



BANKS COUNTY PLANNING COMMISSION MEETING

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

Tuesday, May 03, 2022 at 6:30 PM

AGENDA

1. CALL TO ORDER

2. APPLICATIONS FOR CONDITIONAL USE

- [a.](#) CU-22-03 Conditional Use Application submitted, by Paul Patel, for a new hotel to be located on Map at Parcel # B54 D023 a 2.21 to be located at Hampton Court Commerce, GA 30529
- [b.](#) CU 22-04 Conditional Use Application has been submitted, by Maxwell McCroskey, for a new and antique vehicle parts sales with online parts and vehicle sales at 20519 US Hwy 441S Commerce, GA 30529
- [c.](#) CU 22-05 Conditional Use Application has been submitted, by Joshua Trimble, for a home occupation business to be operated at 1565 McCoy Bridge Rd Homer, GA 30547

3. APPLICATIONS FOR VARIANCE

- [a.](#) V 22-01 Variance Application has been submitted, by Kaefus Abernathy, to reduce the 1000sqft minimum heated space in a new home structure to be located on the map and parcel number B07 012.

4. APPLICATIONS TO REZONE

5. APPROVAL OF PLATS

6. ADJOURNMENT

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 Commissioners, staff, and members of the public exceeds the legal limits. The meeting cannot be closed to the public except by a majority vote of a quorum present for the meeting. The Commission can vote to go into an executive session on a legally exempt matter during a public meeting even if not advertised or listed on the agenda. 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.

Banks County Board of Commissioner
APPLICATION FOR COND. USE PERMIT

Section 2, Item a.

150 HUDSON RIDGE SUITE 4 / HOMER, GA 30547
PHONE: (706)677-4272 FAX: (888)686-7421 www.bankscountyga.org

DATE ISSUED: 04/26/2022

PERMIT #: 2022-20220150

LOCATION:	DISTRICT	TAX MAP PARCEL
		B54D 023A
	LOT	ZONING DISTRICT
00 HAMPTON COURT		C2
OWNER: PAUL PATEL		TOTAL VALUATION
		\$ 0
CONTRACTOR:		TOTAL SQ FT
		0
		HEATED/UNHEATED
		0 / 0

TYPE CONSTRUCTION: CONDITIONAL USE APP

OCCUPANCY GROUP: CONDITIONAL USE

<u>FEE CODE</u>		<u>FEE</u>	
/CONDITIONAL USE APPLICATION		150.00	
TOTAL PAID:	150.00	**PAID IN FULL**	TOTAL AMOUNT: 150.00

REMARKS: NEW HOTEL ("NOT EXTENDED STAY")

Please schedule inspections 24 hours in advance by calling 706-677-4272. Inspection requests for the following day must be made by 2pm. This permit becomes null and void if work or construction authorized is not commenced within 6 months or if construction or work is suspended or abandoned for a period of 6 months at any time after work is started.

(SIGNATURE OF CONTRACTOR/OWNER)

(DATE)

(ISSUED BY)

(DATE)



PLANNING & ZONING

Dedicated to Serving Our Citizens

150 Hudson F
Homer, G
Section 2, Item a.
Office: 706.677.4272
Fax: 706.677.6217
www.co.banks.ga.us

RECOMMENDATION

April 26, 2022

Re: Conditional Use 22-03
Paul Patel
30484 Hwy 441 S
Commerce Ga. 30529
Map B54D 023A (2.21 acres)

To: Whom it may concern

This letter is my recommendation for approval of above noted conditional use application. The use requested is not automatically allowed in C2 zoned areas. The request that the property be used for a Hotel/Motel must be approved as a conditional use. After reviewing the application for this use and the updated Comprehensive Land Use Plan I have found no reason not to allow it to be applied for. All approved uses will abide by guidelines of the Banks County Code. If you have any questions concerning this application or its use please do not hesitate to call.

A handwritten signature in blue ink, appearing to read "Paul Ruark".

Paul Ruark, Zoning Official
Planning and Zoning Department



CONDITIONAL USE APPLICATION

Planning & Zoning Office
150 Hudson Ridge Suite 4
Homer, Georgia 30547
Office: 706.677.4272
Fax: 888.686.7421
www.co.banks.ga.us

Permit # _____ Application # _____

Property Owner:

Name: Sheila Lane
Address: 109 Tully Dr.
Anderson SC 29621
Phone: _____

Applicant:

Name: Paul Patel
Address: 30484 Highway 441 S, Suite C
Commerce GA 30529
Phone: 678-777-8005

Location:

Hampton CT. Commerce GA

Existing Zoning:

C-2 Existing Use: Vacant Land

Proposed Use:

81 Room Town Place Suites by Marriott
Extended stay prototype of Marriott Hotels

Acreage of Site: 2.21 Tax Map & Parcel: B544023A

THE FOLLOWING APPLICATION MATERIALS MUST ACCOMPANY THIS APPLICATION

- 1) Metes and bounds description of the property.
- 2) Boundary surveys of the property.
- 3) A letter of intent which describes general characteristics of the proposed development such as type and time frame of development and background information in support of the application.
- 4) A site plan containing, at a minimum, the following information:
 - a) Title of the proposed development.
 - b) Name, address and phone number of the architect, engineer, or other designer.
 - c) Scale, date, north arrow, and general location map showing relationship of the site to street or natural landmarks.
 - d) Boundaries of the property, all existing and proposed streets, including right-of-way and street pavement widths, buildings, water courses, parking & loading areas, and other physical characteristics of the property and the development.
- 5) Campaign Contribution Disclosure Form. Attached
- 6) Property Owner's Certification Sheet and Public Hearings Notification. Attached
- 7) Application fee of \$150 (check or cash only.)

CRITERIA TO CONSIDER FOR CONDITIONAL USES

- a. Whether off-street parking and loading facilities are adequate in terms of location, amount and design to serve the proposed use.
- b. Whether the number, size and type of signs proposed are compatible with the surrounding area.
- c. Whether the proposed use will have compatibility with existing uses of adjacent land and the surrounding area and will not cause or create or be likely to cause or create adverse effects upon the existing or future development of either the area or the rest of the county.
- d. Whether ingress and egress to the property is suitable and safe and the effect of the proposed activity on traffic flow along adjoining street is not adverse
- e. Whether the location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining or neighboring properties.
- f. Whether hours and manner of operation of the proposed use are inconsistent with adjacent and nearby uses.
- g. Whether existing public facilities and utilities are capable of adequately serving the proposed use.
- h. Whether the proposed use will have a significant adverse effect on the level of property values or the general character of land uses in the surrounding area or the county.
- i. Whether the physical conditions of the site, including size, shape, topography and drainage are suitable for the proposed development.
- j. The existing uses and zoning of nearby property and whether the proposed use will adversely affect the existing use or usability of nearby property.
- k. The extent to which property values of the applicant are diminished by the inability to take advantage of potential use.

CAMPAIGN CONTRIBUTION DISCLOSURE FORM REQUIRED FOR ALL ZONING ACTIONS

"36-67 A-3. Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of the applicant's application for the rezoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 1. The name and official position of the local government official to whom the campaign contribution was made; and
 2. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within 10 days after the application for the rezoning action is first filed. (Code 1981, Section 36-67A-3, enacted by Ga. L. 1986, page 1269, Section 1; Ga. L. 1991, page 1365, Section 1.)"

I hereby certify that I have read the above and that:

I have _____, I have not ☒, within the two years immediately preceding this date made any campaign contribution(s) aggregating \$250 or more to any local government official involved in the review or consideration of this application.

Applicant's Signature:  Paul Patel Date: 3/17/2022

Property Owner's Signature:  Paul Patel Date: 3/17/2022

*If you have made such contributions, you must provide the date required in subsection (a) above within ten (10) days of the filing of this application.

PROPERTY OWNER'S CERTIFICATION

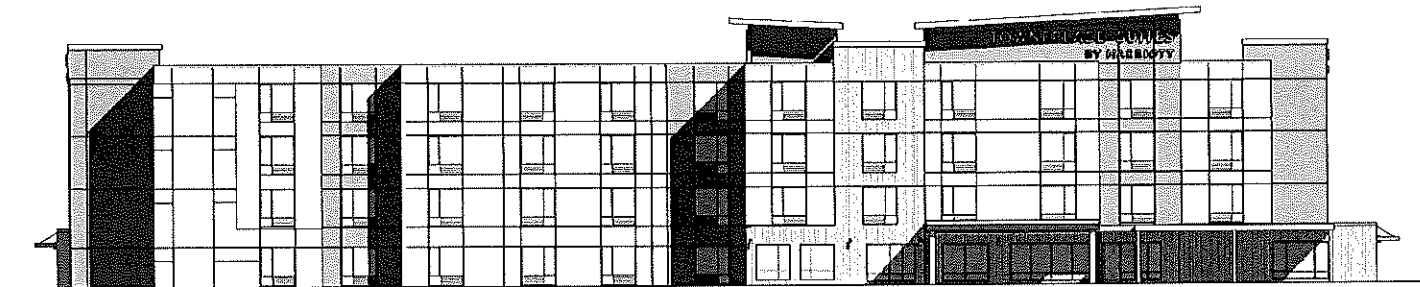
I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant listed above is authorized to act as the applicant in the pursuit of this application.

Property Owner's Signature: Sheila Lane Date: 3/23/2022

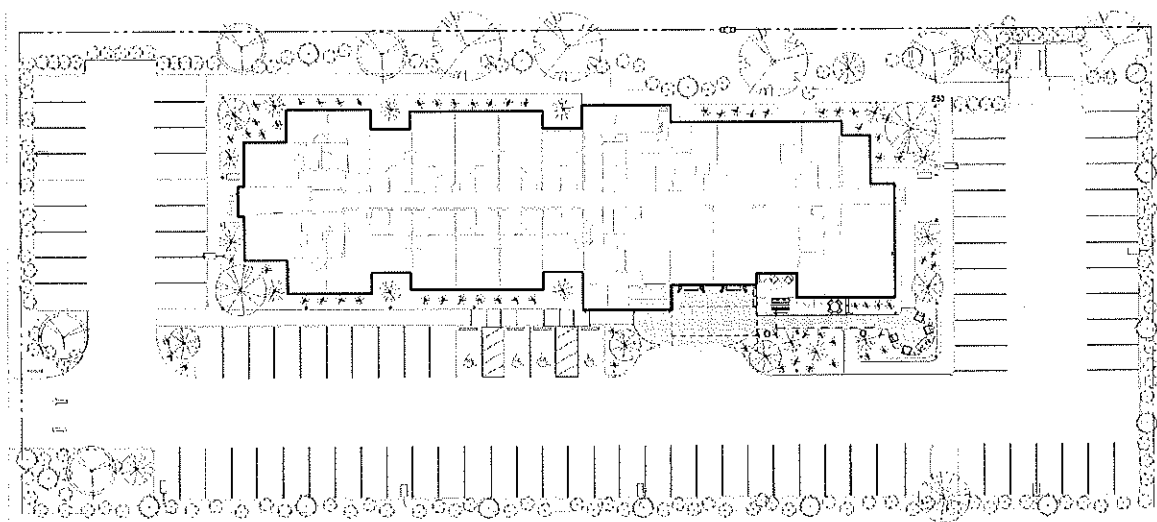
I have been informed that I, the applicant or property owner, must attend the public hearings for this application.

Unless otherwise posted, the Banks County Planning Commission meets at 6:30 p.m. on the first Tuesday of each month. The planning commission's recommendation on the application is sent to the Banks County Board of Commissioners which meets on the second Tuesday of each month at 6:30p.m.

Owner/Applicant Signature:  Paul Patel Date: 3/17/2022

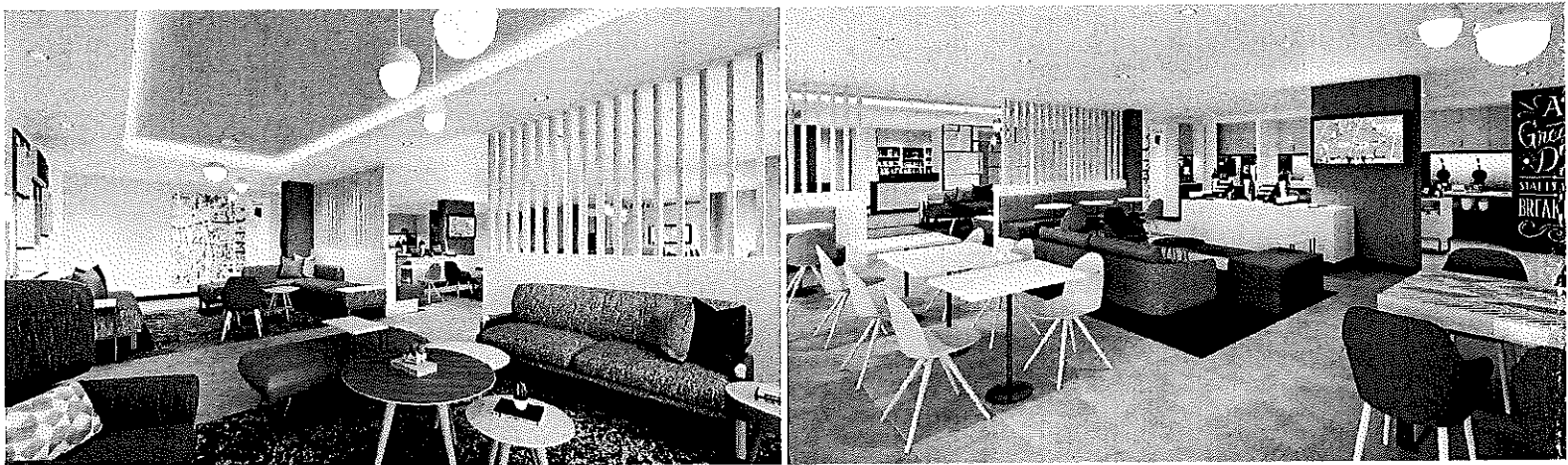
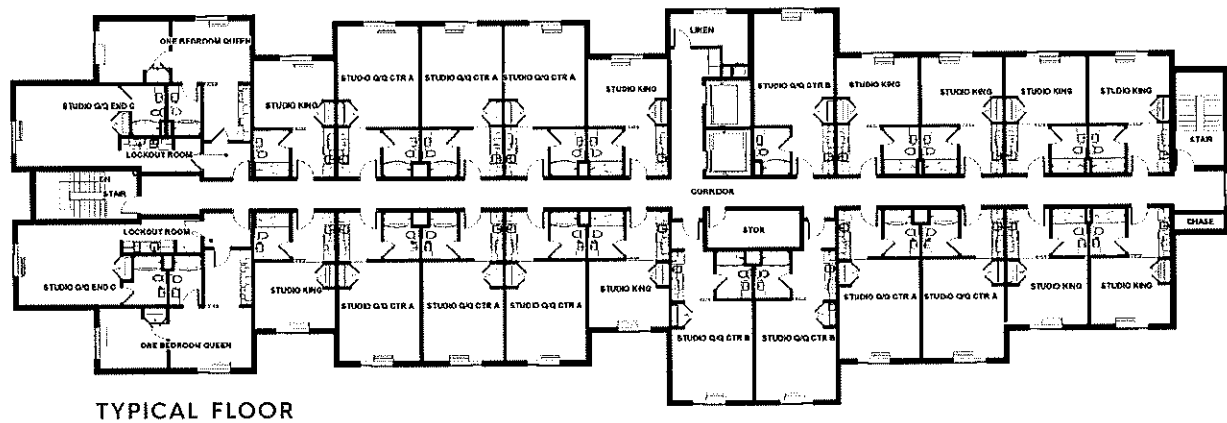
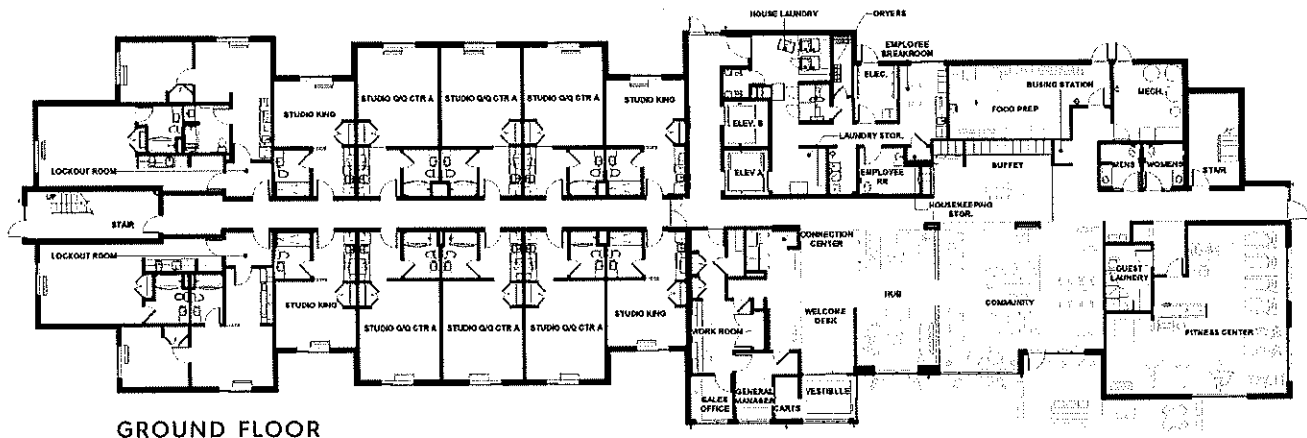


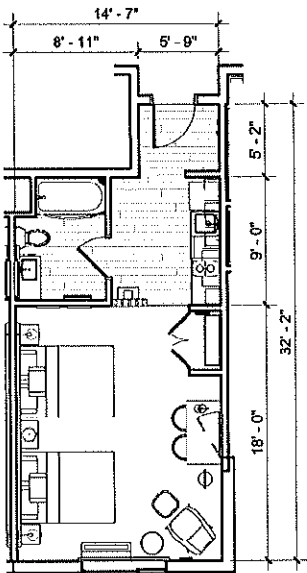
FRONT ELEVATION



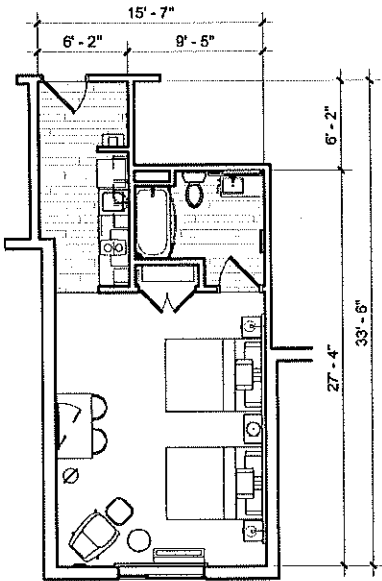
SITE PLAN

BASE AREA SUMMARY			
Building Length	Building Depth	Land	Parking
229 feet	71 feet	1.52 acres	89 spaces

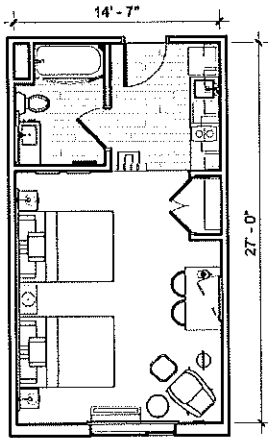




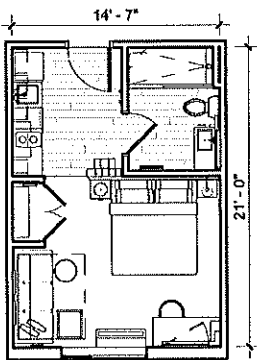
QUEEN/QUEEN



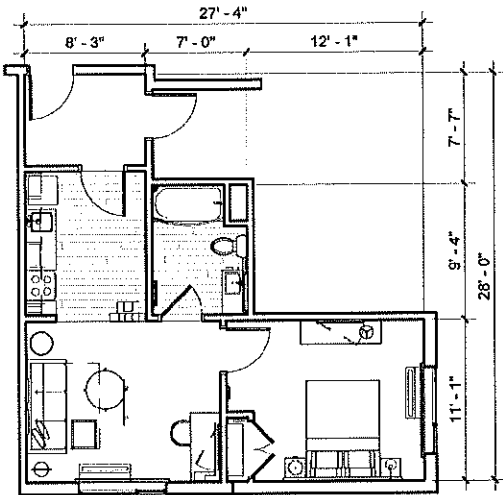
QUEEN/QUEEN END



QUEEN/QUEEN CENTER



KING



ONE BEDROOM QUEEN

TYPICAL UNIT MIX	
Studio King	40-45%
Studio Queen/Queen	50-55%
One Bedroom Queen	5-10%

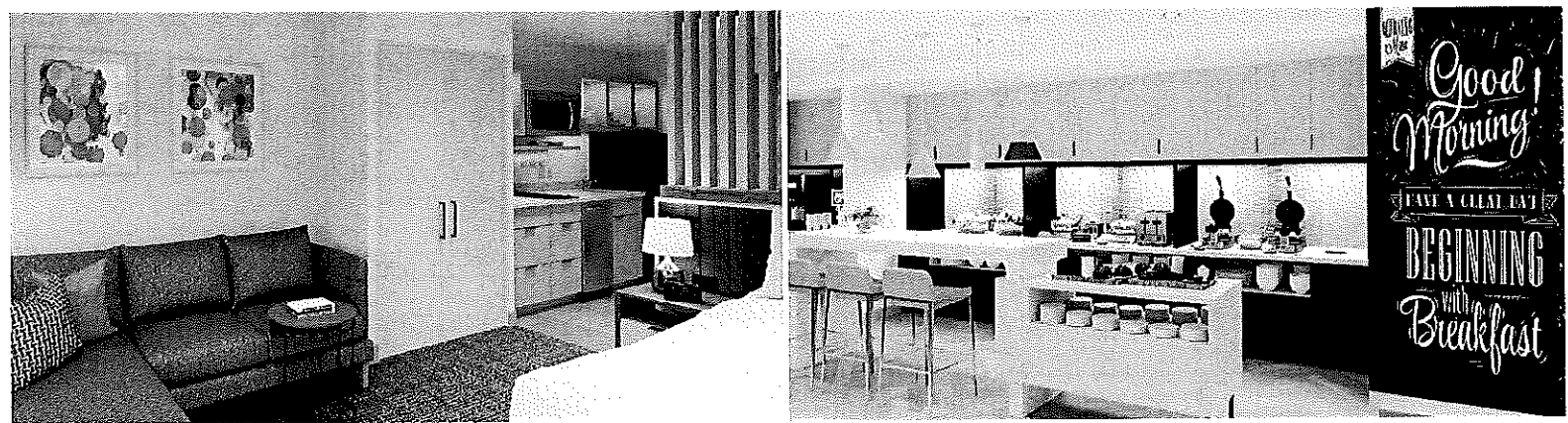
Area Program

GUEST SPACES	QUANTITY	PERCENTAGE	UNIT AREA	TOTAL (SF)
Lobby Areas				
Vestibule				
Carts				
Community & "On Us"				
Welcome Desk				
Hub				
Public Restrooms				
Total Lobby Areas				1,514
Food & Beverage Front-of-House				
Buffet				225
High Chairs				14
Total Food & Beverage Front-of-House				239
Recreation Facilities				
Fitness Center				805
Swimming Pool (Outdoor - Not Included)				
Total Recreation Facilities				805
Retail				
Connection Center				47
In-A-Pinch				32
Total Recreational Facilities				79
Meeting Spaces				
Flex				0
Guest Suites				
Studio King	34		305	10,370
Studio King X	0	40-45%	318	0
*Accessible King Studio	2		424	848
Studio Queen/Queen A	30		389	11,670
Studio Queen/Queen B	5	50-55%	424	2,120
Studio Queen/Queen C	8		434	3,472
*Accessible Queen/Queen	2		424	848
One Bedroom Queen	7	10-15%	453	3,171
*Accessible One Bedroom	1		453	453
Total Guest Suites	89			32,952
Guest Suites Corridors & Support				
Guest Suite Vestibule				
Corridors/Elevator Lobby				
Stairs				
Guest Laundry				
Ice Machine (Ground Floor)				
Hydration Station				
Total Guest Suites Corridors & Support				6,893
TOTAL GUEST SPACES				42,482

BACK-OF-HOUSE	TOTAL NET (SF)
Administration	
General Manager Office	
Sales Office	
Work Room	
Closet	
Lending Closet	
Employee Areas	
Break Room	
Employee Restroom	
Engineering & Maintenance	
Engineer Maintenance Office	
General Storage	
Food & Beverage Back-of-House	
Food Preparation	
Busing Station	
Laundry	
House Laundry	
Housekeeping	
Linen and Linen Chute Rooms	
Storage	
Elevators	
Elevators	
Elevator Equipment Room	
Property Technology	
Server Closet	
Mechanical, Plumbing & Electrical	
Mechanical	
Electrical	
Back-of-House Circulation	
TOTAL BACK-OF-HOUSE SPACES	2,914

SUMMARY	QUANTITY	TOTAL (SF)
Total Number of Guest Suites Floors	4	
Total Number of Floors	4	
Guest Spaces		42,482
Back-of-House		2,914
Total Net Building Area		42,396
Walls and Shafts (Estimated)		5,861
Total Gross Building Area		50,487
Total Square Feet per Room		567

The information released by Marriott® International in this communication with respect to the TownePlace Suites by Marriott project is provided to the owner and franchise community merely as a guide and all information and supporting documentation serves solely as guidelines and is not, and should not be considered final. All plans regarding this project are routinely updated and remain subject to revision and clarification. *Comply with all governing regulations for size, percentage and quantity of accessible guestrooms. October 2020



TownePlace Suites by Marriott®

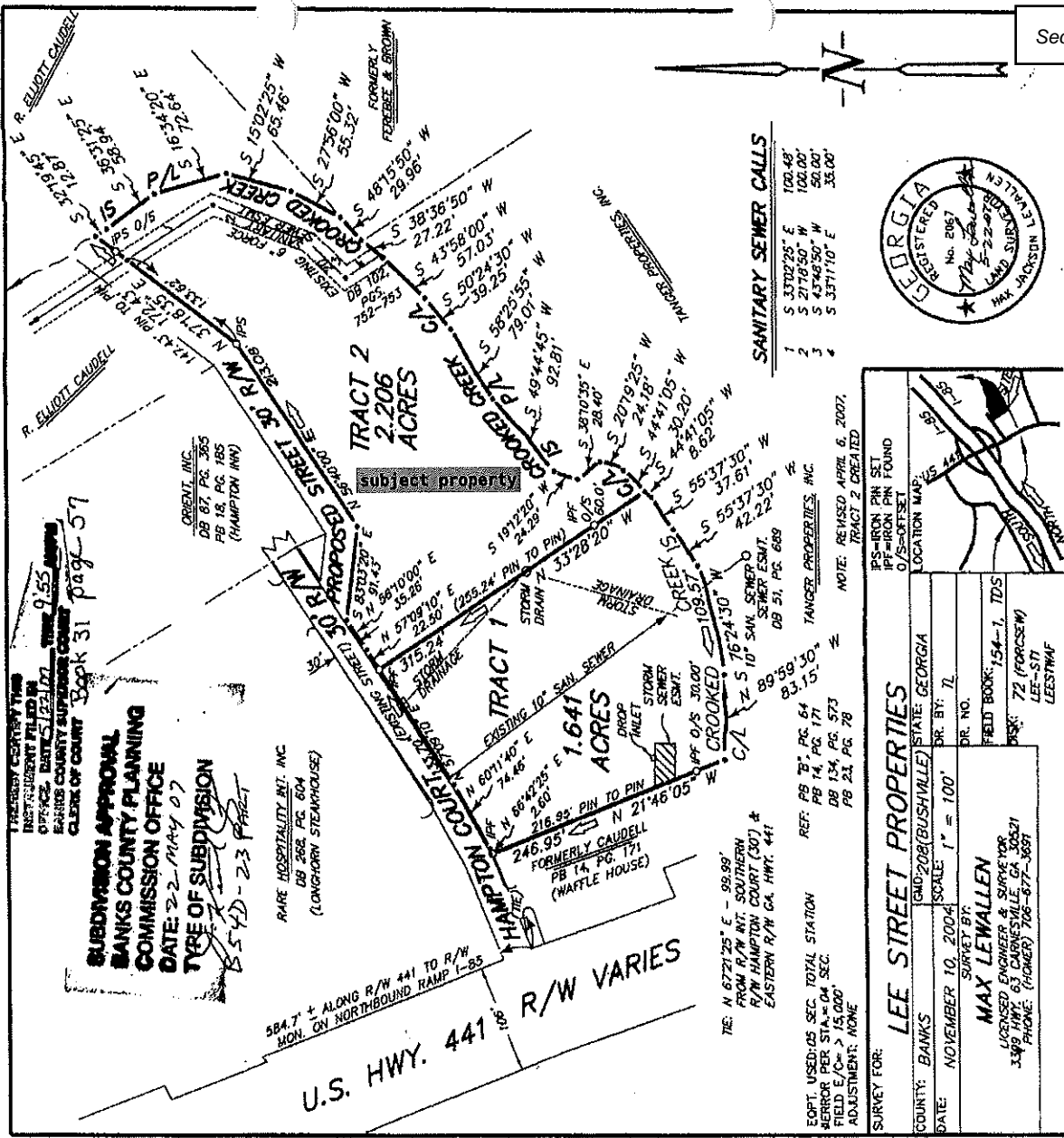
89 Room Prototype

TownePlace Suites® is designed for extended stay travelers who want to feel at home and stay productive. With thoughtful service, comfortable spaces and local know-how, TownePlace makes the new feel familiar. Hotels offer extraordinary value, including modern spacious suites with full kitchens and enhanced organization and productivity with the home office and Elfa® closets from The Container Store®.

Featuring compelling economics and strong performance in Average Daily Rate (ADR), Occupancy, and Extended Stay Occupancy, the brand appeals to owners, franchisees and investors looking for an excellent growth opportunity. To support development opportunities in tertiary markets, a reduced size prototype is being designed for TownePlace Suites with 89 keys. Backed by Marriott's robust demand generation engines and featuring the best Extended Stay sales tools in the industry, TownePlace Suites® is primed to perform.

BRANDS. LOYALTY. PARTNERSHIPS. RESULTS. MADE HERE.
VISIT MARRIOTTDEVELOPMENT.COM OR CALL 301.380.3200





TRACT 2
2.206
ACRES

TRACT 1
1.641
ACRES

- SANITARY SEWER CALLS**
- 1 S 37°02'28" E 100.48'
 - 2 S 27°18'50" W 100.00'
 - 3 S 33°46'50" W 50.00'
 - 4 S 35°11'10" E 35.00'



SUBMISSION APPROVAL
BANKS COUNTY PLANNING
COMMISSION OFFICE
DATE: 22 MAY 07
TYPE OF SUBDIVISION
854D - 23 PART

SURVEY FOR:	
LEE STREET PROPERTIES	
COUNTY: BANKS	STATE: GEORGIA
DATE: NOVEMBER 10, 2004	DR. BY: JL
SCALE: 1" = 100'	DR. NO.
SURVEY BY:	
MAX LEWALLEN	
LICENSED ENGINEER & SURVEYOR	
3300 HWY. 63 CARNESVILLE, GA 30021	
PHONE: (706) 706-677-3681	
FIELD BOOK: 154-1, TDS	
PLOT: 72 (FORSEW)	
LEE-ST	
LESTWAF	

Page 31

ORIENT, INC.
DB 87. PG. 365
PB 18. PG. 185
(HAMPTON INN)

CAUDELL

STREET) 30' R/W

PROPOSED STREET 30' R/W

SUB.

NEW HOTEL
31 Guest Rooms

EXISTING 6' CROOKED CREEK

CROOKED CREEK

CROOKED CREEK

C/L

P/L

CREEK

IS

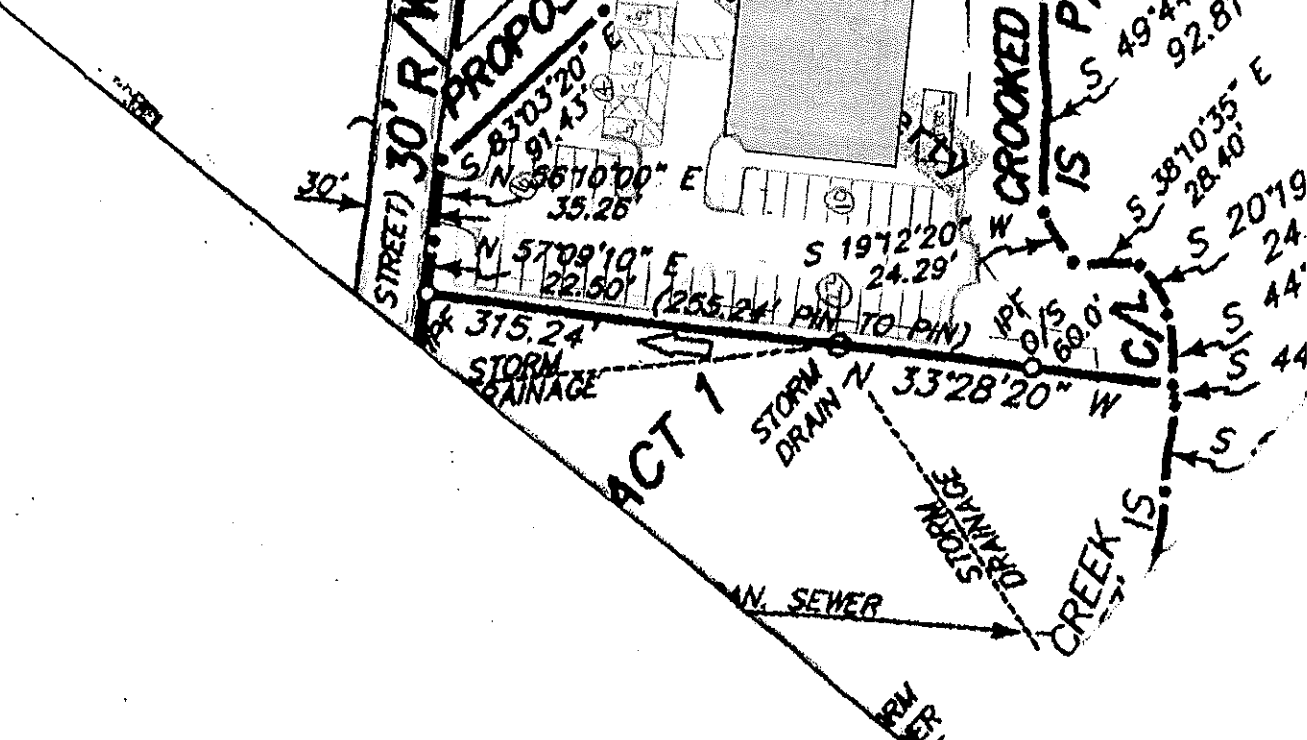
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Banks County Board of Commissioners
APPLICATION FOR COND. USE PERMIT

Section 2, Item b.

150 HUDSON RIDGE SUITE 4 / HOMER, GA 30547
PHONE: (706)677-4272 FAX: (888)686-7421 www.bankscountyga.org

DATE ISSUED: 04/26/2022

PERMIT #: 2022-20220151

LOCATION:	AMERICAN VINTAGE PARTS	DISTRICT	TAX MAP PARCEL
	20519 HWY 441 N	LOT	ZONING DISTRICT
OWNER:	KEVIN JOHNSON		TOTAL VALUATION
CONTRACTOR:			\$ 0
			TOTAL SQ FT
			0
			HEATED/UNHEATED
			0 / 0

TYPE CONSTRUCTION: CONDITIONAL USE APP

OCCUPANCY GROUP: CONDITIONAL USE

<u>FEE CODE</u>	<u>FEE</u>
/CONDITIONAL USE APPLICATION	150.00
TOTAL PAID: 150.00 **PAID IN FULL**	TOTAL AMOUNT: 150.00

REMARKS: CONDITIONAL USE TO ALLOW VEHICLE SALES AND NEW AND USED VEHICLE PARTS SALES.
MAXWELL MCCROSKEY APPLICANT.

Please schedule inspections 24 hours in advance by calling 706-677-4272. Inspection requests for the following day must be made by 2pm. This permit becomes null and void if work or construction authorized is not commenced within 6 months or if construction or work is suspended or abandoned for a period of 6 months at any time after work is started.

(SIGNATURE OF CONTRACTOR/OWNER)

(DATE)

(ISSUED BY)

(DATE)



PLANNING & ZONING

Dedicated to Serving Our Citizens

150 Hudson Rd Section 2, Item b.
Homer, Georgia 30547
Office: 706.677.4272
Fax: 706.677.6217
www.co.banks.ga.us


RECOMMENDATION

April 26, 2022

Re: Conditional Use 22-04
Maxwell McCroskey
1410 Sunbelt Way
Auburn Ga. 30011
Map B 53 120A

To: Whom it may concern

This letter is my recommendation for approval of above noted conditional use application. The use requested is not automatically allowed in C2 zoned areas. The request that the property addressed 20519 Hwy 441 S. Commerce Ga. 30529 is currently being used as an antique auto parts store, be allowed to continue with the following modifications to allow for vehicle sales also. This use must be approved as a conditional use. After reviewing the application for this use and the updated Comprehensive Land Use Plan I have found no reason not to allow it to be applied for. All approved uses will abide by guidelines of the Banks County Code. If you have any questions concerning this application or its use please do not hesitate to call.


Paul Ruark, Zoning Official
Planning and Zoning Department



CONDITIONAL USE APPLICATION

Planning & Zoning Office
150 Hudson Ridge Suite 4
Homer, Georgia 30547
Office: 706.677.4272
Fax: 888.686.7421
www.co.banks.ga.us

Permit # _____ Application # _____

Property Owner: Name: Kevin Johnson & Sally Johnson
Address: 4729 Deer Creek Court
Flowery Branch, GA 3052
Phone: 770-558-7745

Applicant: Name: Maxwell "Max" McCroskey
Address: 1410 Sunbelt Way
Auburn, GA 30011
Phone: 770-361-8955

Location: 20519 US Hwy 441
Commerce, GA 30529

Existing Zoning: C-2 Existing Use: Antique vehicle parts sales

Proposed Use: New and antique vehicle parts sales with online parts & vehicle sales.
Any auto/vehicle sales will not be open to walk-in traffic from the public.

Acreeage of Site: 5.00 Tax Map & Parcel: B53 120A

THE FOLLOWING APPLICATION MATERIALS MUST ACCOMPANY THIS APPLICATION

- 1) Metes and bounds description of the property.
- 2) Boundary surveys of the property.
- 3) A letter of intent which describes general characteristics of the proposed development such as type and time frame of development and background information in support of the application.
- 4) A site plan containing, at a minimum, the following information:
 - a) Title of the proposed development.
 - b) Name, address and phone number of the architect, engineer, or other designer.
 - c) Scale, date, north arrow, and general location map showing relationship of the site to street or natural landmarks.
 - d) Boundaries of the property, all existing and proposed streets, including right-of-way and street pavement widths, buildings, water courses, parking & loading areas, and other physical characteristics of the property and the development.
- 5) Campaign Contribution Disclosure Form.
- 6) Property Owner's Certification Sheet and Public Hearings Notification.
- 7) Application fee of \$150 (check or cash only.)

PD. CK# 2045
P. Rubc

March 21, 2022

Mr. Paul Ruark
Zoning Administrator
Banks County, Georgia
150 Hudson Ridge, Suite #4
Homer, GA 30547

REGARDING: CONDITIONAL USE APPLICATION
20519 US Hwy 441, Commerce, GA 30529
5.00+/- Acres of Land
Banks County, GA Tax Parcel # B53 120A

Dear Mr. Ruark:

I respectfully request the approval of the enclosed application for conditional use of the property located at 20519 US Hwy 441, Commerce, Georgia. We intend to purchase the above-referenced property and locate our automotive parts and sales business on the property. Historically, our operations are and will continue to be online sales of auto parts, both new and used, with less than 20% of our business transactions coming from the sale of whole vehicles, all of which are considered "vintage," "antique," or "classic" cars.

As stated above, our sales platform is internet-sales driven, and we would be open to the public by appointment only with no walk-in traffic advertised. The majority of utilization for this property would be for storage and shipping of said auto parts and/or storage of vehicles. Vehicles onsite are anticipated to be around 10-15 vehicles onsite at a time, some of which would be inside the premises.

The property is currently being utilized as a storage facility for online classic car parts/antique car parts sales, which is the bulk of our business model. We intend to keep that the primary focus of our business but want to have assurance that we can sell vehicles online through eBay, bringatrailer.com, and the like, along with this occupation of the property should we need to.

Our impact on any roads, schools, infrastructure, and other public resources are anticipated to be minimal and would mimic that of the current owner's operations. In all, we believe that approving this conditional use permit would not change anything with the property and/or its impact on others in the area.

Our business entity is Resurrected Classics and we are currently located in Auburn, Georgia. We feel that this facility suits our needs very well as it is currently configured. We do anticipate remodeling the property to give it a more modern look. This would include a brick veneer in front with some upgrades to the parking areas at the property. We have attached a rendering of proposed improvements to the property which we would anticipate beginning soon after purchasing the property.

Thank you for your time and consideration. Should you have any cause for concern, please do not hesitate to reach out to me at 770-361-8955 and I would be happy to discuss our plans for the property. We look forward to locating in Banks County sooner than later.

Sincerely,



Max McCroskey
Resurrected Classics

Proposed Building Remodel Rendering – 20519 US Hwy 441



CRITERIA TO CONSIDER FOR CONDITIONAL USES

- a. Whether off-street parking and loading facilities are adequate in terms of location, amount and design to serve the proposed use.
- b. Whether the number, size and type of signs proposed are compatible with the surrounding area.
- c. Whether the proposed use will have compatibility with existing uses of adjacent land and the surrounding area and will not cause or create or be likely to cause or create adverse effects upon the existing or future development of either the area or the rest of the county.
- d. Whether ingress and egress to the property is suitable and safe and the effect of the proposed activity on traffic flow along adjoining street is not adverse
- e. Whether the location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining or neighboring properties.
- f. Whether hours and manner of operation of the proposed use are inconsistent with adjacent and nearby uses.
- g. Whether existing public facilities and utilities are capable of adequately serving the proposed use.
- h. Whether the proposed use will have a significant adverse effect on the level of property values or the general character of land uses in the surrounding area or the county.
- i. Whether the physical conditions of the site, including size, shape, topography and drainage are suitable for the proposed development.
- j. The existing uses and zoning of nearby property and whether the proposed use will adversely affect the existing use or usability of nearby property.
- k. The extent to which property values of the applicant are diminished by the inability to take advantage of potential use.

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1. The name and official position of the local government official to whom the campaign contribution was made; and
 2. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within 10 days after the application for the rezoning action is first filed. (Code 1981, Section 36-67A-3, enacted by Ga. L. 1986, page 1269, Section 1; Ga. L. 1991, page 1365, Section 1.)"

I hereby certify that I have read the above and that:

I have _____, I have not ☒, within the two years immediately preceding this date made any campaign contribution(s) aggregating \$250 or more to any local government official involved in the review or consideration of this application.

Applicant's Signature:  Date: 3/21/22

Property Owner's Signature:  Date: 3/21/22

*If you have made such contributions, you must provide the date required in subsection (a) above within ten (10) days of the filing of this application.

PROPERTY OWNER'S CERTIFICATION

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant listed above is authorized to act as the applicant in the pursuit of this application.

Property Owner's Signature: _____



Date: _____



I have been informed that I, the applicant or property owner, must attend the public hearings for this application.

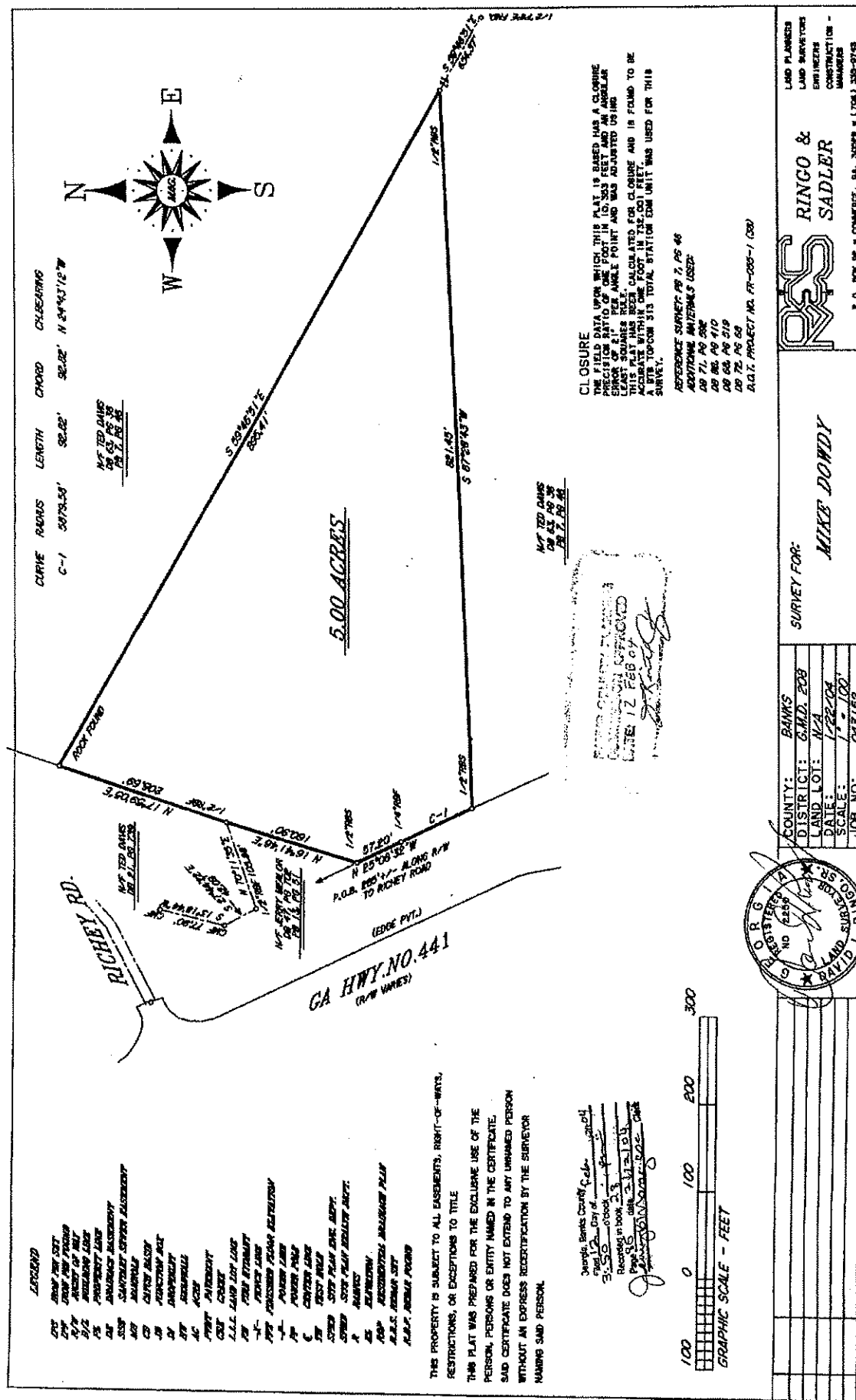
Unless otherwise posted, the Banks County Planning Commission meets at 6:30 p.m. on the first Tuesday of each month. The planning commission's recommendation on the application is sent to the Banks County Board of Commissioners which meets on the second Tuesday of each month at 6:30p.m.

Owner/Applicant Signature:  Date: 3/21/22

LEGAL – 20519 US Hwy 441

All that tract or parcel of land lying and being in the 208th G.M. District, Banks County, Georgia, containing 5.00 acres, more or less, as shown on a plat of survey for Mike Dowdy, by Ringo & Sadler, David L. Ringo, Sr., GRLS, dated January 22, 2004, recorded in Plat Book 28, page 85, in the Office of the Clerk of the Superior Court of Banks County, Georgia. Said plat is incorporated herein and made a part hereof by reference for a more detailed description. Subject to existing easements and rights of way for public roads and utilities now in use.

SURVEY – 20519 US HWY 441



Banks County Board of Commissioner
APPLICATION FOR COND. USE PERMIT

Section 2, Item c.

150 HUDSON RIDGE SUITE 4 / HOMER, GA 30547
PHONE: (706)677-4272 FAX: (888)686-7421 www.bankscountyga.org

DATE ISSUED: 04/26/2022

PERMIT #: 2022-20220152

LOCATION:	TRIMBLE	DISTRICT	TAX MAP PARCEL
			B52 122 PARENT
	1565 MCCOY BRIDGE RD	LOT	ZONING DISTRICT
			ARR
OWNER:	FAMILY ESTATE TRACT, LLC		TOTAL VALUATION
			\$ 0
CONTRACTOR:			TOTAL SQ FT
			0
			HEATED/UNHEATED
			0 / 0

TYPE CONSTRUCTION: CONDITIONAL USE APP

OCCUPANCY GROUP: CONDITIONAL USE

<u>FEE CODE</u>	<u>FEE</u>
/CONDITIONAL USE APPLICATION	150.00
TOTAL PAID: 150.00 **PAID IN FULL**	TOTAL AMOUNT: 150.00

REMARKS: REQUEST FOR HOME OCCUPATION OUT OF ACCESSORY STRUCTURE/HOME.

Please schedule inspections 24 hours in advance by calling 706-677-4272. Inspection requests for the following day must be made by 2pm. This permit becomes null and void if work or construction authorized is not commenced within 6 months or if construction or work is suspended or abandoned for a period of 6 months at any time after work is started.

(SIGNATURE OF CONTRACTOR/OWNER)

(DATE)

(ISSUED BY)

(DATE)



PLANNING & ZONING

Dedicated to Serving Our Citizens

150 Hudson R

Section 2, Item c.

Homer, Georgia 30547

Office: 706.677.4272

Fax: 706.677.6217

www.co.banks.ga.us

RECOMMENDATION

April 26, 2022

Re: Conditional Use 22-05
T & R Land Clearing and Grading
1565 McCoy Bridge Rd.
Homer Ga. 30547
Map B 52 066C (117 acres)

To: Whom it may concern

This letter is my recommendation for approval of above noted conditional use application. The use requested is not automatically allowed in ARR zoned areas. The request that the property be allow to operate a business as a home occupation out of an accessory structure has to be approved as a conditional use per the Banks County Code. After reviewing the application for this use and the updated Comprehensive Land Use Plan my concern is heavy traffic being loaded onto the bridge on McCoy bridge rd. I would recommend heavy traffic not be allowed onto the bridge. All approved uses will abide by guidelines of the Banks County Code. If you have any questions concerning this application or its use please do not hesitate to call.

Paul Ruark, Zoning Official
Planning and Zoning Department



CONDITIONAL USE APPLICATION

Planning & Zoning Office
150 Hudson Ridge Suite 4
Homer, Georgia 30547
Office: 706.677.4272
Fax: 888.686.7421
www.co.banks.ga.us

Section 2, Item c.

Permit # _____ Application # _____

Property Owner:

Name: FAMILY ESTATE TRACT LLC
Address: 1565 MCCOY BRIDGE Rd
HOMER GA 30547
Phone: 678-223-8023

Applicant:

Name: T+R LAND CLEARING + GRADING
Address: SAME AS ABOVE
Phone: _____

Location:

FARM

Existing Zoning:

AGG / ARR Existing Use: AGG / ARR

Proposed Use:

SAME / BUSINESS located out of Home.

Acreage of Site: 117 Tax Map & Parcel: B52066C

THE FOLLOWING APPLICATION MATERIALS MUST ACCOMPANY THIS APPLICATION

- 1) Metes and bounds description of the property.
- 2) Boundary surveys of the property.
- 3) A letter of intent which describes general characteristics of the proposed development such as type and time frame of development and background information in support of the application.
- 4) A site plan containing, at a minimum, the following information:
 - a) Title of the proposed development.
 - b) Name, address and phone number of the architect, engineer, or other designer.
 - c) Scale, date, north arrow, and general location map showing relationship of the site to street or natural landmarks.
 - d) Boundaries of the property, all existing and proposed streets, including right-of-way and street pavement widths, buildings, water courses, parking & loading areas, and other physical characteristics of the property and the development.
- 5) Campaign Contribution Disclosure Form.
- 6) Property Owner's Certification Sheet and Public Hearings Notification.
- 7) Application fee of \$150 (check or cash only.)

T&R LAND CLEARING AND GRADING LLC.

1565 McCoy Bridge Rd

Homer GA 30547

1: 117 acre Agg tract

2: Survey attached/ QPublic

3: Intent: We own several pieces of equipment for our farm. When the opportunity arises to do a little work with them, we would like to. This is not a large-scale operation. It includes me, my son, my daughter and her fiancé. There will be no development of property for the purposes of this business. We have been moving dirt for years.

4: There will be no development, we already keep the machines there on the property. See attached satellite for approximate location of equipment.

The entrance will be the driveway.

Joshua Trimble

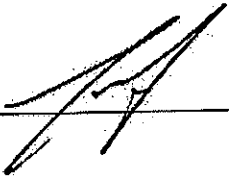
CRITERIA TO CONSIDER FOR CONDITIONAL USES

- a. Whether off-street parking and loading facilities are adequate in terms of location, amount and design to serve the proposed use.
- b. Whether the number, size and type of signs proposed are compatible with the surrounding area.
- c. Whether the proposed use will have compatibility with existing uses of adjacent land and the surrounding area and will not cause or create or be likely to cause or create adverse effects upon the existing or future development of either the area or the rest of the county.
- d. Whether ingress and egress to the property is suitable and safe and the effect of the proposed activity on traffic flow along adjoining street is not adverse.
- e. Whether the location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining or neighboring properties.
- f. Whether hours and manner of operation of the proposed use are inconsistent with adjacent and nearby uses.
- g. Whether existing public facilities and utilities are capable of adequately serving the proposed use.
- h. Whether the proposed use will have a significant adverse effect on the level of property values or the general character of land uses in the surrounding area or the county.
- i. Whether the physical conditions of the site, including size, shape, topography and drainage are suitable for the proposed development.
- j. The existing uses and zoning of nearby property and whether the proposed use will adversely affect the existing use or usability of nearby property.
- k. The extent to which property values of the applicant are diminished by the inability to take advantage of potential use.

I have been informed that I, the applicant or property owner, must attend the public hearings for this application.

Unless otherwise posted, the Banks County Planning Commission meets at 6:30 p.m. on the first Tuesday of each month. The planning commission's recommendation on the application is sent to the Banks County Board of Commissioners which meets on the second Tuesday of each month at 6:30p.m.

Owner/Applicant Signature:



Date:

2-14-22

CAMPAIGN CONTRIBUTION DISCLOSURE FORM REQUIRED FOR ALL ZONING ACTIONS

"36-67 A-3. Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of the applicant's application for the rezoning action, campaign contributions aggregating \$250 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
1. The name and official position of the local government official to whom the campaign contribution was made; and
 2. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within 10 days after the application for the rezoning action is first filed. (Code 1981, Section 36-67A-3, enacted by Ga. L. 1986, page 1269, Section 1; Ga. L. 1991, page 1365, Section 1.)"

I hereby certify that I have read the above and that:

I have _____, I have not ☒, within the two years immediately preceding this date made any campaign contribution(s) aggregating \$250 or more to any local government official involved in the review or consideration of this application.

Applicant's Signature: _____

Date: 2-14-22

Property Owner's Signature: _____

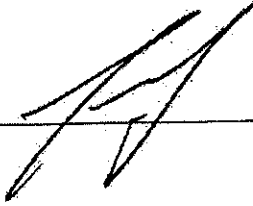
Date: 2-14-22

*If you have made such contributions, you must provide the date required in subsection (a) above within ten (10) days of the filing of this application.

PROPERTY OWNER'S CERTIFICATION

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge; and that the applicant listed above is authorized to act as the applicant in the pursuit of this application.

Property Owner's Signature: _____

Date: 2-14-22

HOME OCCUPATION COMPLIANCE AGREEMENT

A home occupation as defined by these regulations shall conform to the following requirements:

1. A maximum of one person not residing in the dwelling may be employed in connection with the home occupation. There is no limit on the number of other employees, provided that they reside within the dwelling on the premises.
2. The home occupation shall be clearly incidental and secondary to the residential use of the dwelling and lot and shall not change the residential character of the building, lot, or neighborhood.
3. No storage or display of products, equipment, customer vehicles or other items or other materials shall be visible from the adjoining street or adjacent properties.
4. Vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of a home occupation, but only one commercial vehicle is permitted to be used per home occupation.
5. No external alterations of the dwelling solely for the accommodation of a home occupation are permitted. No home occupation shall be conducted in a separate garage, barn, shop or other accessory building unless the home occupation is approved as a conditional use by the county commissioners.
6. No chemical, electrical, or mechanical equipment shall be used in connection with the home occupation if it generates any noise, odor, environmental hazard or other nuisance which is detectable to any extent at the common boundary of the property and any neighboring properties. No such equipment shall be placed so as to be visible to any neighboring property or any public road.
7. No business identification sign for a home occupation business shall be allowed in a R-1 or R-2 zoning district but in all other districts one non-illuminated business identification sign not exceeding 12 square feet shall be permitted.
8. Use of a dwelling for a home occupation shall not exceed 25 percent of one floor of the principal dwelling. In addition to the other requirements of this section, home occupations shall be permitted, in whole or part, within accessory buildings only on lots of at least two acres and if a setback of 50 feet is maintained from each property line.
9. A business license shall be obtained from Banks County prior to the operation of any home occupation. Said business license shall require approval by the zoning administrative officer.
10. The following uses are allowable as home occupations (not all inclusive): tutoring, consultation and instruction in music, dance, arts, crafts and similar subjects limited to two students at one time; day-care centers serving six or less persons; professional services (i.e., attorneys, architects, accountants, realtors, insurance and travel agents); secretarial services and answering services; mail order and general offices not involving storage of equipment, materials, products or vehicles; phone solicitations, beauty salons and barber shops limited to two operators/chairs; food catering).

11. The following are conditional uses: cabinet shops and/or metal cutting; doctors, dentists or other medical professions; automobile body work; automobile repair or related work, and any other home occupation where an accessory building is to be built on or moved to the property for such use.

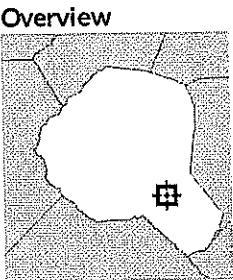
The failure of a home occupation licensee to comply with any of the above conditions shall be reasonable grounds for revocation of a home occupation business license.



I have read and agree to comply with these regulations for a home occupation:


Home Occupation Business License Holder

2-14-22
Date

T & R LAND CLEARING & GRADING LLC
Business Name



Legend
 Parcels
 Roads

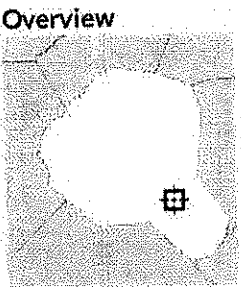
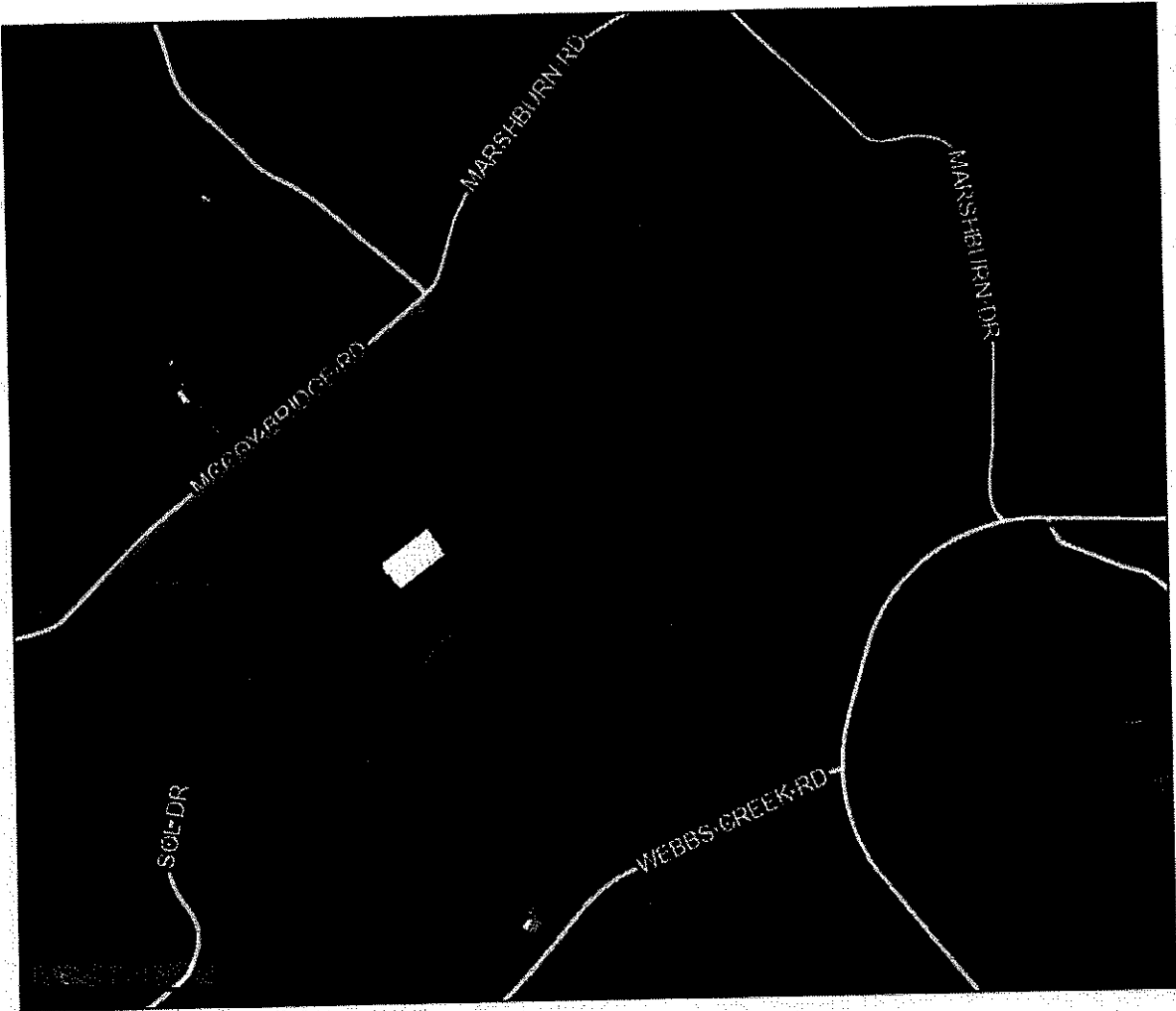
Parcel ID	B52 066C	Owner	FAMILY ESTATE TRACT LLC	Last 2 Sales			
Class Code	Agricultural		5916 EAST LAKE PARKWAY	Date	Price	Reason	Qual
Taxing District	County		SUITE 232	5/20/2021	\$819000	LM	Q
	County		MC DONOUGH, GA 30253	n/a	0	n/a	n/a
Acres	117	Physical Address	1565 MCCOY BRIDGERD				
		Assessed Value					



(Note: Not to be used on legal documents)

Disclaimer: The Banks County Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

Date created: 3/14/2022
Last Data Uploaded: 3/13/2022 6:39:23 AM

Developed by  Schneider
GEOSPATIAL



- Legend**
-  Parcels
 -  Roads

Parcel ID	B52 066C	Owner	FAMILY ESTATE TRACT LLC	Last 2 Sales			
Class Code	Agricultural		5916 EAST LAKE PARKWAY	Date	Price	Reason	Qual
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Acres	117	Physical Address	1565 MCCOY BRIDGE RD				
		Assessed Value					

(Note: Not to be used on legal documents)

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Date created: 2/14/2022
Last Data Uploaded: 2/14/2022 6:29:28 AM

Developed by  **Schneider**
GEOSPATIAL

Paul Ruark

From: fandi <fandi@bellsouth.net>
Sent: Sunday, March 13, 2022 11:40 AM
To: Paul Ruark
Subject: Re: conditional use application
Attachments: CONDITIONAL USE_000616.pdf

On Thursday, March 10, 2022, 08:01:33 AM EST, Paul Ruark <pruark@co.banks.ga.us> wrote:

Joshua,

Here is a copy of the conditional use application needed for your request. Noted at the bottom of the first page are the required documents the must accompany the application. Section 417 that I sent you are the general guidelines that must be met by each home occupation that has been approved in the past.

Thanks

Paul

Recommendation of Banks County
Planning Commission to the Board of Commissioners

V-22-01- A variance application has been submitted, by Kaefus Abernathy, to reduce the 1000 sqft minimum heated space in a new home structure to be located at a map and parcel number B07 012.

This is to certify that the Banks County Planning Commission has voted

YES, to recommend or **NO**, not to recommend

that the proposal for Rezoning be approved by the Banks County Board of Commissioners.

Signature

This **3rd** day of **May** , 2022.