



# **BANKS COUNTY PLANNING COMMISSION MEETING**

Courthouse Annex Boardroom | 150 Hudson Ridge | Homer, GA 30547

Tuesday, July 01, 2025 at 6:30 PM

## **MINUTES**

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### **1. CALL TO ORDER**

Mr. Wheatley called the meeting to order.

#### **a. Roll Call**

PRESENT

Chairman Scott Wheatley

Vice-Chairman Jay O'Kelley

Ms. Jody Parks

Mr. Jason Hensley

Ms. Kerri Fincannon

Mrs. Nikki Irvin

ABSENT

Mr. Adam Swinehart

#### **b. Pledge of Allegiance**

Mr. O'Kelley led the Pledge.

### **2. APPROVAL OF AGENDA**

Motion to Approve Agenda

Motion made by Mr. Hensley, Seconded by Vice-Chairman O'Kelley.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley

4-0 to Approve, Motion Passed

### **3. APPROVAL OF MINUTES**

#### **a. Minutes from June 3, 2025**

Motion to Approve

Motion made by Vice-Chairman O'Kelley, Seconded by Ms. Parks.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley

4-0 to Approve, Motion Passed

### **4. APPROVAL OF PLATS**

#### **a. Lord Rd 103 LLC Plat- Class II**

Ms. Fincannon presented the plat as a Class II subdivision resulting in 9 lots each at 5+ acres. The plat has 2 easements that access 2 lots each and each required lot has 100+ feet of road frontage. It does meet timeline requirements as well.

Nathanial Eisenman 225 Canyon Ferry Way Hoschton, GA - bought 102 acres and surveyed into 9 lots with the intention to sell to buyers to build homes, use for recreation, etc.

No Favor, No Opposition

Discussion: When was last divide? How long owned the property? About a month and not aware of any previous divides. What kind of recreation? Four wheeling, creeks on property, horseback riding, etc. Average lot size? 8-10 acres

Motion to Approve Plat

Motion made by Mr. Hensley, Seconded by Ms. Parks.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley

4-0 to Approve, Motion Passed

## **5. PUBLIC HEARING: APPLICATIONS**

### **a. V-25-02**

Ms. Fincannon presented the application submitted by Reynolds McLean of Scooters Coffee for a variance on the property identified as B55 018, an existing C2 General Commercial property at 40081 Hwy 441, to reduce the maximum area of a secondary business sign. There is a gas station/convenience store there with a secondary leasable unit that the coffee shop will utilize. They need their own sign, but a secondary business sign can only be 8 square feet.

Reynold McLean 140 Red Fox Run Athens, GA - introduced himself and explained the start of the company and talked about himself and his business partners other locations they've opened. The reason they are requesting the sign variance is due to poor visibility of location. The canopy of the gas station hides store front and the unit blends in with convenience store even though it is separate entity. The unit is also hidden on the left side next to the woods. The existing pole sign does not really have the room to differentiate this new business from gas station. They also want to clearly define they are not a part of the gas station. They also think a secondary sign will help with safety concerns of slowing down too quickly, switching lanes, etc. to get to coffee shop because customers only seen it at the last minute. The Scooters corporate does want them to have their own monument sign.

No Favor, No Opposition

Discussion: Is owner of gas station okay with second sign? Yes Were you aware of sign challenges when choosing location? Yes, but thinks with monument sign all concerns can be solved. Are other locations attached to convenience stores? No most are freestanding with drive thru only. This one will have drive thru and walk-up counter, but no place to sit/stay. This being a completely separate business they should be able to have their own sign on property.

Motion to Approve

Motion made by Mr. Hensley, Seconded by Ms. Parks.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley

4-0 to Approve, Motion Passed

### **b. Z-25-06**

Application Withdrawn

## **6. PUBLIC HEARING: ORDINANCE RECOMMENDATION**

### **a. Noise Ordinance**

Motion to Untable

Motion made by Mr. Hensley, Seconded by Vice-Chairman O'Kelley.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley

4-0 to Untable, Motion Passed

Ms. Fincannon read/summarized the ordinance. The current noise ordinance is based on audibility with sound equipment that the county does not have, so we are attempting to update the ordinance to a different method of measuring sound.

#### Favor

Ben Poole 137 Pebble Creek Ln - never thought he would have to speak on this issue, but his family has been enduring the excessive sound coming from neighboring properties for 3+ years. They have tried to use white noise machines, noise cancelling devices, etc., but him and his kids are not able to sleep. He states that sound will always travel through and cannot be mitigated like light can.

Cheryl Frederick 353 E Coker Rd - this new ordinance doesn't have anything about industrial sounds such as the landfill. She supports some kind of noise ordinance because there are no time limits in place at this time.

Jennifer Poole 137 Pebble Creek Ln - spoke about the health and safety of community and children as getting proper sleep is important. The sound comes from about 80-100 feet from her daughter's bedroom and she is scared to go in her room due to the loud music. She has tried to nicely ask to turn music down but told to "mind own business", "not their problem", etc. The excessive sound has been reported 21 times in May and 16 times in June.

Jeremy Harris 1554 McCoy Bridge Rd - states this ordinance needs lots of thought and definition. As it may solve one person's problem but can impact other community events such as football games, sheriff's practice, etc. We need to have a lot of clarification and thinks this ordinance could help but doesn't want to have government overreach.

Elaine Weigert 149 Pebble Creek Ln - says that anytime she can hear and understand the words of sound inside her own home, it's too loud - says this ordinance might be too vague, but something needs to be in place

#### Opposition

Janet Strickland 143 Pebble Creek Ln - states the person in reference is her husband. She says that most time they are in their home at a decent hour but does sometimes have music on loud but not all the time as being indicated. She says her house is being classified as disorderly which is not true. She says she isn't necessarily opposed to some kind of ordinance but also thinks they should be able to play music when they want to even if it's loud and excessive at times.

#### Discussion

Gets messages that lots of people are in favor of some kind of ordinance. Thinks a work session with BOC and code enforcement to discuss would be beneficial. This ordinance can aid in one aspect but take away other liberties. We need to show respect to neighbors but this current ordinance isn't what Banks County needs.

#### Motion to Deny Updates to Ordinance

Motion made by Mr. Hensley, Seconded by Vice-Chairman O'Kelley.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley

4-0 to Deny, Motion Passed

## 7. ROUNDTABLE DISCUSSION

Request to schedule a work session with BOC, Code Enforcement and potentially Sheriff's Office to discuss and figure out what works for noise ordinance.

**8. ADJOURNMENT**

Motion to Adjourn

Motion made by Mr. Hensley, Seconded by Ms. Parks.

Voting Yea: Chairman Wheatley, Vice-Chairman O'Kelley, Ms. Parks, Mr. Hensley

4-0 to Adjourn, Motion Passed

The Planning Commission reserves the right to continue the meeting to another time and place in the event the number of people in attendance at the meeting, including the Planning Commission members, staff, and members of the public exceeds the legal limits. Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the County Clerk, at least three business days in advance of the meeting at 706-677-6902 to allow the County to make reasonable accommodations for those persons.