

BOARD MEMBERS

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

STAFF

Chanelle Blaine, Zoning Administrator

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**

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 4th 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 5th 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

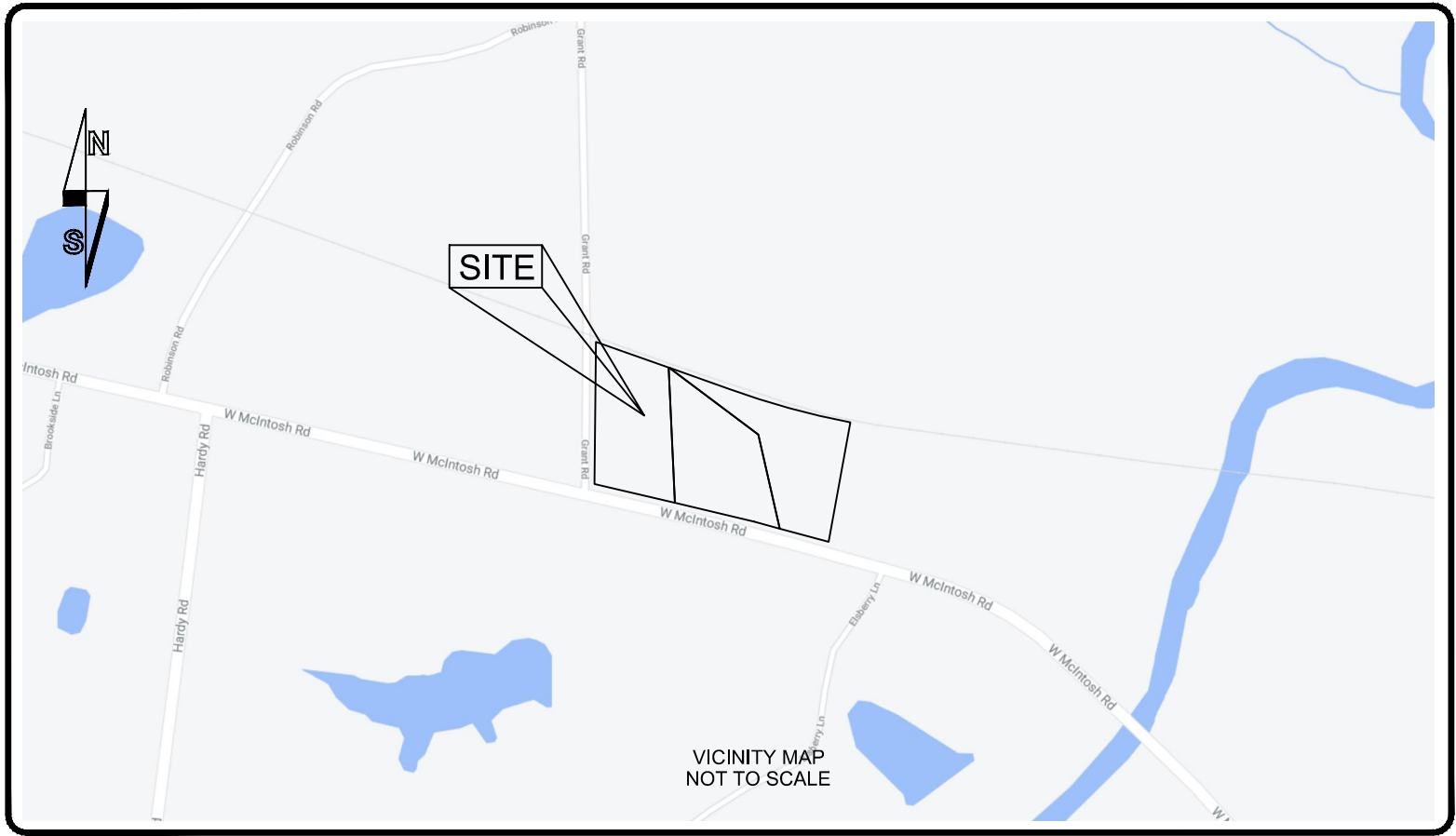
Roger Gillam



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.L.=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



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: 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

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.

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
NEWMAN, 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

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.

LEGEND

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RBS=REBAR SET
CTP=CRIMP TOP PIPE
L.L.=LAND LOT
L.L.L.=LAND LOT LINE
R = PROPERTY LINE

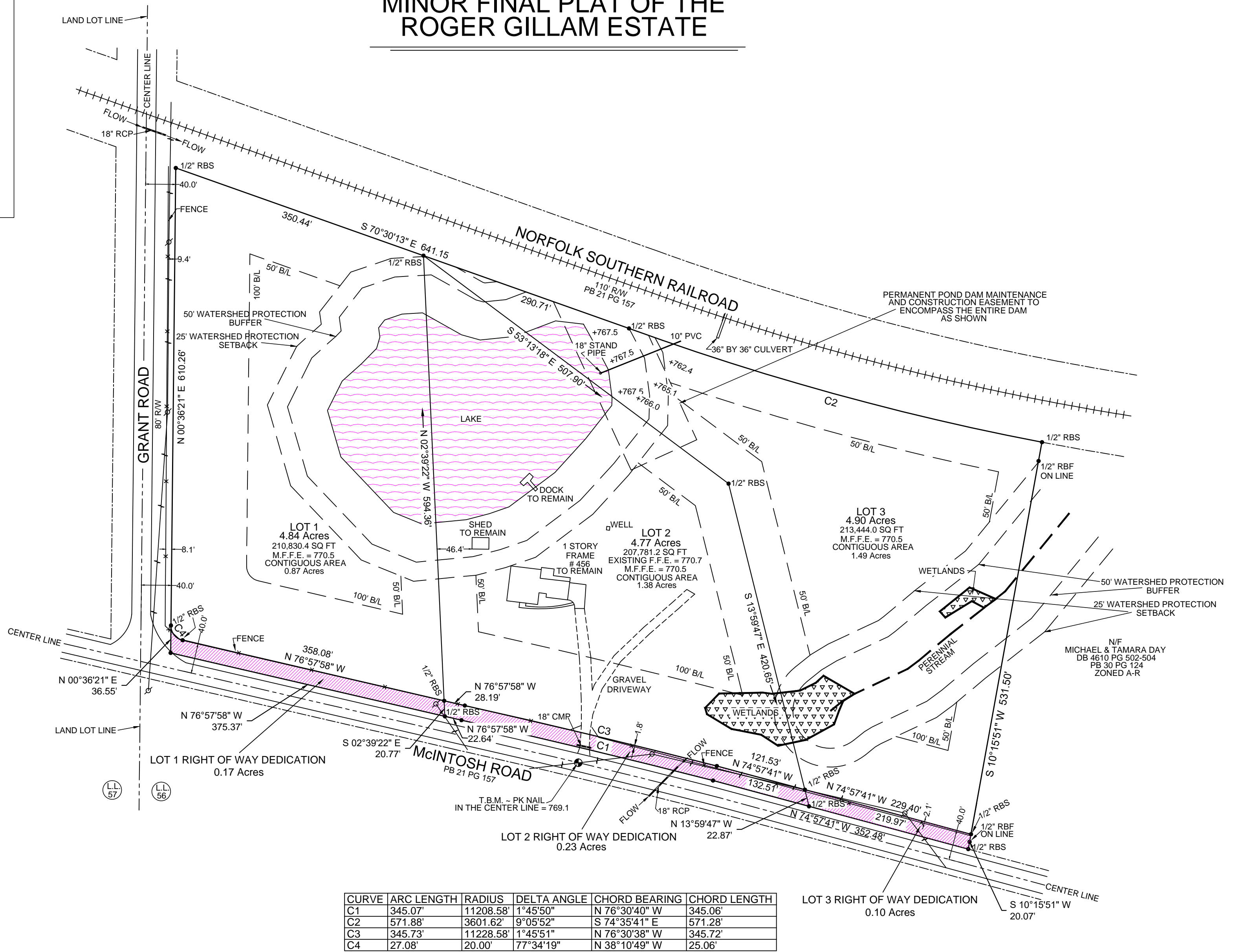
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F.W.P.D.=FIELD WORK
PERFORMED DATE

O/F=OUT OF FLOOD PLAIN
DB=DEED BOOK
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'

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	



ROGER L. GILLAM

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

PETITION NO: 1318-22

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

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:

Direction	Acreage	Zoning	Use	Comprehensive Plan
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



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**

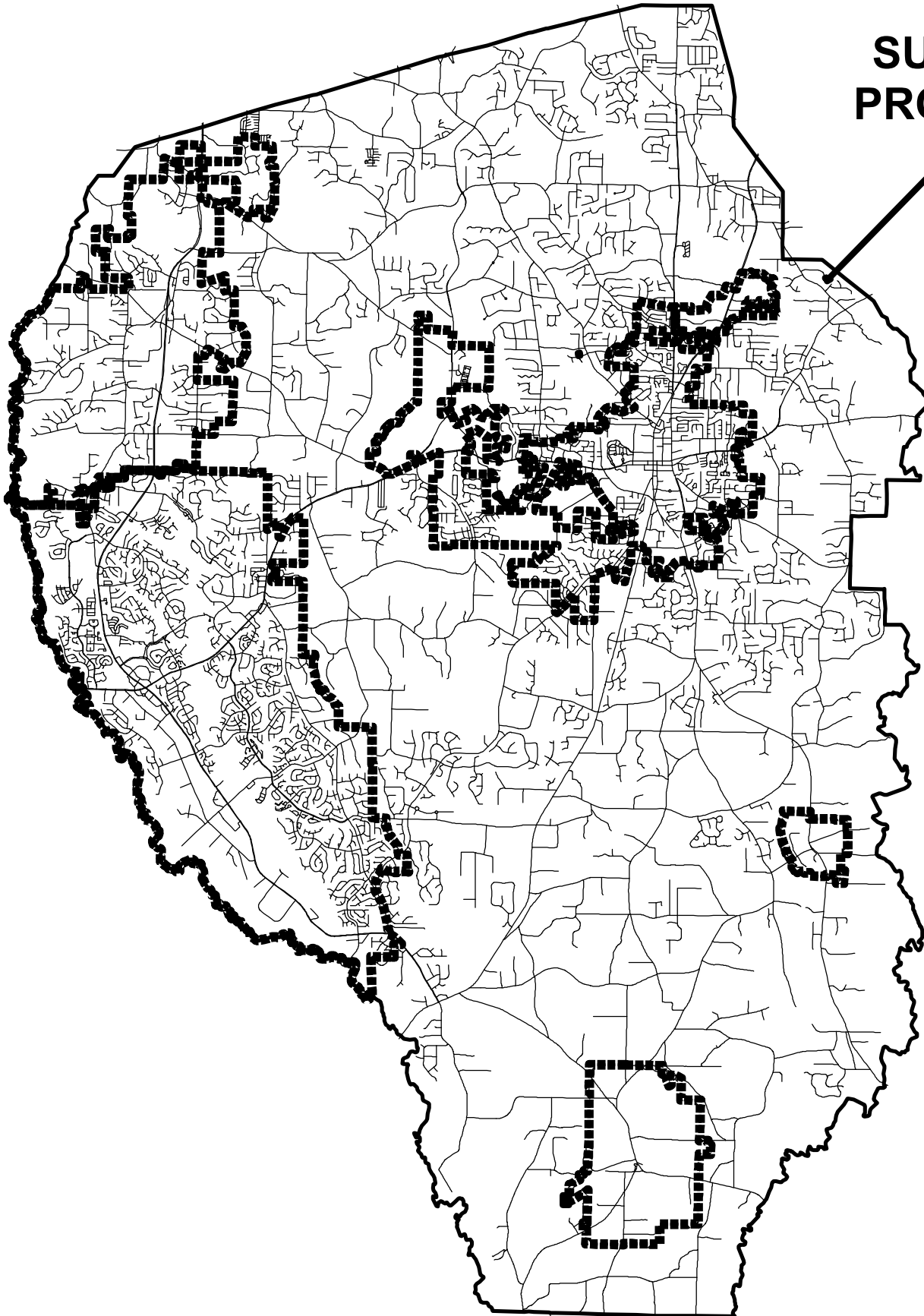
Olde Oak Drive

**SUBJECT
PROPERTY**

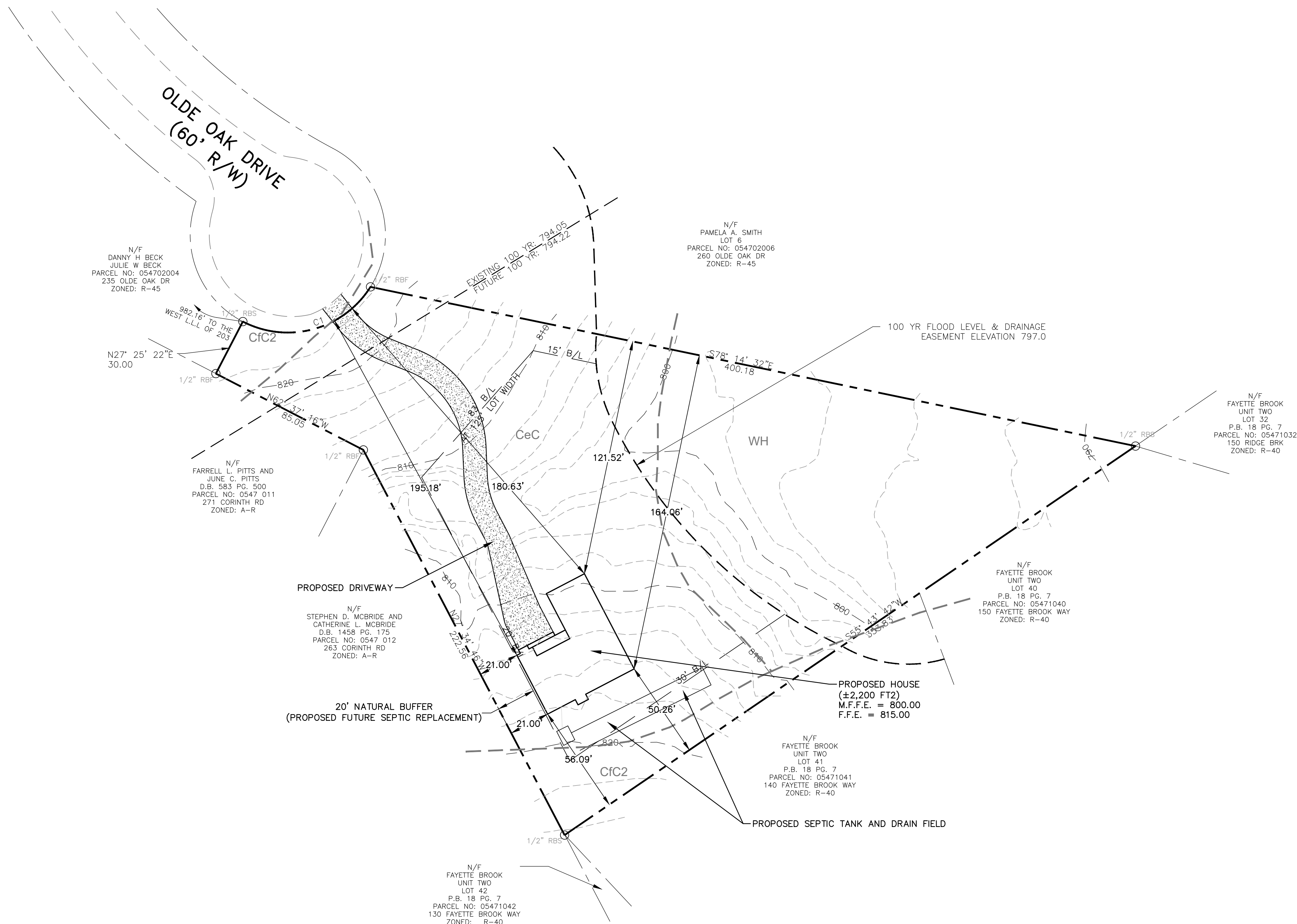


1318-22
County Proximity

**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



HOVEY & ASSOCIATES INC.
ENGINEERING CONSULTANTS
130 HOWARD LANE SUITE B
FAYETTEVILLE, GA 30215
PHONE: 770-460-2200
EMAIL: dghovey@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	VERTICAL	1" = 30'	N/A
REVISED BY:				
DESCRIPTION				
DATE				
NO.	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

www.Georgia811.com

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

© H&A 2016

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

OWNERS: MARK WURSTEN

MAILING ADDRESS: 180 Walter way Ste 114 Fayetteville Ga 30214

PHONE: 770-461-7661

E-MAIL: KYANBROUGH@MarkesmurProperties.com

AGENT FOR OWNERS: DAVID BARBER

MAILING ADDRESS: 180 Walter way Ste 114 Fayetteville Ga 30214

PHONE: 678-300-0959

E-MAIL: DOUG.BARBER@egmail.com

PROPERTY LOCATION: LAND LOT 203
LAND LOT _____

LAND DISTRICT 5th
LAND DISTRICT _____

PARCEL 054702005
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: Old 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: 1/27/2022

DATE OF PLANNING COMMISSION HEARING: March 3, 2022

DATE OF COUNTY COMMISSIONERS HEARING: March 24, 2022

Received from David 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 WILKINSON

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 5th 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 Walton 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 Walton way ste 114 Fayetteville Ga 30214
Address

[Signature]

Signature of Notary Public

1/27/22
Date

Signature of Notary Public

Date

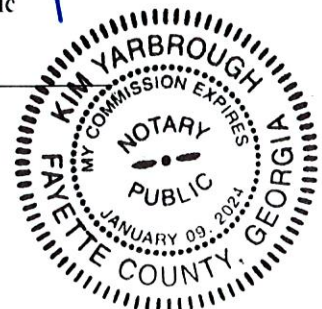
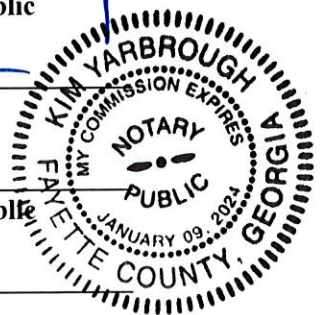
Signature of Notary Public

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

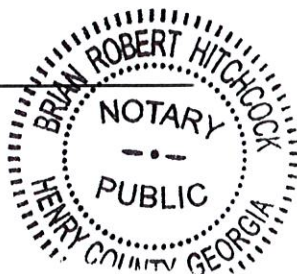
☐ Legal description for subject property is as follows:

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____,


NOTARY PUBLIC




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/.
- 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



BILL NUMBER BARCODE



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.

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
TOTAL DUE	507.67

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.

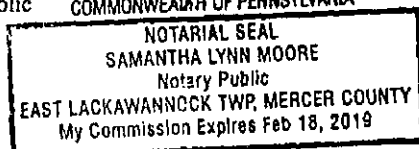
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

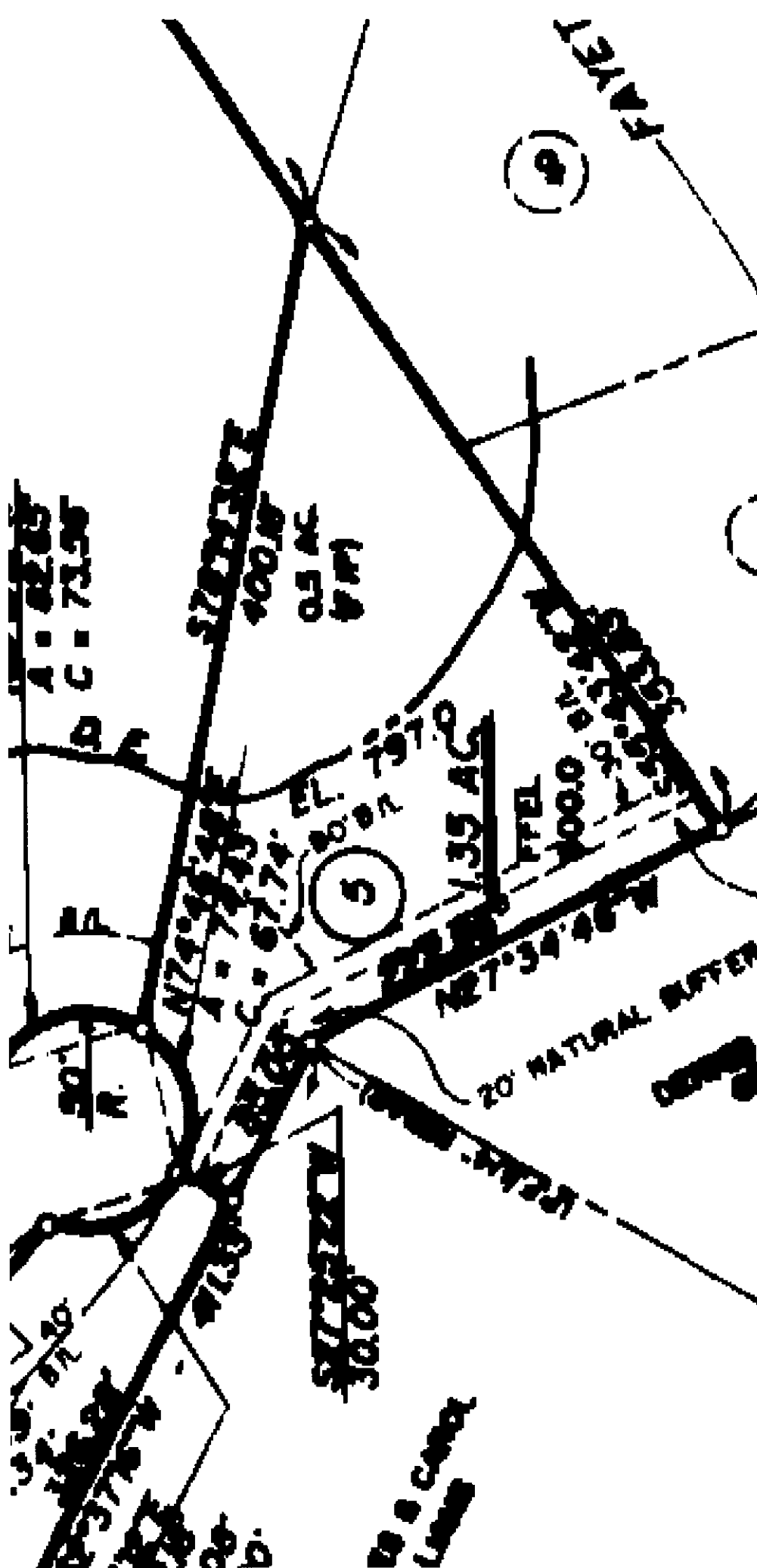
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

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

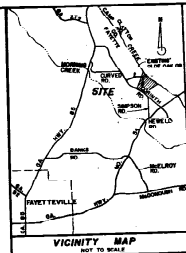
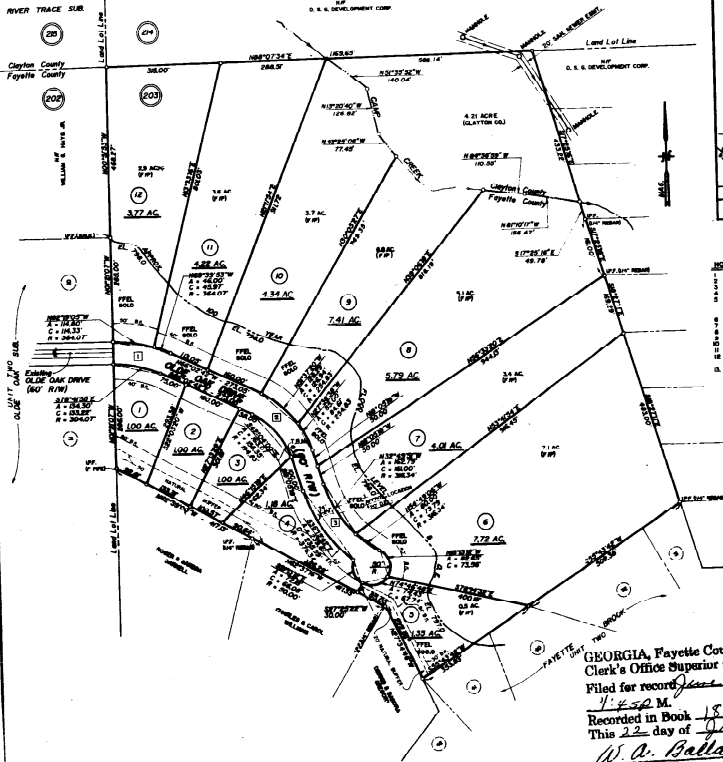




RIVER TRACE SUB

Clayton County
Fayette CountyUNIT 1000 SUB
CLAYTON COUNTY

D. A. & S. DEVELOPMENT CORP.



NOTES

1. TOTAL NUMBER OF LOTS IS 12.
2. SUB PLAT BEING SET AT ALL LOT CORNERS.
3. D.E. - DIMENSIONAL EASEMENT.
4. SEE PLAT FOR DIMENSIONS OF LOTS.
5. SEE PLAT FOR DIMENSIONS OF LOTS.
6. F.P. - FLOOD PLAIN.
7. F.P. - FLOOD PLAIN.
8. F.P. - FLOOD PLAIN.
9. F.P. - FLOOD PLAIN.
10. F.P. - FLOOD PLAIN.
11. F.P. - FLOOD PLAIN.
12. F.P. - FLOOD PLAIN.

APPROVED BY FAYETTE COUNTY PLANNING COMMISSION
DATE 6-19-1997 SIGNED: *[Signature]*
COUNTY CLERK

6 CURVE DATA

NO.	DELTA	ARC	TAN	CHS.
1	33.697	33.697	33.697	33.697
2	47.973	28.847	28.847	28.847
3	64.087	24.547	24.547	24.547



OWNER / DEVELOPER
B.L. THORN
404 DOUBLE TRACE LANE
WEAVERVILLE CITY, GEORGIA 30689
404/487 - 9704

FINAL PLAT
FOR
OLDE OAK
UNIT TRICE 306
LAND LOT 205
FAYETTE & CLAYTON COUNTY GEORGIA

Engineer
Benchmark
Corporation
Date: 6-19-97
Scale: 1" = 400'
Book No. 27375
Page No. 13-6

GEORGIA, Fayette County
Clerk's Office Superior Court
Filed for record June 22 19 87
1:45 P.M.
Recorded in Book 18 Page 22
This 22 day of June 19 87
W. A. Ballard
Clerk