

June 28, 2021

City of Smyrna  
Planning and Zoning Board  
2800 King Street  
Smyrna, GA 30080

RE: 07.14.21 Board Meeting: Response to Variance Request @ 3393 Pretty Branch Dr. SE, Smyrna, GA 30080, from 3405 Pretty Branch Dr. SE, Smyrna, GA 30080.

Dear Planning and Zoning Board, ET AL.,

By way of written introduction, Cheryl Miller here. I have owned the property at 3405 Pretty Branch Dr. SE, Smyrna, GA 30080, since 2013. Please find copies of paid city and county property tax records. (ATTACHMENT #1 – PROPERTY TAX RECORDS)

I oppose all variance requests between 3393 Pretty Branch Dr SE and 3405 Pretty Branch Dr. SE, as submitted. I am not opposed to Craig and Carley Anderson adding a detached garage in their backyard, if located between 3389 and 3393 Pretty Branch Dr. SE, 30080, adhering to building/zoning code with a detailed plan for mitigating water runoff and tree removal.

Please consider the following points prior to your decisions, as this property variance request, will **impact my property in perpetuity**: (ATTACHMENT #2 – MILLER LAND SURVEY)

1. The architecture and symmetry of the proposed detached garage/workshop @ 3393 would have a beautiful street view, adding value to the subject's property if located on the opposite property line. The gentle slope of the land from the road, matching size and architecture with 3389, along with the additional space between 3389 and 3393 would be visually optimal
  - a. I sincerely wish for the Anderson's to enjoy full use of their property, though I don't understand the "extraordinary and exceptional conditions which necessitate a nonconforming use" between our properties.
  - b. The Andersons purchased the property, understanding the easement restrictions and building codes associated to the land.
  
2. **Impervious coverage: The proposed structure will generate approximately 623 gallons of water per 1-inch of rainfall or 31,150 average gallons of water annually (based on the slab square footage).** A comprehensive plan to mitigate water runoff from their property to mine is not included in this request. (ATTACHMENT #3 - PHOTOS)
  - a. Gravity plays a significant role ... water rolls downhill. The backyards at 3393 and 3389 are relatively flat. The backyard at 3405 will be impacted by the additional runoff as the property is significantly sloped downhill. I have a considerable investment in landscaping to control soil erosion, prevent basement flooding, control roof and rainwater runoff and to ensure privacy on both sides of the property. This investment, 8 years ago, is working. I do not currently suffer runoff issues in my fenced area of the backyard.

3. Height of the structure: The construction plans detail height of the proposed structure at 18.8 feet, with the peak of the roof at 23.3 feet.
  - a. Value of my property: My home is directly adjacent to, and downhill from the subject property. The Anderson's request includes a variance for only 7-feet of setback. Allowing the variances and the proposed structure may be a deterrent to any future owners, impairing resale value of my property.
4. The site plan does not accurately display, or detail plans for some of the trees located on the subject's property and does not consider potential damage to trees on my property planted against the fence/property line.
  - a. A very large hardwood currently lives on the rear property line of the subject's home which would be directly behind the proposed structure. If this tree is scheduled for removal, then a reputable, insured tree company should be hired.
  - b. I have experienced property and landscaping damage/expense when a tree was being removed from the subject's property during the demo/construction phase. I have not been remunerated for the damage. (ATTACHMENT #4 – PROPERTY DAMAGE CLAIM)
5. The variance requested by the Anderson's cites an example of a similar variance given to a home on Pinetree. That variance, does not appear to be comparable to this request.

In summary,

When I purchased my property in 2013, I chose to:

- Purchase a house located on a hill
- Add gutters and install downspouts buried underground to mitigate roof runoff, rainwater flow and deterioration of the land (ATTACHMENT #5 – LANE LANDSCAPE)
- Hire a professional landscaper to grade the land, added many plants and trees to mitigate soil erosion
- Install a privacy fence and evergreens between my property and the subject property

The Anderson's chose to:

- Purchase land with a 30-foot utility easement, limiting building choices
- Allow the roof and rainwater runoff to travel above ground, across the front and back of the property

Regards,



Cheryl Miller

[Millerca2407@gmail.com](mailto:Millerca2407@gmail.com)

404-840-0581

Attachment #1:

2 Pages

Page 1: 3405 City Property Tax Receipt

Page 2: 3405 County Property Tax Receipt



CARLA JACKSON TAX COMMISSIONER  
 HEATHER WALKER CHIEF DEPUTY  
 Phone: 770-528-8600  
 Fax: 770-528-8679

Printed: 7/1/2021

**Cobb County Online Tax Receipt**

Thank you for your payment!

Payer:  
 SUNTRUST MORTGAGE INC

MILLER CHERYL A

**Payment Date: 10/8/2020**

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2020	17055600090	10/15/2020	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$5,015.43	\$0.00



Scan this code with your mobile phone to view this bill!!!

Attachment 1 pg 1 of 2

Real Estate Paid Tax Statement

Parcel: 17-0556-0-0090  
Location: 3405 PRETTY BRANCH DR

Owner:	Status:	
MILLER CHERYL A	Square	0
3405 PRETTY BRANCH DR SE		
SMYRNA GA 30080		
Land Valuation:		150,000
Building Valuation:		364,470
Exemptions:		0
Taxable Valuation:		514,470

Deed Date: Book/Page:

Year	Type	Due Date	Principal Due	Int/Pen	Date	Type	Amount
2020	RE-R	11/16/2020	1,850.03	0.00	11/05/2020	PD	1,850.03
Bill #	11206		1,850.03	0.00			1,850.03
Grand Totals			1,850.03	0.00			1,850.03

\*\* End of Report - Generated by Mike Hickenbottom \*\*

Attachment 2 Pg 2 of 2

Attachment #2:

1 Page

3405 Pretty Branch Land Survey

**SURVEY NOTES**

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES. UNDERGROUND UTILITIES MAY BE DIFFERENT FROM THE SHOWN LOCATIONS. LOCAL LOCK UTILITIES MAY BE ENCOUNTERED. PLEASE CALL LOCAL UTILITY PROVIDERS AND OR 811 FOR FURTHER INFORMATION.



2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EVIDENCE OF RESTRICTIONS, EASEMENTS, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.

3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON PERSON OR PERSONS WHOSE THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY NAMING SUCH PERSON, PERSONS OR ENTITY.

4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE AND HAS A CALCULATED POSITIONAL TOLERANCE OF 0.03 FEET. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 171,387 FEET. A GEOMAX ZOOM 90 SERIES ROBOTIC TOTAL STATION WITH CARLSON SURVEY 2 DATA COLLECTOR WERE USED IN THE COLLECTION OF FIELD DATA.

5. BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.

6. THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.

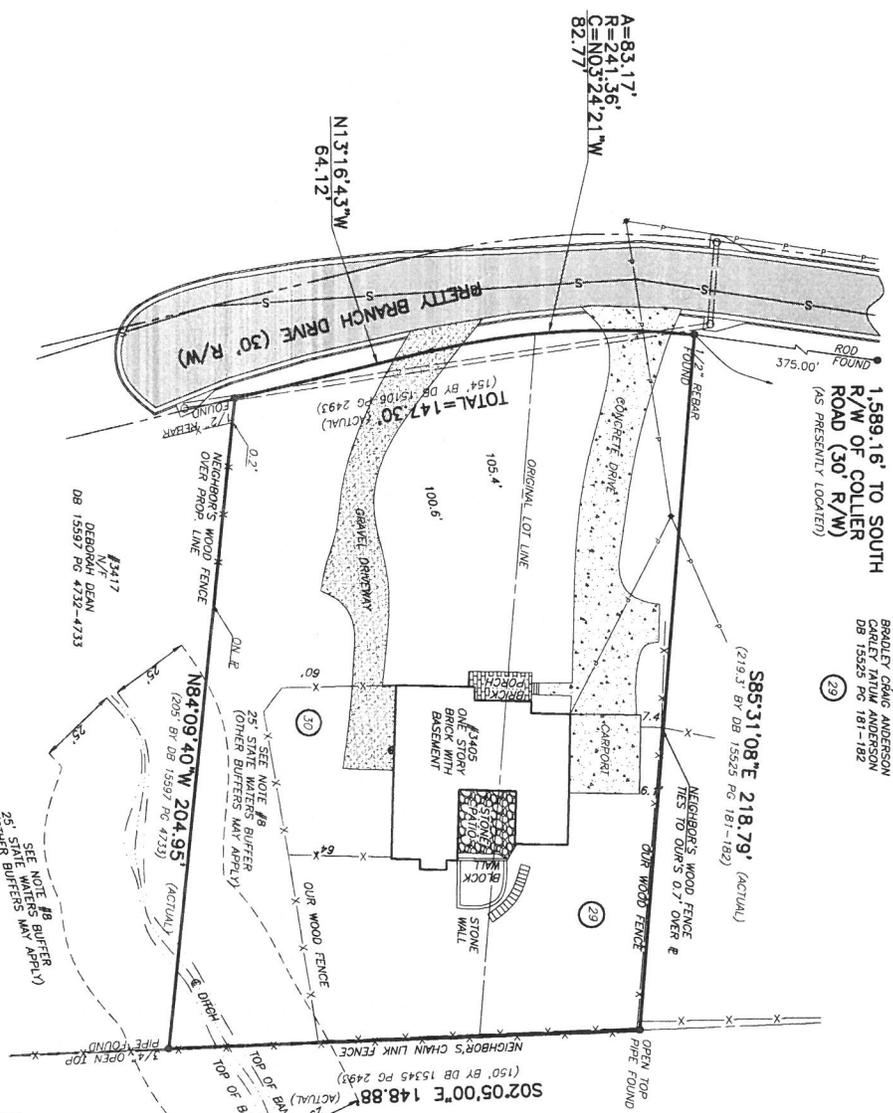
7. ALL REBARS SET ARE 1/2" REBARS UNLESS OTHERWISE NOTED.

8. THE EXISTENCE, SIZE, AND LOCATION OF IMPERVIOUS BUFFERS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY, OR COUNTY.

**LEGEND**

- DENOTES BUILDING LINE
- DENOTES PROPERTY LINE
- DENOTES RIGHT-OF-WAY
- DENOTES BANK OF CURB
- DENOTES SKIN OF CURB
- DENOTES CUTTER
- DENOTES EDGE OF PAVING
- DENOTES TOP OF WALL
- DENOTES FENCE
- DENOTES REINFORCED CONCRETE PIPE
- DENOTES CORRUGATED METAL PIPE
- DENOTES POWER POLE
- DENOTES POWER LINE
- DENOTES POWER METER
- DENOTES FIBER OPTIC
- DENOTES AIR CONDITION
- DENOTES TELEPHONE BOX
- DENOTES GAS METER
- DENOTES GAS LINE
- DENOTES WATER METER
- DENOTES FIRE HYDRANT
- DENOTES MONITORING WELL
- DENOTES HEADWALL BOX
- DENOTES JUNCTION
- DENOTES SANITARY SEWER LINE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES CLEAN OUT
- DENOTES POINT OF BEGINNING
- DENOTES POINT OF COMMENCEMENT

NO.	REVISIONS	DATE



1,589.16' TO SOUTH  
R/W OF COLLIER ROAD (30' R/W)  
(AS PRESENTLY LOCATED)

#1393  
N/F  
BRADLEY CRAIG ANDERSON  
CARLEY TADAM ANDERSON  
DB 15525 PG 181-182

S85°31'08"E 218.79' (ACTUAL)  
(219.3' BY DB 15525 PG 181-182)

502°05'00"E 148.88'  
(150' BY DB 15345 PG 2493)

N84°09'40"W 204.95' (ACTUAL)  
(205' BY DB 15397 PG 423)

105.4'  
100.6'

N13°16'43"W  
64.12'

**McClung Surveying Services, Inc.**  
4833 South Cobb Drive Suite 200  
Atlanta, Georgia 30338  
www.mcclungsurveying.com Certificate of Authorization #157000752

**McClung Surveying**

SURVEY FOR  
**CHERYL A. MILLER**

3405 PRETTY BRANCH DRIVE  
SMYRNA, GEORGIA

TOTAL AREA= 0.721± ACRES  
OR 31,412± SQ. FT.

PART OF LOTS 28 AND 30  
MARGARET SHAW MOSS PROPERTY  
COBB COUNTY  
LAND LOT 556  
17TH DISTRICT 2ND SECTION  
PLAT PREPARED: 4-16-19  
SCALE: 1"=30'

**REFERENCE MATERIAL**

1. WARRANTY DEED IN FAVOR OF CHERYL A. MILLER DEED BOOK 15106 PAGE 2493 COBB COUNTY, GEORGIA RECORDS

**FLOOD NOTE**

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY F.I.R.M. OFFICIAL FLOOD HAZARD MAPS.

9. THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. FOR MORE ACCURATE INFORMATION A SECOND OPINION OF THE APPLICABLE FLOOD HAZARD AREA IS RECOMMENDED FOR THE PROPERTY. CONSULT WITH THE FLOOD CONTROL DEPARTMENT, CORPS OF ENGINEERS, AN INSURANCE COMPANY OR APPRAISER.

#1420  
BILLY N/F MARTIN  
DB 15345 PG 3915-3916  
F.M. COLLIER PROPERTY  
FB 8 PG 60



**SURVEYOR'S CERTIFICATE**

Michael R. Noles  
Cobb County  
Member SACSOC

This plat is a re-encumbrance of an existing parcel of parcels of land and does not constitute a new survey. It is based on a review of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDED OF THIS PLAT DOES NOT IMPLY APPROVAL, ENDORSEMENT, OR GUARANTEE OF THE SURVEYOR'S ACCURACY OR LOCAL REGULATIONS OR REQUIREMENTS. OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration in Professional Engineering and Land Surveying and as set forth in O.C.G.A. Sections 13-9-91.

Michael R. Noles  
Georgia RLS No. 2846

4-16-19

*A Attachment 2*



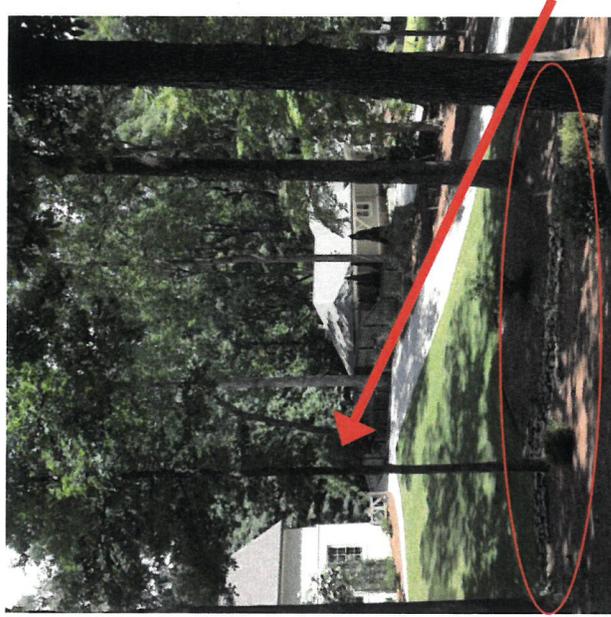
Attachment #3:

8 Pages

Photos 3393 & 3405 Pretty Branch

# 3393 Pretty Branch - Anderson

Proposed Structure Location



3393 – Anderson Managing Water Runoff Between  
3389 and 3393



# Roof Water Management

**3393 Downspouts Between 3393 and 3405**



**3405 Downspouts**



# 3393 Proposed Structure Location

Large Hardwood located behind proposed structure, downward slope begins



Rear Property Line 3393 - Anderson



# 3405 Pretty Branch - Miller

Front View 3405



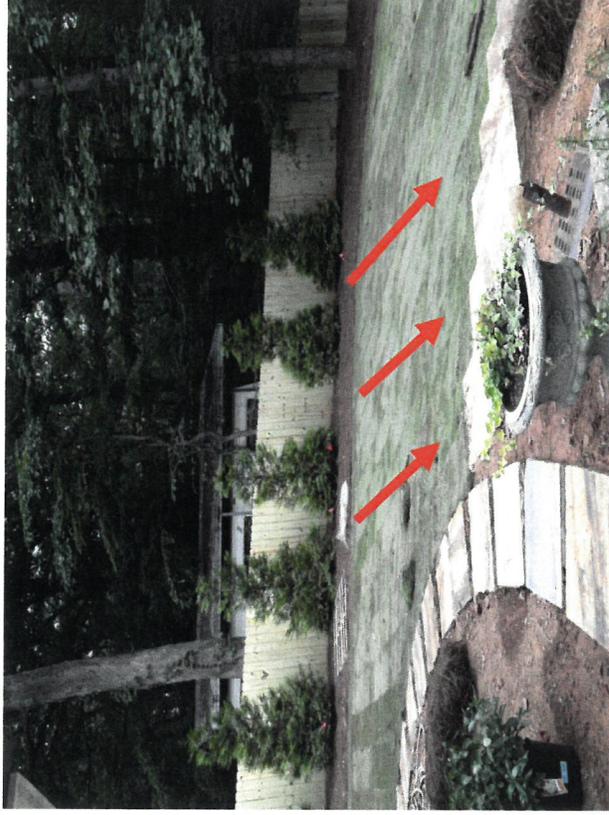
Rear View 3405



3393  
Anderson

# Backyard View from 3405 to 3393 Pretty Branch, Anderson Property Line

**2013** – 8ft Privacy Fence & Arborvitae  
installed

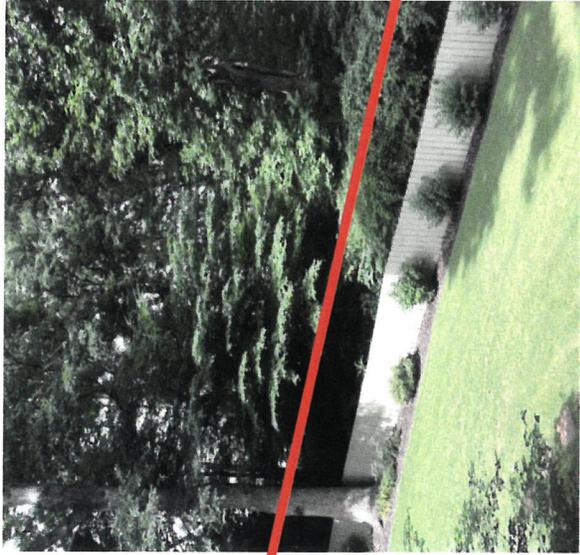


**2021** – 8ft Privacy Fence &  
Arborvitae



# 3405 Pretty Branch – Backyard

Top Corner & Rear Property Line Slope



3393  
Anderson

Bottom Fenced Corner Rear  
Property Line



3417 Dean

# Side Yard 3405 Pretty Branch

Side Yard



3417 Dean

# Danillo's Tree Service – Damage to 3405

**View from 3393 to 3405 after Danillo's  
Property Damage**



**View from 3393 to 3405 after Removal  
of Tree Root**



Attachment #~~5~~4:

3405 Pretty Branch  
Homeowners Property Damage Claim

July 19, 2017

Cheryl Miller  
3405 Pretty Branch Dr SE  
Smyrna GA 30080-4455

**State Farm Claims**  
P.O. Box 106169  
Atlanta GA 30348-6169

RE: Our Claim Number: 11-0804-G14  
Policy Number: 11CJJ6338  
Date of Loss: July 11, 2017

Dear Ms. Miller:

Thank you for the opportunity to review your claim. Enclosed is payment in the amount of \$154.52.

Please refer to the attached document which outlines the basis for this payment.

You can enjoy the benefits of online registration. Benefits include 24/7 access to your claim progress and staying connected to State Farm®. Just go to [statefarm.com](http://statefarm.com)® and select Manage Your Claim to get registered. All you need to complete the process is some initial information, which may include your claim number, email address, and/or your State Farm policy or account number. It only takes a few minutes. If you are already registered, thank you!

If you have any questions or need further assistance, please call us at (844) 529-5982 Ext. 65.

Thank you for your cooperation in this matter.

Attachment #4 Pg. 1 of 3

State Farm

MILLER, CHERYL

11-0804-G14

Insured: MILLER, CHERYL  
 Property: 3405 Pretty Branch Dr Se  
 Smyrna, GA 30080-4455  
 Home: 404-840-0581  
 Business: 678-514-4512  
 Type of Loss: Other  
 Deductible: \$2,000.00  
 Date of Loss: 7/11/2017  
 Date Inspected: 7/19/2017

Estimate: 11-0804-G14  
 Claim Number: 110804G14  
 Policy Number: 11-CJ-J633-8  
 Price List: GAAT28\_JUL17  
 Restoration/Service/Remodel

Summary for Coverage A - Building - 43 Not Otherwise Classified

Line Item Total	2,431.41
Material Sales Tax	47.49
Replacement Cost Value	2,478.90
Less Depreciation (Including Taxes)	(324.38)
Less Deductible	(2,000.00)
Net Actual Cash Value Payment	\$154.52

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Pennybaker, Katie  
 844-529-5982 x 65

**ALL AMOUNTS PAYABLE ARE SUBJECT TO THE TERMS, CONDITIONS AND LIMITS OF YOUR POLICY.**

Attachment #4 pg 2 of 3

State Farm

MILLER, CHERYL

11-0804-G14

11-0804-G14

QUANTITY	UNIT PRICE	TAX	RCV	AGE/LIFE CONDITION	DEPREC. DEP %	ACV
* 1. Removal of tree						
1.00 EA	500.00 *EN	0.00	500.00			500.00
<b>Total: 11-0804-G14</b>		<b>0.00</b>	<b>500.00</b>		<b>0.00</b>	<b>500.00</b>

Fence

0.00 SF Walls	0.00 SF Ceiling	0.00 SF Walls & Ceiling
0.00 SF Floor	0.00 SF Short Wall	0.00 LF Floor Perimeter
0.00 SF Long Wall		0.00 LF Ceil. Perimeter

QUANTITY	UNIT PRICE	TAX	RCV	AGE/LIFE CONDITION	DEPREC. DEP %	ACV
2. R&R Wood fence 7'- 8' high - treated						
16.00 LF	38.27	19.69	632.01	4/12 yrs Avg.	<210.66> 33.33%	421.35
3. R&R Wood fence 3'- 4' high - treated						
16.00 LF	20.86	7.40	341.16	4/12 yrs Avg.	<113.72> 33.33%	227.44
to factor a 10' fence. Had to use 2 different line items to factor the height.						
4. Haul debris - per pickup truck load - including dump fees						
1.00 EA	145.33	0.00	145.33			145.33
5. Seal & paint - wood fence/gate						
1,000.00 SF	0.84	20.40	860.40			860.40
<b>Totals: Fence</b>		<b>47.49</b>	<b>1,978.90</b>		<b>&lt;324.38&gt;</b>	<b>1,654.52</b>
<b>Line Item Totals: 11-0804-G14</b>		<b>47.49</b>	<b>2,478.90</b>		<b>&lt;324.38&gt;</b>	<b>2,154.52</b>

Grand Total Areas:

Attachment #4 - pg 3 of 3

Attachment #5:

1 Page

Lane Landscape – Water Runoff  
Management

Lane Landscape  
 748 Tidwell Rd.  
 Alpharetta, GA 30004

# Invoice

<b>Bill To</b>
Cheryl Miller 3405 Pretty Branch Dr. Smyrna, Ga 30080

Date	Invoice No.	P.O. Number	Terms	Project
09/17/13	262			

Item	Description	Quantity	Rate	Amount
	Install following as discussed:			
zoysia sod	sq. ft. Zoysia Sod	4,050	1.33333	5,400.00
Install	Grading and clean-up (cut down unwanted trees and general clean-up)		2,200.00	2,200.00
10'greengiant	10'-12' Green Giant Arborvitae	6	400.00	2,400.00
18" stepping stone	18"x18" Stepping Stone	23	40.00	920.00
36" step tread	18"x36" Step Tread	15	150.00	2,250.00
Install	3'-4' x 20' Dry stack boulder wall		1,450.00	1,450.00
Install	Zones irrigation includes all materials necessary and controller	5	700.00	3,500.00
Install	ft. 4" Drainpipe to run downspouts out	400	6.00	2,400.00
pinestraw	Bales Pine Straw	100	6.00	600.00
zoysia sod	sq. ft. Zoysia Sod for front	4,050	1.33333	5,400.00

Subtotal	\$29,520.00
Sales Tax	\$0.00
<b>Total</b>	

*Attachment #5*