

White County Planning Commission

Regular Session: MINUTES

Monday, November 2nd, 2020

White County Senior Center

6:00 pm

1239 Helen Highway, Cleveland, GA, 30528

Those present were Larry Freeman, R.K. Ackerman, Dona K. Burke, Charlie Thomas, John Yarbrough, and Brad Ash.

Staff present: Harry Barton, John Sell, and Mercedes Dodd

- I. Call to Order: Chairman Thomas called the meeting to order.
- II. Invocation: Mr. Yarbrough gave the invocation.
- III. Review of Agenda: Chairman Thomas asked if there were any changes to the agenda. Chairman Thomas said there were no changes to the agenda. Chairman Thomas opened the regular meeting.
- IV. Appointment of board member for a 3-year term to serve as chairman of the White County Building Authority to expire on December 31st, 2023: Motion made by Mrs. Burke to appoint Mr. Freeman to the White County Building Authority as chairman; seconded by Mr. Ash. Motion was unanimous.
- V. Review and approval of minutes of September 28th, 2020 and October 5th, 2020: Motion made by Mrs. Burke to approve the minutes of September 28th, 2020 and October 5th, 2020; seconded by Mr. Yarbrough. Motion was unanimous.

VI. Variances

a. **Frank Spadavecchia Section 802 Lot Width and Size**

Application of Frank Spadavecchia to request a variance to add a second dwelling. Property is located at 281 Abb Helton Road, Cleveland, GA, 30528. Tax map and parcel 020-053. Total acreage is 3.31.

The landowner, Frank Spadavecchia of 281 Abb Helton Road, was present. Mr. Barton gave a summary of the application. Mr. Spadavecchia explained that his mother is not in good health and would like to take care of her.

Motion to approve the variance as requested made by Mr. Ackerman; seconded by Mrs. Burke. Motion was unanimous.

b. **Center Baptist Church Chapter 58 Table 58-2**

Application of Center Baptist Church to request a variance for sign area. Property is located at 9718 Curtis Road, Helen, GA, 30545. Tax map and parcel 042B-071. Total acreage is 0.84.

A representative of the church, Mark Turner of 282 Sautee Woods Trail in Sautee Nacoochee, was present. Mr. Barton gave a summary of the application. Mr. Turner explained that due to sight distance, this size sign will make it easier for people to read the messages that the church posts digitally. He explained that they did work with the DOT to determine where they could place the sign.

Motion to approve the variance as is was made by Mr. Ash; seconded by Mrs. Burke. Motion was unanimous.

c. **Kathy Ferguson Section 802 Lot Width and Size**

Application of Kathy Ferguson to request a variance to add a second dwelling. Property is located at 41 Sunkist Drive, Cleveland, GA, 30528. Tax map and parcel 022-101. Total acreage is 5.00.

The landowner, Kathy Ferguson of 41 Sunkist Drive, was present. Mr. Barton gave a summary of the application. Mrs. Ferguson explained that her grandson will move into the main house and that she will be moving into the detached mother-in-law suite to plan for the future.

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Motion to approve the variance as requested made by Mr. Ackerman; seconded by Mr. Freeman.
Motion was unanimous.

d. **Tyler Flatt Section 601 Access**

Application of Tyler Flatt to request a variance for access. Property is located on Hudson Quarry Road in Cleveland, GA, 30528. Tax map and parcel 018-097. Total acreage is 10.36.

The landowner, Tyler Flatt of 134 Crabapple Lane in Dahlonga, GA, was present. Mr. Barton gave a summary of the application. Mr. Flatt explained that he will live on Tract A and his father will live on Tract B, which is the tract that requires the variance.

Motion to approve the variance as requested was made by Mr. Freeman; seconded by Mr. Ash. Motion was unanimous.

VII. Land Use

1. **Application of Ed Maxwell** to redistrict property located at 9648 Duncan Bridge Road, Cleveland, GA, 30528 from C-1 Community Commercial to C-2 Highway Business District. Total acreage is 9.00. Tax map and parcel 090-011. Present use is C-1 Community Commercial.

The landowner, Ed Maxwell of 1974 Delta Drive in Gainesville, GA, was present. Mr. Barton gave a summary of the application. Mr. Maxwell stated that the previous restaurant was part time, but his will be full time. He explained that the property is currently a nonconforming use and that rezoning will allow him to expand.

Motion made by Mr. Freeman to recommend to the Board of Commissioners to change the property zoning from C-1 to C-2; seconded by Mr. Ash. Motion was unanimous.

2. **Application of Glenn Walker** to redistrict property located at 502 Duncan Bridge Trail, Cleveland, Georgia, 30528 from R-1 Residential Single Family to R-3 Residential Seasonal District. Tax map and parcel 074-028. Total acreage is 3.00. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowners, Glenn and Judy Walker of 460 Duncan Bridge Trail, were present. Mr. Barton gave a summary of the application. Mrs. Walker explained that the renters will not have the option for automatic bookings and will be screened. She said that they will not be renting the guest house out every night since her daughter will be staying in it on occasion. She said kids and pets are not allowed and that there is a two night maximum. Mrs. Walker detailed that the guest house was originally built when her daughter lived in New York as a place to stay when she visited and that it took ten years to build. She said they are very proud of it and want to make sure it is taken care of. Mrs. Walker explained that they live about 125 feet from the guest house and that she has a letter from the other closest neighbor that is about 175 feet away stating that he does not have any issues with it being rented. She provided photos and the letter from the neighbor to the board for review. Mrs. Walker stated that they will be there while it is being rented out and they have lived there for 22 years. She said it is their intent to keep the neighborhood quiet and peaceful.

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Motion to recommend to the Board of Commissioners to redistrict the property from R-1 to R-3 was made by Mrs. Burke; seconded by Mr. Yarbrough. Motion was unanimous.

3. **Application of Bryan Lee** to redistrict property located at 66 Lothridge Road, Cleveland, GA, 30528 from C-1 Community Commercial to C-2 Highway Business District. Total acreage is 8.10. Tax map and parcel 062-094. Present use is C-1 Community Commercial.

Mr. Ash recused himself.

The landowner, Bryan Lee of 993 Merck Road in Cleveland, was present. Mr. Barton gave a summary of the application. Mr. Lee explained that he wants to buy this property to expand his current business that is located beside it. He said that he will put trees on the outside of the fence as a landscape buffer, he will dress up the fence, and he will have down lighting. Mr. Lee stated that he spoke with the neighbors that were at the public hearing last week and he feels that he resolved all of their issues. He explained that he will have civil engineer designed plans that meet Georgia and county standards to address the erosion problems.

Motion to recommend to the Board of Commissioners to rezone the property from C-1 to C-2 as requested made by Mr. Freeman; seconded by Mrs. Burke. Motion carried with four in favor of the motion and one recusal.

4. **Application of Chad Knott**, representing the land owner Daniel Hutcheson, to request a conditional use permit at 213 Peppermint Drive, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 085-009. Total acreage is 1.30. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The applicant, Chad Knott of 233 Mossy Creek Point in Cleveland, was present. Mr. Barton gave a summary of the application. Mr. Knott stated that he sent a letter to the White County Planning Department on October 27th, 2020 that addressed the concerns from the previous meeting. He stated that the covenants are expired pursuant to O.C.G.A. 44-5-60, but if the covenants are being looked at then rentals are clearly allowed. Mr. Knott explained that he researched court cases in Georgia that addressed the question of short term rentals being a commercial activity, but only found cases from nearby states which ruled that covenants that state no commercial activity does not prevent short term rentals. He addressed fire safety and parking being adequate, as well as reiterated that the maximum occupancy of four. He explained that long term rentals could have the same traffic, noise, and property concerns as short term rentals that were brought up at last week's meeting.

Motion to recommend to the Board of Commissioners to grant the R-1 Conditional Use Permit for Short Term Rentals was made by Mr. Freeman; seconded by Mr. Ash. Four were in favor of the motion with Mrs. Burke being opposed, so motion carried by majority.

VIII. Citizens Comments

Bart Rhoten, of 266 Peppermint Drive in Sautee Nacoochee, stated that eleven of the twelve property owners in the subdivision are still opposed to short term rentals. He explained that they want to keep

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their children safe and want to keep their neighborhood how it is. Mr. Rhoten stated that they bought in Sautee to stay outside of Helen, but now Helen is coming to them.

IX. Adjournment: Motion to adjourn made by Mrs. Burke; seconded by Mr. Ackerman. Motion was unanimous.