

White County Planning Commission
Public Hearing: White County Land Use Regulation
MINUTES

Monday, August 31st, 2020

White County Senior Center

6:00 pm

1239 Helen Hwy, 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 public hearing.
- IV. Land Use
 - i. **Application of Priscilla Pearson** to redistrict property located at 333 Skywood Lane, Cleveland, Georgia, 30528 from R-1 Residential Single Family to R-3 Residential Seasonal District. Tax map and parcel 060C-051 and 060C-017A. Total acreage is 2.00. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, Priscilla Pearson of 333 Skywood Lane was present.

Mr. Barton gave a summary of the application.

Mrs. Pearson explained that she rented previously through Blue Creek Rental Cabins and that she was made aware that she was renting illegally when a neighbor called the county. When asked if she has had any issues with renters at her property, Mrs. Pearson said that there was one issue that Blue Creek handled by asking the renters to leave and will no longer allow them to rent through the company. Mrs. Pearson stated that she has owned the property since 2017.

Mrs. Burke asked if this property is in a subdivision and if there are any covenants. Mrs. Pearson explained that it is in a subdivision and there are covenants, but the bylaws do not mention short term rentals. She said the bylaws only state that anyone using short term is not allowed to use the pool or dumpster. Mrs. Burke asked if there are other properties on the rental program. Mrs. Pearson said there are probably ten other short term rentals in the subdivision and some of the complaints she received about renting her property are from owners renting their properties on AirBnB or Facebook.

Chairman Thomas asked if the board has any other questions; no response.

Chairman Thomas asked Mrs. Pearson if she add anything to add; she said no.

Chairman Thomas asked if there was any for or against.

Melissa Pfiel of 1136 Pink Mountain Blvd in Cleveland took to the podium to speak in support of vacation rentals. Mrs. Pfiel explained that she owns a cabin on Pink Mountain and has been trying to rent it out. She explained that short term rentals use the roadways less than full time residents, they use the trash service less, they do not use the pool, and the properties are more marketable with a conditional use permit. Mrs. Pfiel stated that the homeowner's association will be meeting to discuss updating the bylaws.

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Chairman Thomas asked if there were any other for or against; no response.

Chairman Thomas asked Mrs. Pearson if she had anything to add; she said yes.

Mrs. Pearson stated that the bylaws were updated in 2017, but the changes were mostly about the pool and lighting. She explained that she contacted the HOA president when she moved out to discuss her plans of renting it out for vacation rentals and the president said that was okay. Mrs. Pearson stated that the president she spoke with has since moved and is no longer part of the association. Mrs. Pearson detailed how her family of five would be on the roadways more on a daily basis than the short term weekend renters.

Chairman Thomas closed the hearing.

- ii. **Application of Sam Kondamudi** to request a conditional use permit at 635 Yonah Mountain Road, Cleveland, Georgia, 30528. Tax map and parcel 059-081. Total acreage is 1.01. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, Sam Kondamudi of 635 Yonah Mountain Road, was present.

Mr. Barton gave a summary of the application.

Mr. Kondamudi stated that he purchased the home in July of 2018 and has repair costs that he needs to recuperate. Mr. Kondamudi explained that he was not previously on the rental program and currently has a full time tenant living in the home since May 2020. He stated that there is not a homeowner's association, only a road agreement, to which the fees are \$350 a year. When asked if he had been before the board previously, Mr. Kondamudi said yes and that his application had been denied. When asked if he had rented short term previously, Mr. Kondamudi said no and that he waited the required six months before reapplying. Mr. Kondamudi stated that seven of the homes in Yonah Peak are grandfathered rentals and one full time resident. He said his supporters were unable to attend due to COVID-19, but he had letters that he wanted to submit during the public hearing.

Chairman Thomas asked if the board has any other questions; no response.

Chairman Thomas asked if there was any for or against; no response.

Chairman Thomas asked Mr. Kondamudi if he add anything to add; he said just that if the board approves his application, it will bring income and taxes to the community, increase value of homes, and provide work for local subcontractors.

Chairman Thomas closed the hearing.

- iii. **Application of Trina Lovell** to redistrict property located on Hiawassee Lane in Cleveland, Georgia, 30528 from R-3 Residential Seasonal District to R-1 Residential Single Family District. Tax map and parcel 079-132. Total acreage is 1.41. Present use is R-3 Residential Seasonal District.

The landowner, Trina Lovell of 100 Cardinal Court Apartment A in Cleveland, was present.

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Mr. Barton gave a summary of the application.

Mrs. Lovell stated that she purchased the property in October with plans for it to be a forever home and was not aware of zoning. She detailed that the homes further back in Cedar Creek are rentals, but they are a different phase than her and her covenants did not mention Cedar Creek Rental company. She said the homes close to her are full time, but it is mostly just land. She said she believes the cabins in the gate were full time residences a few years ago.

Chairman Thomas asked if the board has any other questions; no response.

Chairman Thomas asked if there was any for or against.

Shari Wintermute of 358 Old Cherokee Road in Cleveland took to the podium. Ms. Wintermute stated that she is Mrs. Lovell's realtor. She said years ago, her subdivision owned that property and sold it to the developer of Cedar Creek for it to become residential homes. She explained that there were a few rentals near the gate, but the whole subdivision was not created for rentals. Ms. Wintermute said the listing stated residential use and that there are full time residents behind the gate. When asked if she looked at the tax assessor's website, Ms. Wintermute said no, she pulled up MLS.

Chairman Thomas asked if there was any for or against.

Chairman Thomas asked Mrs. Lovell if she had anything else to add; she stated that the gentleman over the rental company lives full time inside of the gate.

Chairman Thomas closed the hearing.

- iv. **Application of Robert Sloane** to request a conditional use permit at 3088 Skitts Mountain Road, Cleveland, Georgia, 30528. Tax map and parcel 065-094. Total acreage is 17.16. Proposed use is to place in "Short Term Rental" program. Present use is A-1 Agriculture Forestry District.

The landowner, Robert Sloane of 3088 Skitts Mountain Road, was present.

Mr. Barton gave a summary of the application.

Mr. Sloane stated that the property is not in a subdivision and does not have a homeowner's association. He said there is one residence on the property, with the closest neighbor being about one thousand feet away. Mr. Sloane stated that he has owned the property for thirty one days and stumbled on it while he was staying in his other rentals during shut down for COVID-19.

Chairman Thomas asked if the board has any other questions; no response.

Chairman Thomas asked Mr. Sloane if he add anything to add; he said no.

Chairman Thomas asked if there was any for or against.

Chairman Thomas closed the hearing.

- v. **Application of Justin Hester** to redistrict property located at 3391 Hwy 129 S, Cleveland, Georgia, 30528 from C-2 Highway Business District to R-1 Residential Single Family District.

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Tax map and parcel 049C-151. Total acreage is 1.04. Present use is C-2 Highway Business District.

The landowner, Justin Hester of 3391 Hwy 129 S, was present.

Mr. Barton gave a summary of the application.

Mr. Hester explained that he is looking for a piece of property so he can get a house for his family to live in.

Chairman Thomas asked if the board has any other questions; no response.

Chairman Thomas asked Mr. Hester if he add anything to add; he said no.

Chairman Thomas asked if there was any for or against.

Chairman Thomas closed the hearing.

- vi. **Application of Chad Knott** to request a conditional use permit on Sang Springs Trail in Cleveland, Georgia, 30528. Tax map and parcel 073-278. Total acreage is 1.50. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, Chad Knott of 233 Mossy Creek Point in Cleveland, was present.

Mr. Barton gave a summary of the application.

Mr. Knott detailed that this is vacant property located in a subdivision that he developed in 2008 and has other lots that have been sold for short term rentals. He stated that the covenants were amended in February of 2020 to allow for short term rentals as long as they comply with county code. Mr. Knott said this property is closest by boat to his parent's rental cabin and will be used by his family when not being rented out.

Chairman Thomas asked if the board has any other questions; no response.

Chairman Thomas asked Mr. Knott if he add anything to add; he said no.

Chairman Thomas asked if there was any for or against.

Chairman Thomas closed the hearing.

V. Citizens Comments: None.

VI. Adjournment: Motion made by Mrs. Burke; seconded by Mr. Ash. Motion was unanimous.