

**BOARD MEMBERS**

Arnold L. Martin, Chairman  
Brian Haren, Vice-Chairman  
John H. Culbreth, Sr.  
Danny England  
Jim Oliver

**STAFF**

Chanelle Blaine, Zoning Administrator

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**AGENDA**  
**FAYETTE COUNTY PLANNING COMMISSION MEETING**  
**140 STONEWALL AVENUE WEST**  
**April 7, 2022**  
**7:00 pm**

**\*Please turn off or turn to mute all electronic devices during the  
Planning Commission Meetings**

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1. Consideration of the Minutes of the meeting held on March 3, 2022.

**NEW BUSINESS**

2. Consideration of a Minor Final Plat of The Roger Gillam Estate. The property will consist of 3 lots zoned A-R, is located in Land Lot 56 of the 4<sup>th</sup> District and front(s) on McIntosh Road and Grant Road.

**PUBLIC HEARING**

3. Consideration of Petition No. 1318-22 Mark Wurster, Owner, and David Barber, Marksmen Construction, Inc., Agent, request to rezone 1.35 acres from R-45 conditional to R-45 conditional to delete a condition of rezoning to reduce a 30-foot setback, 20 feet of which shall be a natural buffer along the south side property line to 15 feet to install a septic replacement area and to construct a single-family residence closer to the side property line. This request pertains only to Lot 5 of Olde Oak Unit Three Subdivision and is located in Land Lot 203 of the 5<sup>th</sup> District and fronts on Olde Oak Drive.

To: Fayette County Planning Commission  
From: Chanelle Blaine, Zoning Administrator  
Date: April 1, 2022  
Subject: Minor Final Plat to be considered on April 7, 2022

**MINOR FINAL PLAT**

Minor Final Plat of the Roger Gillam Estate

**OWNER/APPLICANT**

Roger Gillam



Recommend **APPROVAL** for the Minor Final Plat signed April 1, 2022.

# MINOR FINAL PLAT OF THE ROGER GILLAM ESTATE

- LEGEND**  
 RBF=REBAR FOUND  
 RBS=REBAR SET  
 CTP=CRIMP TOP PIPE  
 L.L.=LAND LOT  
 L.L.L.=LAND LOT LINE  
 P.=PROPERTY LINE  
 CO=CONSTRUCTION ENTRANCE  
 EP=EDGE OF PAVEMENT  
 P.O.B.=POINT OF BEGINNING  
 B/L=BUILDING SETBACK LINE  
 D.E.=DRAINAGE EASEMENT  
 N/F=NOW OR FORMERLY  
 F.W.P.D.=FIELD WORK PERFORMED DATE  
 M.F.F.E.=MINIMUM FINISHED FLOOR ELEVATION  
 DB=DEED BOOK  
 PG=PAGE  
 PB=PLAT BOOK  
 ###=HOUSE NUMBER  
 U/P=UTILITY POLE  
 R/W=RIGHT OF WAY  
 TBM=TEMPORARY BENCHMARK  
 ●=PROPERTY CORNER



## GENERAL NOTES

- OWNER:  
 ROGER GILLAM  
 235 MACKENZIE LANE  
 FAYETTEVILLE, GA 30214  
 404-580-6970  
 huntergillam@comcast.net
- SURVEYOR:  
 S. A. GASKINS & ASSOCIATES, LLC.  
 P.O. BOX 321  
 BROOKS, GA 30205  
 678-571-3054  
 rdgaskins79@gmail.com
- TOTAL ACREAGE: 15.014 ACRES  
 3 LOTS- ZONED A-R  
  
**MINIMUM DIMENSIONAL REQUIREMENTS FOR A-R ZONING DISTRICT**  
 LOT AREA: 5 ACRES (217,800 SQ FT)  
 LOT WIDTH: 250 FT  
 FLOOR AREA: 1,200 SQ FT  
 FRONT YARD SETBACK:  
     MAJOR THOROUGHFARE  
     ARTERIAL: 100 FEET  
     COLLECTOR: 100 FEET  
     MINOR THOROUGHFARE: 75 FEET  
 REAR YARD SETBACK: 75 FT  
 SIDE YARD SETBACK: 50 FT
- SEWER TO BE PROVIDED BY AN ON-SITE SEWAGE DISPOSAL SYSTEMS.
- WATER TO BE PROVIDED BY INDIVIDUAL WELLS.
- FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN OR THE LACK OF ONE INDICATED ON THIS PLAT.
- THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.
- THERE ARE NO RECORDED EASEMENTS FOUND ASSOCIATED WITH THIS PROPERTY.
- THERE IS NO GROUNDWATER RECHARGE AREA ON THIS PROPERTY.
- 1/2" REINFORCING RODS SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
- ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0170E, DATED SEPTEMBER 26, 2008, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.
- EACH RESIDENTIAL LOT HAS A CONTIGUOUS AREA OF MORE THAN 0.6 ACRES THAT IS FREE AND CLEAR OF ZONING BUFFERS AND SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.
- THERE ARE NO VISIBLE CEMETERIES OR BURIAL GROUNDS ON THIS PROPERTY.
- THERE ARE STATE WATERS ON THIS PROPERTY.
- THERE ARE EXISTING STRUCTURES AND FEATURES ON THE PROPERTY.
- THIS PROPERTY CONTAINS JURISDICTIONAL WETLANDS AS DEFINED BY THE U.S. ARMY CORPS OF ENGINEERS AS DELINEATED BY APPLIED ENVIRONMENTAL SCIENCES, INC. ON JANUARY 26, 2022. WETLANDS SHOWN ON THIS PLAT ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE WETLAND AREAS WITHOUT PROPER AUTHORIZATION.
- FAYETTE COUNTY RESERVES THE RIGHT TO REMOVE ANY STRUCTURES WITHIN THE RIGHT OF WAY.
- IF ANY PROPOSED LAND DISTURBANCE FOR LOT 1-3 IS WITHIN 200FT OF STATE WATERS AN EROSION AND SEDIMENT CONTROL PLAN WILL BE NEEDED.
- REDUCTION OF LOT SIZE FOR THIS MINOR FINAL PLAT IS ALLOWED BECAUSE IT IS FOR A PUBLIC PURPOSE (I.E. RIGHT-OF-WAY), SECTION 110-65.
- FOLLOWING THE MAJOR AND MINOR FINAL PLAT REQUIREMENT FROM FAYETTE COUNTY THE OWNER SHALL SEND A RECORDED DEED FOR ANY RIGHT-OF-WAY DEDICATED TO FAYETTE COUNTY EMD.
- ON ANY NEW RESIDENTIAL LOTS CREATED ON EXISTING ROADWAYS, DRIVEWAYS MUST BE SHOWN TO HAVE REQUIRED SIGHT DISTANCE. PRIOR TO PLAT APPROVAL, THE ENGINEER OR SURVEYOR SHALL PROVIDE A SIGHT DISTANCE ASSESSMENT FORM (AVAILABLE FROM FAYETTE COUNTY EMD) TO THE FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT FOR EACH PROPOSED LOT FRONTING AN EXISTING ROAD. FAYETTE COUNTY WILL DENY THE CREATION OF A NEW LOT THAT CAN'T MEET MINIMUM INTERSECTION SIGHT DISTANCE REQUIREMENTS.

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

## FINAL PLAT APPROVAL CERTIFICATION

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
 ENVIRONMENTAL HEALTH SPECIALIST/DESIGNEE

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
 ENVIRONMENTAL MANAGEMENT DIRECTOR/DESIGNEE

APPROVED BY FAYETTE COUNTY ENGINEER

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
 COUNTY ENGINEER/DESIGNEE

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION \_\_\_/\_\_\_/\_\_\_

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
 PLANNING COMMISSION SECRETARY/DESIGNEE

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR.

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
 ZONING ADMINISTRATOR/DESIGNEE

APPROVED BY FAYETTE COUNTY FIRE MARSHAL.

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
 FIRE MARSHAL/DESIGNEE

## SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY, OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

### FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND INFRASTRUCTURE SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-67).

BY: *[Signature]*  
 SWINSON A. GASKINS, Sr. GEORGIA REGISTERED LAND SURVEYOR NO.1620

DATE: 09/28/21

## OWNER'S CERTIFICATION

I, THE UNDERSIGNED OWNER AND/OR MORTGAGEE OF THE ROGER GILLAM ESTATE SUBDIVISION, HEREBY OFFER TO DEDICATE, DEED AND/OR RESERVE FOR PUBLIC USE THE RIGHTS-OF-WAY, EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT. ALL PROPERTY CONTAINED WITHIN THE REQUIRED RIGHT-OF-WAY OF ALL EXISTING STREETS ADJACENT TO THE SUBDIVISION AS INDICATED HEREON, SHALL BE DEDICATED AND CONVEYED AT NO COST TO FAYETTE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, UPON RECORDATION OF SAID FINAL PLAT WITH THE FAYETTE COUNTY CLERK OF SUPERIOR COURT

OWNER \_\_\_\_\_ DATE \_\_\_\_\_

## WETLANDS DELINEATION

I, BRANNON MILES, DO HEREBY CERTIFY THAT I HAVE FIELD INSPECTED THE PROPERTY KNOWN AS THE ROGER GILLAM ESTATE ON JANUARY 26, 2022 AND DETERMINED THAT THE PROPERTY CONTAINS JURISDICTIONAL WETLANDS AS DEFINED BY THE U.S. ARMY CORPS OF ENGINEERS.

DATE \_\_\_\_\_  
 SIGNATURE OF WETLAND DELINEATOR  
 REGISTRATION NO. 150  
 APPLIED ENVIRONMENTAL SCIENCES, INC.  
 90F GLENDA TRACE SUITE 327  
 NEWNAN, GA 30265 (678)-262-4020



Prepared For:

**ROGER GILLAM**

## Property Location

Land Lot 56 Of The 4th Land District  
 Fayette County, Georgia

## S.A. GASKINS & ASSOCIATES, LLC

surveyors planners development consultants  
 981 CAMP GROUND ROAD GRIFFIN, GA 30223  
 678-571-3054  
 rdgaskins79@gmail.com

Job No. 21-034

Drawn By: R.D.G. Reviewed By: R.M.B.

Issue Date: 09/28/21

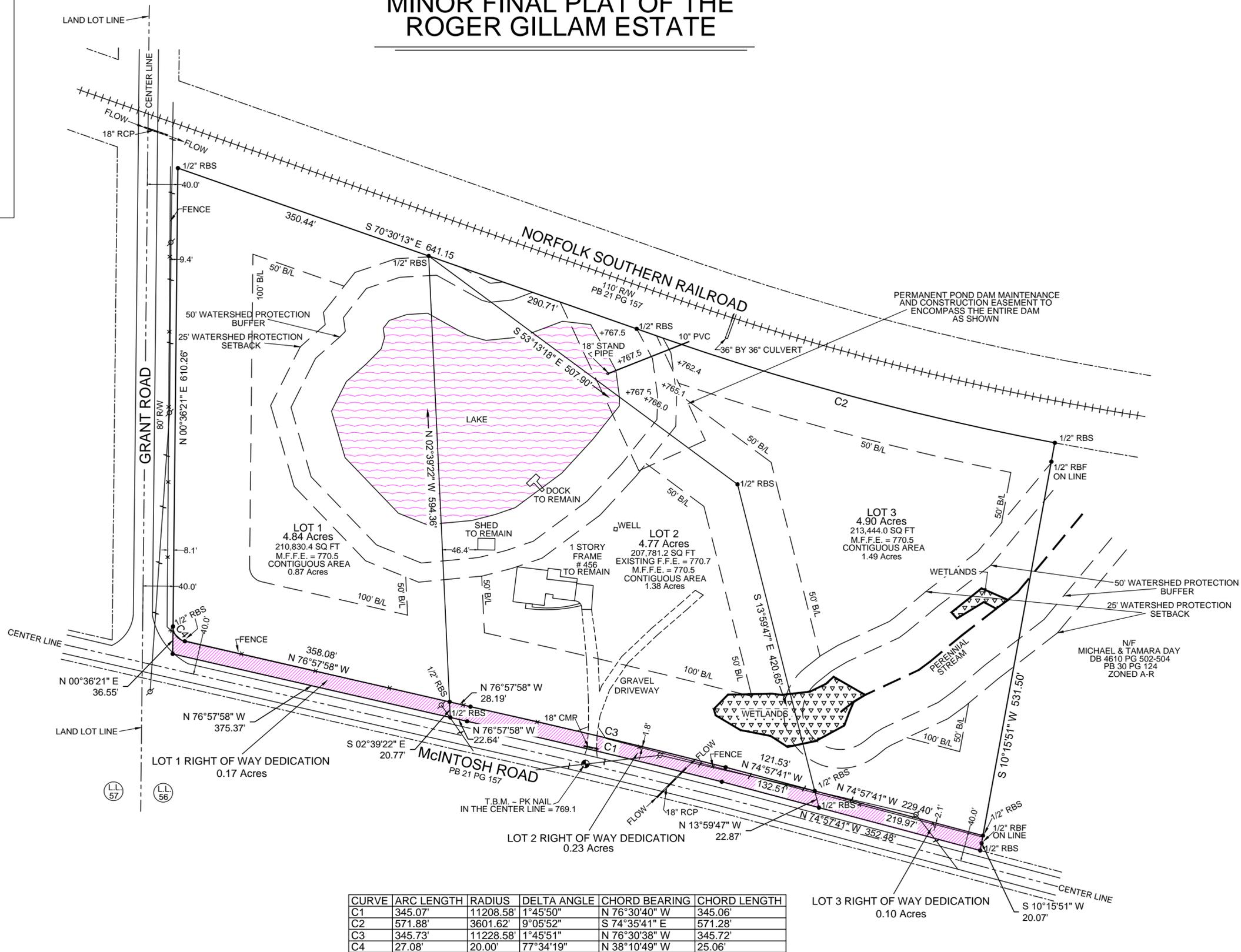
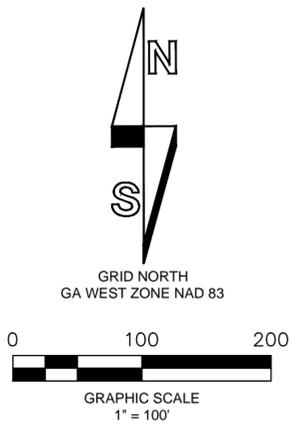
F.W.P.D.: 04/07/21

Revisions	Date
County Comments	02/21/22
County Comments	03/16/22

# MINOR FINAL PLAT OF THE ROGER GILLAM ESTATE

THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT.

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  - PG=PAGE
  - PB=PLAT BOOK
  - ###=HOUSE NUMBER



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	345.07'	11208.58'	1°45'50"	N 76°30'40" W	345.06'
C2	571.88'	3601.62'	9°05'52"	S 74°35'41" E	571.28'
C3	345.73'	11228.58'	1°45'51"	N 76°30'38" W	345.72'
C4	27.08'	20.00'	77°34'19"	N 38°10'49" W	25.06'

Job No. 21-034

Drawn By: R.D.G.	Reviewed By: R.M.B.
Issue Date: 09/28/21	
F.W.P.D.: 04/07/21	
Revisions	Date
County Comments	02/21/22
County Comments	03/16/22

Page 2 of 2



Prepared For:

**ROGER L. GILLAM**

**Property Location**

Land Lot 56 Of The 4th Land District  
Fayette County, Georgia

**S.A. GASKINS &  
ASSOCIATES, LLC**

surveyors planners development consultants  
981 CAMP GROUND ROAD GRIFFIN, GA 30223  
678-571-3054  
rdgaskins79@gmail.com

**CLOSURE STATEMENT**  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA 403 TCR TOTAL STATION

**REQUESTED ACTION:** R-45 Conditional to R-45 Conditional

**PROPOSED USE:** Residential

**EXISTING USE:** Undeveloped

**LOCATION:** Olde Oak Drive

**DISTRICT/LAND LOT(S):** 5th District, Land Lot(s) 203

**OWNER:** Mark Wurster

**AGENT:** David Barber

**PLANNING COMMISSION PUBLIC HEARING:** April 7, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** April 26, 2022

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**APPLICANT'S INTENT**

Applicant proposes to delete a condition of rezoning to reduce a 30-foot setback, 20 feet of which shall be a natural buffer along the south side property line to 15 feet to install a septic replacement area and to construct a single-family residence closer to the side property line. This request pertains only to Lot 5 of Olde Oak Unit Three Subdivision.

**STAFF RECOMMENDATION**

**APPROVAL**

**1.**

**1318-22**

## INVESTIGATION

### A. PROPERTY SITE

The subject property is Lot 5 of the Olde Oak Unit Three Subdivision. Lot 5 is 1.35 acres in size.

**Rezoning History:** Rezoning Petition 574-86 for R-45 zoning was approved by the Board of Commissioners on March 27, 1986, with the following conditions:

1. To the owner's agreement to the following site development considerations:
  - a. To limit the design speed of all subdivision streets to 25 miles per hour.
  - b. To provide a minimum sight-distance of 400 feet along Corinth Road.
  - c. To provide a 150-foot-long deceleration lane with an additional 50-foot taper at the exit/entrance on Corinth Road.
  - d. That the proposed exit/entrance street on Corinth Road either align with Simpson Road or be offset at least 200 feet from the nearest right-of-way.
  - e. That no more than one lot shall have direct access to Corinth Road.
  - f. That all structures shall be set back a minimum of 80 feet from the right-of-way.
2. To the owner's agreement to provide an 80-foot setback, 50 feet of which shall be a natural buffer supplementally planted where sparsely vegetated, along the rear of lots which adjoin existing residentially developed lots.
3. **To the owner's agreement to provide a 30-foot setback, 20 feet of which shall be a natural buffer, supplementally planted where sparsely vegetated, along the side property line of lots which adjoin existing residentially developed lots.**
4. To the owner's agreement that, if approved, this rezoning shall take effect upon submission of the appropriate boundary descriptions to the Clerk to the Board of Commissioners and the Zoning Administrator.

The Final Plat for Olde Oak Unit Three was recorded on June 22, 1987.

**B. SURROUNDING ZONING AND USES**

The general situation is Lot 5 of Olde Oak Unit 3 Subdivision is zoned R-45 Conditional. In the vicinity of the subject property is land which is zoned R-45, R-40, & A-R. See the following table and also the attached Zoning Location Map.

The subject property is bound by the following adjacent zoning districts and uses:

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	7.72	R-45	Single-family Residential	Low Density Residential (1 Unit/1 Acre)
South	3.7 4.0	A-R A-R	Single-family Residential	Low Density Residential (1 Unit/1 Acre)
East	1.16 1.36	R-40	Single-family Residential	Low Density Residential (1 Unit/1 Acre)
West	1.18	R-45	Single-family Residential	Low Density Residential (1 Unit/1 Acre)

**C. COMPREHENSIVE PLAN**

The subject property lies within an area designated for Low Density Residential (1 Unit/1 Acre). This request conforms to the Fayette County Comprehensive Plan.

**D. ZONING/REGULATORY REVIEW**

The subject property is currently undeveloped, and the owner is in the process of requesting a building permit to construct a single-family residence. The owner would like to use the 30-foot setback area for septic replacement and to move the house closer, 20 feet from the side property line (see attached plat and concept). The 30-foot setback, 20 feet of which shall be a natural buffer is a condition of rezoning (see 3. above). The R-45 zoning district requires a 15-foot side yard setback. The applicant purchased the property in 2016.

**Prior Conditions of Rezoning**

As indicated under History above, the prior rezoning petition has conditions that are applicable to the subject property. It is the intent of this rezoning petition to eliminate condition (3). The existing condition with Staff comments are as follows:

**3. To the owner's agreement to provide a 30-foot setback, 20 feet of which shall be a natural buffer, supplementally planted where sparsely vegetated, along the side property line of lots which adjoin existing residentially developed lots.**

On April 21, 2022 the Board of Commissioners approved amendments to Chapter 104. Development Regulations, Article XV, Subdivision Regulations. This amendment to the Subdivision Regulations provides applicants recourse when faced with increased setbacks by a condition of rezoning. Section 104-595. -Approval of subdivisions. (2) Major final plat or minor final plat. (h) Revision to a recorded final plat **(3). Amend setbacks increased by a condition of rezoning.** This will be administered as a rezoning under article IX, Policies, Procedures and Standards Governing Amendments. The following additional factors shall be considered in these requests:

(i) *Street character.* Whether the request will result in a residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the front setback established on the final plat, the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with the setback and/or existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening. ***(The applicant's survey indicates the residence will be in character with the alignment of existing residences and accessory structures.)***

(ii) *Side and rear setbacks.* Whether the request will result in residence or accessory structure that will be out of character with the alignment of existing residences and accessory structures. Aspects to consider are the alignment of existing residences and accessory structures, the degree a proposed residence or accessory structure will be out of alignment with existing residences and accessory structures and the presence of vegetation (trees, bushes, shrubbery, etc.) which may provide visual screening. ***(The applicant's survey indicates the residence will be in character with the alignment of existing residences and accessory structures.)***

(It is Staff's opinion that a condition requiring a 30-foot setback, 20 feet of which being a natural buffer, supplementally planted where sparsely vegetated along the side property line is unnecessary. The property to the south is zoned A-R with a rear setback of 75 feet, and the current 15-foot side setback for the subject property is more than adequate unoccupied open space. Increased setbacks and buffers were routinely put in place in the past, but Staff has since stopped the practice.

## **Platting**

Should this request be approved, the owner/developer must submit a Minor Revision as required by Section 104-595 (2) (i) per the Fayette County Subdivision Regulations, as applicable.

## **F. DEPARTMENTAL COMMENTS**

### **Water System**

FCWS has no objection to the proposed rezoning. Water is available at this location, served by a 6" PVC watermain.

### **Public Works/Engineering**

No engineering comments related to this request.

### **Environmental Management**

Follow Site and Grading Plan for Olde Oak unit 3 Lot 5 For Dave Barber.

Including:

- Clearing limits
- Driveway culvert must meet Fayette County ordinance
- Erosion and sediment control BMPs.
- Flood Plain ordinances apply no Land Disturbance within flood plain.

### **Environmental Health Department**

This property had a revised permit issued on 11/17/2021. Based on the site plan, the proposed amendment should have no effect on septic system initial and replacement area.

### **STAFF ANALYSIS**

This request is based on the petitioner's intent to rezone said property from R-45 Conditional to R-45 Conditional for the purpose of developing Residential. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Low Density Residential (1 Unit/1 Acre). This request conforms to the Fayette County Comprehensive Plan.
2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's continuing development as a single-family residential district support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL WITH CONDITIONS**.

## RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved R-45 **CONDITIONAL** for Lot 5 of Olde Oak Unit Three Subdivision only subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to the following site development considerations:
  - g. To limit the design speed of all subdivision streets to 25 miles per hour.
  - h. To provide a minimum sight-distance of 400 feet along Corinth Road.
  - i. To provide a 150-foot-long deceleration lane with an additional 50-foot taper at the exit/entrance on Corinth Road.
  - j. That the proposed exit/entrance street on Corinth Road either align with Simpson Road or be offset at least 200 feet from the nearest right-of-way.
  - k. That no more than one lot shall have direct access to Corinth Road.
  - l. That all structures shall be set back a minimum of 80 feet from the right-of-way.
2. To the owner's agreement to provide an 80-foot setback, 50 feet of which shall be a natural buffer supplementally planted where sparsely vegetated, along the rear of lots which adjoin existing residentially developed lots.
3. To the owner's agreement that, if approved, this rezoning shall take effect upon submission of the appropriate boundary descriptions to the Clerk to the Board of Commissioners and the Zoning Administrator.

January 27, 2022

## LETTER OF INTENT

To whom it may concern,

The purpose of this rezoning application is to remove condition #3 as stated in resolution number 86-574 dated on March 27, 1986. Petitioner would further like to have side set back revert to R45 zoning of 15'.

If condition #3 is removed this area could be used for septic replacement area in addition to possibly move house 20' from side property line instead of 50' as currently shown.

David Barber

A handwritten signature in dark ink, appearing to read 'D. Barber', written over the printed name.

Marksmen Construction, Inc.

STATE OF GEORGIA

COUNTY OF FAYETTE

R E S O L U T I O N

NO. 86 - 574

WHEREAS, Mr. Charles Bussey, agent, for Evergreen Communities, owner, having come before the Fayette County Board of Commissioners on the 27th day of March, 1986, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

WHEREAS, said request being as follows: To rezone 102 acres on Corinth Road, in Land Lot 203 of the 5th District, Fayette County, Georgia, from A-R to R-40 and R-45 for the purpose of developing a single-family residential subdivision; and

WHEREAS, the Fayette County Board of Commissioners having duly convened and considered said request;

BE IT RESOLVED that the decision of the Fayette County Board of Commissioners, that said request be approved R-40 and R-45 with conditions subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede.

1. To the owner's agreement to the following site development considerations:
  - a. To limit the design speed of all subdivision streets to 25 miles per hour.
  - b. To provide a minimum sight-distance of 400 feet along Corinth Road.
  - c. To provide a 150-foot long deceleration lane with an additional 50-foot taper at the exit/entrance on Corinth Road.
  - d. That the proposed exit/entrance street on Corinth Road either align with Simpson Road or be offset at least 200 feet from the nearest right-of-way.
  - e. That no more than one lot shall have direct access to Corinth Road.
  - f. That all structures shall be set back a minimum of 80 feet from the right-of-way of Corinth Road.
2. To the owner's agreement to provide an 80-foot setback, 50

feet of which shall be a natural buffer, supplementally planted where sparsely vegetated, along the rear of lots which adjoin existing residentially developed lots.

3. To the owner's agreement to provide a 30-foot setback, 20 feet of which shall be a natural buffer, supplementally planted where sparsely vegetated, along the side property line of lots which adjoin existing residentially developed lots.
4. To the owner's agreement that, if approved, this rezoning shall take effect upon submission of the appropriate boundary descriptions to the Clerk of the Board of Commissioners and the Zoning Administrator.

This decision is based on the recommendation of the Fayette County Planning Commission and County Planner.

SO RESOLVED, this 27th day of March, 1986.

BOARD OF COMMISSIONERS

OF

FAYETTE COUNTY

ATTEST:

Margaret Malone  
MARGARET MALONE, CLERK

Dennis Berkelbaugh  
DENNIS BERKELBAUGH, CHAIRMAN

**1318-22  
Zoning**

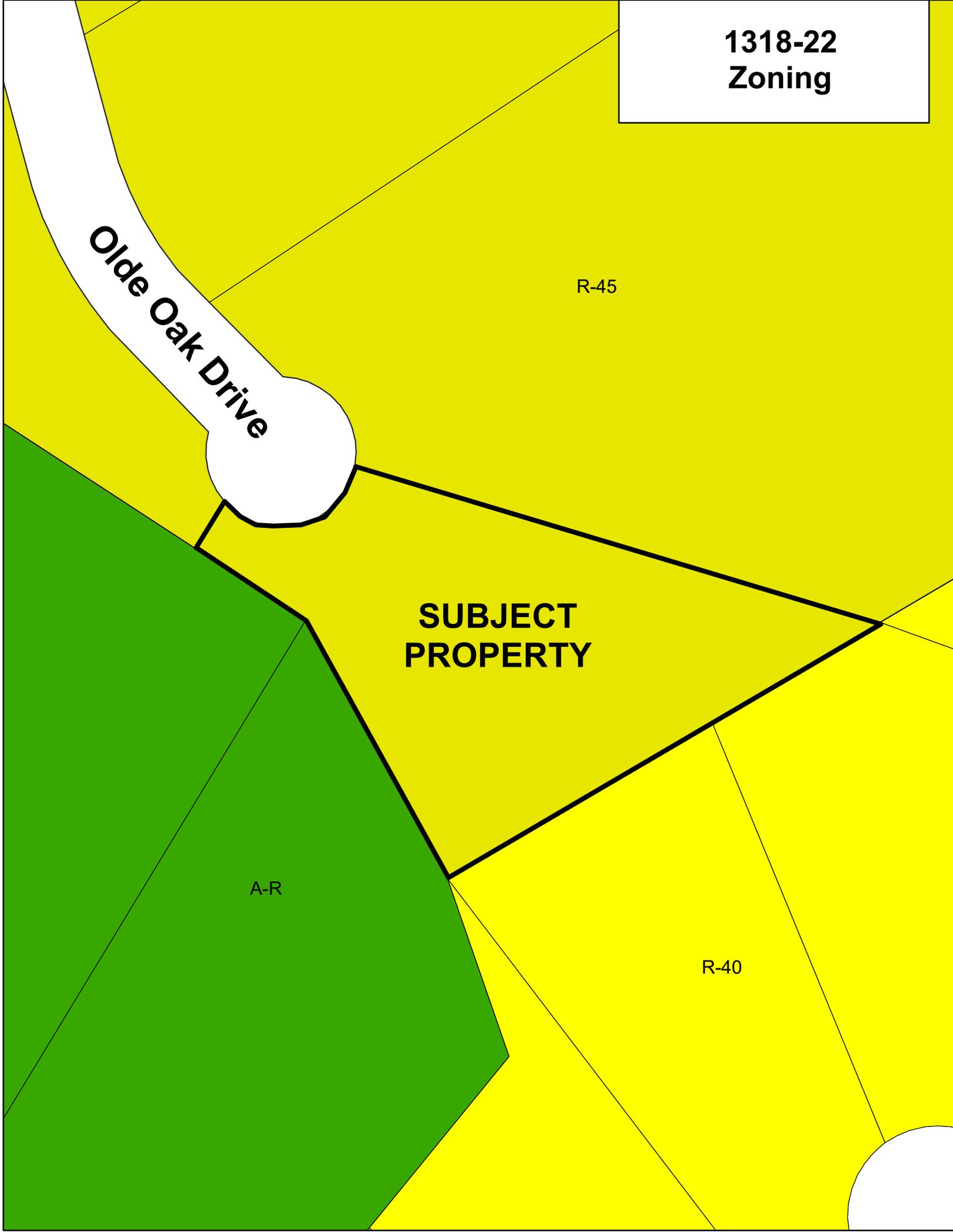
**Olde Oak Drive**

R-45

**SUBJECT  
PROPERTY**

A-R

R-40



**1318-22  
Land Use Plan**

**Olde Oak Drive**

**SUBJECT  
PROPERTY**

**ENVIRONMENTALLY  
SENSITIVE AREAS  
LOW DENSITY RESIDENTIAL**

**1318-22  
Aerials**

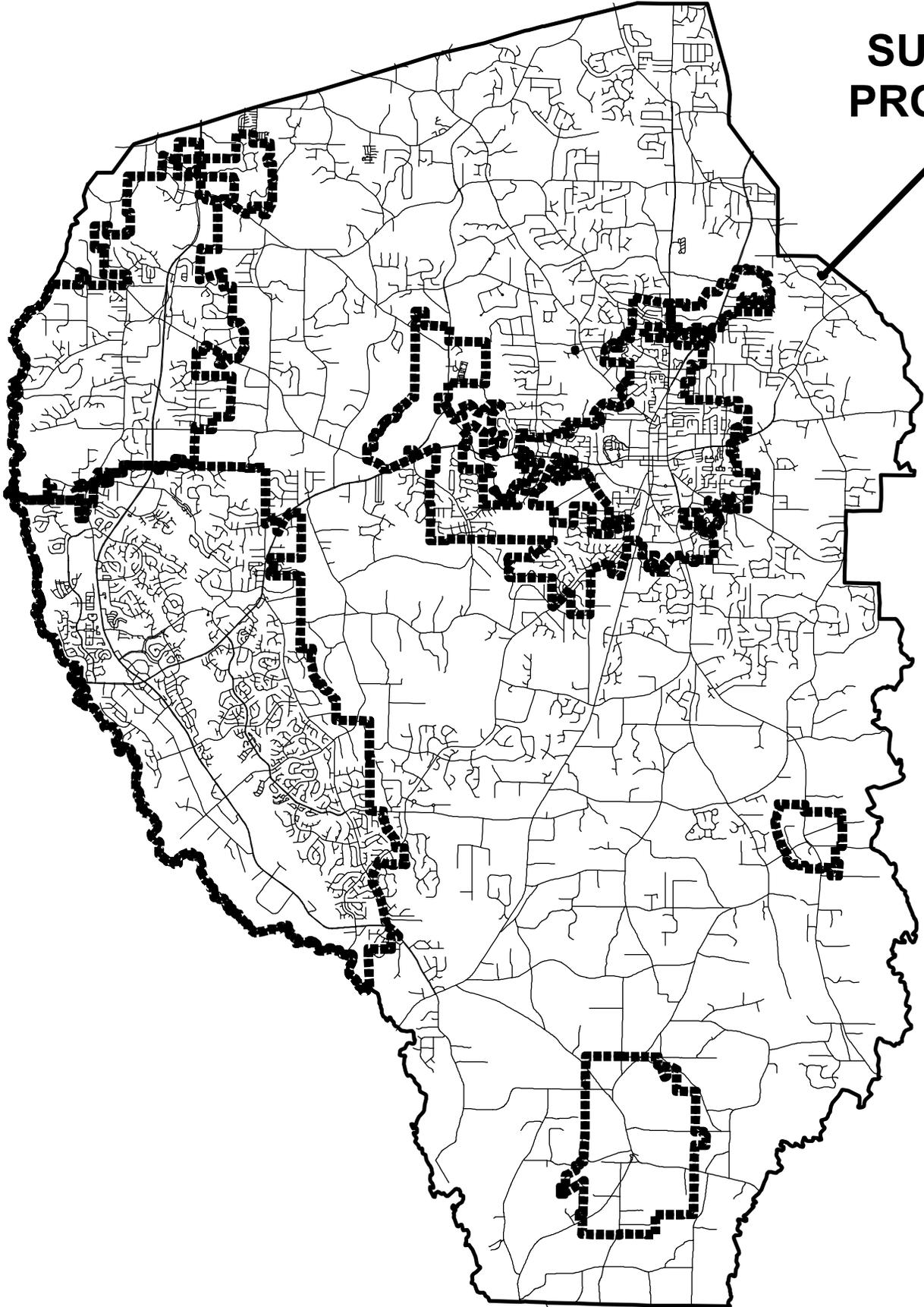
**Olde Oak Drive**

**SUBJECT  
PROPERTY**

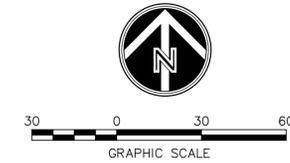


**1318-22  
County Proximity**

**SUBJECT  
PROPERTY**



Jan 28, 2022 11:09am - C:\BACKUP\HA\Projects\Jobs\MARKSMEN PROPERTIES INC\OLDE OAK\LOT 5\CONSTRUCTION PLANS\SHEET FILES\Concept Plan.dwg



- LEGEND**
- EXIST. SAN. SEWER MANHOLE
  - PROPOSED SAN. SEWER MANHOLE
  - EXIST. SAN. SEWER LINE
  - PROPOSED SAN. SEWER LINE
  - EXIST. WATERLINE
  - PROPOSED WATERLINE
  - EXIST. GATE VALVE
  - PROPOSED GATE VALVE
  - EXIST. FIRE HYDRANT
  - PROPOSED FIRE HYDRANT
  - PROPOSED DOUBLE WING CATCH BASIN
  - PROPOSED SINGLE WING CATCH BASIN
  - PROPOSED JUNCTION BOX
  - PROPOSED RAISED LID DROP INLET
  - EXIST. STORM DRAIN LINE
  - PROPOSED STORM DRAIN LINE

*H & A*

**HOVEY & ASSOCIATES INC.**  
ENGINEERING CONSULTANTS  
130 HOWARD LANE SUITE B  
FAYETTEVILLE, GA 30215  
PHONE: 770-460-2200  
EMAIL: ghovey@bellsouth.net

PREPARED FOR:  
**MARKSMEN PROPERTIES, INC.**  
180 WALTER WAY, SUITE 114  
FAYETTEVILLE, GA 30214

24 HOUR CONTACT:  
NAME: DAVE BARBER  
PHONE: 678-300-0954  
EMAIL: DAVEBARBER82@GMAIL.COM

HOVEY & ASSOCIATES, INC.  
LIC. #PEF003647 ACTIVE

SCALE: HORIZONTAL 1" = 30'  
VERTICAL N/A

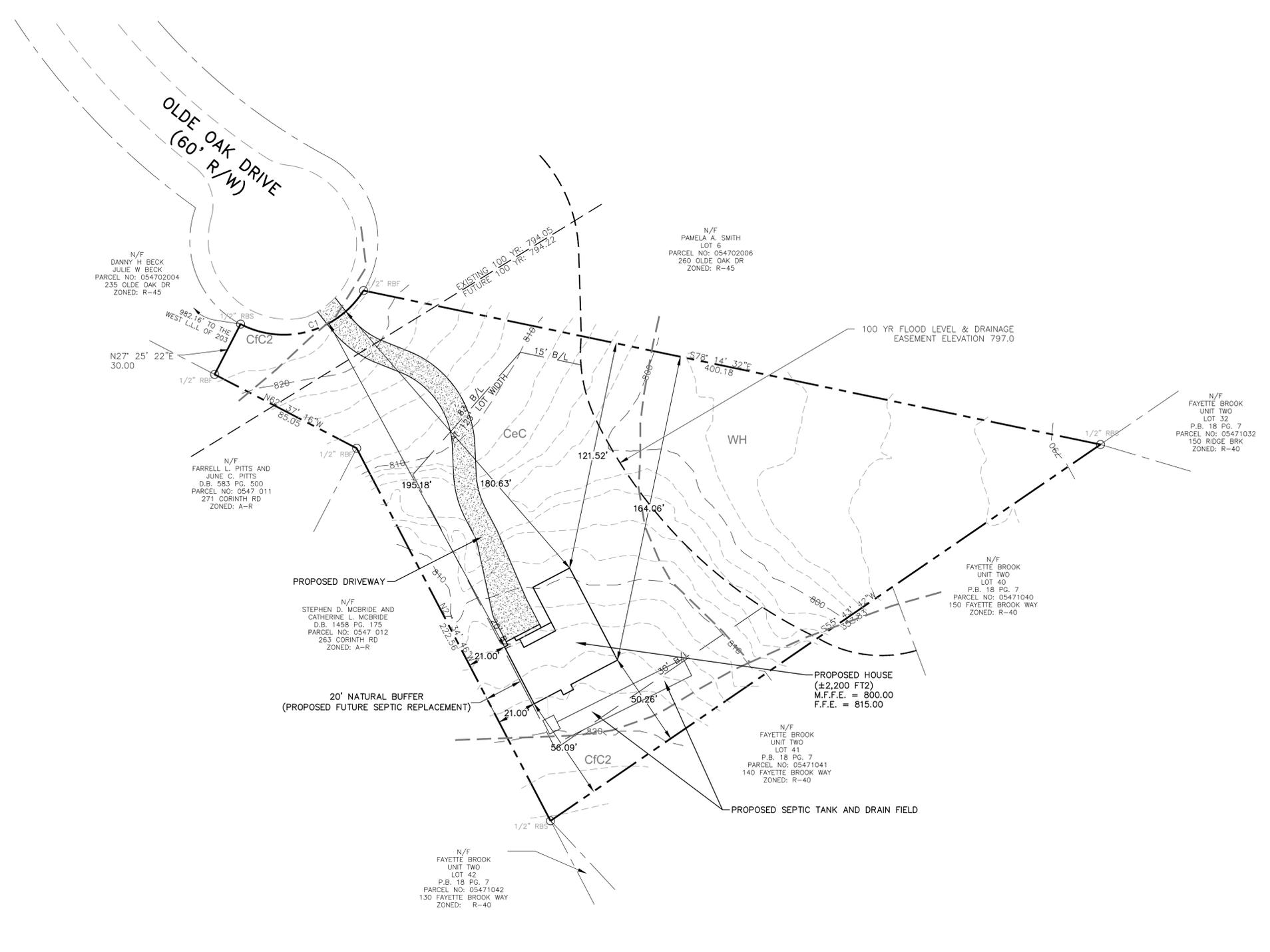
NO.	DATE	DESCRIPTION
7		
6		
5		
4		
3		
2		
1		

DRAWN BY:	M. GRAY
DESIGNED BY:	D. HOVEY
CHECKED BY:	D. HOVEY
ISSUE DATE:	01/28/2022
PROJECT NUMBER:	2022-06



**CONCEPT PLAN**  
FOR  
MARKSMEN PROPERTIES, INC.  
OLDE OAK UNIT THREE - LOT 5  
LAND LOT 203 - 5th DISTRICT  
FAYETTE COUNTY  
SITE CONCEPT PLAN

SHEET  
**C1.1**



**PLAN VIEW**  
HORZ. SCALE: 1" = 30'

APPLICATION TO AMEND  
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA

OWNER: MARK WORSTER

ADDRESS: 180 Walter way Ste 114 Fayetteville Ga 30214

PHONE: 770-461-7661 E-MAIL: KYANBROUGH@MarkesmurProperties.com

AGENT FOR OWNERS: DAVE BARBER

MAILING ADDRESS: 180 Walter way Ste 114 Fayetteville Ga 30214

PHONE: 678-300-0959 E-MAIL: DAVEBARBER82@gmail.com

PROPERTY LOCATION: LAND LOT 203 LAND DISTRICT 5<sup>th</sup> PARCEL 054702005  
LAND LOT \_\_\_\_\_ LAND DISTRICT \_\_\_\_\_ PARCEL \_\_\_\_\_

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 1.35 acres

EXISTING ZONING DISTRICT: R-45 cond. PROPOSED ZONING DISTRICT: R-45 cond

ZONING OF SURROUNDING PROPERTIES: R-45, A-R, + R-40

PRESENT USE OF SUBJECT PROPERTY: Single Family Residence

PROPOSED USE OF SUBJECT PROPERTY: Single Family Residence

LAND USE PLAN DESIGNATION: \_\_\_\_\_

NAME AND TYPE OF ACCESS ROAD: Olde Oak Drive

LOCATION OF NEAREST WATER LINE: on Property

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1318-22

Application Insufficient due to lack of: \_\_\_\_\_

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 1/29/2022

DATE OF PLANNING COMMISSION HEARING: March 3, 2022

DATE OF COUNTY COMMISSIONERS HEARING: March 24, 2022

Received from Dave Barber a check in the amount of \$ 350.00 for application filing fee, and \$ 30.00 for deposit on frame for public hearing sign(s).

Date Paid: 1/27/2022 Receipt Number: \_\_\_\_\_

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM  
(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

MARK WILSON

Please Print Names

Property Tax Identification Number(s) of Subject Property: \_\_\_\_\_

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 203 of the 5<sup>th</sup> District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of \_\_\_\_\_ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to DAVID BOUBIN to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

*[Signature]*

Signature of Property Owner 1

1800 Walker way ste 114 Fayetteville Ga 30214  
Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

*[Signature]*

Signature of Authorized Agent

1800 Walker way ste 114 Fayetteville Ga 30214  
Address

*[Signature]*

Signature of Notary Public

1/27/22  
Date

Signature of Notary Public

Date

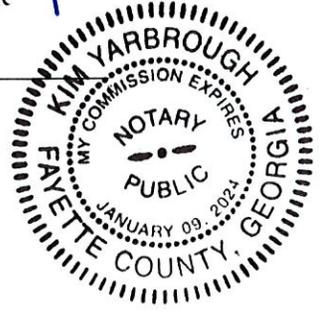
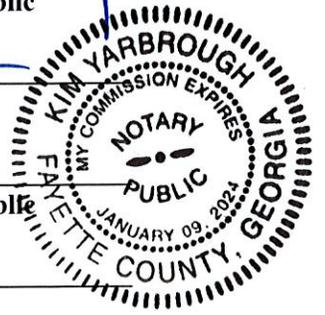
Signature of Notary Public

Date

*[Signature]*

Signature of Notary Public

1/27/22  
Date



NAME: \_\_\_\_\_ PETITION NUMBER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.**

\_\_\_\_\_ affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) \_\_\_\_\_ Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ \_\_\_\_\_ to cover all expenses of public hearing. He/She petitions the above named to change its classification to \_\_\_\_\_.

This property includes: (check one of the following)

See attached legal description on recorded deed for subject property or

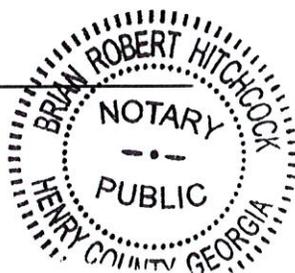
Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,

Brian Robert Hitchcock  
NOTARY PUBLIC



[Signature]  
APPLICANT'S SIGNATURE

## DEVELOPMENTS OF REGIONAL IMPACT (DRI)

### Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: [www.dca.state.ga.us/DRI/](http://www.dca.state.ga.us/DRI/).
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
- The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 27 day of January, 2022.

  
\_\_\_\_\_  
APPLICANT'S SIGNATURE

Kristie King  
 Fayette County Tax Commissioner  
 P. O. Box 70  
 Fayetteville, GA 30214



Phone: (770) 461-3652 Fax: (770) 461-8443

Tax Payer: WURSTER MARK  
 Map Code: 054702005 REAL  
 Description: LOT 5 OLDE OAK III  
 Location: OLDE OAK  
 Bill No: 2021-45239  
 District: 01 COUNTY

Building Value	Land Value	Acres	Fair Market Value	Due Date			Payment Good Through	Exemptions	
0	45,000	0.0000	45,000	11/15/2021			11/15/2021		
Entity		Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
COUNTY M&O		45,000.00	18,000.00	0.00	18,000.00	6.000	108.00	0.00	72.61
COUNTY SALES TAX CREDIT		45,000.00	18,000.00	0.00	18,000.00	-1.966	0.00	-35.39	0.00
EMERGENCY MEDICAL SERVICE		45,000.00	18,000.00	0.00	18,000.00	.456	8.21	0.00	8.21
911 SERVICES		45,000.00	18,000.00	0.00	18,000.00	.210	3.78	0.00	3.78
COUNTY SCHOOL M&O		45,000.00	18,000.00	0.00	18,000.00	19.334	348.01	0.00	348.01
COUNTY SCHOOL BOND		45,000.00	18,000.00	0.00	18,000.00	1.100	19.80	0.00	19.80
COUNTY FIRE		45,000.00	18,000.00	0.00	18,000.00	3.070	55.26	0.00	55.26
TOTALS						28.204	543.06	-35.39	507.67

*[Handwritten signature]*



BILL NUMBER BARCODE

Bill No: 2021-45239	
Current Due	507.67
Penalty	0.00
Interest	0.00
Other Fees	0.00
Previous Payment	0.00
Back Taxes	0.00
<b>TOTAL DUE</b>	<b>507.67</b>

**PAY BY THE DUE DATE TO AVOID PENALTY AND INTEREST CHARGES:**

INTEREST WILL ACCRUE EACH MONTH AT AN ANNUAL RATE EQUAL TO 3% PLUS THE FEDERAL PRIME RATE PUBLISHED AS OF JANUARY 1, EACH YEAR.  
 A 5% PENALTY WILL BE ADDED 120 DAYS AFTER THE DUE DATE AND AT EACH 120 DAY MARK UNTIL A 20% CAP IS REACHED.

Doc ID: 010064060001 Type: WD  
Recorded: 01/12/2017 at 10:25:00 AM  
Fee Amt: \$10.00 Page 1 of 1  
Transfer Tax: \$0.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK 4558 PG 666

Please return to:  
Lawson & Beck, LLC  
1125 Commerce Drive, Suite 300  
Peachtree City, GA 30269  
File # 16-LAW-2978

STATE OF GEORGIA  
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 29th day of December, 2016 between

Pete Love

as party or parties of the first part, hereinafter called Grantor, and

Mark Wurster

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT or parcel of land lying and being in Land Lot 203 of the 5th District of Fayette County, Georgia, being Lot 5 of Olde Oak Subdivision, Unit Three, as shown on that certain plat of said subdivision recorded in Plat Book 18, Page 22, Fayette County, Georgia records, said plat being incorporated herein and made a part hereof by reference.

Subject to restrictive covenants and easements of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, Sealed and delivered in the presence of:

*Sherry L Beck*  
Official Witness  
*Samantha Lynn Moore*  
Notary Public COMMONWEALTH OF PENNSYLVANIA

*Pete Love*  
Pete Love

