



BANKS COUNTY PLANNING COMMISSION MEETING

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

Tuesday, September 06, 2022 at 6:30 PM

AGENDA

1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

[a.](#) Minutes for the 08-16-22 Planning Meeting

4. APPLICATIONS FOR CONDITIONAL USE

[a.](#) A conditional use application CU 22-06 has been submitted to the planning and zoning office for a home occupation business located at, 360 Apple Valley Rd, Alto, GA 30510, for the sale of hunting supplies, small arms and ammo sales.

5. ADJOURNMENT



BANKS COUNTY PLANNING COMMISSION MEETING

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

Tuesday, August 16, 2022 at 6:30 PM

MINUTES

1. CALL TO ORDER

Meeting called to order by Chairman O'Kelley.

Motion made by Vice-Chairman Griffith, Seconded by Mr. Wheatley.

Voting Yea: Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley

PRESENT

Vice-Chairman Taylor Griffith

Chairman Mr. Jay O'Kelley

Mr. Scott Wheatley

ABSENT

Mr. Sam Moon

2. APPROVAL OF AGENDA

Chairman O'Kelley asked for approval of Agenda

Motion made by Vice-Chairman Griffith, Seconded by Mr. Wheatley.

Voting Yea: Vice-Chairman Griffith, Chairman O'Kelley, Mr. Wheatley

3. APPROVAL OF MINUTES

Chairman O'Kelly asked for approval of Minutes from July 19, 2022

Motion made by Vice-Chairman Griffith, Seconded by Mr. Wheatley.

Voting Yea: Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley

4. APPLICATIONS TO REZONE

a.

Banks County Planning and Zoning Department has received applications from Hoyt & Berenyi, LLC of 346 Seacoast Pkwy Ste 200 Mount Pleasant SC 29464 to rezone property from ARR Agriculture Rural Residential to C2 Conditional Use. Property identified as map and parcels B66 040 (72.75 acres) and B66 034 (97.79 acres) to be used as a trucking freight terminal. Zoning File 22-07.

Applicant Mr. Gary Berenyl of SEFL spoke of the overall site plan and explained that they are not a warehouse. His partner currently has covid and was not able to appear.

Benefits- large parking lot, local drivers, off peak shifts, less than .6 trips per door per hour, 151 doors that can expand to 191. Entrance will come off of Industrial Park Drive. Emergency entrance will be located on Harden Bridge Rd. Buffers in place and they are taking extra precautions on noise control.

Vice-Chairman Griffith asked if they had a traffic study?

Mr. Berenyl said he thought he sent one.

Spoke in Opposition: Greg Jewell- 116 Walkers Way

-excess burdens on neighbors, pollution, noise, EMS response time, no sales tax revenue, endangered species

Chairman O'Kelley stated he spoke to the sheriffs office and the fire chief. They both said it was a low impact on the county.

Spoke in Opposition: Jim Bryson-Hwy 59

-lived there for 16 years and worried about the impact on the neighbors

Spoke in Opposition: Chancy Dorsey-105 Harden Bridge Rd

-no job opportunities, noise, no need for emergency exit, 2 & 5 yr old's that play outside, not enough fuel

Spoke in Opposition: Eddie Dumas- 1113 Harden Bridge Rd

-lived there 30 yrs, works for express, express had 500 trucks a day, 300 employee and vendors makes more traffic & noise, worried about run off to river and contamination, hazmat problems-asked if the fire department was even equipped, increase in crime

Spoke in Opposition: Lucenda Bless- 745 Hwy 59

-storm drain coverage, stated she has personally aided in 6 wrecks around the intersection, endangered birds (5)

Rebuttal: Mr. Berenyl-SEFL President

-land use is light industrial, private owned company, barrier would be on 441, EPA's are known and have dealt with before, perfect location, asked for C2 with conditional use to ensure protection of the community, SEFL would only be seen by drone, ponds are governed by permits

Vice-Chairman Griffith asked questions regarding the comprehensive plan that Banks County has in place and the impact it will have traffic and protecting the neighbors.

Chairman O'Kelley said each person in opposition can have 1min 30sec to speak.

Spoke in Opposition: Brandon Hucks-524

-No need for exit on Harden Bridge, bridge not ready for trucks 17 tons empty is the capacity weight a fully loaded trailer would be over 80000 lbs.

Spoke in Opposition: Roger-123 Wrights Mill Rd

-multiple deaths in the area, traffic problems

Spoke in Opposition: Steve Murray-Mt. Bethel Rd

-asked for the government to not take BC away

Spoke in Opposition: John Baird-1031 Hwy 59

-to much land loss and traffic issues

Spoke in Opposition: Daryl McClure- 131 Buckeye Bluff

-asked the board if they would want to buy a house there

Spoke in Opposition: Dustin Tate-151 Buckeye Pt

-worried about fresh air

Spoke in Opposition: Jake Bailey-736 Hwy 59

-discussed that he had a petition with 46 signatures, concerned about the water run off

Spoke in Opposition: Sandra- 131 Buckeye Trail

-worried about her and her husbands health, they are older, worried about noise

Spoke in Opposition: Larry-1134 Sims Bridge Rd

-serious accidents/ deaths

Spoke in Opposition: Jeff Jones-870 Hwy 63

-more spots could turn into C2 and that is concerning

Spoke in Opposition: Roger-123 Wrightsmill Rd

-explained how this zoning did not apply they are buying at ARR and selling at a C2

Spoke in Opposition: Billy-779 Hwy 59

-concerned about the land across the road

Vice-Chairman Griffith made a motion to deny the application.

Motion made by Vice-Chairman Griffith Seconded by Mr. Wheatley

Voting Yea: Vice-Chairman Griffith, Mr. Wheatley

Voting Nay: Mr. O'Kelley

5. ADJOURNMENT

Chairman O'Kelly asked for a motion to adjourn.

Motion made by Vice-Chairman Griffith, Seconded by Mr. Wheatley.

Voting Yea: Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley



PLANNING & ZONING

Dedicated to Serving Our Citizens

150 Hudson R

Homer, G

Section 4, Item a.

Office: 706.677.4272

Fax: 706.677.6217

www.co.banks.ga.us

RECOMMENDATION

August 15, 2022

Re: Conditional Use 22-06
Wayne Murphy
360 Apple Valley Rd.
Alto Ga. 30510
Map B 23 027A

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 and include gun sales 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 flow of traffic on a single lane road. 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

NOTICE OF PUBLIC HEARING

Please take notice that the following application has been received by the Banks County Planning Office:

A conditional use application CU 22-06 has been submitted to the planning and zoning office for a home occupation business located at, 360 Apple Valley Rd, Alto, GA 30510, for the sale of hunting supplies, small arms and ammo sales.

The above application is on file in the Banks County Planning and Development Office and is available for public review. The office is located at the Banks County Courthouse Annex at 150 Hudson Ridge in Homer, GA.

The Banks County Planning Commission will hold a public hearing on the matter on Tuesday September 6, 2022 at 6:30 PM in the board room at the Banks County Courthouse Annex at 150 Hudson Ridge in Homer, GA.

The Banks County Board of Commissioners will hold a public hearing on the matter on Tuesday September 13, 2022 at 6:30 PM in the board room at the Banks County Courthouse Annex at 150 Hudson Ridge in Homer, GA.

Any and all persons interested are invited to appear and comment.

Please run on August 17 and August 24, 2022

Paul Ruark

I would like to postpone
Apparition until further notice

Date
6-20-22

Sign
Wayne Murphy

DUPLICATE

Section 4, Item a.

Banks County Board of Commissioners
CASH RECEIPT

RECEIPT NO: 514338

DATE: 06/07/2022

RECEIVED FROM: WAYNE MURPHY

PAYPER PAY PERMITS

150.00

PAID IN FULL

PAYMENT DETAIL

CHECK: 150.00 PAID CK # 2753

PREVIOUS BALANCE: 150.00

NEW BALANCE: 0.00

RECEIVED BY: PRUARK



BANKS COUNTY OPEN RECORDS REQUEST

Pursuant to the Georgia Open Records Act, I would like to: (please check one) ☐ inspect and copy; or ☒ obtain copies of the following Banks County records:

Current conditional use, that was originally applied for and business permit for
Wayne Murphy - 3600 Apple Valley Rd
Alto, GA 30510

All that allows him to operate his current business and that states size of business (existing)

(in order to reduce administrative and copying charges, please provide as detailed a description as possible of the records that you are requesting)

Please check one:

☒ I would like to review the documents/receive the copies within three business days of this request if the records are available;

or

☐ I do not need the documents/access within three business days, but would like to review the documents/receive the copies by

(insert desired timetable)

Pursuant to O.C.G.A. § 50-18-71, under the law, "an agency shall utilize the most economical means reasonably calculated to identify and produce responsive, non-excluded documents. The charge for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request; provided, however, that no charge shall be made for the first quarter hour." O.C.G.A. § 50-18-71(c)(1). In addition, according to O.C.G.A. § 50-18-71(c)(2), copying charges are not to exceed \$0.10 per page or the actual cost of the cd, dvd or other media if electronic records are produced.

If costs are estimated to exceed \$25.00 you will be notified within three business days. O.C.G.A. § 50-18-71(d). Advance payment is not required unless costs will exceed \$500. See O.C.G.A. § 50-18-71(d).

If the request is denied in whole or in part, Banks County will justify all redactions by reference to the exemptions in the Act, specifying code section, subsection and paragraph. O.C.G.A. § 50-18-71(d).

Requested records will be provided within the three-day limit or written reasons why the records are unavailable in this time period will be given along with a timetable for their production. O.C.G.A. § 50-18-71(b)(1)(A).

If there are any questions about my request, I may be contacted at: (706) 949-8384 (please insert daytime telephone number) or by email at whitney.lahayne@gmail.com (please insert email address).

Requestor

Date

Whitney Lahayne (printed name)

105 Apple Valley Road (address)

Alto, GA 30510

Internal use only:

Date:

Fee:

Receipt #:

NOTICE OF PUBLIC HEARING

Please take notice that the following application has been received by the Banks County Planning Office:

A conditional use application CU 22-06 has been submitted to the planning and zoning office for a home occupation business located at, 360 Apple Valley Rd, Alto, GA 30510, for the sale of hunting supplies, small arms and ammo sales.

The above application is on file in the Banks County Planning and Development Office and is available for public review. The office is located at the Banks County Courthouse Annex at 150 Hudson Ridge in Homer, GA.

The Banks County Planning Commission will hold a public hearing on the matter on Tuesday June 21st, 2022 at 6:30 PM in the board room at the Banks County Courthouse Annex at 150 Hudson Ridge in Homer, GA.

The Banks County Board of Commissioners will hold a public hearing on the matter on Tuesday June 28th, 2022 at 6:30 PM in the board room at the Banks County Courthouse Annex at 150 Hudson Ridge in Homer, GA.

Any and all persons interested are invited to appear and comment.

With drawn
6-20-22

Banks County Board of Commissioner
APPLICATION FOR COND. USE PERMIT

Section 4, Item a.

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

DATE ISSUED: 06/07/2022

PERMIT #: 2022-20220205

LOCATION:	WAYNE MURPHY	DISTRICT	TAX MAP PARCEL
			B23 027A.
	360 APPLE VALLEY DR	LOT	ZONING DISTRICT
OWNER:	WAYNE MURPHY		TOTAL VALUATION
CONTRACTOR:			\$ 0
			TOTAL SQ FT
			0
			HEATED/UNHEATED
			0 / 0

TYPE CONSTRUCTION: PROTECTED NON COMB

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 22-06 FOR A HOME BASED BUSINESS

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)



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 4, Item a.

Permit # _____ Application # CU# 22-06

Property Owner:

Name: Wayne Murphy
Address: 360 Apple Valley Rd
A1to, 6th 30510
Phone: 706-968-2568

Applicant:

Name: Wayne Murphy
Address: 360 Apple Valley Rd
A1to, 6th 30510
Phone: 706-968-2568

Location: _____

Existing Zoning:

ARR Existing Use: Residence

Proposed Use:

Home Occupation out of An Accessory Structure

Acreage of Site: 5.0 Tax Map & Parcel: B23 027A

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.) ✓

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: Wayne Murphy Date: _____

Property Owner's Signature: Wayne Murphy Date: _____

*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.

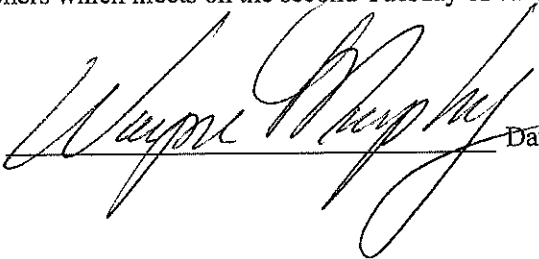
PROPERTY OWNER'S CERTIFICATION

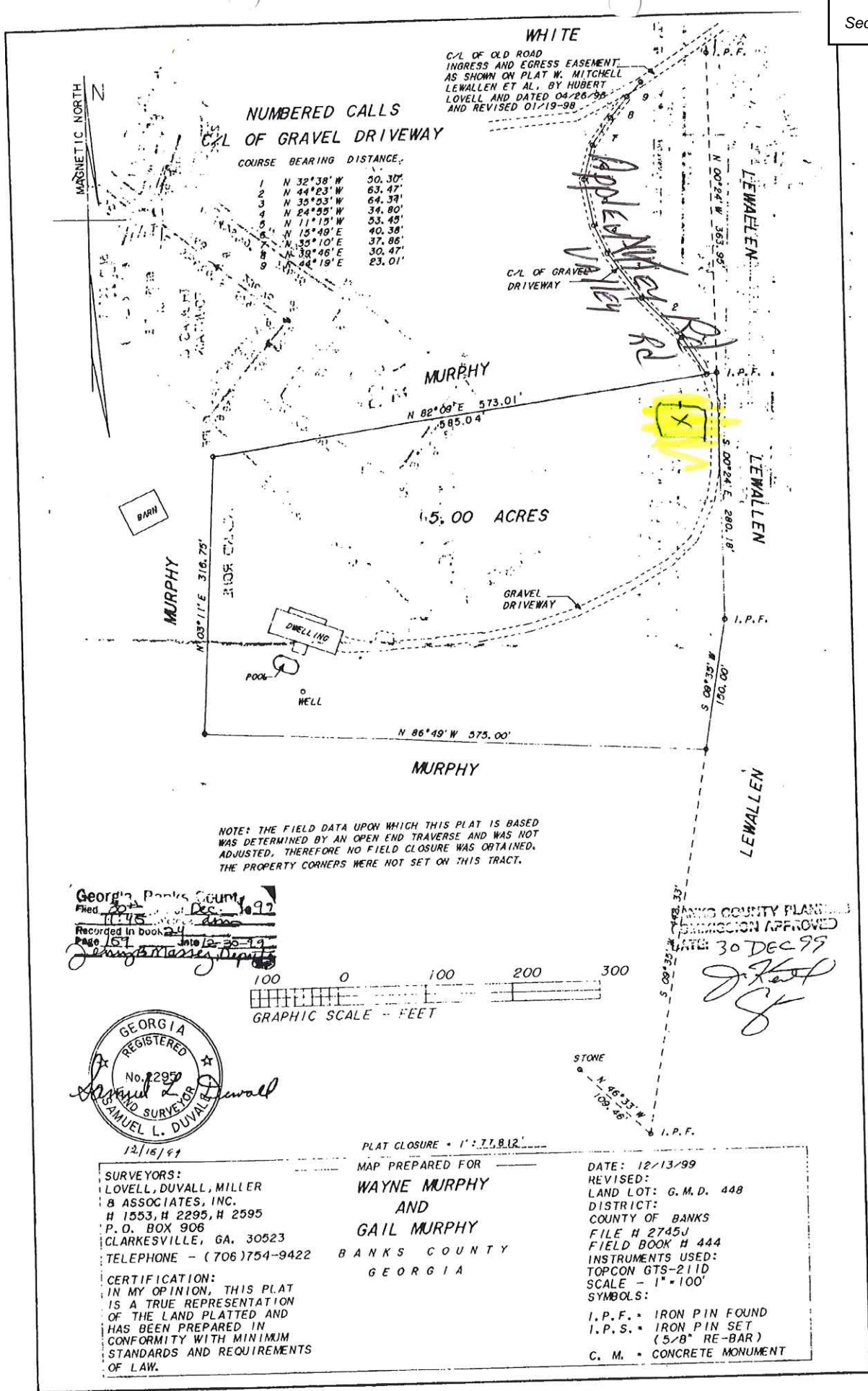
I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant listed above is authorized to act as the applicant in the pursuit of this application.

Property Owner's Signature: Wayne Murphy 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: _____



Wayne Murphy
Building \$1800 sq feet
Sales product Hunting Supplies
for Dog-
We want to Add Small Arms
and ammo.

Wayne Murphy
5-5-22



SALES TAX CERTIFICATE OF REGISTRATION

STATE OF GEORGIA
DEPARTMENT OF REVENUE
Taxpayer Services Division

Issued Pursuant to the Retailers' and Consumers' Sales and Use Tax Act of 1951, as Amended
Said Person Named Hereon is Authorized and Empowered to Collect Georgia Sales and Use
Tax, Local Option, Special County, Motor Fuel, Homestead, Education, and MARTA.

STATE TAXPAYER IDENTIFIER: 20115799585	EFFECTIVE DATE: 01-Jul-2011	SALES TAX NUMBER: 308270946	COUNTY NAME: BANKS
NAICS: 424910 - Farm Supplies Merchant Wholesalers		Secondary NAICS: None	

WAYNE MURPHY

360 APPLE VALLEY RD
ALTO, GA 30510-4815

IMPORTANT
This Certificate is
NON TRANSFERABLE

Dwight McArthur

COMMISSIONER OF REVENUE

EACH PLACE OF BUSINESS MUST BE REGISTERED SEPARATELY.

00404

**WEST CREEK
HUNTING SUPPLIES**

360 Apple Valley Road • Alto, GA 30510
706-968-2568

Banks County
Business Lic
2022

Fed ID

46-4935353