



BANKS COUNTY PLANNING COMMISSION MEETING

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

Tuesday, February 01, 2022 at 6:30 PM

AGENDA

1. CALL TO ORDER

2. APPROVAL OF MINUTES

- [a.](#) Minutes from January 4, 2022

3. APPLICATIONS FOR CONDITIONAL USE

- [a.](#) CU-22-01 — Caleb Helton, Helton Investment LLC — An application has been submitted for the conditional use of the property identified as parcel B26 094 located at 270 Mt Sinai Rd. for the manufacture of firearms and ammunition (Type 07 FFL.)

4. PREVIOUS BUSINESS

- [a.](#) **TABLED:** Z-22-01 — Darshaan Holding, LLC — An application has been submitted to rezone the property identified as parcel B51 025 Tract 1A, a 7.27-acre lot at Hwy 441 and McCoy Bridge Rd., from ARR (Agricultural, Rural, Residential) to C2 (Commercial) to be used for a convenience store/gas station, retail space, and self-storage facility.
- [b.](#) **TABLED:** Article VI: "ARR, Agricultural-Rural Residential District" Section 602
- [c.](#) **TABLED:** Article VI: "ARR, Agricultural-Rural Residential District" Section 603

5. ADJOURNMENT



BANKS COUNTY PLANNING COMMISSION MEETING

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

Tuesday, January 04, 2022 at 6:30 PM

MINUTES

1. CALL TO ORDER

PRESENT

Chairman Brian Mathis

Vice-Chairman Taylor Griffith

Mr. Jay O'Kelley

Mr. Scott Wheatley

Mr. Sam Moon

2. APPROVE MINUTES

a. Minutes from December 2021

- Motion to approve
- Motion made by Vice-Chairman Griffith, Seconded by Mr. Moon.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon
- Votes 5:0 and the motion passes

3. APPLICATION FOR REZONE

- a. Z-22-01 — Darshaan Holding, LLC — An application has been submitted to rezone the property identified as parcel B51 025 Tract 1A, a 7.27-acre lot at Hwy 441 and McCoy Bridge Rd., from ARR (Agricultural, Rural, Residential) to C2 (Commercial) to be used for a convenience store/gas station, retail space, and self-storage facility.
- i. Applicant John Irvin of Foothills Design speaks about overall site plan; current property owner John D. Sewell speaks in favor, citing multiple years of studying land for optimal usage; business operator Karim Aly counters concerns about EPA and EPD involvement.
 - ii. Those opposed: Joshua Trimble of McCoy Bridge Rd, Dr. Robert Marshburn of Marshburn Dr, and Jeremy Harris, Harris Meats of McCoy Bridge Rd. each express concerns about the effect of the proposed business on the nearby Hudson River, as well as other environmental and ecological effects. Opposition also addresses traffic issues with current infrastructure.
 - iii. Mr. Trimble and Mr. Moon engage in discussion about roads, traffic, and traffic control ultimately culminating in agreement that a traffic study is needed.
- Motion to table until February 1, 2022 allowing time to submit a traffic study
 - Motion made by Vice-Chairman Griffith, Seconded by Mr. Wheatley.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. Wheatley
Voting Nay: Mr. O'Kelley, Mr. Moon

- Votes 3:2 and the motion passes

4. CODE AMENDMENTS: Amendments to Code of Ordinance Appendix A entitled "Zoning"

a. Article IV: "General Provisions"

- Section 413: remove the word *one* so that it reads "...may be less than two acres subject to..."
- Motion to approve with corrected error, section 413
- Motion made by Vice-Chairman Griffith, Seconded by Mr. Wheatley.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon
- Votes 5:0 and the motion passes

b. Article IV: "General Provisions"

- Motion to approve as written
- Motion made by Vice-Chairman Griffith, Seconded by Chairman Mathis.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon
- Votes 5:0 and the motion passes

c. Article V: "CAD, Consolidated Agricultural District-Intensive"

- Motion to approve as written
- Motion made by Vice-Chairman Griffith, Seconded by Mr. Moon.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon
- Votes 5:0 and the motion passes

d. Article V: "CAD, Consolidated Agricultural District-Intensive"

- Motion to approve as written
- Motion made by Mr. O'Kelley, Seconded by Mr. Wheatley.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon
- Votes 5:0 and the motion passes

e. Article VI: "ARR, Agricultural-Rural Residential District"

- Motion to approve with deletion of 602-4-i, change of wording 602-4-iii to add "where required by site plan.", and deletion of 6-4-iv
- Motion made by Vice-Chairman Griffith. No second.
- Motion to approve with change of wording 602-4-I to read "1000 minimum square feet" with anything smaller being added as a conditional use, change of wording 602-4-iii to read "where required by site plan", and deletion of 602-4-iv
- Motion made by Mr. Moon. No second due to concern that smaller square footage would not be added to conditional uses.
- Motion to table until February 1, 2022 for further review
- Motion made by Vice-Chairman Griffith, Seconded by Mr. Moon.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon

- Votes 5:0 and motion passed
- f. Article VI: "ARR, Agricultural-Rural Residential District"
- Motion to table until February 1, 2022 for further review along with previous article changes
 - Motion made by Vice-Chairman Griffith, Seconded by Mr. Wheatley.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon
 - Votes 5:0 and the motion passes
- g. Article VII(A): "R-1, Single-Family Residential District"
- Motion to approve with change of wording section 702(A)-1 to read "...not to exceed 650 square feet..."
 - Motion made by Vice-Chairman Griffith, Seconded by Chairman Mathis.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon
 - Votes 5:0 and the motion passes
- h. Article VIII: "C-1, Neighborhood Commercial District"
- Motion to approve as written
 - Motion made by Vice-Chairman Griffith, Seconded by Chairman Mathis.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon
 - Votes 5:0 and the motion passes
- i. Article IX(A): "C-2, General Commercial District"
- Motion to approve with change of wording section 902(A)-26, 27 to read "...no more than 5,000 square feet..."
 - Motion made by Vice-Chairman Griffith, Seconded by Mr. Wheatley.
Voting Yea: Vice-Chairman Griffith, Mr. Wheatley
Voting Nay: Chairman Mathis, Mr. O'Kelley, Mr. Moon
 - Votes 2:3 and the motion is denied
 - Motion to approve as written
 - Motion made by Mr. O'Kelley, Seconded by Mr. Moon.
Voting Yea: Chairman Mathis, Mr. O'Kelley, Mr. Moon
Voting Nay: Vice-Chairman Griffith, Mr. Wheatley
 - Votes 3:2 and the motion passes
- j. Article IX(B): "C-2, General Commercial District"
- Motion to approve with change of wording section 902(B) to read "...setback minimums are 100 feet from right of way..." and with the addition of a required opaque, vegetative buffer along side and rear property lines.
 - Motion made by Vice-Chairman Griffith, Seconded by Mr. Moon.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon

- Votes 5:0 and the motion passes

k. Article X: "M-1, Industrial District"

- Motion to approve as written
- Motion made by Vice-Chairman Griffith, Seconded by Mr. Moon.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon
- Votes 5:0 and the motion passes

l. Article XII: "Administration, Interpretation, Enforcement, Penalties, and Remedies"

- Motion to approve as written
- Motion made by Vice-Chairman Griffith, Seconded by Mr. Moon.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon
- Votes 5:0 and the motion passes

m. Article XXI: "Office and Light Industrial District (OLI)"

- Motion to approve as written
- Motion made by Vice-Chairman Griffith, Seconded by Mr. Wheatley.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon
- Votes 5:0 and the motion passes

5. ADJOURNMENT

- Motion to adjourn
- Motion made by Vice-Chairman Griffith, Seconded by Mr. Moon.
Voting Yea: Chairman Mathis, Vice-Chairman Griffith, Mr. O'Kelley, Mr. Wheatley, Mr. Moon
- Votes 5:0 and the motion passes

Banks County Board of Commissioners
APPLICATION FOR COND. USE PERMIT

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

Section 3, Item a.

DATE ISSUED: 01/05/2022

PERMIT #: 2022-20220002

LOCATION:	HELTON	DISTRICT	TAX MAP PARCEL
			B26 094
	270 MT SINAI RD	LOT	ZONING DISTRICT
			ARR
OWNER:	CALEB HELTON		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: CU-22-01 CONDITIONAL USE
PROPOSED USE: MANUFACTURE OF FIREARMS AND AMMUNITION, TYPE 07 FFL

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

Permit # 22-002 Application # CU-22-01

Property Owner:

Name: Caleb Helton

Address: 270 Mt. Sinai Rd. Lula, GA 30554

Phone: 678-997-9669

Applicant:

Name: Caleb Helton

Address: 270 Mt Sinai Rd. Lula, GA 30554

Phone: 678-997-9669

Location:

270 Mt. Sinai Rd. Lula, GA 30554

Existing Zoning:

R3- Residential

Existing Use: Single family residence

Proposed Use:

Single family residence with Type 07 FFL registered to address
for Helton Investments LLC.

Acreage of Site: 1.96

Tax Map & Parcel: B26 094

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.)

Paul Ruark

From: Caleb Helton <h2munitions@gmail.com>
Sent: Monday, December 20, 2021 12:12 PM
To: Paul Ruark
Cc: stephen.r.garten@usdoj.gov
Subject: Zoning Request

Hello Paul,

My name is Caleb Helton and I am in the process of registering an at home gunsmithing and ammunition business located at my single home residence. I am currently in the final stages for approval of my FFL 07 license with ATF Investigator Stephen Gartern. Investigator Garten requested that I reach out to you for confirmation that I will be in compliance with zoning laws in Banks County. Based on the Banks County home occupation agreement I believe I will be in compliance.

A brief description of my business operations to address any questions you may have.

- I will have no store frontage.
- The most traffic I will see will be a single customer dropping off or picking up from my shop. A key aspect of my business plan is to mainly deal with wholesale transactions to local and out of state businesses whom I will ship or deliver products to.
- There will be no water discharge or other waste types beyond what I will have bagged inside my pickup bin for my weekly residential trash service.
- There will be no noise pollution beyond what would normally occur in any home garage/shop.

If you have any questions please email me or call my cell @ 678-997-9669. Investigator Garten and I look forward to your response.

Thank You,

Caleb Helton

Parcel Number B26 094
 Location Address 270 MT SINAI RD
 Legal Description GMD 912 PB15-174
 (Note: Not to be used on legal documents)
 Class R3-Residential
 (Note: This is for tax purposes only. Not to be used for zoning.)
 Zoning ARR
 Tax District County (District 00)
 Millage Rate 22.342
 Acres 1.96
 Homestead Yes (S1)
 Exemption
 Landlot/District N/A

[View Map](#)



Owner

HELTON CALEB
 270 MT SINAI ROAD
 LULA, GA 30554

Type	Description	Calculation Method	Soil Productivity	Acres
RUR	Small Parcels	Rural	1	1.96

Style Single Family
 Heated Square Feet 1401
 Interior Walls DRYWALL/SHEETROCK
 Exterior Walls Siding Maximum
 Foundation Continuous Footing
 Attic Square Feet 0
 Basement Square Feet 1260 Unfinished
 Year Built 2018
 Roof Type Asphalt Shingle
 Flooring Type Hardwood
 Heating Type Gas or Heat Pump/Central Ac
 Number Of Rooms 0
 Number Of Bedrooms 3
 Number Of Full Bathrooms 2
 Number Of Half Bathrooms 0
 Number Of Plumbing Extras 3
 Value \$174,108
 Condition Average
 Fireplaces\Appliances 1 STY SINGLE 1
 House Address 270 MT SINAI

Permit Date	Permit Number	Type	Description
02/06/2018	2018017	NEW CONSTRUCT	NEW RESIDENTIAL CONSTRUCTION 3230 SQ FT BASEMENT 3 BED 2 BATH 2668 HEATED/718 UNHEATED TOTAL 3386 ??

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
10/23/2018	460 74	15 174	\$175,000	Qualified - Improved	HELTON RODNEY	HELTON CALEB
9/20/2017	442 765	15 174	\$14,500	ADJOINING PROPERTY OWNER	CROCKER JEANETTE	HELTON RODNEY
3/1/2008	00321 0762		\$0	RELATED INDIVIDUALS OR CORPORATIONS		
10/1/2000	00163 0759		\$12,000	Qualified - Vacant Land		CROCKER JEANETTE
8/1/1990	00061 0055		\$0	INVOLVED ADDITIONAL PARCELS		

	2021	2020	2019	2018	2017
Previous Value	\$183,892	\$175,000	\$13,865	\$12,056	\$12,056
Land Value	\$21,449	\$18,024	\$17,160	\$13,865	\$12,056
+ Improvement Value	\$174,108	\$165,868	\$157,840	\$0	\$0
+ Accessory Value	\$0	\$0	\$0	\$0	\$0
= Current Value	\$195,557	\$183,892	\$175,000	\$13,865	\$12,056



No data available for the following modules: Land, Conservation Use Rural Land, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebill Mobile Homes.

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.

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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: Gale Keltner Date: 12-28-2021

Property Owner's Signature: Gale Keltner Date: 12-28-2021

*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: Saleh Helton Date: 12-28-2021

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: Caleb Helton Date: 12-28-2021

Banks County Board of Commissioners
APPLICATION FOR REZONING 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: 11/04/2021

PERMIT #: 2021-20210405

LOCATION:	SEWELL	DISTRICT	TAX MAP PARCEL
			B51 025 PARENT
	00 MCCOY BRIDGE RD	LOT	ZONING DISTRICT
		TR 1A	ARR
OWNER:	DARSHAAN HOLDING, LLC		TOTAL VALUATION
			\$0
CONTRACTOR:			TOTAL SQ FT
			0
			HEATED/UNHEATED
			0 / 0

TYPE CONSTRUCTION: REZONING APP

OCCUPANCY GROUP: REZONE TO C1 OR C2

<u>FEE CODE</u>	<u>FEE</u>
REZONING AND CONDITIONAL/REZONE TO C1 OR C2	300.00
TOTAL PAID: 300.00 **PAID IN FULL**	TOTAL AMOUNT: 300.00

REMARKS: Z-22-01 APPLICATION TO REZONE ARR TO C2
PROPOSED USE: CONVENIENCE STORE/STORAGE
WITHDRAWN 12/2021, REAPPLIED FOR 01/2022

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 4, Item a.
Office: 706.677.4272
Fax: 706.677.6217
www.co.banks.ga.us

RECOMMENDATION

December 15, 2021

Re: Rezoning 22-01
DARSHAN HOLDINGS
1387 Doverhill Dr.
Lawrenceville Ga. 30043
Map Parcel B51 025 (tract 1A 7.27 acres)

To: Whom it may concern

This letter is my recommendation for approval of above noted Rezoning application. The use requested is not allowed in ARR zoned areas. The request that the 7.27-acre parcel be rezoned to C2 (General Commercial) allowing for the building of a convenience store and ministorage facilities with parking on the property. After reviewing the criteria to consider this use and the updated Comprehensive Land Use Plan I have found no reason not to allow it. 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



REZONING APPLICATION

Banks County Planning
150 Hudson Ridge Suite 4
Homer, Georgia 30547
Office: 706.677.4272
Facsimile: 706.677.6217
www.co.Banks.ga.us

Property Owner:

Name JOHN DOUGLAS SEWELLAddress 327 CHARITY RD.HOMER, GA. 30547Phone 706-949-2693

Applicant:

Name DARSHAAN HOLDING LLCAddress 1837 DOVERHILL DRIVELAWRENCEVILLE, GA 30043Phone 678 458 6190

Existing Zoning:

ARR Proposed Zoning C-2CONVIENCE STORE WITH GAS PUMPS AND RETAIL SPACE/

Proposed Use:

SELF STORAGE FACILITYLocation of Property:
(Street Address)US 441 AND MCCOY BRIDGE ROADAcreage of Site: 7.27 ACRESTax Map & Parcel # B51 025 (TRACT 1-A)

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. Name, address and phone number of the architect, engineer or other designer.
 - b. Scale, date, north arrow, and general location map showing relationship of the site to street or natural landmarks.
 - c. 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. Completed information for the attached list of criteria used when considering variances.
7. Application Fee

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.

Signature of Property Owner:

John D. Sewell

Date of Signature:

9-30-21

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

The Banks County Planning Commission meets at 7 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.

9-30-21

Date

John D. Sewell

Property Owner or Applicant

LEGAL DESCRIPTION

Hudson River Farms Tract 1-A

All that tract or parcel of land lying in and being in GMD 208, Banks County, Georgia, and being more particularly described as follows:

Commence at a concrete monument (CMF) at the southern right-of-way (R/W) intersection of U.S. Hwy 441 (R/W varies) and McCoy Bridge Road (R/W varies); said intersection being the POINT OF BEGINNING (P.O.B.).

From the POINT OF BEGINNING, proceed in the direction N80°13'31"E for a distance of 54.32' to a CMF; then proceed along an arc for 331.89' having a radius of 1075.92', a chord direction S27°35'09"E and a chord length of 330.58' to a CMF; then proceed in the direction S19°32'46"E for a distance of 126.35' to a CMF; then proceed in the direction S60°00'00"W for a distance of 808.73' to ¾" pipe with cap (IPS); then proceed in the direction N50°00'00"W for a distance of 231.90' to an IPS; then proceed in the direction N42°26'44"E for a distance of 510.71' to a CMF; then proceed in the direction N53°37'29"E for a distance of 101.90' to a CMF; then proceed in the direction N42°30'27"E for a distance of 299.58' to a CMF; said CMF being the POINT OF BEGINNING.

Said tract or parcel of land contains 7.27 acres and is shown in detail on a division survey for John Douglas Sewell, prepared by Russell Cheek, dated January 23, 2015.



Document Transmittal

To: Banks County Planning
and Development
150 Hudson Valley Dr.
Suite 4
Homer, Georgia 30547

Re: McCOY BRIDGE C STORE AND
SELF STORAGE REZONING
APPLICATION

We are sending you:

☒ **Plan(s)** ☐ **Specifications** ☐ **Report(s)** ☐ **Correspondence** ☒ **Other**

Description:

- 1 Rezoning Plan sized 11x17 and 24x36
- 1 Rezoning Application package
- 1 survey sized 11x17

Comments:

Date: 11/29/2021

164 Professional Drive
Baldwin, GA 30511

Phone: 706-778-0067
Fax: 706-778-0069



LETTER OF INTENT
REQUEST FOR REZONING
BANKS COUNTY, GEORGIA

RE: ± 7.27 acres located at Hwy 441 and McCoy Bridge Road, Parcel ID B51 025

Through its engineer and as authorized by the Applicant, Darshaan Holding, LLC (the "Applicant") respectfully submits this Letter of Intent to the Banks County Board of Commissioners in support of an application for rezoning for a c-store and self-storage units with a C-2 zoning. The property is currently zoned ARR.

The site plan has a proposed c-store with three additional spaces to rent and 8 self-storage buildings of various sizes. There is intent to have a drive thru on one end of the c-store. The self-storage units will be both climate controlled and dry storage.

This proposed development is in alignment with the growing commercial development along Hwy 441. The current property owner, who is looking to sell the property to the applicant, owns the adjacent property to this tract. This rezoning and proposed use should not create any adverse conditions to neighboring properties.

A site plan and the appropriate authorization forms have been included in the application to allow for comprehensive review and approval of the proposed rezoning.

Sincerely,

James Irvin, PE
Engineer for Applicant
Foothills Land Design, LLC



Record Magnetic North
Pb C pg 94

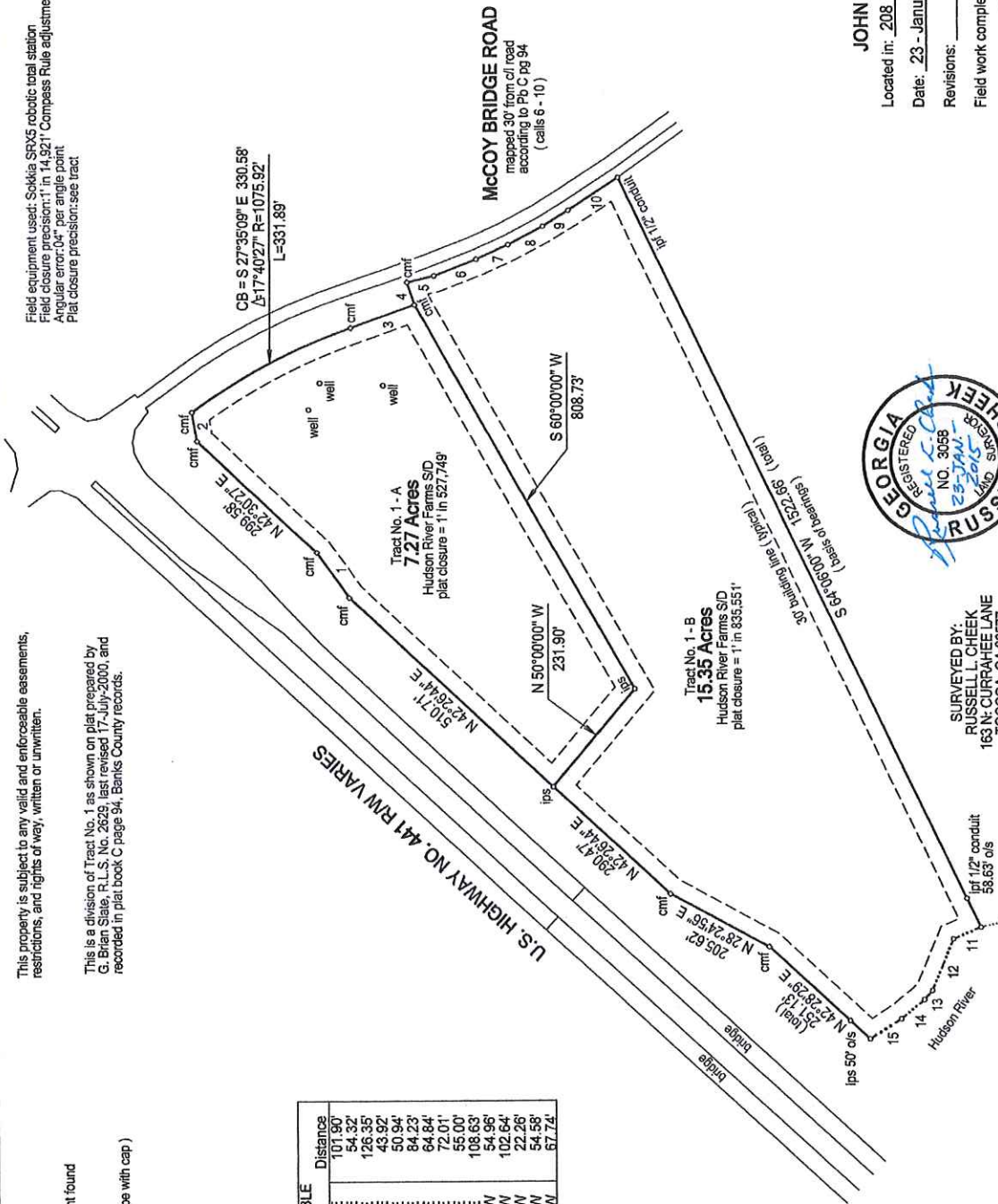
Field equipment used: Sokkia SPX3 robotic total station
Field closure precision: 1 in 14,921 Compass Rule adjustment
Angular error: 0.4" per angle point
Plat closure precision: see tract

This property is subject to any valid and enforceable easements, restrictions, and rights of way, written or unwritten.

This is a division of Tract No. 1 as shown on plat prepared by G. Brian Slat, R.L.S. No. 2629, last revised 17-July-2000, and recorded in plat book C page 94, Banks County records.

- ABBREVIATIONS:
- C/L = centerline
 - CMF = concrete monument found
 - CTP = cramped top pipe
 - DB = dead book
 - IPF = iron pin found
 - IPS = iron pin set (3/4" pipe with cap)
 - INT = intersection
 - OTP = open top pipe
 - O/S = offset
 - N/A = not applicable
 - PB = plat book
 - NIF = now or formerly
 - RB = rebar
 - R/W = right of way

LINE TABLE		
Id	Bearing	Distance
1	N 53°37'29" E	101.90'
2	N 80°13'31" E	54.32'
3	S 19°32'46" E	126.35'
4	N 71°09'28" E	43.92'
5	S 13°11'05" E	50.94'
6	S 21°10'07" E	84.23'
7	S 24°03'19" E	64.84'
8	S 27°59'08" E	72.01'
9	S 31°30'08" E	55.00'
10	S 33°23'32" E	106.63'
11	N 23°05'28" W	54.96'
12	N 67°33'56" W	102.64'
13	N 49°10'37" W	22.26'
14	N 39°18'15" W	54.58'
15	N 32°22'15" W	67.74'

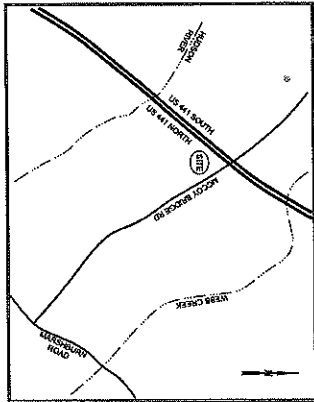


SURVEYED BY:
RUSSELL L. CHEEK
163 N. CURRAHEE LANE
TODD, GA 30577
PHONE: 706-886-8536

This survey was prepared in conformity with the Technical Standards for Professional Engineers as set forth in Chapter 1807 of the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Professional Code, 18-6-57.

Division survey for:
JOHN DOUGLAS SEWELL
Located in: 208 G.M.D. Banks County, Georgia
Date: 23 - January - 2015 Job No. 13110 Bk. 2629
Revisions: none
Field work completed: 21 - January - 2015
Scale: 1 inch = 200 feet File: Sewell, John

TOTAL AREA:
22.62 ACRES



DATE: 08/11/2010 10:20:11

SCALE: 1"=40'

SHEET: 1

JOB: 081110

REVISIONS		
NO.	DESCRIPTION	DATE

RECORDED PLAN

McCOY BRIDGE C-STORE AND SELF STORAGE


GMD 208
BANKS COUNTY, GA

OWNER/DEVELOPER:

JOHN DOUGLAS SEWELL

327 CHARITY RD
HOMER, GA 30547

164 PROFESSIONAL DRIVE
SALDAÑA, GA 30511
PHONE: (770) 728-0007
FAX: (770) 778-0009
www.fsdga.com

**foothills
land
design**

ADVERTISED _____
PUBLIC HEARING _____
PUBLIC HEARING _____
ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE VI. - ARR, AGRICULTURAL-RURAL RESIDENTIAL DISTRICT, SECTION 602 TITLE "PERMITTED USES" TO ADD MINIMUM REQUIREMENTS FOR SINGLE FAMILY DWELLINGS; TO REMOVE THE SIZE PROHIBITION FOR STRUCTURES FOR AGRICULTURAL USES; TO PROVIDE FOR CLASS I SUBDIVISIONS TO COMPLY WITH BANKS COUNTY SUBDIVISION REGULATIONS; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE VI. - ARR, AGRICULTURAL-RURAL RESIDENTIAL DISTRICT, SECTION 602 TITLE "PERMITTED USES" TO ADD MINIMUM REQUIREMENTS FOR SINGLE FAMILY DWELLINGS; TO REMOVE THE SIZE PROHIBITION FOR STRUCTURES FOR AGRICULTURAL USES; TO PROVIDE FOR CLASS I SUBDIVISIONS TO COMPLY WITH BANKS COUNTY SUBDIVISION REGULATIONS;

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS
COUNTY, GEORGIA, AS FOLLOWS:**

-1-

Section 602 entitled "PERMITTED USES" PARAGRAPH 4 is hereby amended by adding thereto the following:

4. Dwellings, single-family.

- (i) 1,200 minimum square feet of heated space, excluding garages and porches;
- (ii) Driveway permit required for Certificate of Occupancy;
- (III) Driveway pipes on county roads;
- (iv) Engineer provides required specifications for pipes on driveways; and
- (v) Lots in Class I Subdivision may share a common driveway.

-2-

Section 602 entitled "PERMITTED USES" PARAGRAPH 13 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following.

13. Agricultural uses (excluding animal waste lagoons), including forestry, commercial greenhouses and plant nurseries (wholesale and retail), livestock (except dairies, hog parlors, and feed lots), and poultry [except turkey ranges and commercial egg operations (caged layers)], provided that no structure housing poultry or other livestock as permitted herein is located closer than 800 feet from an existing dwelling unit other than that of the property owner and 400 feet from any common property line.

-3-

Section 602 entitled "PERMITTED USES" PARAGRAPH 15 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following.

15. Class I Subdivisions shall comply with Banks County Subdivision Regulations but all lots shall be at least two acres.

-4-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-5-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-6-

This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

SIGNATURES ON NEXT PAGE

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal

ADVERTISED _____
PUBLIC HEARING _____
PUBLIC HEARING _____
ADOPTED _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE VI. - ARR, AGRICULTURAL-RURAL RESIDENTIAL DISTRICT, SECTION 603 TITLE "CONDITIONAL USES" TO PROHIBIT SHARED DRIVEWAYS, EXCEPT IN CLASS I SUBDIVISIONS; TO REMOVE THE SIZE PROHIBITION FOR STRUCTURES FOR AGRICULTURAL USES; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Banks County adopted by resolution on March 12, 2002, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Banks County as "The Code of Banks County, Georgia" published by Municipal Code Corporation; and further provided for the manner of amending the Code of Banks County, Georgia;

WHEREAS, the Board of Commissioners of Banks County desires to amend ARTICLE VI. - ARR, AGRICULTURAL-RURAL RESIDENTIAL DISTRICT, SECTION 603 TITLE "CONDITIONAL USES" TO PROHIBIT SHARED DRIVEWAYS, EXCEPT IN CLASS I SUBDIVISIONS; TO REMOVE THE SIZE PROHIBITION FOR STRUCTURES FOR AGRICULTURAL USES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BANKS COUNTY, GEORGIA, AS FOLLOWS:

Section 603 entitled "CONDITIONAL USES" PARAGRAPH 2 is hereby amended by deleting it in its entirety and adding thereto the following:

2.. Shared driveways other than in Class I Subdivisions are not permitted.

-2-

Section 603 entitled "CONDITIONAL USES" PARAGRAPH 12 is hereby amended by deleting it in its entirety and substituting in lieu thereof the following.

12. Agricultural uses (excluding animal waste lagoons), including forestry, livestock (except dairies, hog parlors, and feed lots), and poultry [except turkey ranges and commercial egg operations (caged layers)], provided that no structure housing poultry or other livestock as permitted herein or containing manure or other dust-producing substances is located closer than 400 feet from an existing dwelling unit other than that of the property owner and 200 feet from any common property line.

-3-

All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Banks County, is hereby adopted as part hereof.

-4-

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

-5-

This Resolution is hereby adopted this _____ day of _____, 20____, and shall be codified as a part of the Code of Banks County, Georgia, to become effective upon the _____ day of _____, 20____, the public health, safety and general welfare demanding it.

BANKS COUNTY BOARD OF COMMISSIONERS

Chairman

Vice Chairman

Commissioner

Commissioner

Commissioner

ATTEST:

County Clerk

County Seal