

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

Monday, December 30th, 2019

White County Senior Center

6:00 pm

1239 Helen Hwy, Cleveland, Ga. 30528

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

Staff: 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 Robert Allums** to redistrict property located on Claude Sims Road in Cleveland, GA, 30528 from A-1 Agriculture Forestry District, to R-1 Residential Single Family District. Total acreage to be changed is 1.15. Tax map and parcel 033B-108. Present use is A-1 Agriculture Forestry District.
The applicant, Robert Allums of 264 Wild Turkey Trail in Cleveland, was present.
Mr. Barton gave a summary of the application.

Chairman Thomas asked Mr. Allums if he wanted to build the home for himself; Mr. Allums said yes, a double wide for himself.

Chairman Thomas asked if there are any questions from the board; No response.
Chairman Thomas asked if Mr. Allums had anything to add; Mr. Allums said no.
Chairman Thomas asked if anyone was for or against; No response.
Chairman Thomas closed the hearing.

- ii. **Application of Jason Carson** to redistrict property located at 1085 Ridge Road in Helen, GA, 30345 from R-1 Residential Single Family District, to R-3 Residential Seasonal District. Total acreage is 0.60. Tax map and parcel 042C-026. Present use is R-1 Residential Single Family District.
The landowner, Jason Carson of 595 Devonshire Farms Way in Alpharetta, GA, 30004, was present.

Mr. Barton gave a summary of the application. Mr. Barton clarified that it is a permitted use for short term rental in R-3; it just isn't permitted to be a full-time residence.
Mr. Barton asked Mr. Carson if he plans to live on the property; Mr. Carson said no.
Chairman Thomas asked if the size of the tract mattered; Mr. Barton stated that the tract of land is already an approved tract and that the acres or plat have not changed.
Mr. Barton asked if the house was the one with the green roof; Mr. Carson said yes, it's a triangle.
Mr. Barton suggested getting with addressing because the lot was difficult to find.

Chairman Thomas asked Mr. Carson to give a short brief of what he had in mind. Mr. Carson stated that he lives in Alpharetta and they have a couple of short term rentals in Dahlonega. Mr. Carson stated that his wife manages those rentals full time and they wanted to put one in Helen. He said they have 7 children and use it for their family, but also use it to add revenue towards their

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household. Mr. Carson said he works for UPS at their corporate headquarters in Alpharetta and they love the North Georgia Mountains with plans to retire in the North Georgia Mountains, and plans to beautify the property and make it better.

Chairman Thomas asked Mr. Carson how long he has owned the property; Mr. Carson said a few weeks.

Chairman Thomas asked if the property was previously a full time residence; Mr. Carson said yes.

Chairman Thomas asked to clarify that Mr. Carson's wife would be managing the property and that they would not be going through a rental company; Mr. Carson said yes sir.

Mr. Barton clarified that the plat was from 1972.

Chairman Thomas asked Mr. Carson if he would limit the number of people that can be there at one time; Mr. Carson said yes.

Chairman Thomas asked if there is adequate parking; Mr. Carson said there are 3 parking spots that are further off toward the parkway. Mr. Carson said you can technically park a car at the top, but they will have the people park closer to the road.

Chairman Thomas asked if the property is in a subdivision; Mr. Carson said it is.

Chairman Thomas asked how many people live in the subdivision.

Katie Lynam of 2026 Dean Mountain Road in Cleveland, Mr. Carson's realtor, stood up to answer about the subdivision.

Mrs. Lynam stated she did a lot of work assessing how many changes there have been with the plat with it being from the 1970's. Mrs. Lynam mentioned that the first two lots were combined and are commercial, as well as a lot that is already zoned R3 that is behind their property. She said there are no covenants; it's the same road where the castle was built, so in her opinion they will make the neighborhood better. Mrs. Lynam stated it's a little over a mile from Helen, so it will be a great rental opportunity for vacation renters to come up and enjoy our area.

Chairman Thomas asked Mr. Barton if the owner's will need to get the 50% plus 1 letters from the neighbors; Mr. Barton said no, because it is a permitted use in R3 but you cannot live there.

Mrs. Dixon asked Mr. Carson if he had plans to retire and live on this property; Mr. Carson said no, not this property.

Mrs. Dixon, clarifying the submitted drawing, asked Mr. Carson if there was an upstairs; Mr.

Carson said yes. Mrs. Dixon asked if there are 2 living spaces and a bedroom upstairs; Mr. Carson

said yes. Mrs. Dixon asked if there was an entrance to the stairs; Mr. Carson said yes, only inside of the house.

Mr. Ash asked Mr. Carson to read the first section of his letter of intent that was submitted in the packet. Mr. Ash, referencing the letter of intent, asked Mr. Carson if he would be staying there mostly. Mr. Carson said no, with 7 children they just want somewhere to go for the weekend and get away.

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Mr. Ash asked Mr. Barton to clarify R3 zoning; Mr. Barton stated that the family could stay there, but they can't live there full time.

Chairman Thomas asked if there was a limit to the number of days that the family can stay there; Mr. Barton said not to his knowledge.

Mrs. Dixon asked how much parking is at the house; Mr. Carson said there are 3 parking spaces below and one or two up top that they don't really want to be used. Mrs. Dixon asked if they would be blocking the road; Mr. Carson said no.

Chairman Thomas asked if there are any questions from the board; No response.

Chairman Thomas asked if Mr. Carson had anything to add; Mr. Carson stated that they have a strict policy on all of their rentals. He said the renters must have reviews that are 4 stars or above and he has contingencies where anyone can call 24/7. Mr. Carson said he believes in the community so he doesn't want the board to think they won't take care of it.

Chairman Thomas asked if anyone was for or against; No response.

Chairman Thomas closed the hearing.

- iii. **Application of Ryan Hodge** to request a conditional use permit at 1113 River Road in Cleveland, GA, 30528. Total acreage is 2.89. Tax map and parcel 089-028. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential, Single-Family District. The applicant, Ryan Hodge of 3157 Green Farm Trail in Dacula, Georgia, 30019, was present.

Mr. Barton gave a summary of the application.

Mr. Hodge stated that there are no covenants or HOA.

Chairman Thomas asked Mr. Hodge to explain what he has in mind for the property. Mr. Hodge stated that he and his wife, along with another couple, formed a partnership and are planning to use the property as a short term rental, but also for them. Mr. Hodge said it would be a fond memory for their children growing up since it's on the river and it's an awesome spot. Mr. Hodge said he looks forward to going up there himself and of course to supplement the cost of it since it was a good chunk of change to help pay for the mortgage. Mr. Hodge stated that he does know there is adjacent property that is a short term rental, as well.

Chairman Thomas asked Mr. Hodge if he had ever done short term rental before; Mr. Hodge said not short term rental, but they own another home that they rent out. Mr. Hodge said they plan to start off with VRBO and AirBnB. He said if that starts to become too crazy then they may look to find a property manager to handle it for them, but they are going to try not to pay that exorbitant amount if they can handle it themselves. Mr. Hodge said they are only an hour away and that he answers his phone for whoever calls, so he feels he can manage it himself.

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Chairman Thomas asked how long he has owned the property; Mr. Hodge said they closed on the house on October 17th of this year.

Chairman Thomas asked Mr. Hodge if he knows the use of the property before he purchased it; Mr. Hodge said it was a woman's home for 25-30 years and he's sure she had family there, but doesn't think that she ever rented it out.

Chairman Thomas asked how many people Mr. Hodge anticipates to have at maximum; Mr. Hodge said it is a 3 bedroom house, so they were planning on advertising as 6 people.

Chairman Thomas asked if he has adequate parking; Mr. Hodge said yes, it's a long circular drive and there's a driveway on the side of the house that can probably fit four cars.

Chairman Thomas asked how far the closest neighbor is; Mr. Hodge said it is a 3 acre lot and there are some buildings about 100 yards away that he believes is just storage. He heard that the party house is about 3 football fields away.

Mr. Ackerman asked to clarify that there are no covenants; Mr. Hodge said no, it's not a neighborhood, just a county road but not a subdivision.

Mr. Ash asked Mr. Barton for clarification; Mr. Barton stated that it is not in a subdivision, it is just an individual lot according to the 1997 plat. Mr. Barton stated that Mr. Hodge signed the affidavit that there are no covenants.

Mrs. Dixon asked if the property was on the county line; Mr. Hodge said yes, with it being on the river.

Chairman Thomas asked if there are any questions from the board; No response.

Chairman Thomas asked if Mr. Hodge had anything to add; Mr. Hodge stated that he wants to rent it out to families so they can enjoy it like his family plans to.

Chairman Thomas asked if anyone was for or against; No response.

Chairman Thomas closed the hearing.

- iv. **Application of Clay Knaus** to redistrict property located at intersection of Hwy 129 North and Tesnatee Gap Valley Road, Cleveland, GA, 30528 from R-1 Residential Single-Family District, to A-1 Agriculture Forestry District. Total acreage to be changed is 5.80. Tax map and parcel 018-092. Present use is R-1 Residential Single-Family District.
The applicant, Clay Knaus of 536 Radbury Road in Cleveland, was present.

Mr. Barton gave a summary of the application. Mr. Barton clarified that the reason for the rezoning request is being the other roughly 25 acres is already A-1 and the tax records showed the 5.80 acres as residential.

Chairman Thomas asked if Mr. Knaus just wants to farm the property; Mr. Knaus stated not exactly plant it, but maybe build an agricultural barn on it. Mr. Barton stated that the barn is a permitted use in A-1.

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Chairman Thomas asked if there are any questions from the board; No response.

Chairman Thomas asked if Mr. Knaus had anything to add; Mr. Knaus said no.

Chairman Thomas asked if anyone was for or against; No response.

Chairman Thomas closed the hearing.

- v. **Application of Lori and George David** to request a conditional use permit at 193 Sara Lane, Sautee Nacoochee, GA, 30571. Total acreage is 0.93. Tax map and parcel 055D-092. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential, Single-Family District. The landowners, Lori and George David of 2096 Dean Mountain Road in Cleveland, were present.

Mr. Barton gave a summary of the application. Mr. Barton stated that there are covenants that do allow short term rentals.

Mr. Barton asked Mr. and Mrs. David if they had anything to add. Mr. David stated that the subdivision used to be Tanglewood. Mrs. David stated that is it Tanglewood II.

Chairman Thomas asked Mr. and Mrs. David what they had in mind. Mrs. David stated that they would like to use the property as a short term rental and rent it through VRBO. Mrs. David stated that it has been used as a rental before. She said the previous owner lived in it, but before that it was always a rental.

Chairman Thomas asked how long they have owned the property; Mrs. David stated July this year.

Chairman Thomas asked if they had been renting the property; Mr. David said yes, when they went to an HOA meeting is when they found out what all they had to do. Mr. David said they want to be legit.

Mr. David asked Mr. Barton if they should rezone to R3; Mr. Barton stated that the application was for a conditional use and that was what the advertisement was for. Mr. Barton explained that the good thing about a conditional use is that if they decide that they don't want to rent it, they can live in it.

Mr. David asked if the permit is something they have to renew; Mr. Barton said no.

Chairman Thomas stated that the only time they would have to come back to the Planning Commission is if they wanted to get it changed to some other use.

Chairman Thomas asked that since they have been renting it through VRBO, has there been any issues; Mr. David said that they didn't start renting until September, but there have not been any issues, the renters love it and that his wife is doing a great job. Mr. David stated that he works for Southwest Airlines as a mechanic and this is what his wife manages.

Chairman Thomas asked if there have been any neighbor complaints; Mr. David said no.

Mrs. Dixon asked how much parking they have; Mr. David said six spots.

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Chairman Thomas asked what the maximum number they plan to rent to; Mr. David said it sleeps eight.

Chairman Thomas asked if there are any questions from the board; No response.

Chairman Thomas asked if Mr. Hodge had anything to add; Mr. and Mrs. David said no, but Mr. David said they have two boys that go to school in White County and that they love the area. Mrs. David said they live close by.

Chairman Thomas asked if anyone was for or against.

Scott Malinconico of 55 Cohulta Drive in Covington, Georgia, 30014 stood up. Mr. Malinconico mentioned that for the purposes of this hearing, he owns a property at 53 Sara Lane in Cleveland, which is at the beginning of this subdivision. Mr. Malinconico also mentioned that he is the treasurer of the Homeowner's Association.

Mr. Malinconico explained that as stated, the covenants do allow short term rentals and the subdivision was actually built as a short term rental community. From a parking standpoint, Mr. Malinconico said he has been out there, they had an HOA meeting in that building three or four years ago, and there's plenty of parking. Mr. Malinconico stated it is a short term rental community and that's what the subdivision was built for, so he encourages the board to approve the application.

Chairman Thomas asked if anyone else was for or against; no response.

Chairman Thomas closed the hearing.

- vi. **Application of Chattahoochee Baptist Church** to redistrict property located at 7905 Duncan Bridge Road, Cleveland, GA, 30528 from: C-1 Community Commercial District, to C-2 Highway Business District. Total acreage is 25.89. Tax map and parcel 076-106 and 076-132. Present use is C-1 Community Commercial District.

Bryan Lee of 993 Merck Road in Cleveland, the general contractor and applicant, was present.

Steve Berry of 1133 Pless Road in Cleveland representing the church was also present.

Mr. Barton gave a summary of the application.

Chairman Thomas asked Mr. Berry to explain what they are planning to do with the property.

Mr. Berry explained that the church now has two services and they are trying to combine it back into one service. He said they plan to build a sanctuary and classrooms; it will be a multi-purpose building. Mr. Berry said they would like to get the congregation back into one time instead of two. Chairman Thomas asked if this will be a metal building; Mr. Lee said it is, 3 sides are all brick and they will add onto the back later. Mr. Lee said it will be a 17,000 square-foot building.

Mr. Ackerman asked if the church already owns all of the property; Mr. Berry said correct.

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Chairman Thomas asked if there was a setback issue; Mr. Barton stated that according to the site plan, everything will be a minimum of 50 feet from the property line.

Chairman Thomas asked if the access was good; Mr. Barton stated that the access will have to be approved by Georgia DOT before they can get their building permit.

Chairman Thomas asked Mr. Barton if a deceleration lane would be required.

Mr. Barton asked how many total people would attend the service; Mr. Berry said about 450, they are just combining the two services into one.

Mr. Barton said he's not sure what Georgia DOT will do since it's only one day.

Chairman Thomas asked how many parking spaces there will be; Mr. Lee said 160 because typically for churches, you do one space for every three people.

Mr. Barton stated that once the zoning is changed, that will be part of the building process- you can't get a building permit without access approval.

Chairman Thomas stated that Health will get in involved also; Mr. Barton said everything gets sent through Health.

Mr. Lee stated that they have already done that, they have already pulled septic tank permits and submitted drawings to Environmental Health to design the septic system. He stated that they are hoping to use the same entrance they already have, but of course that will be up to DOT. Mr. Lee stated that he didn't foresee it changing because they will still have the same amount of people coming in on occasion.

Chairman Thomas asked if there are any questions from the board; No response.

Chairman Thomas asked if Mr. Lee or Mr. Berry had anything to add; Mr. Lee said no.

Chairman Thomas asked if anyone was for or against; No response.

Chairman Thomas closed the hearing.

- vii. **Application of Mossy Creek United Methodist Church** to request a variance to Appendix C/Article IX/Section 901/6 for building setback located at 2154 Post Road, Cleveland, Ga. 30528. Total acreage is 11.98. Tax map and parcel 063-003. Present use is A-1 Agriculture Forestry District. The applicant and representative for the church, C.J. McDonald of 100 Pine Hill Drive in Cleveland, was present.

Mr. Sell gave a summary of the application. Mr. Sell clarified that there is a 50-foot requirement for the setback for churches.

Mr. Sell asked Mr. McDonald if he has 23 feet; Mr. McDonald said yes, 23 feet from the center point of the ditch.

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Mr. Sell asked Mr. McDonald to explain to the board what they are planning to do; Mr. McDonald stated that they are planning to build a 7,000-square-foot gymnasium addition to their fellowship hall. Mr. McDonald stated that this addition for the church has been planned for about 11 years, but they are just now getting the project resurrected because the financials are heading that direction.

Chairman Thomas asked if the setback is from a neighbor's property; Mr. McDonald said no, it's actually Mossy Creek Church Road.

Chairman Thomas asked if that is a county road; Mr. Sell said yes.

Chairman Thomas asked if the county road department needs to sign off; Mr. Sell stated that will be in the PRC process.

Mr. Freeman asked if this is where the half building is; Mr. McDonald stated that yes, the incomplete building will now be complete.

Chairman Thomas asked if there are any questions from the board; No response.

Chairman Thomas asked if Mr. McDonald had anything to add; Mr. McDonald said that they appreciate the consideration.

Chairman Thomas asked if anyone was for or against; No response.

Chairman Thomas closed the hearing.

V. Citizens Comments

None

VI. Adjournment

Motion made by Mrs. Dixon to adjourn; Seconded by Mr. Ackerman. Motion was unanimously approved.