

Banks County Board of Commissioner  
**APPLICATION FOR COND. USE PERMIT**

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 Ridge, Suite 4  
Homer, Georgia 30547  
Office: 706.677.4272  
Fax: 706.677.6217  
[www.co.banks.ga.us](http://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

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.

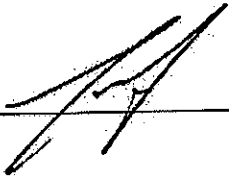
Joshua Trimble

## 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: \_\_\_\_\_

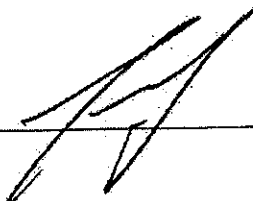
Date: 2-14-22

\*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: \_\_\_\_\_

A handwritten signature in black ink, consisting of several overlapping, stylized strokes that form a cursive-like shape.

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 detectible 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:

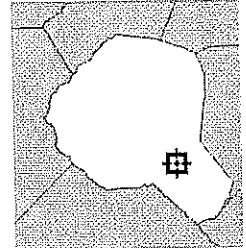
  
\_\_\_\_\_  
Home Occupation Business License Holder

2-14-22  
\_\_\_\_\_  
Date

T & R LAND CLEARING & GRADING LLC  
\_\_\_\_\_  
Business Name



Overview



Legend

- Parcels
- Roads

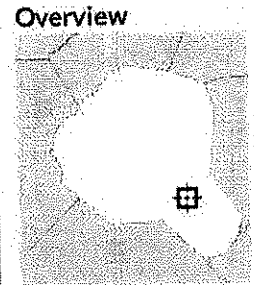
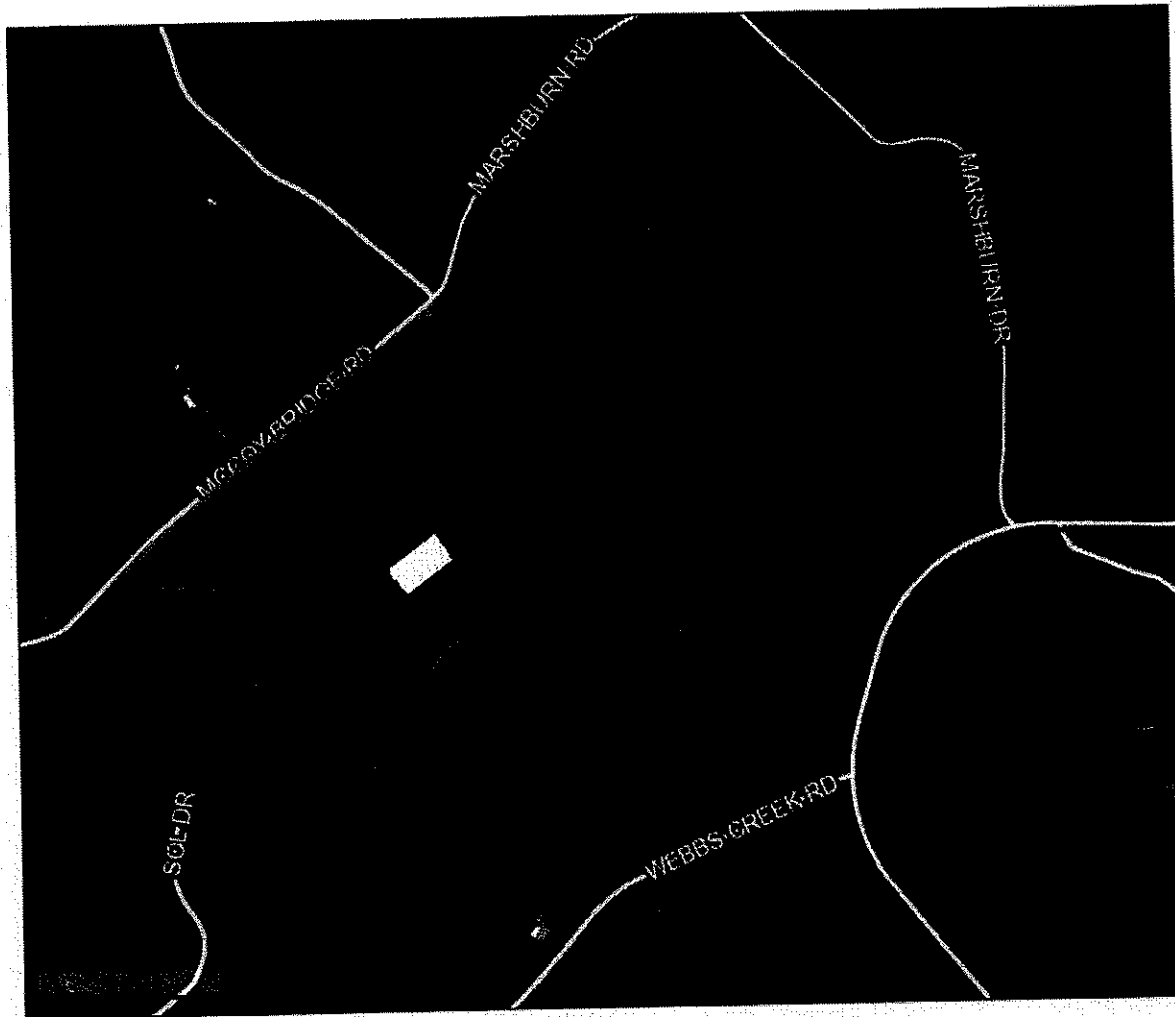
Parcel ID	B52 066C	Owner	FAMILY ESTATE TRACT LLC	Last 2 Sales			
Class Code	Agricultural		5916 EAST LAKE PARKWAY	Date	Price	Reason	Qual
Taxing District	County		SUITE 232	5/20/2021	\$819000	LM	Q
	County		MC DONOUGH, GA 30253	n/a	0	n/a	n/a
Acres	117	Physical Address	1565 MCCOY BRIDGERD				
		Assessed Value					

(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

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 GEOSPATIAL



**Legend**

- Parcels
- Roads

<p><b>Parcel ID</b>     B52 066C</p> <p><b>Class Code</b>    Agricultural</p> <p><b>Taxing District</b>    County</p> <p><b>Acres</b>             117</p>	<p><b>Owner</b></p> <p>FAMILY ESTATE TRACT LLC 5916 EAST LAKE PARKWAY SUITE 232 MC DONOUGH, GA 30253</p> <p><b>Physical Address</b>    1565 MCCOY BRIDGE RD</p> <p><b>Assessed Value</b></p>	<p><b>Last 2 Sales</b></p> <table border="0"> <thead> <tr> <th>Date</th> <th>Price</th> <th>Reason</th> <th>Qual</th> </tr> </thead> <tbody> <tr> <td>5/20/2021</td> <td>\$819000</td> <td>LM</td> <td>Q</td> </tr> <tr> <td>n/a</td> <td>0</td> <td>n/a</td> <td>n/a</td> </tr> </tbody> </table>	Date	Price	Reason	Qual	5/20/2021	\$819000	LM	Q	n/a	0	n/a	n/a
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(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: 2/14/2022  
Last Data Uploaded: 2/14/2022 6:29:28 AM

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GEO SPATIAL

## Paul Ruark

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**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