



**SUMMARY**

**MEETING DATES:**

Planning Commission: September 18<sup>th</sup>, 2023, 5:30 p.m.  
Ben Hill County Commissioners: January 2<sup>nd</sup>, 2024, 6:00 p.m.

**SUBMITTED BY:**

Ben Hill County Planning and Zoning

**SUBJECT:**

**Application no. Z-06072023-001**, Petition by Irma Rodriguez Rivera, Special Exception for Cargo Trailer Customization and Sales in GF Zone.

Parcel 2-10-6C, 5.00-acre tract. Parcel located at 1227 Bowen Mill Hwy, Fitzgerald, Ben Hill County, GA

**HISTORY:**

N/A

**AVAILABLE:**

N/A

**PREVIOUS ACTION:** N/A

**RECOMMENDATION:**

Staff recommends **Approval** or **Denial**, Petition by Irma Rodriguez Rivera, Special Exception of the listed property parcel for Utility/Cargo Trailer Customization and Sales. This business has the potential to be an asset to the community, providing job opportunities.

**FINAL ACTION BY COUNTY COMMISSION:**

- APPROVED AS REQUESTED BY THE APPLICANT
- APPROVED AN AMENDMENT TO INCLUDE A LESSER GEOGRAPHIC AREA OR LESS INTENSE ZONING DISTRICT OR CHARACTER AREA
- APPROVED WITH CONDITIONS
- DENIED

**STAFF REPORT**

File Number: **Z-060720231-001**

**MEETING DATES:**

Planning Commission: September 18<sup>th</sup>, 2023, 5:30 p.m.  
Ben Hill County Commissioners: January 2nd, 2024, 6:00 p.m.

**GENERAL INFORMATION:**

**Item & Purpose:** Application no. Z-060720231-001  
**Applicant & Contact:** Irma Rodriguez Rivera  
**Address:** 1227 Bowens Mill Hwy Fitzgerald Ga, 31750  
**Phone:** (404)414-9825  
**File Date:** June 7th, 2023

**CURRENT LAND USE:**

**Subject Property:** Home site with workshops, barns, and pasture.

**North:** (Woodland and pasture)  
**East:** (Woodland and pasture)  
**South:** (Homes and barns)  
**West:** (Woodland)

**CURRENT ZONING:**

**Subject Property:**

**North:** GF  
**East:** GF  
**South:** GF  
**West:** GF

## STAFF ANALYSIS

### § 36-67-3. Zoning proposal review standards

In any local government which has established a planning department or other similar agency charged with the duty of reviewing zoning proposals, such planning department or other agency shall with respect to each zoning proposal investigate and make a recommendation with respect to each of the matters enumerated in this Code section, as well as carrying out any other duties with which the planning department or agency is charged by the local government. The planning department or other agency shall make a written record of its investigation and recommendations, and this record shall be a public record. The matters with which the planning department or agency shall be required to make such investigation and recommendation shall be:

(1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

*The proposed use of the land would be suitable for the proposed business, there are enclosed workshops on the property and enough distance from the highway to not cause issues. This should not impact the development of the adjacent properties*

(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

*This proposed business will not adversely affect the existing use or usability of this property or the adjacent and nearby properties.*

(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

*The current zoning allows for On Site, Utility trailer sales, manufacturing, and repair with approval of a Special Exception per the Ben Hill County Ordinance table of uses.*

(4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

*The proposed use of this property should not cause excessive or burdensome use of the existing infrastructure on the property or surrounding property.*

(5) If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan;

*This land use Special Exception is the adoption of the land use plan to conform with the policy and land use plan.*



(6) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

*Staff is not aware of any other existing or changing conditions affecting the use and development of this property which gives supporting grounds for either approval or dismissal of this zoning proposal.*

**STAFF RECOMMENDATION:** Staff recommends **Approval** or **Denial**, Petition by Irma Rodriguez Rivera, Special Exception of the listed property parcel for Utility/Cargo Trailer Customization and Sales. This business has the potential to be an asset to the community, providing job opportunities.

**ATTACHMENTS:**

Location Map  
Zoning Map  
Application

SPECIAL EXCEPTION APPLICATION

OFFICIAL USE ONLY

SUBMITTAL DEADLINE \_\_\_\_\_ Application fee \$300<sup>00</sup>

**Public Hearing Dates**

Planning Commission 9/18/23

Board of Commissioners 1/2/23

Date received: \_\_\_\_\_ Letters mailed: 12/18/23 Property Posted: 12/18

This is an application for a Special Exception. This completed application, together with all required attachments and fees, must be completed and returned to the Land Use Administrator by one of the established monthly deadlines in order to initiate review and consideration of the request. The applicant is responsible for the completeness, accuracy, and timely submittal of this application, including all of its attachments and fees. Unless otherwise stated, please type or neatly print the responses to each of the following.

**1. Applicant Information:** Contact person authorized to receive all communication regarding this application:

Name: IRMA RODRIGUEZ RIVERA

Complete Address: 1227 Bowers Mill Hwy Phone: 404-414-9825  
Fitzgerald GA 31750

Has the applicant made any campaign contributions over \$250.00 to any local government official of the local government considering the application?

YES \_\_\_\_\_ NO

**2. Property Information:**

Map Number: \_\_\_\_\_ All or Part (circle one) of Parcel Number: 2 10 60

General Location Description: Home Site with Pond and Pasture

Existing Use of the Property: Home Site

Acreage (or square footage if less than 1 acre): 5 Acres

Current Land Use District: \_\_\_\_\_

Has this property been denied a Land Use Change during the past 12 months? NO



YES \_\_\_\_\_ NO

Has any public hearing been held regarding this property during the past 3 years?

(If so, describe.) No

How will the property receive water and sewer services? (Public, private, community, septic, etc.)

Septic private well

**3. Owner Information:** (If the applicant listed above is not the current owner of the property, then list the names and addresses of all owners of record for each property that is the subject of this application.) Also, if the applicant is not the current owner or is one of multiple owners, a notarized Letter of Authorization shall be signed and submitted by all owner(s).

<u>Map/Parcel Number</u>	<u>Owner of Record</u>	<u>Mailing Address</u>

**4. Special Exception Request:** looking for this special Exception to provide a better living for my family.

**5. Approximate cost of work involved:** \_\_\_\_\_

**6. Please explain why the Special Exception should be granted:** I feel I can contribute a lot to the city, feel its a great opportunity to do what I like and to have a better living for my family.

Special Exceptions granted by the County Commission shall be executed within a period of twelve (12) months from date of approval. Special Exceptions not executed within this time period shall become null and void and are subject for procedures for resubmission. Special Exceptions are not transferable except upon written approval of the appropriate governing body.

**7. Attachments:** The following items must be submitted in full prior to acceptance of this application.

- A. **List of all current owners of record** for properties located immediately adjacent to or directly across any right-of-way from the subject property. The list shall include the current names, mailing addresses, and tax map/parcel numbers as reflected on the current tax roll of Ben Hill County. (This information may be obtained from the Ben Hill County Tax Assessor's Office.) Please list on page 7 and sign.
- B. **Letter of Intent;** stating the request, why the request is being made, and any other specific information.
- C. **Proposed Conceptual Site Plan** that includes:
  - a. Applicant name, date or drawing, and revision dates if applicable.
  - b. The size and location of the lot.
  - c. The dimensions and location of the existing building or structure(s) on the lot in question.
  - d. The dimensions and location of the proposed building, structure, or addition(s) on the lot.
  - e. If applicable, the location of any existing buildings on adjacent lots and their property line distance.
  - f. Any additional information necessary to allow understanding of the proposed use and development.

**Special Exception Process:** The Ben Hill County Planning Commission shall review the application for a Special Exception at a public hearing and shall make a **recommendation only** to the Ben Hill County Commissioners. At a second public hearing, the Ben Hill County Commissioners shall hear and decide all requests for Special Exceptions. In making this decision, §36-66-2, the governing body shall consider the following:

1) Is the type of street providing access to the use adequate to serve the proposed Special Exception use?

Yes

2) Is access into and out of the property adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and to allow access by emergency vehicles?

Yes



3) Are public facilities such as schools, water, sewer or other public utilities and police and fire protection adequate to serve the proposed Special Exception use?

Yes

4) Are refuse, service parking and loading areas on the property located or screened to protect other properties in the area from such adverse effects as noise, light glare and other negative impacts?

Yes

5) Will the hours and manner of operation of the Special Exception use have no adverse impacts on other properties in the area?

Yes, it will have NO adverse impact.

6) Will the height, size or location of the buildings or other structures on the property is compatible with the height, size or location of buildings or other structures on neighboring properties?

Yes

The County Commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood. Wherever the County Commission shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any term, condition or restrictions upon which such permit was granted are not being complied with, said County Commission shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

**PLEASE READ THE ABOVE AND THEN SIGN BELOW.**

**I do hereby certify that to the best of my knowledge, the above information and attachments are true and correct. I authorize the staff of the Land Use Office or their designee to enter and inspect the premises, which are the subject of this application.**



Signature of Applicant

06/07/2023  
Date



ADJACENT PROPERTY OWNERS

Map & Parcel Number:

Name and Mailing Address:

1. \_\_\_\_\_

1. Irma Rodriguez Rivera

2. 2 10 6H

2. Iris Ramirez Munez

238 Rhine Rd

Fitzgerald GA 31750

3. 2 10 6

3. Elayne Cook

27 Lake Saubi Dr

Tifton GA 31793

4. 2 9 31

4. RV & RLS Reese

PO Box 1091

Fitzgerald GA 31750

5. \_\_\_\_\_

5. \_\_\_\_\_

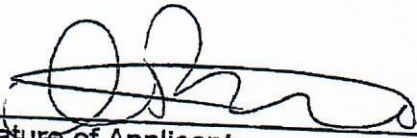
6. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

7. \_\_\_\_\_

Signature of Applicant



Date

06/19/23

November 13, 2023

TO WHOM IT MAY CONCERN:


THIS LETTER IS TO INFORM THAT I WILL HAVE SOME TRAILERS (2 OR 3) FOR SALE IN MY PROPERTY.

IT WOULD ONLY BE FOR A CERTAIN TIME, NOT PLANNING TO HAVE THEM FOR A LONG PERIOD OF TIME

BUT IF ANY QUESTIONS CALL ME AT 404-414-9825 OR

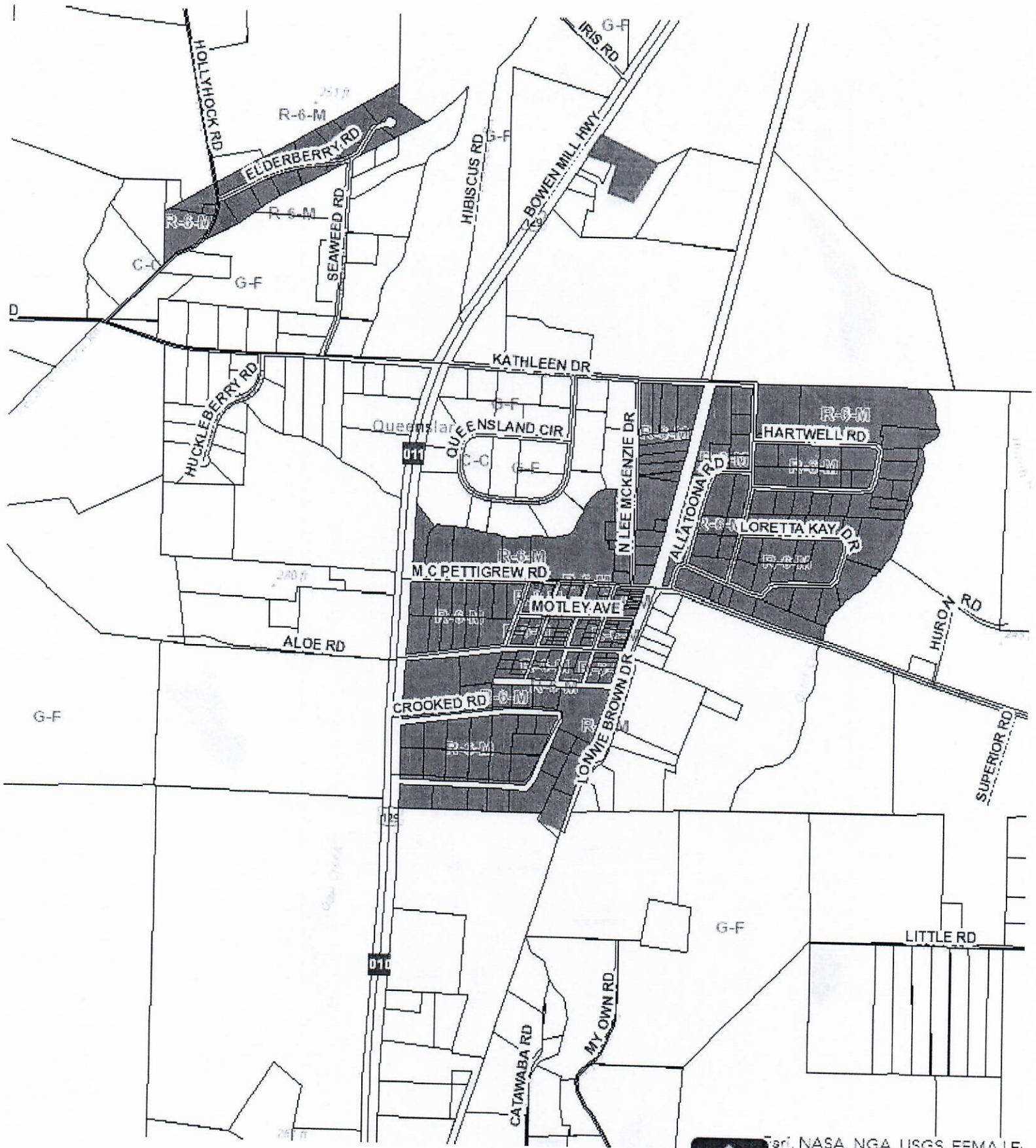
EMAIL ME AT [mirmizrivera7@gmail.com](mailto:mirmizrivera7@gmail.com)

SINCERELY, IRMA RODRIGUEZ RIVERA

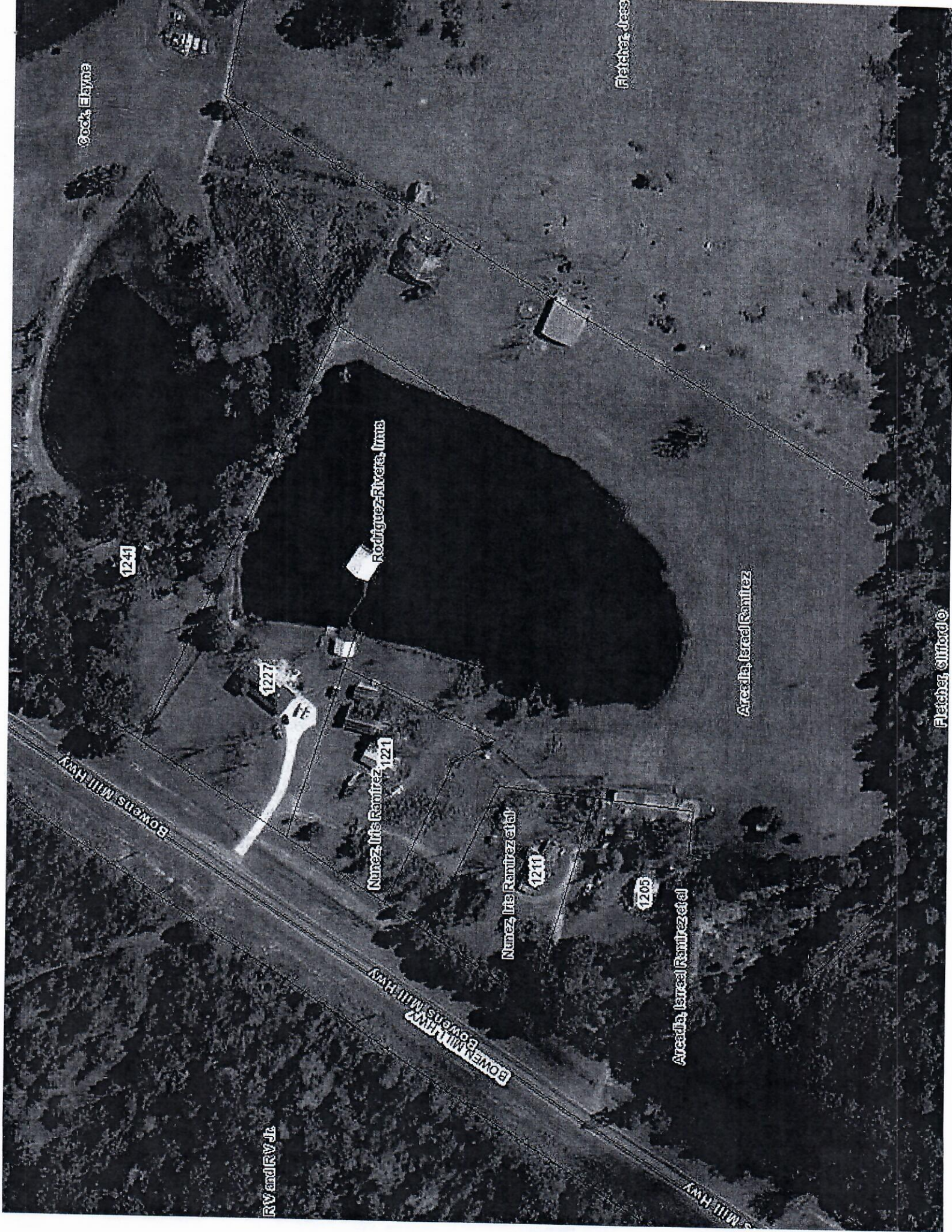
 11/13/23

SIGNATURE









Gock, Elayne

Fletcher, Jess

1241

Rodriguez-Silvera, Irma

Arcadia, Israel Ramirez

1227

Nunez, Iris Ramirez

Nunez, Iris Ramirez et al

1211

1205

Arcadia, Israel Ramirez et al

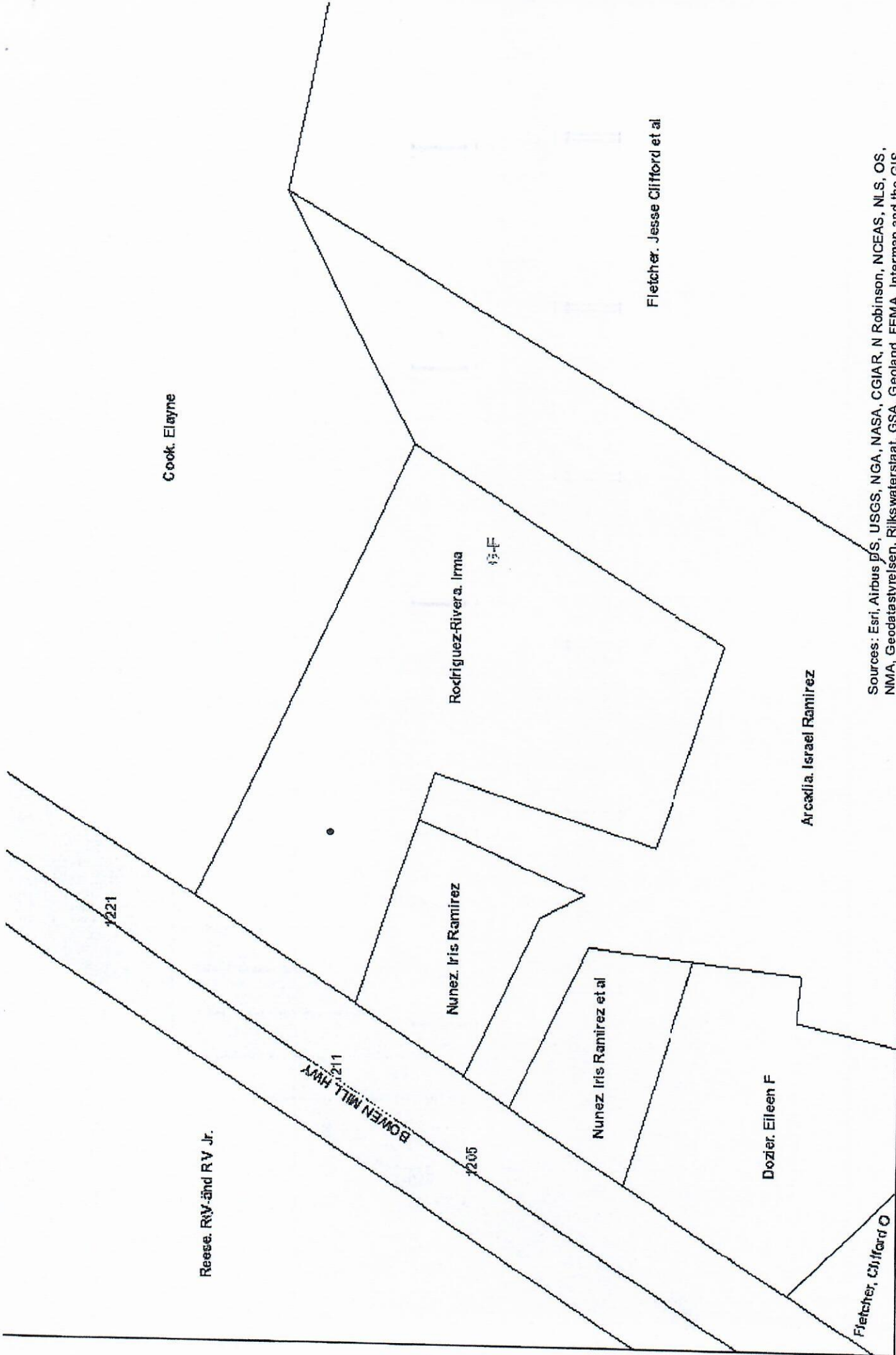
BOWENS MILL HWY

BOWENS MILL HWY  
BOWENS MILL HWY

RV and RV Jt

Fletcher, Clifford





Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS

## Ben Hill County

\*This map was created using GIS data on Ben Hill County's online web map application. The data on this map is not guaranteed to be complete or correct and users should carefully consider this before making decisions that have significant operational and/or financial consequences or involve public or private safety.