set forth hereinabove, the Architectural control Committee, its agents and representatives, may, after thirty (30) days' written notice to the Owner of such Lot(s), enter, upon his Lot for the purpose of mowing, removing, clearing, cutting, or pruning underbrush, weeds, or other unsightly growth, for removing garbage or trash, or for performing such exterior maintenance as the Architectural Control Committee, in the exercise of its sole discretion, deems necessary or advisable. Such Owner shall be personally liable to the Architectural Control Committee for the direct and indirect costs of such maintenance, which costs shall be added to and become part of the assessment to which such Owner and his Lot are subject. Although notice given as herein provided shall be Sufficient to give the Architectural Control Committee, its agents and representatives, the right to enter upon such Lot and perform such maintenance, entry for such purpose shall be only between the hours of 9:00 A.M. and 5:00 P.M. on any day except Sunday. The provisions hereof shall not be construed, however, as an obligation on the part of the Architectural Control Committee to mow, clear, cut or prune any Lot; to provide garbage or trash removal service, or to perform such exterior maintenance.

## **ARTICLE VIII GENERAL COVENANTS AND RESTRICTIONS**

Section 1. Residential Use. All Lots shall be restricted exclusively to single-family residential use....

Section 3. Nuisances

(a) No unlawful, noxious or offensive activities shall be carried on in any Lot, or upon the Common Area, nor shall anything be done therein or thereon which, in the judgment of the Board, constitutes a nuisance, causes unreasonable noise or disturbance to others or unreasonably interferes with Owner's use of their Lots and/or the Common Area....

Section 5. Erosion control. No activity which may create erosion or siltation problems shall be undertaken on any Lot without the prior written approval of the Architectural Control committee of plans and specifications for the prevention and control of such erosion or siltation. The Architectural Control Committee may, as a condition of approval of such plans and specifications, require the use of certain means of preventing and controlling such erosion or siltation. such means may include (by way of example and not of limitation) physical devices for controlling the run-off and drainage of water, special precautions in grading and otherwise changing the natural landscape....

**ARTICLE VI  
MAINTENANCE**

Section 7. Owner's Responsibilities. Each Owner of a Lot, whether vacant or occupied, shall keep and maintain his Lot and the exterior of any and all improvements located thereon in a neat, attractive and safe condition. Such maintenance shall include, but shall not be limited to, painting, repainting, replacing and care for roofs, gutters, downspouts, building exterior walls, steps, walks, and other exterior improvements. Should any Owner of a Lot fail to maintain his Lot or the improvements thereon as set forth hereinafter, the Architectural Control Committee, its agents and representatives may, after thirty (30) days' written notice to the Owner of such Lot(s), enter upon his Lot for the purpose of mowing, removing, clearing, cutting or pruning undesirable weeds, or other unsightly growth, for removing garbage or trash, or for performing such exterior maintenance as the Architectural Control Committee, in the exercise of its sole discretion, deems necessary or advisable. Such Owner shall be personally liable to the Architectural Control Committee for the direct and indirect costs of such maintenance, which costs shall be added to and become part of the assessment to which such Owner and his Lot are subject. Although notice given as herein provided shall be sufficient to give the Architectural Control Committee, its agents and representatives, the right to enter upon such Lot and perform such maintenance, entry for such purpose shall be only between the hours of 9:00 A.M. and 5:00 P.M. on any day except Sunday. The provisions hereof shall not be construed, however, as an obligation on the part of the Architectural Control Committee to mow, clear cut or prune any Lot, to provide garbage or trash removal service, or to perform such exterior maintenance.

**ARTICLE VIII  
GENERAL COVENANTS AND RESTRICTIONS**

Section 1. The identical like All Lots shall be restricted exclusively to single-family residential use.

Section 2. Nuisances.

(a) No unlawful, noxious or offensive activities shall be carried on in any Lot or upon the Common Area, nor shall anything be done therein or thereon which, in the judgment of the Board, constitutes a nuisance, causes unreasonable noise or disturbance to others or unreasonably interferes with Owner's use of their Lots within the Common Area.

Section 3. Erosion control. No activity which may create erosion or siltation problems shall be undertaken on any Lot without the prior written approval of the Architectural Control Committee of plans and specifications for the prevention and control of such erosion or siltation. The Architectural Control Committee may, as a condition of approval of such plans and specifications, require the use of certain means of preventing and controlling such erosion or siltation, such means may include (by way of example and not of limitation) physical devices for controlling the run-off and drainage of water, special precautions in grading and otherwise changing the natural landscape.

**Cook's Valley Home Owners' Association**  
[cvhoa@cooksvalleyhoa.com](mailto:cvhoa@cooksvalleyhoa.com)

June 18, 2020

Lei Yang & Aiping Guo  
2566 Chestea Drive  
Marietta, GA 30066

Penny,

Your text to me that was received last evening appears below

*Hello Bob kerns  
(2566 chestea dr) Hello this is penny, this is a company I found today with a valuation of about 13,000, and only a 12inch water pipe. If the 18inch I believe is more expensive, I used to find a company to give me a 6inch valuation of 4k, which is very favorable. But for 18inch, I believe I need to pay 20k, which is too expensive for me, I am wronged  
I can send you a 6-inch valuation list tomorrow to prove that what I said is true,*

The meeting at your property on July 9<sup>th</sup> concluded that the only way to address your current situation was an 18inch pipe. If you proceed with anything less, you will be wasting your money because it will not handle the volume of water during storms and you will not be able to tie into the storm drain as permission to access it will be denied. Your neighbor, will still to be exposed to storm water flooding and its damage each time it rains. In our summary letter of June 12, 2020 4 steps were outlined to address your problem. **Step #1: Has anyone contacted David Breaden Mgr. Cobb County Storm Water Mgmt. Dept. on your behalf?\***

This problem is a direct result of the unapproved removal of most, if not all, of the trees in your back yard. Had you complied with the covenants, to which you agreed when you purchased your house, the request would not have been approved for the volume of trees you removed and the current situation you are facing, would not exist. We, Cook's Valley HOA, have opted not to pursue your violation of its covenants at this time as it will neither bring back the trees, nor resolve the problem. We want the problem resolved to the satisfaction of Cobb County, Cook's Valley HOA, and Andy & Tricia Price. Andy wants to work with you to resolve this problem. Please give him a call, or knock on his door. This may prove the way to an expedited solution to this problem

Your neighbor Andy Price, David Breaden, Manager, Cobb County Storm Water Management and Cook's valley HOA, Eli Sbaity, President & Bob Kern, Chairman, ACC, are all trying to work with you to resolve this situation. You need to install the 18 inch pipe. This needs to be completed **by October 1, 2020.**

Attached is Andy Price's easy to follow fact sheet which, while still calling for an 18inch pipe, simplifies the process of abating the problem. This sheet is also attached to the email sent to you on June 16, 2020, which was also placed in your mailbox. As previously noted on our June 12<sup>th</sup> summary letter, please keep all on the copy list informed of your progress.

Sincerely,

Eli Sbaity  
President  
[Eli.sbaity@cooksvalleyhoa.com](mailto:Eli.sbaity@cooksvalleyhoa.com)

Bob Kern  
Chairman ACC  
[bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)

Cc: Ihwa Wen [ihwa.wen@metrobrokers.com](mailto:ihwa.wen@metrobrokers.com)  
David Breaden [david.breadden@cobbcounty.org](mailto:david.breadden@cobbcounty.org)  
Andy Price [andytaylorprice@gmail.com](mailto:andytaylorprice@gmail.com)

\*P.S. I spoke with David Breaden this afternoon. He said you had called and that he confirmed with you that the 18" pipe is required to do the job properly and that doing anything less would be a waste of your money.

Cook's Valley Home Owners' Association

10000 Valley View Drive

June 18, 2020

Del Valle & Airing Gun  
3560 Lakeside Drive  
Marietta, GA 30066

From,

Your text to me that was received 1:01 evening hours below.

Hello Bob Kerns

(2020 checked on He to this is penny, but is a company I found today with a valuation of about 13,000, and only a 12 inch water pipe. If the 18 inch I believe is more expensive, I see to find a company to give me a inch valuation of 4k, which is very expensive. But for 18 inch, I believe I need to pay 20k, which is the expensive for me, I am engaged. I am sending you a 5 inch valuation list tomorrow to prove that what I said is true.

The meeting at your property on July 17<sup>th</sup> included that the only way to address your current situation was an 18 inch pipe. If you proceed with anything less, you will be losing your money because it will not handle the volume of water during storms and you will not be able to tie into the storm water as a condition to access it will be denied. Your neighbor will still be exposed to storm water flooding and its damage each time it rains. Your summary letter of June 17, 2020 4 steps were outlined to address your problem. Step #1: Has anyone contacted David Bredben Mgr. Cobb County Storm Water Mgmt. Dept. on your behalf?

This problem is a direct result of the unapproved removal of most, if not all, of the trees in your back yard. Had you complied with the covenant to which you agreed when you purchased your house, the request would not have been approved for the volume of trees you removed and the current situation you are facing would not exist. We, Cook's Valley HOA, have opted not to pursue your violation of its covenants at this time as it will neither bring back the trees, nor resolve the problem. We want the problem resolved to the satisfaction of Cobb County, Cook's Valley HOA, and Andy & Tisha Price. Andy wants to work with you to resolve this problem. Please give him a call or knock on his door. This may prove the way to an expedited solution to this problem.

Your neighbor Andy Price, David Bredben, Manager, Cobb County Storm Water Management and Cook's Valley HOA, Eli Spain, President & Bob Kerns, Chairman, ACC are all trying to work with you to resolve this situation. You need to email the 18 inch pipe. This needs to be completed by October 1, 2020.

Attached is Andy Price's email to follow fact sheet which, while still calling for an 18 inch pipe, simplifies the order of abating the problem. This sheet is also attached to the email sent to you on June 16, 2020, which was also placed in your mailbox. As previously noted on our June 17<sup>th</sup> summary letter, please find all on the copy list attached of your property.

Sincerely,

Bob Kerns  
Chairman ACC

David Bredben, Manager, Cobb County Storm Water Management

Andy Price, HOA Vice President

David Bredben, Manager, Cobb County Storm Water Management

RP 2. I spoke with David Bredben this afternoon. He said you had called and that he complied with you that the 18" pipe is required to do the job properly and that doing anything less would be a waste of your money.

June 16, 2020; 2:03 PM

To [bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com), [Eli Sbaity](#)

Phased drainage plan for 2566 Chestea Dr.

- Thank you to everyone who is involved in the solution of this obvious problem. It has been brought to my attention that a complete project may not be possible at this time. I would like to establish some facts at this stage of this process.

Fact #1

An 18" pipe is a minimum diameter to handle this volume of water.

Fact#2

Water flows down hill and there is no area low enough to temporarily or permanently direct this amount of water within this lot.

Fact#3

The only place that this water can be directed to permanently or temporarily to correct this issue is the storm drain located on my lot, 2564 Chestea Drive, where the water is already going.

If anyone disagrees with these facts there may be a separate issue. I hope that is not the case.

We have been exposed to these conditions since before March 1st and I have actively participated in achieving a solution. Part of that participation was to meet with an experienced landscaper to determine these facts and produce the plan I have already submitted. This plan can be achieved in phases to reduce cost all at once.

The first phase would relieve me from this flow and allow some temporary grading that would eliminate standing water. This phase would include the retaining wall at the end of our fence, the 18" pipe to the storm drain and the open grate drain at the side of the house.

- With this phase in place the other work could be postponed briefly to do a more refined grading and landscaping plan.

With the facts established this is a minimum temporary fix.

Tricia and I are only interested in helping to be part of this solution and resolving this for both families.

We would like this process to continue with a spirit of cooperation and progress.

Just to clarify, I am and have been a licensed General Contractor for 30+ years and am willing to bring that experience to move this project along.

Please let us know your thoughts.

Thank you,

Andy T. Price

March 16, 2020 2:03 PM

To: [Redacted]

Phased drainage plan for 2566 Chestnut Dr.

- Thank you to everyone who is involved in the solution of this obvious problem.
- It has been brought to my attention that a complete project may not be possible at this time. I would like to establish some facts at this stage of this process.

Fact #1

An 18" pipe is a minimum diameter to handle this volume of water.

Fact #2

Water flows down hill and there is no area low enough to temporarily or permanently divert this amount of water within this lot.

Fact #3

The only place that this water can be directed to permanently or temporarily to correct this issue is the storm drain located on my lot, 2564 Chestnut Drive, where the water is already going.

If anyone disagrees with these facts there may be a separate issue. I hope that is not the case. We have been exposed to these conditions since before March 1st and I have actively participated in achieving a solution. Part of that participation was to meet with an experienced landscaper to determine these facts and produce the plan I have already submitted. This plan can be achieved in phases to reduce cost all at once. The first phase would relieve me from this flow and allow some temporary grading that would eliminate standing water. This phase would include the retaining wall at the end of our fence, the 18" pipe to the storm drain and the open grate drain at the side of the house.

With this phase in place, the other work could be postponed briefly to do a more refined grading and landscaping plan.

With the facts established this is a minimum temporary fix.

Travis and I are only interested in helping to be part of this solution and resolving this for both families.

We would like this process to continue with a spirit of cooperation and progress.

Just to clarify, I am and have been a licensed General Contractor for 30+ years and am willing to bring that experience to move this project along.

Please let us know your thoughts.

Thank you,  
Andy T. Price

**Cook's Valley Home Owners' Association**  
[cvhoa@cooksvalleyhoa.com](mailto:cvhoa@cooksvalleyhoa.com)

June 16, 2020

Lei Yang & Aiping Guo  
2566 Chestea Drive  
Marietta, GA 30066

As noted in our response to your text on June 12, 2020, your request was sent out to the Board and Architectural Control Committee (ACC). Their response was unanimous - that while you can choose to grade the sides of your property to redirect the run-off flow back onto your property, you are still strongly advised to contact a landscaper capable of doing the job as defined by Cobb County with the recommended diameter pipe following the following steps listed below as outlined in our earlier letter:

1. You are to instruct a Landscaping contractor of your choice (strongly recommend one that is licensed and insured) to contact David Breden (770-419-6454) and discuss this project and the specifications of the pipe required to collect the anticipated water volume.
2. Complete an application with the Community Development department at Cobb County. A detailed plan of the work to be completed should be submitted with the application.
3. No work is to begin on this lot until the application is approved by Cobb County.
4. The recommended approach is to use an 18" pipe and connect it to the county's catch basin. Since the pipe's path will go thru the adjacent owner's lot (Andy & Trisha Price) it will require their approval before the work begins.

Following the above steps will allow you to arrive at the cost to do the project correctly. Once the drain pipe is installed the land will still need to be graded and sodded. This situation was caused by the unapproved clearing of trees from your rear yard and must be corrected. We expect this problem to be resolved to the satisfaction of Cobb County, Andy & Tricia Price, and Cook's Valley HOA by **October 1, 2020**. Page 2 is a position statement from Andy Price addressing this issue dated. It is clearly stated and would be acceptable Cook's Valley HOA.

Sincerely,

Eli Sbaity  
President  
[eli.sbaity@cooksvalleyhoa.com](mailto:eli.sbaity@cooksvalleyhoa.com)

Bob Kern  
Chairman ACC  
[bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)

Cc: Ihwa Wen [ihwa.wen@metrobrokers.com](mailto:ihwa.wen@metrobrokers.com)  
David Breden [david.breden@cobbcounty.org](mailto:david.breden@cobbcounty.org)  
Andy & Tricia Price [andytaylorprice@gmail.com](mailto:andytaylorprice@gmail.com)

2:03 PM

To [bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com), [Eli Sbaity](#)

Phased drainage plan for 2566 Chestea Dr.

Thank you to everyone who is involved in the solution of this obvious problem. It has been brought to my attention that a complete project may not be possible at this time. I would like to establish some facts at this stage of this process.

Fact #1

An 18" pipe is a minimum diameter to handle this volume of water.

Fact#2

Water flows down hill and there is no area low enough to temporarily or permanently direct this amount of water within this lot.

Fact#3

The only place that this water can be directed to permanently or temporarily to correct this issue is the storm drain located on my lot, 2564 Chestea Drive, where the water is already going.

If anyone disagrees with these facts there may be a separate issue. I hope that is not the case.

We have been exposed to these conditions since before March 1st and I have actively participated in achieving a solution. Part of that participation was to meet with an experienced landscaper to determine these facts and produce the plan I have already submitted. This plan can be achieved in phases to reduce cost all at once.

The first phase would relieve me from this flow and allow some temporary grading that would eliminate standing water. This phase would include the retaining wall at the end of our fence, the 18" pipe to the storm drain and the open grate drain at the side of the house.

With this phase in place the other work could be postponed briefly to do a more refined grading and landscaping plan.

With the facts established this is a minimum temporary fix.

Tricia and I are only interested in helping to be part of this solution and resolving this for both families.

We would like this process to continue with a spirit of cooperation and progress.

Just to clarify, I am and have been a licensed General Contractor for 30+ years and am willing to bring that experience to move this project along.

Please let us know your thoughts.

Thank you,  
Andy T. Price

**From:** 郭 penny <[penny101014@gmail.com](mailto:penny101014@gmail.com)>  
**Sent:** Tuesday, July 14, 2020 10:09 PM  
**To:** Eli Sbaity <[eli@ebyteware.com](mailto:eli@ebyteware.com)>  
**Subject:** Re: 2566 cheste

Good evening Eli

This is Penny. I found a company who can help me to fix my backyard. They called to Cobb Country Yesterday and he told me. The Cobb Country said:" I didn't used the Municipal's pipeline, so we don't have to need the permit from Cobb Country. And only things we need to do is talk with you guys and get the permit from HOA. The point is we take this very serious and want to finished as so as possible. About the Andy's suggestion, we can't acceptable. Because we found 3 different companies and they told us that is ridiculous for 18 inches pipe. So we try to find the way don't to used the Andy's land and make things work out. Only one thing is we need you proof the plan. The company will call HOA tomorrow again. As soon as we get permit from HOA. We will work immediately.

Penny

Eli Sbaity <[eli@ebyteware.com](mailto:eli@ebyteware.com)>于2020年7月6日 周一上午8:49写道 :



# COOK'S VALLEY HOME OWNERS' ASSOCIATION INC.

[cvhoa@cooksvalleyhoa.com](mailto:cvhoa@cooksvalleyhoa.com)

June 12, 2020

Lei Yang & Aiping Guo  
2566 Chestea Drive  
Marietta, GA 30066

Summarizing the meeting we had on June 9<sup>th</sup> with David Breden ([david.breden@cobbcounty.org](mailto:david.breden@cobbcounty.org)), Manager, Cobb County Storm Water Management Department to address the large volume of storm water flowing through the adjacent neighbor's property. This situation was caused by the unapproved clearing of trees from your rear yard and must be corrected. This meeting was attended by Aiping Guo (Eric), Ihwa Wen realtor/translator on speaker phone ([ihwa.wen@metrobrokers.com](mailto:ihwa.wen@metrobrokers.com)), neighbors Andy & Trisha Price ([andytaylorprice@gmail.com](mailto:andytaylorprice@gmail.com)) adjacent neighbors, Eli Sbaity, President Cook's Valley HOA ([eli.sbaity@cooksvalleyhoa.com](mailto:eli.sbaity@cooksvalleyhoa.com)) and Bob Kern, Chairman Architectural Control Committee, Cook's Valley HOA ([bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)). The actions we agreed on necessary to abate this problem are summarized below:

1. You are to instruct a Landscaping contractor of your choice (strongly recommend one that is licensed and insured) to contact David Breden and discuss this project and the specifications of the pipe required to collect the anticipated water volume.
2. Complete an application with the Community Development department at Cobb County. A detailed plan of the work to be completed should be submitted with the application.
3. No work is to begin on this lot until the application is approved by Cobb County.
4. The recommended approach is to use an 18" pipe and connect it to the county's catch basin. Since the pipe's path will go thru the adjacent owner's lot (Andy & Trisha Price) it will require their approval before the work begins.

David Breden (770-419-6454) should be contacted by your contractor within the next seven days so that this may move forward ASAP and abate the problem at hand. Please keep all on this copy list informed of your actions as they are taken. So that we know you are sincerely working on resolving this situation as soon as possible. Regarding the safety of your children as mentioned in your text message to me this afternoon, the ACC suggests you take all precautionary measures you determine necessary to protect your family. For this project to be approved by the ACC it must follow the steps as outlined above

Sincerely,

Eli Sbaity  
President

Bob Kern  
Chairman ACC

# COOK'S VALLEY HOME OWNERS' ASSOCIATION INC.

10000 Cook's Valley Road

June 25, 2010

Lei Yang & Aiping Guo  
3266 Chestnut Drive  
Martinez, CA 94558

Summarizing the meeting we had on June 9<sup>th</sup> with David Breaden (how to get the water volume of storm water flowing through the adjacent neighbor's property. This situation was caused by the unapproved clearing of trees from your front yard and must be corrected. This meeting was attended by Aiping Guo (Lei Yang's wife), Wen Wen realtor/translator on speaker phone (770-419-6424), neighbors Andy & Tisha Price (770-419-6424), adjacent neighbors, Eli Spaitz, President of Cook's Valley HOA (770-419-6424) and Bob Kern, Chairman of the Architectural Control Committee, Cook's Valley HOA (770-419-6424). The actions we agreed on necessary to abate this problem are summarized below:

1. You are to instruct a landscaping contractor of your choice (strongly recommend one that is licensed and insured) to contact David Breaden and discuss this project and the specifications of the pipe required to collect the anticipated water volume.
2. Complete an application with the Community Development department in Cobb County. A detailed plan of the work to be completed should be submitted with the application.
3. No work is to begin on this lot until the application is approved by Cobb County.
4. The recommended approach is to use an 18" pipe and connect it to the county's catch basin. Since the pipe's path will go thru the adjacent owners lot (Andy & Tisha Price) it will require their approval before the work begins.

David Breaden (770-419-6424) should be contacted by your contractor within the next seven days so that they may move forward ASAP and abate the problem at hand. Please keep all on this copy but informed of your actions as they are taken. So that we know you are sincerely working on resolving this situation as soon as possible. Regarding the safety of your children as mentioned in your text message to me this afternoon, the ACC suggests you take all precautionary measures you determine necessary to protect your family. For this project to be approved by the ACC it must follow the steps as outlined above.

Sincerely,

Bob Kern  
Chairman ACC

Eli Spaitz  
President

## Order Review



Tyrone GA #612  
158 Rockwood Rd  
Tyrone, GA 30290-2711  
W: (770)631-2874

Sold To:

Howley Landscaping, Inc (#5238)  
410 S Cemetery St  
Norcross, GA 30071-4206  
W: (404)255-3073  
F: (404)581-5905

Ship To:

Howley Landscaping, Inc (#5238)  
410 S Cemetery St  
Norcross, GA 30071-4206  
W: (404)255-3073 F: (404)581-5905

Ordered	Master Order#	PO#
06/17/2020	M100727707	
Printed	Customer Contact	Sales Associate
06/17/2020	Ronaldo Chacon	Chris Bailey

LN	Item #	Description	Qty Ordered	Qty Cancelled	Qty Shipped	Qty Open	Net Price	Ext. Price
1	ADS12950020DW	12 in. N-12 Solid Pipe 20 ft. Wb Recycled Resin.	280	0	0	280	8.704 / FT	2437.120
2	1282AN	12X8 Wye	5	0	0	5	217.473 / EA	1087.365
3	ADS1218WD	12"x8" Reducer for Dual wall	1	0	0	1	180.666 / EA	180.666
4	ADS4510100	ADS 4 in. Single Wall Solid Pipe 100 ft.	200	0	0	200	0.642 / FT	128.400
5	ADS465AA	ADS HDPE Downspout Adapter Black 4 in. x 4.25 in. x 3 in.	8	0	0	8	5.633 / EA	45.064
6	1882BLKIT	NDS DRAIN BASIN KIT SQUARE 18 in. W/BLACK GRATE	5	0	0	5	347.948 / EA	1739.740
7	814WT	8 in. x 4 in. Wt N-12 Reducer Bell x Bell	1	0	0	1	27.880 / EA	27.880
8	28-SOD-TTB	TiTuF Bermuda Sod (per sq. ft.)	500	0	0	500	0.400 / SF	200.000
9	216-SFM	Rainbow River Rock per ton	4.5	0	0	4.5	205.000 / TN	922.500
10	CS-3300BLK	DeWitt Contractor's Select 1.9 oz. Spunbond Black 3 ft. x 300 ft.	1	0	0	1	74.992 / EA	74.992
11	86070	King Silver Duct Tape 2 in. x 60 yd. 9 mil.	3	0	0	3	6.897 / EA	20.691

This document is for REVIEW PURPOSES ONLY and is not a final invoice.

SiteOne Landscape Supply warrants that all products conform to the description on the label. Because conditions of use, which are of critical importance are beyond our control, seller makes no warranty, expressed or implied, concerning the use of these products. No employee of the company is authorized to make any warranty or representation, expressed or implied, concerning our products. Always follow directions and carefully observe all precautions on the label or manufacturer's instructions. Products used contrary to directions may cause serious plant or personal injury. Buyer assumes all risk of use of handling whether in accordance with direction or not and accepts the products sold to him by this company on these conditions.

only material cost	\$ 7,344.93
labor cost	\$ 6450.00
Total	\$ 13,795.00

**Cook's Valley Home Owners' Association**  
[cvhoa@cooksvalleyhoa.com](mailto:cvhoa@cooksvalleyhoa.com)

June 16, 2020

Lei Yang & Aiping Guo  
2566 Chestea Drive  
Marietta, GA 30066

As noted in our response to your text on June 12, 2020, your request was sent out to the Board and Architectural Control Committee (ACC). Their response was unanimous - that while you can choose to grade the sides of your property to redirect the run-off flow back onto your property, you are still strongly advised to contact a landscaper capable of doing the job as defined by Cobb County with the recommended diameter pipe following the following steps listed below as outlined in our earlier letter:

1. You are to instruct a Landscaping contractor of your choice (strongly recommend one that is licensed and insured) to contact David Breden (770-419-6454) and discuss this project and the specifications of the pipe required to collect the anticipated water volume.
2. Complete an application with the Community Development department at Cobb County. A detailed plan of the work to be completed should be submitted with the application.
3. No work is to begin on this lot until the application is approved by Cobb County.
4. The recommended approach is to use an 18" pipe and connect it to the county's catch basin. Since the pipe's path will go thru the adjacent owner's lot (Andy & Trisha Price) it will require their approval before the work begins.

Following the above steps will allow you to arrive at the cost to do the project correctly. Once the drain pipe is installed the land will still need to be graded and sodded. This situation was caused by the unapproved clearing of trees from your rear yard and must be corrected. We expect this problem to be resolved to the satisfaction of Cobb County, Andy & Tricia Price, and Cook's Valley HOA by October 1, 2020. Page 2 is a position statement from Andy Price addressing this issue dated. It is clearly stated and would be acceptable to Cook's Valley HOA.

Sincerely,

Eli Sbaity  
President  
[eli.sbaity@cooksvalleyhoa.com](mailto:eli.sbaity@cooksvalleyhoa.com)

Bob Kern  
Chairman ACC  
[bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)

Cc: Ihwa Wen [ihwa.wen@metrobrokers.com](mailto:ihwa.wen@metrobrokers.com)  
David Breden [david.breden@cobbcounty.org](mailto:david.breden@cobbcounty.org)  
Andy & Tricia Price [andytaylorprice@gmail.com](mailto:andytaylorprice@gmail.com)



2:03 PM

To [bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com), [Eli Sbaity](#)

Phased drainage plan for 2566 Chestea Dr.

Thank you to everyone who is involved in the solution of this obvious problem. It has been brought to my attention that a complete project may not be possible at this time. I would like to establish some facts at this stage of this process.

Fact #1

An 18" pipe is a minimum diameter to handle this volume of water.

Fact#2

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Fact#3

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The first phase would relieve me from this flow and allow some temporary grading that would eliminate standing water. This phase would include the retaining wall at the end of our fence, the 18" pipe to the storm drain and the open grate drain at the side of the house.

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With the facts established this is a minimum temporary fix.

Tricia and I are only interested in helping to be part of this solution and resolving this for both families.

We would like this process to continue with a spirit of cooperation and progress.

Just to clarify, I am and have been a licensed General Contractor for 30+ years and am willing to bring that experience to move this project along.

Please let us know your thoughts.

Thank you,  
Andy T. Price

2

2:05 PM

For the proposed plan for 2566 Chester Dr.

Phase drainage plan for 2566 Chester Dr.

Thank you to everyone who is involved in the solution of this obvious problem. It has been brought to my attention that a complete project may not be possible at this time. I would like to establish some facts in the stage of this process.

Fact #1

An 18" pipe is a minimum diameter to handle this volume of water.

Fact #2

Water flows down hill and there is no need for enough to temporarily or permanently direct this amount of water within this lot.

Fact #3

The only place that this water can be directed to permanently or temporarily to correct this issue is the storm drain located on my lot 2564 Chester Drive where the water is already going.

If anyone disagrees with these facts there may be a separate issue. I hope that is not the case. We have been exposed to these conditions since before March '14 and I have actively participated in seeking a solution. Part of that participation was to meet with an experienced landscaper to determine these facts and produce the plan I have already submitted. This plan can be achieved in phases to reduce cost all at once.

The first phase would relieve me from this flow and allow some temporary grading that would eliminate standing water. This phase would include the retaining wall at the end of our lot, the 18" pipe to the storm drain and the open grate drain at the side of the house.

With this phase in place the other work could be postponed briefly to do a more refined grading and landscaping plan.

With the facts established this is a minimum temporary fix.

Tricia and I are only interested in helping in part of this solution and resolving this for both parties.

We would like this process to continue with a spirit of cooperation and progress.

Just to clarify, I am and have been a licensed General Contractor for 30+ years and am willing to bring that experience to move this project along.

Please let us know your thoughts.

Thank you,

Andy E. Price

Mr. Ihwa Wen  
Metro Brokers Realty  
Lie Yang  
2566 Chestea Drive  
Marietta, GA 30066

Mr. Wen

Thank you for taking the time to work with the Yangs in working through the drainage situation and for submitting their requests to build a basketball court in their rear and also a fence alongside the Price property. The decisions by our Architectural Control Board (ACC) are noted below along with the article, section, and subsection of our covenants that addresses each request.

#### Basketball Court



**THIS REQUEST WAS DENIED IN A VOTE BY THE ACC THIS MORNING – JUNE 3, 2020 for the**

#### reasons stated below:

From the sat shot with dimensions the basketball court appears to be 33.3' on the 178' side and 43.5' on the 58' side which would translate into 1448 sq. ft which would provide an additional flat impervious surface and add to the current drainage problem and negatively impact the neighbors downstream ("abating drainage issue" below). Additionally this installation would also serve as a noise nuisance

#### Article VIII, Section 3. Nuisances.

(a) No unlawful, noxious or offensive activities shall be carried on in any Lot, or upon the Common Area, nor shall anything be done therein or thereon which, in the judgment of the Board, constitutes a nuisance, causes unreasonable noise or disturbance to others or unreasonably interferes with Owner's use of their Lots and/or the Common Area.

Section 14. Recreational Equipment. No recreational and playground equipment shall be placed or installed on any Lot which is visible from the street abutting such Lot on the front of said Lot. However, the placement of a basketball goal in a side yard location shall be permissible.

#### Fence request

*CHOTARD LINE SEE?*



**THIS REQUEST WAS APPROVED BY THE ACC**

#### –if it complies with Cobb County

Any fence or wall adjacent to a public road right-of way and within a residential front yard cannot be more than six feet in height. Fences and walls shall be maintained in structurally sound condition. Fences or walls at the rear of a

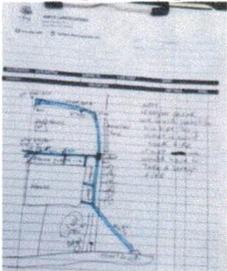
residence cannot exceed eight feet in height. The height limitation includes posts and ornaments on top of the fence or wall.

#### **And complies with Cook's Valley HOA requirements**

Article VIII, Section 9

Fences no fence or wall of any kind shall be erected, maintained, or altered on any Lot without the prior written approval of the Architectural Control Committee of plans or specifications for such fences and walls. All fences approved must be installed "finished side" out. Chain Link and wire Fences are not permitted. Those installed on Lots 27 & 46 in Phase 1 are grandfathered by this amendment. If these fences are replaced in the future, however, the replacements must be compliant with this amendment. Fences constructed of wood will be allowed for rear and side yards, provided said wooden fences are level at the top, or gradually sloping on a line and otherwise approved by the Architectural Control Committee.

#### **Abating drainage issue**



**This issue was caused by the unauthorized removal of numerous trees (approximately 30 per the contractor) – see Section 19 below**

**Article VIII, Section 5. Erosion control.** No activity which may create erosion or siltation problems shall be undertaken on any Lot without the prior written approval of the Architectural Control committee of plans and specifications for the prevention and control of such erosion or siltation. The Architectural Control Committee may, as a condition of approval of such plans and specifications, require the use of certain means of preventing and controlling such erosion or siltation. such means may include (by way of example and not of limitation) physical devices for controlling the run off and drainage of water, special precautions in grading and otherwise changing the natural landscape.

**Section 19. Trees and Shrubs.** No trees measuring twelve (12) inches or more in diameter at a point two (2) feet above ground level, no flowering trees or shrubs, nor any evergreens on any Lot may be removed without the prior approval of the Architectural Control Committee unless located within ten (10) feet of the approved site for a dwelling or within the right-of-way or walkways. Excepted here from shall be damaged for dead trees and trees which must be removed due to an emergency.

**Stormwater Management** (770) 419-6454 [david.breaden@cobbcounty.org](mailto:david.breaden@cobbcounty.org)

I believe is the proper contact to define what needs to be done to abate this problem. I left a voicemail for him to return my call. David returned my call on Tuesday June 3<sup>rd</sup>. I emailed him the rough drawing I received from Andy as he requested. I have copied you, the Yangs, Eli and Andy Price on this – to keep all involved in the loop. This will be major undertaking and we want to be sure it is done properly. I spoke again with David this morning and he plans to come out next week to take a look. In reference to Andy's drawing, he said he looks to be a private system – his visit is to confirm that.

*Once a path has been defined to resolve this problem, the homeowner is to submit final plans that in addition to the drainage solution plans, include confirmation of communication with the county, any permits that may be required and agreement by Andy Price. No work is to begin until written approval is given by the Cook's Valley HOA ACC.*

**June 2, in a text you requested the information in our covenants addressing the issues at hand, and the function(s) of the ACC.. June 3<sup>rd</sup> I sent you a file of our covenants containing that information and which I have also attached to this email which has extracted the relevant portions of our covenants.**

ARTICLE .II.  
ARCHITECTURAL CONTROL COMMITTEE

Section 1. Purpose, Powers and Duties of the Architectural Control Committee. The purpose of the Architectural Control Committee is to assure that the installation, construction or alteration of any Structure on any Lot is submitted to the Architectural Control committee for approval (i) as to whether the proposed installation, construction or alteration is in conformity and harmony of external design and general quality with the existing standards of the neighborhood and with the standards of the development of the property; (ii) as to the location of structures with respect to topography, finished ground elevation and surrounding structures. To the extent necessary to carry out such purpose, the Architectural Control Committee shall have all of the powers and duties to do each and everything necessary, suitable, convenient or proper for, or in connection with or incidental to, the accomplishment of such purpose, including, without being limited to, the power and duty to approve or disapprove plans and specifications for any installation, construction or alteration of any structure on any Lot.

The easiest rule to follow, that will save a lot of problems is to submit an ACC change request whenever you are planning to do anything outside. This is located at <http://cooksvalleyhoa.com/cooksvalleychangerequestform.html>

This is simple, quick and saves a lot of headaches for all involved.

Thanks again for your efforts in this matter

Regards,

Bob Kern  
Chairman ACC, Cook's Valley HOA

Eli Sbaity - CooksValley HOA <eli.sbaity@cooksvalleyhoa.com>

7/5/2020 4:50 PM

Fwd: 2566 cheste

To bob.kern@cooksvalleyhoa.com <bob.kern@cooksvalleyhoa.com>

And here it is. Now that she claims discrimination, I suggest we halt all communication with her until we speak with Kim Gaddis and get guidance on how to proceed.

----- Forwarded message -----

From: 郭penny <penny101014@gmail.com>

Date: Sun, Jul 5, 2020 at 3:37 PM

Subject: Re: 2566 cheste

To: <eli.sbaity@cooksvalleyhoa.com>

Then we care about the whole thing, but we feel that we have been treated unfairly and discriminated.

郭penny <penny101014@gmail.com>于2020年7月5日 周日下午1:11写道:

Good afternoon Ms Eli , My name is Penny, and I'm sorry to email you this holiday season.

I'm really sorry that I can't attend the meeting on July 6th. Since I haven't got the plan of Water Pipe company, we have been waiting for them. We'll make an appointment with you as soon as we get the plan.

And then we want you to know that we've been dealing with this problem since it started, Every time I got a plan from another company, I took the initiative to talk to my neighbor Andy, but he didn't agree and insisted that I make the 18Inch pipe, Later, I understood why we had to get Andy's permission to make water pipes. It was because we wanted to use their land.

So this time I went to a company with a 30-year license to help me, and he saw all the problems in my backyard, and they were helping me find a plan not to use their land

Before that, we always wanted to deal with the backyard quickly. We always apologized to our neighbor Andy. We are not bad people. I tried to discuss 6inch or 10inch with Andy. He didn't agree. Then my sister helped me call Andy, hoping he could agree to the 12-inch water pipe. He still disagreed.

He said if we didn't make 18inch water pipes and didn't do as they asked, don't ask them to talk , My sister told him that we encountered covid-19 this year and we didn't make a lot of money, hoping to get permission to make a small water pipe. He said it was our own problem and it had nothing to do with them , Then my sister told them that our English is not good and hope to be forgiven, but he said why you are no English and want to come to the United States to live. (We care about the whole thing, but we feel that we are not treated unfairly and discriminated. Although we are Asians, we work hard in the United States and pay taxes, even more than the taxes paid by ordinary families Many, we have been dealing with)

In fact, we found several companies, and the evaluations were made without the need to make 18-inch water pipes. Before, a lot of water went to the neighbor's house, because the trees were cut and the land was very slack, only once there was such heavy rainfall, and then there was no, So these companies think that filling the soil first to change the direction of the water flow, and then making water pipes, does not need 18inch water pipes,

About cutting trees, because a typhoon before, a tree fell, my neighbor Julia told me that the tree will destroy our house (this neighbor Julia they are very nice people) so we cut the tree.

So please give me some time, when I get this company's plan, we will contact you as soon as possible

Thank you very much, hope you have a wonderful weekend.

Attach some proofs

12:48



邻居 andy >

Thank you, I will call the company tomorrow morning to plan and then I will inform you

K

About juse because he came over to talk, and then disappeared for 5 days, I couldn't contact him, and then I found other companies to help, so I want to let you know that I am not dissatisfied with him, but his phone Did not answer

6月19日 周五 上午 11:27

Hello Andy, I found Jose again and came back to help me with my backyard, because I want Jose to know what you think and it's easier to complete,

6月19日 周五 下午 12:43

He will come over to help me do it next week, I believe it will be resolved soon,

2020/6/19 已读

Order Review



Stronger Together

Tyrone GA #612  
158 Rockwood Rd  
Tyrone, GA 30290-2711  
W: (770)631-2874

Sold To:

Howley Landscaping, Inc (#5238)  
410 S Cemetery St  
Norcross, GA 30071-4206  
W: (404)255-3073  
F: (404)581-5905

Ship To:

Howley Landscaping, Inc (#5238)  
410 S Cemetery St  
Norcross, GA 30071-4206  
W: (404)255-3073F: (404)581-5905

Ordered	Master Order#	PO#
06/17/2020	M100727707	
Printed	Customer Contact	Sales Associate
06/17/2020	Ronaldo Chacon	Chris Bailey

Order#: 100727707-001 Ship Via: Customer Pick up

LN	Item #	Description	Qty Ordered	Qty Cancelled	Qty Shipped	Qty Open	Net Price	Ext. Price
1	ADS12950020DW	12 in. N-12 Solid Pipe 20 ft. Wb Recycled Resin.	280	0	0	280	8.704 / FT	2437.120
2	1282AN	12X8 Wye	5	0	0	5	217.473 / EA	1087.365
3	ADS1218WD	12"x8" Reducer for Dual wall	1	0	0	1	180.666 / EA	180.666
4	ADS4510100	ADS 4 in. Single Wall Solid Pipe 100 ft.	200	0	0	200	0.642 / FT	128.400
5	ADS465AA	ADS HDPE Downspout Adapter Black 4 in. x 4.25 in. x 3 in.	8	0	0	8	5.633 / EA	45.064
6	1882BLKIT	NDS DRAIN BASIN KIT SQUARE 18 in. W/BLACK GRATE	5	0	0	5	347.948 / EA	1739.740
7	814WT	8 in. x 4 in. Wt N-12 Reducer Bell x Bell	1	0	0	1	27.880 / EA	27.880
8	28-SOD-TTB	TiffTuf Bermuda Sod (per sq. ft.)	500	0	0	500	0.400 / SF	200.000
9	216-SFM	Rainbow River Rock per ton	4.5	0	0	4.5	205.000 / TN	922.500
10	CS-3300BLK	DeWitt Contractor's Select 1.9 oz. Spunbond Black 3 ft. x 300 ft.	1	0	0	1	74.992 / EA	74.992
11	86070	King Silver Duct Tape 2 in. x 60 yd. 9 mil.	3	0	0	3	6.897 / EA	20.691

This document is for REVIEW PURPOSES ONLY and is not a final invoice.

SiteOne Landscape Supply warrants that all products conform to the description on the label. Because conditions of use, which are of critical importance are beyond our control, seller makes no warranty, expressed or implied, concerning the use of these products. No employee of the company is authorized to make any warranty or representation, expressed or implied, concerning the use of these products. No follow directions and carefully observe all precautions on the label or manufacturer's instructions. Products used contrary to directions may cause serious plant or personal injury. Buyer assumes all risk of use of handling whether in accordance with direction or not and accepts the products sold to him by this company on these conditions.

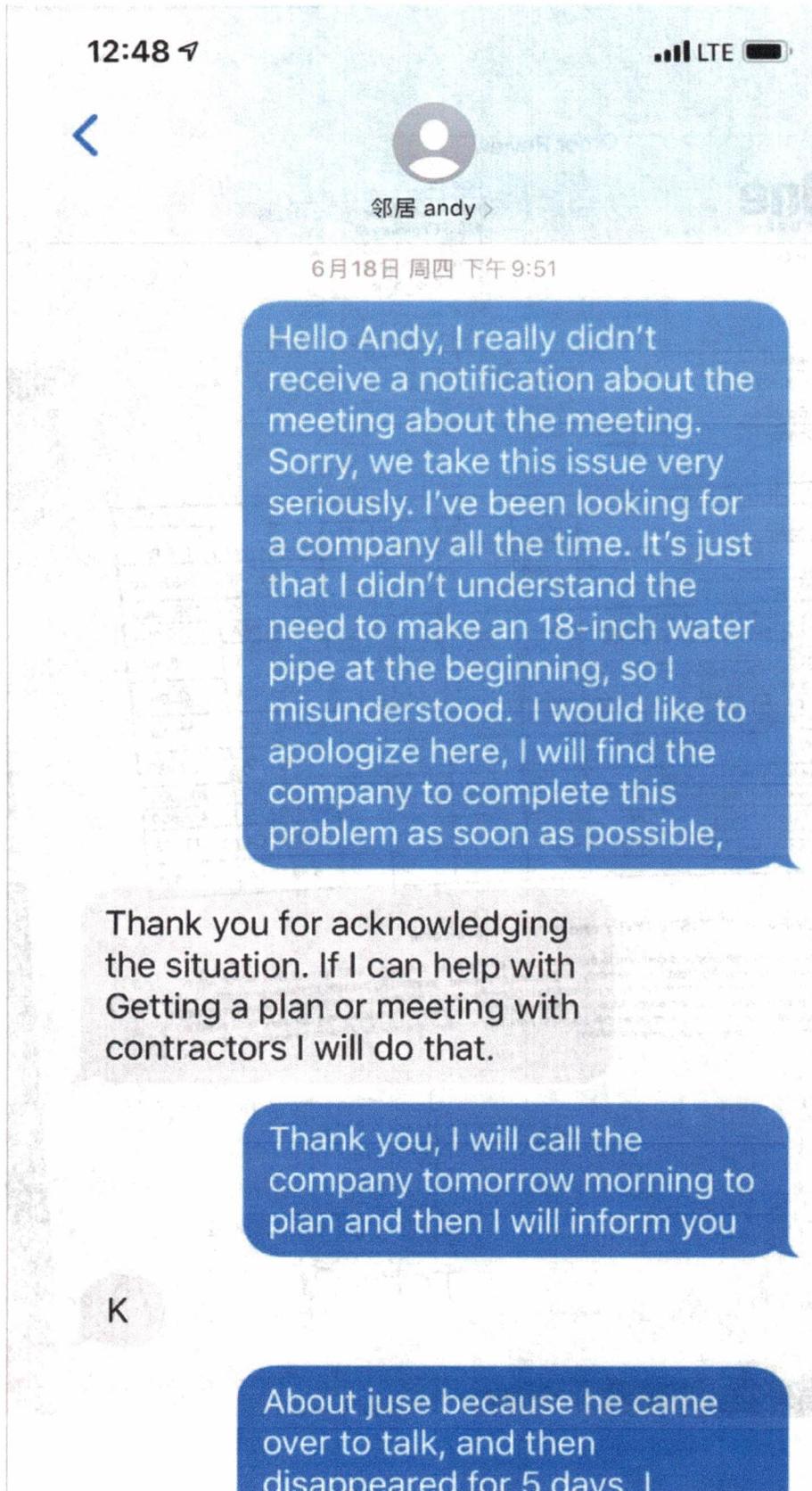
only material cost

\$ 7,344.93

labor cost

\$ 6450.00

Total \$ 13,795.00



12:48

LTE



邻居 andy >

iMessage 信息  
6月18日 周四 下午 5:21

Hello, Andy, I'd like to discuss with you, I find a few companies to estimate 18 inch pipe is too expensive for me, you see this line not line, I do 8 inch of water pipe, I'll be close to you do a little blue across the yard, retaining wall, try not to let the water to your home, I will do a fence around, I hope you can help me, we are neighbors, I am not a bad person, because the weather before we had not been delayed time limit for a project, digging up roots so if you can agree to do 8 inch, I appreciate, If you still have a lot of water to go to your house after making an 8-inch hose, can I do it again?

6月18日 周四 下午 9:51

Hello Andy, I really didn't receive a notification about the meeting about the meeting. Sorry, we take this issue very seriously. I've been looking for



**AMY'S LANDSCAPING**

6045 Glacier Run  
Norcross, GA 30093

678-469-1000

zaldana.alberto@gmail.com

**INVOICE**

Jorge Alberto Zaldana

DATE 09-29-20

ORDER NO.

SHIP TO

TO 2566 Chestea Drive  
MARIETTA GA

SALESPERSON	DATE SHIPPED	SHIPPED VIA	F.O.B. POINT	TERMS
-------------	--------------	-------------	--------------	-------

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
	Grassing	\$1200	1,200.00
	Drainage	\$2800	3,020.00
		\$4000	

**THANK YOU**

--  
Sent from Mobile

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- IMG\_0845.jpeg (347 KB)
- IMG\_0842.jpeg (226 KB)
- IMG\_0843.jpg (411 KB)
- IMG\_0844.jpg (379 KB)
- IMG\_0730.jpeg (166 KB)

**COOK'S VALLEY HOME OWNER' ASSOCIATION INC.  
EXTRACTIONS OF KEY POINTS FROM ITS COVENANTS**

**ARTICLE .II.  
ARCHITECTURAL CONTROL COMMITTEE**

Section 1. **Purpose, Powers and Duties of the Architectural Control Committee.** The purpose of the Architectural Control Committee is to assure that the installation, construction or alteration of any Structure on any Lot is submitted to the Architectural Control committee for approval (i) as to whether the proposed installation, construction or alteration is in conformity and harmony of external design and general quality with the existing standards of the neighborhood and with the standards of the development of the property; (ii) as to the location of structures with respect to **topography, finished ground elevation and surrounding structures.** To the extent necessary to carry out such purpose, the Architectural Control Committee shall have all of the powers and duties to do each and everything necessary, suitable, convenient or proper for, or in connection with, or incidental to, the accomplishment of such purpose, including, without being limited to, the power and **duty** to approve or disapprove plans and specifications for any installation, construction or alteration of any structure on any Lot.

Section 4. **Submission of Plans and Specifications.** No Structure shall be commenced, erected, placed, moved onto or permitted to remain on any Lot, nor shall any existing Structure upon any Lot be altered in any way which materially changes the exterior appearance of the Structure **or Lot,** unless plans and specifications therefor are approved in advance in writing by the Architectural Control Committee. Such plans and specifications shall be in such form and shall contain such information as may be reasonably required by the Architectural Control Committee. Plans shall include landscape plan for the homes to be constructed. Said design will be evaluated by the Architectural Control Committee as to consistency with other homes in the Subdivision. The Architectural Control Committee will also approve the location of homes on each lot as part of the review process.

**ARTICLE VI,  
MAINTENANCE**

Section 2. **Owner's Responsibilities.** Each Owner of a Lot, whether vacant or occupied, shall keep and maintain his Lot and the exterior of any and all improvements located thereon in a neat, attractive and safe condition. Such **maintenance** shall include, but shall not be limited to, painting, repairing, replacing and care for roofs, gutters, downspouts, building surfaces, **trees, shrubs, grass, walks** and other exterior improvements. Should any Owner of a Lot fail to maintain his lot or the improvements thereon as set forth hereinabove, the Architectural control Committee, its agents and representatives, may, after thirty (30) days' written notice to the Owner of such Lot(s), enter, upon his Lot for the purpose of mowing, removing, clearing, cutting, or pruning underbrush, weeds, or other unsightly growth, for removing garbage or trash, or for performing such exterior maintenance as the Architectural Control Committee, in the exercise of its sole discretion, deems necessary or advisable. Such Owner shall be personally liable to the Architectural Control Committee for the direct and indirect costs of such maintenance, which costs shall be added to and become part of the assessment to which such

Owner and his Lot are subject. Although notice given as herein provided shall be Sufficient to give the Architectural Control Committee, its agents and representatives, the right to enter upon such Lot and perform such maintenance, entry for such purpose shall be only between the hours of 9:00 A.M. and 5:00 P.M. on any day except Sunday. The provisions hereof shall not be construed, however, as an obligation on the part of the Architectural Control Committee to mow, clear, cut or prune any Lot; to provide garbage or trash removal service, or to perform such exterior maintenance.

## **ARTICLE VIII GENERAL COVENANTS AND RESTRICTIONS**

Section 1. **Residential Use.** All Lots shall be restricted exclusively to single-family residential use....

### Section 3. **Nuisances**

- (a) No unlawful, noxious or offensive activities shall be carried on in any Lot, or upon the Common Area, nor shall anything be done therein or thereon which, in the judgment of the Board, constitutes a nuisance, causes unreasonable noise or disturbance to others or **unreasonably interferes with Owner's use of their Lots and/or the Common Area....**

Section 5. **Erosion control.** No activity which may create erosion or siltation problems shall be undertaken on any Lot without the prior written approval of the Architectural Control committee of plans and specifications for the prevention and control of such erosion or siltation. The Architectural Control Committee may, as a condition of approval of such plans and specifications, require the use of certain means of preventing and controlling such erosion or siltation. such means may include (by way of example and not of limitation) physical devices for controlling the run-off and drainage of water, special precautions in grading and otherwise changing the natural landscape....

Section 9. **Fences** no fence or wall of any kind shall be erected, maintained, or altered on any Lot without the prior written approval of the Architectural Control Committee of plans and specifications for such fences and walls. All fences approved must be installed "finished side" out. Chain Link and wire Fences are not permitted. Those installed on Lots 27 & 46 in Phase 1 are grandfathered by this amendment. If these fences are replaced in the future, however, the replacements must be compliant with this amendment. Fences constructed of wood will be allowed for rear and side yards, provided said wooden fences are level at the top, or gradually sloping on a line and otherwise approved by the Architectural Control Committee.....

Section 12. **Clothesline.** No outside clothesline shall be placed on any Lot.

Section 13. **Recreational Vehicles and Trailers.** No trailer, trailer house, boat, or recreational vehicle shall be parked on any Lot....

Section 14. **Recreational Equipment.** No recreational and playground equipment shall be placed or installed on any Lot which is visible from the street abutting such Lot on the front of said Lot. However, the placement of a basketball goal in a side yard location shall be permissible....

Section 15. **Accessory structures.** A detached accessory structure may be placed on a Lot to be used for a playhouse, a tool shed, a mailbox, or a dog house. Such accessory structures shall not exceed ten (10) feet in height and shall conform in exterior design and quality to the dwelling on the same Lot. With the exception of the mailbox, an accessory structure placed on a Lot shall be located only behind the dwelling as such dwelling fronts on the street abutting such Lot. Such accessory structures shall also be located within the buildable area of any Lot as defined by such side and rear setback lines as may be required hereby or by applicable zoning law. The Architectural control Committee shall have the right to approve or disapprove the plans and specifications for any accessory structure to be erected on any Lot, and construction of any accessory structure may not be commenced until complete final plans and specifications shall have been submitted to and approved by the Architectural Control Committee in accordance with the provisions of these covenants. Any accessory structure shall be constructed concurrently with or subsequent to the construction of the dwelling on the Lot on which such accessory structure is located....

Section 16. **Improvement of Lots, (g) Adequate Off street parking shall be provided for each lot. Parking of vehicles is not permitted on unpaved areas of Lots**

Section 19. **Trees and Shrubs.** No trees measuring twelve (12) Inches or more in diameter at a point two (2) feet above ground level, no flowering trees or shrubs, nor any evergreens on any Lot may be removed without the prior approval of the Architectural Control Committee unless located within ten (10) feet of the approved site for a dwelling or within the right-of-way or walkways. Excepted here from shall be damaged for dead trees and trees which must be removed due to an emergency.

Section 20. **Above Ground Pools.** Above ground swimming pools shall not be permitted in Cook's Valley. Temporary inflatable pools and small molded pools with diameters not exceeding six feet, depth not exceeding 1 foot, and not requiring a filtration system are permitted, but use is limited to the backyard of any Lot and must be out of sight from the roadway passing in front of the Lot. The existing above ground pool located on Lot 9, Phase I is grandfathered by the amendment.

# **COMMON VIOLATIONS FOUND IN RESIDENTIAL NEIGHBORHOODS**

## **COBB COUNTY, GA**

### **Parking**

Vehicles must be parked along the curb, facing in the direction of traffic flow, have a valid tag and be operational. Vehicles may not be parked in designated No Parking areas, where they block access to private driveways or where they restrict the safe flow of traffic. There are no county restrictions on the length of time a vehicle may be parked on a residential street. (The above is enforced by police.)

Vehicles may not be parked in the grass or unimproved surface between the roadway and the home's front setback. No materials, equipment or business vehicles may be stored or parked on the premises, except for one business vehicle, used exclusively by the resident. A vehicle used as commercial transportation with a manufacturer's gross vehicle weight greater than 12,500 pounds is not allowed to be parked on residential property.

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### **Junk Cars**

Any junk, abandoned or inoperative vehicle that remains on a property for longer than 30 days after due notice of violation has been provided per Sec. 2-102 (2) of the Cobb County Code, may be removed by Cobb County or its duly authorized designee.

Any expenses incurred in remedying the condition shall become payable within 30 calendar days, after which a special assessment lien and charge shall be attached to the property, which shall be payable with interest at the rate of 8 percent per annum from the date of such certification until paid. Such lien shall be in favor of Cobb County, Georgia, and may be satisfied at any time by payment thereof including accrued interest. Notice of such lien shall be filed in the Office of the Clerk of Superior Court and recorded among the public records of Cobb County, Georgia.

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### **Dwelling Unit**

A dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for one family or two or fewer unrelated adults and their children and/or grandchildren. A dwelling unit may also be occupied by a family and up to two persons who are not family members.

(1) A dwelling unit shall have an interior bathroom and complete kitchen facilities, permanently installed.

(2) A dwelling unit shall have at least 390 square feet of total building square footage per each adult occupant.

(3) No more than one vehicle per 390 square feet of total building square footage may be parked regularly overnight at or within the right of way adjacent to a dwelling unit.

"Regularly" means a majority of nights in any 21 day period. Family means one or more persons related by blood, legal adoption, or marriage occupying a dwelling where such persons are all related to each other within the fourth degree, which includes parents, children, grandparents, grandchildren, brother and sisters. Adult means any person over the age of 18 years old or legally emancipated in the state of Georgia.

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### **Personal Vehicle Sales**

No more than three (3) personal vehicle and/or equipment sales are allowed per calendar year on any one parcel of property.

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### **Fences/Walls**

Any fence or wall adjacent to a public road right-of-way and within a residential front yard cannot be more than six feet in height. Fences and walls shall be maintained in structurally sound condition. Fences or walls at the rear of a residence cannot exceed eight feet in height. The height limitation includes posts and ornaments on top of the fence or wall.

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### **Yard Sales**

Estate sales, yard sales, bakery sales, garage sales, bazaars and the like are limited to three weekends per year and cannot exceed three days per sale.

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### **Garbage Collection**

Garbage collectors may not operate between the hours of 11 p.m. and 7 a.m. Garbage cans can only be placed at the curb the evening before collection and removed by 11 p.m. on the day of collection.

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### **Livestock and poultry**

Livestock and poultry animals are only permitted on a lot of two acres or larger. All animals will be maintained at least 10 feet from any residential property line.

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### **Leash Law**

Animals are required to be on a leash when outside unless contained by a fence. Pet owners are responsible for collecting animal waste and disposing of it properly. Contact [Cobb County Animal Control](#) at (770) 499-4136 to report violations.

---

### **Home Business**

Restrictions:

- No signs, products or equipment are permitted around the exterior of the home.
  - All business activities must occur inside the home.
  - No outside employees are permitted to work in the home or to gather at the home for work purposes.
  - No more than 25 percent of the home may be used for the business.
  - No commercial deliveries are permitted to home businesses.
  - No customers or clients are permitted to visit home businesses except for tutoring or musical lessons.
-

### **In-Home Day Care**

Child care in a single-family home is limited to a maximum of six children for whom compensation is received.

- The child care cannot create a nuisance to immediate adjacent property owners.
- Parking must be provided for child pick up and drop off on the property.
- No employees are permitted.

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### **Outside Storage Limitations**

No outside storage is permitted, with the exception of firewood and lawn furnishings.

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### **Door-To-Door Solicitations**

The county permits door-to-door solicitations only if the person has registered with the county's business license office. A registration badge must be worn by solicitors and will include their name, address, organization and a photograph. Solicitation without a registration badge is prohibited. County police will respond to reports of unregistered solicitors.

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### **Temporary Signs**

The Temporary Local Directional sign code allows temporary signs to temporary events such as church or community gatherings, yard sales, moving sales, estate sales or the sale of an individual house. The code does not include off-premise outdoor advertising signs or signs defined under weekend subdivision directional signs. All temporary local directional signs must be located off the right-of-way.

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### **Group Home**

Dwelling can only be shared by four or less persons, excluding resident staff, who live together as a single housekeeping unit. The managing care giver must reside at the group home. Said home shall not allow use of the dwelling as a home for individuals on parole, probation or convicted or released from incarceration for crimes of child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. 16-6-4 or individuals required to register as sex offenders pursuant to O.C.G.A. 42-1-12.

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### **Windows and Exterior Doors**

Windows of buildings shall be fully supplied and maintained with glass window panes or with a substitute approved by the designated Cobb County Building Official, which are without open cracks or holes. Screens, if provided, shall be securely fastened to the window.

Exterior doors of buildings shall be maintained so that they fit reasonably well within their frames so as to substantially prevent rain and wind from entering a building. Exterior door jams, stops, headers and moldings shall be

securely attached to the structure and maintained in good condition without splitting or deterioration. Additionally, exterior doors shall be provided with property hardware and maintained in proper working condition.

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### **Exterior Attachments**

Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, of building shall be maintained so that they are structurally sound, in good repair with proper anchorage and capable of supporting the imposed loads.

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### **Dead Trees**

Dead trees shall not be allowed to exist or to be maintained on any premises which are hazardous to persons on adjacent property. A finding by a registered forester or certified arborist (as contracted by a person on adjacent property) shall constitute prima facie evidence that a tree is in danger of falling upon adjacent lots or public streets due to the death of the tree. In the event that the tree is found to be dangerous by the registered forester or certified arborist, the property owner shall be responsible for 50 percent of the cost of such registered forester or certified arborist.

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### **Gutters and Shutters**

Gutters and shutters and all appurtenances attached thereto, of buildings shall be maintained so that they are structurally sound, in good repair with proper anchorage and attachment.

---

### **Grass and Weeds**

It shall be unlawful for the owner of any property less than 40,000 square feet, to allow grass/weeds over 12 inches in height on at least ten percent of the size of the property tract or 35 percent of the pervious surface, whichever is greater. After 20 day notice, the County shall cause the condition to be remedied at the expense of the property owner.

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### **Penalties**

Any person who violates any provisions of articles I through V of Chapter 134, after conviction upon a citation issued to the Magistrate Court of Cobb County, in accordance with O.C.G.A. 36-1-20, may be incarcerated for a period not to exceed 60 days and/or shall be fined for violations within any 12 month period. With any of these violations, except for grass and weeds, the appropriate person is placed on notice of violation and given 10 days to comply with the code section. If found still in violation after this time frame, a citation is issued to appear before a magistrate judge.

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### **Online Code Enforcement Inquiries and Submissions**

<http://comdevweb01.cobbcounty.org/citizenaccess/>

# **COMMON VIOLATIONS FOUND IN RESIDENTIAL NEIGHBORHOODS**

## **Parking**

Vehicles must be parked along the curb, facing in the direction of traffic flow, have a valid tag and be operational. Vehicles may not be parked in designated No Parking areas, where they block access to private driveways or where they restrict the safe flow of traffic. There are no county restrictions on the length of time a vehicle may be parked on a residential street. (The above is enforced by police.)

Vehicles may not be parked in the grass or unimproved surface between the roadway and the home's front setback. No materials, equipment or business vehicles may be stored or parked on the premises, except for one business vehicle, used exclusively by the resident. A vehicle used as commercial transportation with a manufacturer's gross vehicle weight greater than 12,500 pounds is not allowed to be parked on residential property.

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## **Junk Cars**

Any junk, abandoned or inoperative vehicle that remains on a property for longer than 30 days after due notice of violation has been provided per Sec. 2-102 (2) of the Cobb County Code, may be removed by Cobb County or its duly authorized designee.

Any expenses incurred in remedying the condition shall become payable within 30 calendar days, after which a special assessment lien and charge shall be attached to the property, which shall be payable with interest at the rate of 8 percent per annum from the date of such certification until paid. Such lien shall be in favor of Cobb County, Georgia, and may be satisfied at any time by payment thereof including accrued interest. Notice of such lien shall be filed in the Office of the Clerk of Superior Court and recorded among the public records of Cobb County, Georgia.

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## **Dwelling Unit**

A dwelling unit consists of one or more rooms which are arranged, designed or used as living quarters for one family or two or fewer unrelated adults and their children and/or grandchildren. A dwelling unit may also be occupied by a family and up to two persons who are not family members.

(1) A dwelling unit shall have an interior bathroom and complete kitchen facilities, permanently installed.

(2) A dwelling unit shall have at least 390 square feet of total building square footage per each adult occupant.

(3) No more than one vehicle per 390 square feet of total building square footage may be parked regularly overnight at or within the right of way adjacent to a dwelling unit.

"Regularly" means a majority of nights in any 21 day period. Family means one or more persons related by blood, legal adoption, or marriage occupying a dwelling where such persons are all related to each other within the fourth degree, which includes parents, children, grandparents, grandchildren, brother and sisters. Adult means any person over the age of 18 years old or legally emancipated in the state of Georgia.

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## **Personal Vehicle Sales**

No more than three (3) personal vehicle and/or equipment sales are allowed per calendar year on any one parcel of property.

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## **Fences/Walls**

Any fence or wall adjacent to a public road right-of-way and within a residential front yard cannot be more than six feet in height. Fences and walls shall be maintained in structurally sound condition. Fences or walls at the rear of a residence cannot exceed eight feet in height. The height limitation includes posts and ornaments on top of the fence or wall.

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## **Yard Sales**

Estate sales, yard sales, bakery sales, garage sales, bazaars and the like are limited to three weekends per year and cannot exceed three days per sale.

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## **Garbage Collection**

Garbage collectors may not operate between the hours of 11 p.m. and 7 a.m. Garbage cans can only be placed at the curb the evening before collection and removed by 11 p.m. on the day of collection.

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## **Livestock and poultry**

Livestock and poultry animals are only permitted on a lot of two acres or larger. All animals will be maintained at least 10 feet from any residential property line.

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## **Leash Law**

Animals are required to be on a leash when outside unless contained by a fence. Pet owners are responsible for collecting animal waste and disposing of it properly. Contact [Cobb County Animal Control](#) at (770) 499-4136 to report violations.

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## **Home Business**

Restrictions:

- No signs, products or equipment are permitted around the exterior of the home.
  - All business activities must occur inside the home.
  - No outside employees are permitted to work in the home or to gather at the home for work purposes.
  - No more than 25 percent of the home may be used for the business.
  - No commercial deliveries are permitted to home businesses.
  - No customers or clients are permitted to visit home businesses except for tutoring or musical lessons.
-

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### **In-Home Day Care**

Child care in a single-family home is limited to a maximum of six children for whom compensation is received.

- The child care cannot create a nuisance to immediate adjacent property owners.
  - Parking must be provided for child pick up and drop off on the property.
  - No employees are permitted.
- 

### **Outside Storage Limitations**

No outside storage is permitted, with the exception of firewood and lawn furnishings.

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### **Door-To-Door Solicitations**

The county permits door-to-door solicitations only if the person has registered with the county's business license office. A registration badge must be worn by solicitors and will include their name, address, organization and a photograph. Solicitation without a registration badge is prohibited. County police will respond to reports of unregistered solicitors.

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### **Temporary Signs**

The Temporary Local Directional sign code allows temporary signs to temporary events such as church or community gatherings, yard sales, moving sales, estate sales or the sale of an individual house. The code does not include off-premise outdoor advertising signs or signs defined under weekend subdivision directional signs. All temporary local directional signs must be located off the right-of-way.

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### **Group Home**

Dwelling can only be shared by four or less persons, excluding resident staff, who live together as a single housekeeping unit. The managing care giver must reside at the group home. Said home shall not allow use of the dwelling as a home for individuals on parole, probation or convicted or released from incarceration for crimes of child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. 16-6-4 or individuals required to register as sex offenders pursuant to O.C.G.A. 42-1-12.

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### **Windows and Exterior Doors**

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### **Online Code Enforcement Inquiries and Submissions**

<http://comdevweb01.cobbcounty.org/citizenaccess/>



Parcel Results

18 Results

Show Property Photos

Parcel ID ↕	Owner ↕	Property Address ▼	Notification Date ↕
<a href="#">16005000310</a>	HERRING DONALD E & MARY A	2559 CHESTEAD DR	
<a href="#">16005000320</a>	HAEBERLE HERBERT & KATHY	2560 CHESTEAD DR	
<a href="#">16005000300</a>	STEIGERWALD JAN A & CELIA HELEN	2561 CHESTEAD DR	
<a href="#">16005000330</a>	SACHAU REGINA BATISTA	2562 CHESTEAD DR	
<a href="#">16005000290</a>	HYLER JAMES M & PAULA J	2563 CHESTEAD DR	
<a href="#">16005000670</a>	PRICE ANDREW T & DONNA LATRICIA	2564 CHESTEAD DR	
<a href="#">P90805371</a>	CLASSIC CRAFTSMEN INC	2564 CHESTEAD DR	
<a href="#">16005000280</a>	SMITH RICHARD T & BARBARA L	2565 CHESTEAD DR	
<a href="#">16005000680</a>	YANG LEI & GUO AIPING	2566 CHESTEAD DR	
<a href="#">16005000270</a>	LEE DAVID F & LINDA G	2567 CHESTEAD DR	
<a href="#">16005000690</a>	PRESUEL JOSE LUIS & JULIA P	2568 CHESTEAD DR	
<a href="#">16005000260</a>	FREY MICHAEL & MARLA	2569 CHESTEAD DR	
<a href="#">16005000700</a>	MAHER MICHAEL F II & KATHERINE L	2570 CHESTEAD DR	
<a href="#">16005000250</a>	ADAMEC ROBERT E & ANNA	2571 CHESTEAD DR	
<a href="#">16005000710</a>	KRUG ALIZA & MICHAEL B	2572 CHESTEAD DR	
<a href="#">16005000240</a>	SHIVLEY ALMUS & CAROLYN	2573 CHESTEAD DR	
<a href="#">16005000720</a>	BROWN ROBERT & JOANN	2574 CHESTEAD DR	
<a href="#">16005000230</a>	WORMLEY LINDSEY S & LINDA A	2575 CHESTEAD DR	

Ownership and characteristic data are the most current information available. All appraised/assessed values are as of Jan 1, 2019.  
[User Privacy Policy](#)  
[GDPR Privacy Notice](#)

Last Data Upload: 6/10/2020, 6:07:21 AM

Version 2.3.62





Eli Sbaity <eli@ebyteware.com>

6/10/2020 10:26 PM

## RE: 2566 Chestea Drive Drainage

To Bob Kern <bob.kern@cooksvalleyhoa.com>

Hey Bob,

At our meeting with the owners of 2566 Chestea Drive, David Breaden with Cobb County instructed the home owner to:

- 1) Have the landscaping company contact David and discuss this project and specifications of the pipe required to collect the anticipated water volume.
- 2) Complete an application with the Community Development department at Cobb County. A detailed plan of the work to be completed should be submitted with the application.
- 3) No work to begin on this lot until the application is approved by Cobb County.
- 4) The recommended approach is to use an 18" pipe and connect it to the county's catch basin. Since the pipe's path will go thru the adjacent owner's lot (Andy Price) it will require their approval before the work begins.

That is all I wrote down.

Eli

**From:** Bob Kern [mailto:[bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)]

**Sent:** Monday, June 8, 2020 9:51 AM

**To:** Lei Yang <[kerry9@bellsouth.net](mailto:kerry9@bellsouth.net)>

**Cc:** Ihwa Wen <[ihwa.wen@metrobrokers.com](mailto:ihwa.wen@metrobrokers.com)>; Andy Price <[andytaylorprice@gmail.com](mailto:andytaylorprice@gmail.com)>; Eli Sbaity <[eli.sbaity@cooksvalleyhoa.com](mailto:eli.sbaity@cooksvalleyhoa.com)>; David Breaden <[david.breaden@cobbcounty.org](mailto:david.breaden@cobbcounty.org)>

**Subject:** 2566 Chestea Drive Drainage

Ms Yang,

I just finished speaking with David Breaden, Manager Cobb County Stormwater Management, regarding the drainage situation at your property at 2566 Chestea Drive, in an effort to arrive at a solution. Mr. Breaden will meet with us at your address **tomorrow afternoon at 3:30 PM.**

So that we are all compliant with the state pandemic requirements, social distancing and face masks will be observed.

Regards

*Bob Kern*

*Chairman, ACC, Cook's Valley HOA*

*770-331-1314*



Bob Kern <[bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)>

6/11/2020 5:16 PM

## Meeting summary psted in and attached

To Eli Sbaity <[eli.sbaity@cooksvalleyhoa.com](mailto:eli.sbaity@cooksvalleyhoa.com)>

I believe this should be emailed. It might also be a good idea to send a certified letter return receipt requested if we see no action by the middle of next week. How you sign off on it is your choice. Penny's email is ([kerry9@bellsouth.net](mailto:kerry9@bellsouth.net)) Below is what is in the attachment - obviously this is from my laptop.

June 12, 2020

Lei Yang & Aiping Guo

2566 Chestea Drive

Marietta, GA 30066

Summarizing the meeting we had on June 9<sup>th</sup> with David Breden ([david.breden@cobbcounty.org](mailto:david.breden@cobbcounty.org)), Manager, Cobb County Storm Water Management Department to address the large volume of storm water flowing through the adjacent neighbor's property. This situation was caused by the unapproved clearing of trees from your rear yard and must be corrected. This meeting was attended by Aiping Guo (Eric), Ihwa Wen realtor/translator on speaker phone ([ihwa.wen@metrobrokers.com](mailto:ihwa.wen@metrobrokers.com)), neighbors Andy & Trisha Price ([andytaylorprice@gmail.com](mailto:andytaylorprice@gmail.com)) adjacent neighbors, Eli Sbaity, President Cook's Valley HOA ([eli.sbaity@cooksvalleyhoa.com](mailto:eli.sbaity@cooksvalleyhoa.com)) and Bob Kern, Chairman Architectural Control Committee, Cook's Valley HOA ([bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)). The actions necessary to abate this problem are summarized below:

1. You are to instruct a Landscaping contractor of your choice (strongly recommend one that is licensed and insured) contact David Breden and discuss this project and the specifications of the pipe required to collect the anticipated water volume.
2. Complete an application with the Community Development department at Cobb County. A detailed plan of the work to be completed should be submitted with the application.
3. No work is to begin on this lot until the application is approved by Cobb County.
4. The recommended approach is to use an 18" pipe and connect it to the county's catch basin. **Since the pipe's path will go thru the adjacent owner's lot (Andy & Trisha Price) it will require their approval before the work begins.**

4. The recommended approach is to use an 18" pipe and connect it to the county's catch basin. Since the pipe's path will go thru the adjacent owner's lot (Andy & Teresa Price) it will require their approval before the work begins.

3. No work is to begin on this lot until the application is approved by Cobb County.

2. Complete an application with the Community Development department at Cobb County. A detailed plan of the work to be completed should be submitted with the application.

1. You are to instruct a landscaping contractor of your choice (strongly recommend one that is licensed and insured) contact David Braden and discuss this project and the specifications of the pipe required to collect the anticipated water volume.

Summarizing the meeting we had on June 9<sup>th</sup> with David Braden ( david.braden@cobbcounty.org ) , Manager Cobb County Storm Water Management Department to address the large volume of storm water flowing through the adjacent neighbor's property. This situation was caused by the unapproved clearing of trees from your rear yard and must be corrected. This meeting was attended by Aiping Guo (Eric), Travis Wen (stormwater specialist on speaker phone) (travis.wen@metrotokeros.com) , neighbors Andy & Teresa Price ( andtytprince@gmail.com) , adjacent neighbors, Eli Sparty, President Cook's Valley HOA ( eli.sparty@cooksvalleyhoa.com) and Bob Kern, Chairman Architectural Control Committee, Cook's Valley HOA ( bob.kern@cooksvalleyhoa.com). The actions necessary to solve this problem are summarized below:

Marietta, GA 30066

3568 Chestnut Drive

Lei Yang & Aiping Guo

June 12, 2020

Below is what is in the attachment - obviously this is from my laptop. I see no action by the middle of next week. How you sign off on it is your choice. Penny's e-mails ( believe this should be emailed. It might also be a good idea to send a certified letter with a receipt requested if we

To: Eli Sparty (eli.sparty@cooksvalleyhoa.com)

### Meeting summary pasted in and attached

Bob Kern <bob.kern@cooksvalleyhoa.com>

6/11/2020 8:18 PM

David Breaden should be contacted by you within the next seven days so that this may move forward ASAP and abate the problem at hand. Please keep all on this copy list informed of your actions as they are taken. So that we know you are sincerely working on resolving this situation as soon as possible.

Sincerely,

*Bob*

- [June 9 meeting summary.docx \(19 KB\)](#)

David Brander should be contacted by you within the next seven days so that in a way that is forward A&P and state the problem at hand. Please keep all on this copy not informed of your actions as they are taken. So that we know you are sincerely trying to resolve this situation as soon as possible.

Sincerely,

\* June 8 meeting summary box (B)

Mr. Ihwa Wen  
Metro Brokers Realty  
Lie Yang  
2566 Chestea Drive  
Marietta, GA 30066

Mr. Wen

Thank you for taking the time to work with the Yangs in working through the drainage situation and for submitting their requests to build a basketball court in their rear and also a fence alongside the Price property. The decisions by our Architectural Control Board (ACC) are noted below along with the article, section, and subsection of our covenants that addresses each request.

#### Basketball Court



**THIS REQUEST WAS DENIED IN A VOTE BY THE ACC THIS MORNING – JUNE 3, 2020 for the reasons stated below:**

From the sat shot with dimensions the basketball court appears to be 33.3' on the 178' side and 43.5' on the 58' side which would translate into 1448 sq. ft which would provide an additional flat impervious surface and add to the current drainage problem and negatively impact the neighbors downstream ("abating drainage issue" below). Additionally this installation would also serve as a noise nuisance

Article VIII, Section 3. Nuisances.

(a) No unlawful, noxious or offensive activities shall be carried on in any Lot, or upon the Common Area, nor shall anything be done therein or thereon which, in the judgment of the Board, constitutes a nuisance, causes unreasonable noise or disturbance to others or unreasonably interferes with Owner's use of their Lots and/or the Common Area.

Section 14. Recreational Equipment. No recreational and playground equipment shall be placed or installed on any Lot which is visible from the street abutting such Lot on the front of said Lot. However, the placement of a basketball goal in a side yard location shall be permissible.

#### Fence request



**THIS REQUEST WAS APPROVED BY THE ACC**

**–if it complies with Cobb County**

*Any fence or wall adjacent to a public road right-of way and within a residential front yard cannot be more than six feet in height. Fences and walls shall be maintained in structurally sound condition. Fences or walls at the rear of a*

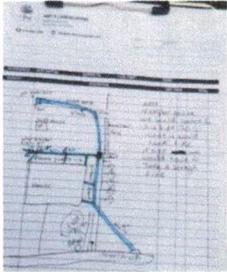
residence cannot exceed eight feet in height. The height limitation includes posts and ornaments on top of the fence or wall.

#### **And complies with Cook's Valley HOA requirements**

Article VIII, Section 9

Fences no fence or wall of any kind shall be erected, maintained, or altered on any Lot without the prior written approval of the Architectural Control Committee of plans or specifications for such fences and walls. All fences approved must be installed "finished side" out. Chain Link and wire Fences are not permitted. Those installed on Lots 27 & 46 in Phase 1 are grandfathered by this amendment. If these fences are replaced in the future, however, the replacements must be compliant with this amendment. Fences constructed of wood will be allowed for rear and side yards, provided said wooden fences are level at the top, or gradually sloping on a line and otherwise approved by the Architectural Control Committee.

#### **Abating drainage issue**



**This issue was caused by the unauthorized removal of numerous trees (approximately 30 per the contractor) – see Section 19 below**

**Article VIII, Section 5. Erosion control.** No activity which may create erosion or siltation problems shall be undertaken on any Lot without the prior written approval of the Architectural Control committee of plans and specifications for the prevention and control of such erosion or siltation. The Architectural Control Committee may, as a condition of approval of such plans and specifications, require the use of certain means of preventing and controlling such erosion or siltation. such means may include (by way of example and not of limitation) physical devices for controlling the run off and drainage of water, special precautions in grading and otherwise changing the natural landscape.

**Section 19. Trees and Shrubs.** No trees measuring twelve (12) inches or more in diameter at a point two (2) feet above ground level, no flowering trees or shrubs, nor any evergreens on any Lot may be removed without the prior approval of the Architectural Control Committee unless located within ten (10) feet of the approved site for a dwelling or within the right-of-way or walkways. Excepted here from shall be damaged for dead trees and trees which must be removed due to an emergency.

**Stormwater Management** (770) 419-6454 [david.breaden@cobbcounty.org](mailto:david.breaden@cobbcounty.org)

I believe is the proper contact to define what needs to be done to abate this problem. I left a voicemail for him to return my call. David returned my call on Tuesday June 3<sup>rd</sup>. I emailed him the rough drawing I received from Andy as he requested. I have copied you, the Yangs, Eli and Andy Price on this – to keep all involved in the loop. This will be major undertaking and we want to be sure it is done properly. I spoke again with David this morning and he plans to come out next week to take a look. In reference to Andy's drawing, he said he looks to be a private system – his visit is to confirm that.

*Once a path has been defined to resolve this problem, the homeowner is to submit final plans that in addition to the drainage solution plans, include confirmation of communication with the county, any permits that may be required and agreement by Andy Price. No work is to begin until written approval is given by the Cook's Valley HOA ACC.*

**June 2, in a text you requested the information in our covenants addressing the issues at hand, and the function(s) of the ACC.. June 3<sup>rd</sup> I sent you a file of our covenants containing that information and which I have also attached to this email which has extracted the relevant portions of our covenants.**

ARTICLE .II.  
ARCHITECTURAL CONTROL COMMITTEE

Section 1. Purpose, Powers and Duties of the Architectural Control Committee. The purpose of the Architectural Control Committee is to assure that the installation, construction or alteration of any Structure on any Lot is submitted to the Architectural Control committee for approval (i) as to whether the proposed installation, construction or alteration is in conformity and harmony of external design and general quality with the existing standards of the neighborhood and with the standards of the development of the property; (ii) as to the location of structures with respect to topography, finished ground elevation and surrounding structures. To the extent necessary to carry out such purpose, the Architectural Control Committee shall have all of the powers and duties to do each and everything necessary, suitable, convenient or proper for, or in connection with or incidental to, the accomplishment of such purpose, including, without being limited to, the power and duty to approve or disapprove plans and specifications for any installation, construction or alteration of any structure on any Lot.

The easiest rule to follow, that will save a lot of problems is to submit an ACC change request whenever you are planning to do anything outside. This is located at <http://cooksvalleyhoa.com/cooksvalleychangerequestform.html>

This is simple, quick and saves a lot of headaches for all involved.

Thanks again for your efforts in this matter

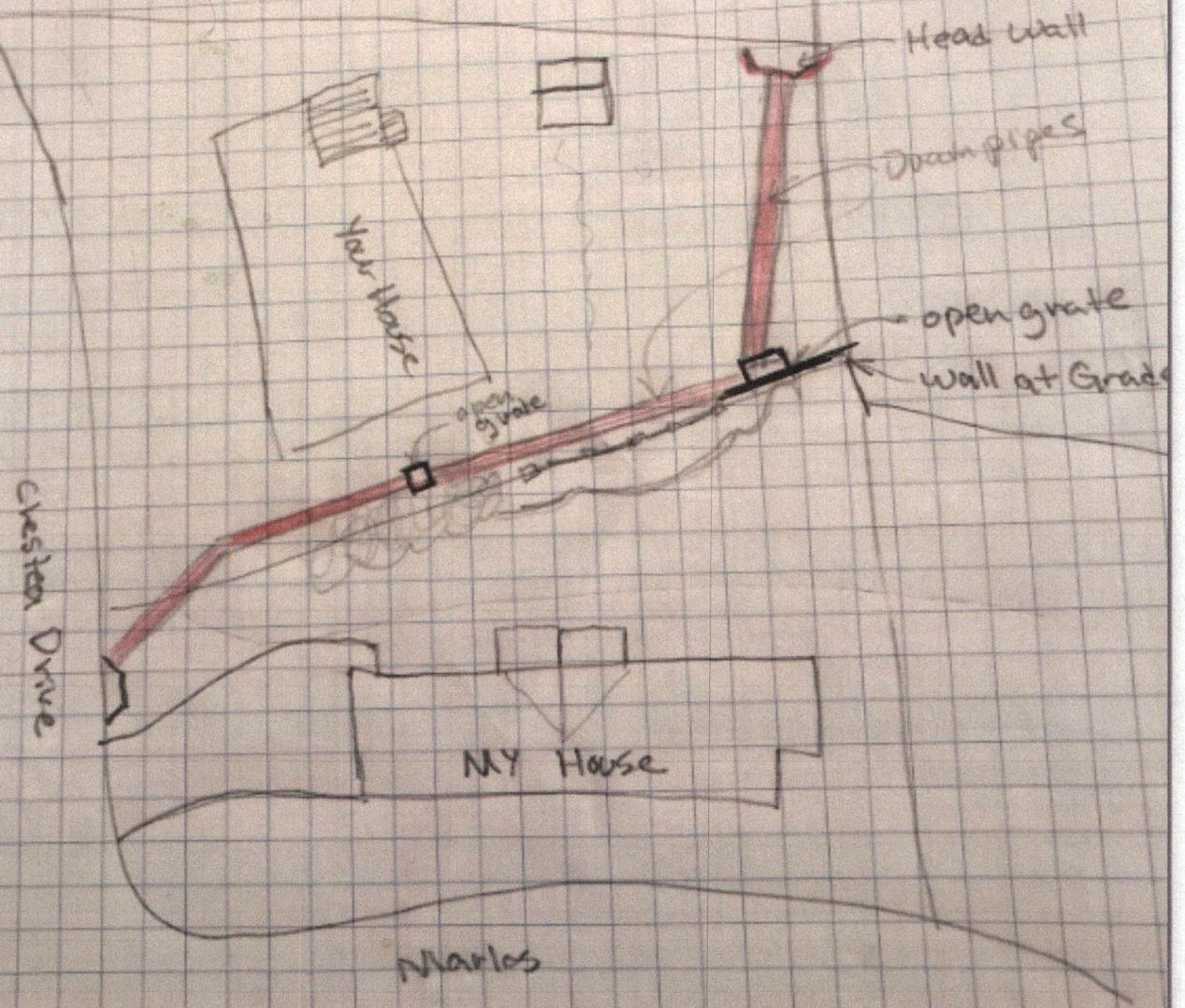
Regards,

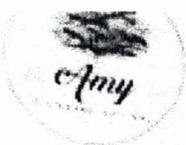
Bob Kern  
Chairman ACC, Cook's Valley HOA

Step ① Head wall, Pipe, wall at Grade (This removes all standing water)

Step ② Stump Grind, open grate and catch basins to finished height installed.

Step ③ final grade, Landscape





# AMY'S LANDSCAPING

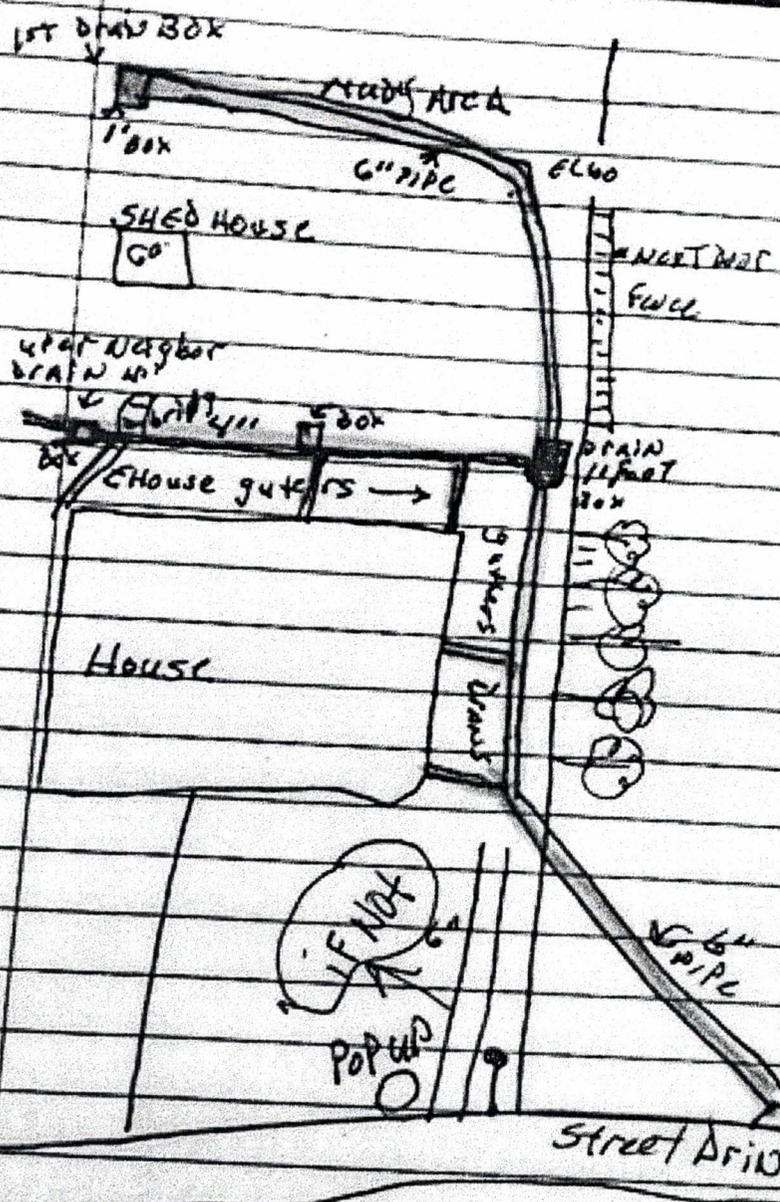
6045 Glacier Run  
Norcross, GA 30093

678-469-1000

zaldana.alberto@gmail.com

DATE: \_\_\_\_\_  
ORDER NO: \_\_\_\_\_

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
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NOTE  
 IF NEIGHBOR SAYS OK  
 WE COULD CONNECT TO  
 HIS PIPE THIS IS  
 WHAT IT WOULD  
 LOOK LIKE  
 IF NOT ~~WE~~ WE  
 WOULD HAVE TO  
 TAKE A STRAIGHT  
 LINE

- Step ① Head Wall, Pipe, wall at Grade (no Standing Water)
- Step ② Stump Grnd, open grate and catch basins to finished height installed.
- Step ③ final grade, Landscape

