

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

MINUTES

Monday, October 28th, 2019
6:00 pm

White County Senior Center
1239 Helen Hwy, Cleveland, Ga. 30528

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

Staff: Harry Barton, John Sell, and Mercedes Toolan

- I. Call to Order: Chairman Thomas called 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
 - a. **Application of Robert McClure** to request a conditional use permit at 1111 Satterfield Road, Cleveland, Ga, 30528. Tax map and parcel 074-008. Total acres 6.70. Proposed use is to place in "Short Term Rental" program.
Present use is R-1 Residential, Single-Family District.

The applicant, Robert McClure of 1111 Satterfield Road, was present.
Mr. Barton gave a summary of the application.

Mr. McClure said it used to be a B&B.
Chairman Thomas asked if this property was in a subdivision.
Mr. Barton said no.
Mrs. Dixon asked to clarify if this used to be a bed and breakfast.
Mr. McClure said yes, he would like to do it again.

Chairman Thomas asked if there are any questions from the board; no response.
Chairman Thomas asked if anyone would like to speak for or against; no response.
Chairman Thomas asked if Mr. McClure had anything to add; he said no.
Chairman Thomas closed the hearing.

- b. **Application of Bryan and Theresa Hamilton** to request a conditional use permit at 6394 Duncan Bridge Road in Cleveland, GA, 30528. Tax map and parcel 075-076A. Total acres 9.45. Proposed use is to place in "Short Term Rental" program.
Present use is R-1 Residential, Single-Family District.

The landowner, Bryan Hamilton of 6394 Duncan Bridge Road, was present. Mr. Hamilton stated that they ran a bed and breakfast for many years, until their kids told them they couldn't do it anymore. The house is big and they now want to go see their daughter or go in their RV. They are surrounded by a lot of acreage.

Mr. Barton gave a summary of the application. Mr. Barton stated that it was not part of a subdivision.

Mrs. Burke asked to clarify that this is just one large house, not a cabin; Mr. Hamilton said yes.

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Chairman Thomas clarified that Mr. Hamilton had done bed and breakfast before at this location; Mr. Hamilton said yes, that's correct.

Chairman Thomas asked how long it had been since they had done bed and breakfast; Mr. Hamilton said about 15 years.

Mrs. Burke asked if he was planning on renting out the whole house; Mr. Hamilton said yes.

Mrs. Burke asked how many it would sleep; Mr. Hamilton said ten.

Chairman Thomas asked if he was going through a company; Mr. Hamilton said yes.

Mrs. Burke asked if it was a local company or AirBnB; Mr. Hamilton said local, Georgia Mountain Rentals.

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

Chairman Thomas asked if anyone would like to speak for or against; no response.

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

Chairman Thomas closed the hearing.

- c. **Application of Todd Anderson** to redistrict property located on Hester Road in Cleveland, GA, 30528 from A-1 Agriculture Forestry District, to R-1 Residential Single Family District. Total acreage to be changed is 4.00. Tax parcel 008-030.

Present use is A-1 Agriculture Forestry District.

The landowner, Todd Anderson of 1098 Porter Springs Road in Dahlonega, GA, 30533, was present.

Mr. Barton gave a summary of the application. Mr. Barton stated that it is a division of 4 acres for four 1-acre lots. Because it is less than 10 acres, that is why Mr. Anderson has to redistrict to R-1.

Mr. Anderson stated that they are just looking to split those four acres for residential and leave the remainder acreage in A-1.

Mr. Barton asked Mr. Anderson if it would be supplied by municipal water or by well; Mr. Anderson stated well because it is too far off the road.

Mrs. Burke asked if all of the lots will front on Hester Road; Mr. Barton said yes.

Mr. Barton clarified that the approval would be for a 4-acre tract to be split into 4 lots, 1 acre per, and zoned R-1.

Mr. Ash asked if Hester Road is paved now; Mr. Anderson said no.

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

Chairman Thomas asked if anyone would like to speak for or against; no response.

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

Chairman Thomas closed the hearing.

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- d. **Application of David Schutt** to request a conditional use permit at 3215 HWY 75 Alt. in Cleveland, GA, 30528. Tax map and parcel 030D-061. Total acres 3.16. Proposed use is to place in "Short Term Rental" program.

Present use is R-1 Residential, Single-Family District.

The landowner, David Schutt of 204 Windy Acres, Cleveland, GA, 30528, was present. Mr. Schutt stated that he has about 10 acres there and took 3 acres to put a cabin on it.

Mr. Barton gave a summary of the application. Mr. Barton stated that this property is not in a subdivision.

Mrs. Burke asked if it was part of Springcrest Subdivision; Mr. Schutt said no, it's on the other side of the creek and the land he has is not part of it.

Chairman Thomas asked how long the cabin had been there; Mr. Schutt said it was just completed.

Mr. Barton stated that this is in watershed protection district and the county had to go out and measure 150 feet before the cabin could be built, which is why the cabin is so close to the road.

Chairman Thomas asked if Mr. Schutt had ever done short term rentals before; Mr. Schutt said no, that he was going to hire a company to do it.

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

Chairman Thomas asked if anyone would like to speak for or against; no response.

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

Chairman Thomas closed the hearing.

- e. **Application of Shannon Adams** to redistrict property located at 325 HWY 255 N, Sautee Nacoochee, GA, 30571 from C-1 Community Commercial District, to C-2 Highway Business District. Total acreage is 0.58. Tax parcel 071-110.
Present use is C-1 Community Commercial District.

The applicant's husband, Ronnie Adams of 37 Eagle Rock Road in Cleveland, GA, 30528, was present.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mr. Adams if a dog grooming and boarding was correct; Mr. Adams said yes, and a daycare.

Mr. Barton asked if there were going to be any additions to the building; Mr. Adams said no.

Chairman Thomas asked if there was any acreage requirement; Mr. Barton said no, it's non-conforming.

Chairman Thomas asked if Mr. Adams could tell the board what he had in mind.

Mr. Adams stated that it was his wife's business, and the purpose is to do a doggie daycare to have a service for the community for boarding and grooming, all pet needs.

Chairman Thomas asked how many animals they expected to have at one time; Mr. Adams said the maximum capacity is between 20 and 25.

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Chairman Thomas asked to clarify that it is an existing building that they will reconfigure; Mr. Adams said yes.

Mr. Barton stated that any plans they have on the inside will need to go through the building department for approval.

Mrs. Burke asked if this was the old Nacoochee Store; Mr. Adams said yes.

Chairman Thomas asked if there is an existing septic system; Mr. Adams said yes.

Chairman Thomas asked if that was an issue with Health; Mr. Barton stated that if it is, he won't be able to get his building permit without health approval.

Mrs. Burke asked if there was a veterinary next to it and apartment upstairs; Mr. Adams said there are apartments upstairs and the Jericho house downstairs.

Chairman Thomas asked how he planned to manage the waste, if he would have in floor drains; Mr. Adams said yes, for the inside kennels there will be floor drains and they will put in a septic and tanker system that you add chemicals to that is in the ground. It is biodegradable and doesn't harm the animals.

Chairman Thomas asked if Mr. Adams has any concerns with the noise from the barking; Mr. Adams said they have 8 dogs of their own and have no problems with barking.

Chairman Thomas asked if there are any more questions from the board; No response.
Chairman Thomas asked if Mr. Adams had anything to add; he said no.

Chairman Thomas asked if anyone would like to speak for or against.

Mike Yarbrough of 118 Dove Run in Sautee Nacoochee, GA, 30571 went to the podium. Mr. Yarbrough stated that the questions and concerns he has would be to the limitations associated with how many animals could be residing in the facility, which he Mr. Adams had spoken of, was the possibility of the maximum number and wants to know if there be legal requirements. Mr. Yarbrough ask if the animals are going to be inside or outside, in terms of noise abatement. Mr. Yarbrough stated the Sautee Nacoochee Center is across from it and that there are a lot of people going in and out. Mr. Yarbrough said the question would be if there is going to be any problem with the noise. Mr. Yarbrough said a lot of work has gone into the Sautee Nacoochee Center to bring it out of almost bankruptcy, and he would hate to see something railroad it.

Chairman Thomas asked if the board had any questions for Mr. Yarbrough; No response.
Chairman Thomas asked if there was anyone else that would like to speak for or against; Mr. Adams took to the podium.

Mr. Adams stated that the Department of Agriculture is really strict on these types of businesses. He stated that they control everything and will put a number on how many dogs there will be. Mr. Adams also stated that a privacy fence will be put up, so the public won't be able to see them and probably won't be able to hear them very much.

Mrs. Burke asked if Mr. Adams if they live in the building or have any plans to live in it; Mr. Adams said no. Mr. Barton said that it will be a C-2 and that they cannot live in it.

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Mr. Ash asked if the dogs would be outside during the day; Mr. Adams said they will have a schedule of going outside for a couple of hours, then come back inside later in the afternoon. Mr. Adams said they would not be outside all day.

Chairman Thomas asked if they would be inspected by the Department of Agriculture; Mr. Adams said yes sir.

Mr. Ackerman asked if the additional septic that will be added will be emptied periodically; Mr. Adams said yes, it will.

Mr. Freeman asked if this would be a mainly daytime business; Mr. Adams said yes, but there will be overnight boarders, but they sleep at night.

Mr. Ackerman asked if there will be someone on the premises all night; Mr. Adams said no.

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

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

Chairman Thomas closed the hearing.

- f. **Application of Rolando and Dailis Cabrera** to redistrict property located at 20 Kaceys Lane in Helen, GA, 30545 from R-1 Residential Single- Family District, to R-3 Residential Seasonal District. Total acreage is 0.50. Tax parcel H04E-016. Present use is R-1 Residential Single-Family District.

The landowner, Rolando Cabrera of 20 Kaceys Lane, was present.

Mr. Barton gave a summary of the application. Mr. Barton stated that this is to go to R-3, which allows Short Term Rentals as a permitted use.

Mrs. Burke asked if a structure was getting added; Mr. Barton said no, only rezoning to R-3.

Mrs. Burke asked where on Kaceys Lane the property is, if it was the first on the right; Mr. Cabrera said yes.

Mr. Cabrera said he and his wife purchased the property last year and it was previously a short term rental. They did some painting and fixed the floors, then decided to put it up for Short Term Rental. When his wife submitted the application, they told her that the ordinances had just been changed.

Mrs. Burke said so you're not going to live in that house anymore; Mr. Cabrera said no, it's a vacation home and that they live in Florida. He said they purchased it as a rental because it's only half a mile from Helen.

Mrs. Burke asked if it is city limits of Helen; Mr. Cabrera said he thought so, but he was told no. He said there's a lot of short term rentals over there.

Chairman Thomas asked if it was in a subdivision; Mr. Barton said yes, but the application is to rezone to R-3.

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Mrs. Burke said there were homeowner restrictions at some point, but she was unsure if it still was.

Chairman Thomas asked if the property had been rented previously as a short term rental; Mr. Cabrera said yes.

Chairman Thomas asked if he knew how long it had been rented; Mr. Cabrera said he wasn't sure.

Mr. Barton stated that if the property is zoned to R-3, then the full time residence will go away. He stated that a conditional use would then be needed to be able to live in it.

Mr. Barton told Mr. Cabrera that he wanted to be sure that he was aware of the conditional use; Mr. Cabrera said yes.

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

Chairman Thomas asked if anyone would like to speak for or against; No response.

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

Chairman Thomas closed the hearing.

- g. **Application of Matthew Sieveking** to redistrict property located at 76 Ralph Vandiver Road in Sautee Nacoochee, GA, 30571 from R-1 Residential Single Family District, to C-2 Highway Business District. Total acreage is 4.00. Tax parcel 055-065. Present use is R-1 Residential Single Family District.

The landowner, Matthew Sieveking of 548 Fudge Drive in Sautee Nacoochee, GA, 30517, was present.

Mr. Barton gave a summary of the application. Mr. Barton stated that this is to conduct a business on the property.

Mr. Barton asked Mr. Sieveking if the purpose was to store and sell specialty wood, lumber, and furniture; Mr. Sieveking said yes.

Mr. Barton asked the size of the proposed building and Mr. Sieveking said 3200 square feet.

Chairman Thomas asked Mr. Sieveking if he had anything to add; Mr. Sieveking said he doesn't really have a business plan yet until he can rezone it.

Mrs. Burke asked if the existing building was just a metal workshop; Mr. Sieveking said it was zone single family residential when it was just a shop.

Chairman Thomas asked how much parking Mr. Sieveking would need to provide for this; Mr. Sieveking said not really, it will just be a small workshop more than anything.

Chairman Thomas said so you would be manufacturing furniture and selling it there; Mr.

Sieveking said and specialty wood like bartops and different things like tables. He said he would use black walnut, cherry, not really any pine, mostly specialty wood.

Mr. Ash asked if it was a sawmill; Mr. Sieveking said no.

Mrs. Burke asked if he lived on the property now; Mr. Sieveking said no.

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Chairman Thomas asked how many employees he expected to have; Mr. Sieveking said 3-4.

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

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

Chairman Thomas asked if anyone would like to speak for or against.

Howard Berger of 212 Sweetheart Lane in Sautee Nacoochee, GA, 30517, stood at the podium to speak.

Mr. Berger stated that he is against the proposed zoning because right now it is zoned R-1 and there is a 17-cabin community behind it. He said the problem is that there is an existing business on the property for cell tower regeneration and there are trucks and trailers, large pickup trucks. He stated there are two large 25-foot dumpsters and storage laid out. He said the property has recently been clear cut and already excavated for a building. Mr. Berger said that the business has been ongoing for two years that he knows of because that's how long he's been at his property. Mr. Berger doesn't know if Mr. Sieveking is part of the current business, or if the woodworking shop is going to be something new to the current business, but that would be two businesses. He said another issue is that the current business won't fall under the revised Article 14 for the drive by passenger vehicles to enhance the visibility of the business. He stated that if it is cell tower regeneration, which is currently there and you can see by all of the materials laying out, it's not conducive to property values of the existing cabins and more residential areas behind it. He said the business right now is on a gravel road and doesn't have any highway frontage, but he does have frontage; and if the board were to approve him, then Mr. Sieveking should access that business through the frontage on the highway because they are trying to rezone it for visibility purposes. Mr. Berger said the road is maintained by the county, but there are all sorts of trucks and vehicles from the employees at any given time. He said it's a load and go company where they load up their trucks and trailers and leave their vehicles for several days so there's a lot of activity for a gravel road. Mr. Berger stated that he knows there are other people from the community that would like to speak but he for one would not like to see that happen. He said if the board did approve it, then they should access from their own highway property instead of Ralph Vandiver Drive. He stated that they clear cut it and it's just wide open and you can see all of the trash that's out there from their trucks and equipment. Mr. Berger stated that perceived property values are going to decrease in his estimation from conversations that he has had with other cabin owners.

Chairman Thomas asked if the board had any questions for Mr. Berger.

Mr. Ash asked for clarification that Mr. Berger lives on Sweetheart Lane; Mr. Berger said yes.

Mr. Ash asked if this was behind Ralph Vandiver; Mr. Berger said yes, you turn right at Pine Ridge.

Chairman Thomas asked Mr. Berger to come up and show where he lives for the board.

Mr. Berger pointed out his location and said everyone that owns a cabin has to drive past this property.

Chairman Thomas asked the board if they had any other questions for Mr. Berger; no response.

Chairman Thomas asked if anyone else would like to speak for or against.

Scott Malinconico of 55 Cohulta Drive in Covington, GA, 30014 stepped up to the podium.

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Mr. Malinconico stated that he owns the property up the hill from Sweetheart Lane and he is also the treasurer of the Pine Ridge Homeowner's Association. He stated he wants to speak in opposition of the land change because it is really not appropriate for the neighborhood and that the property is all zoned R-1. He said there are houses on the south side and on 356, there are some C-1 down the road by the cabin rentals, there is one C-3 right across the street on .7 acres. He said the access is by gravel road and damage can be done to that by continuous traffic. Mr. Malinconico also stated that the road is maintained by the county, so it would be an impact on that, as well. He said it will be a negative impact on property values because it is a rental community. He said his objection is not necessarily to what is being done on the property right now; because the clear cut is a whole lot better than what the property was before he [Mr. Sieveking] cleared up the property and it looked like a junk yard at that point, but the objection is once the commissioners approve it to C-2, that ten minutes after it is approved, he could put it up for sale and they would have no say about what goes into it. He said if he recalls correctly from the codes for land use, they could end up with an Amphitheatre or a stadium, not that there's enough room in there. He said it could be an auction house; these are all permitted uses that would not need approval to go in there. He said they could have a bowling alley or a bus terminal put on the property and we would have no say in the matter. Mr. Malinconico stated that it goes on for two and a half pages, all of which are not appropriate for this area.

Mrs. Burke asked when you turn down Ralph Vandiver Road from the main highway and before you get to the Pine Ridge cabins, because most of the cabins aren't off Pine Ridge, that is for rent, correct?

Mr. Malinconico said at the 4-way, the right turn is basically our responsibility.

Mrs. Burke said but when you first turn on the road, across from where he is talking about, what is on the left hand side of Ralph Vandiver Road- is it just woods?

Mr. Malinconico said as far as he can tell from the property maps, it is undeveloped.

Mrs. Burke said so there are no houses?

Mr. Malinconico said no, but it is zoned R-1.

Mrs. Burke said but there are no houses.

Mr. Malinconico said on the other side, there is a house right next door to them on HWY 356.

Chairman Thomas asked how many houses are in the Pine Ridge Subdivision; Mr. Malinconico said about 14 in the association, then there's the original developer who lives there.

Chairman Thomas asked if most of them were full time residents; Mr. Malinconico said no, the only real full time resident is Mr. Berger and he believes one other in the Pine Ridge development.

Chairman Thomas asked if the rest are renters for weekend rentals; Mr. Malinconico said correct, weekend rentals.

Mr. Barton clarified that there is not a C-3, that is a tax record and we do not go by tax records.

Mr. Barton stated that across the street is R-1.

Mr. Malinconico stated that most are R-1 and there is some C-1 down the road.

Mrs. Burke stated that there's the Tanglewood Restaurant and another restaurant on the left;

Mr. Barton stated that the Tanglewood is R-1 as a non-conforming use.

Mr. Ash asked if there are about a dozen rentals in that area; Mr. Malinconico said yes.

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Mr. Malinconico said he's sure Matthew [Sieveking] will keep the property neat and tidy, but in the future it could essentially be a lumber yard.

Chairman Thomas asked if the board had any other questions for Mr. Malinconico; no response. Chairman Thomas asked if anyone else would like to speak for or against; no response. Chairman Thomas asked Mr. Sieveking if he would like to come back up to speak.

Mr. Sieveking stated that his intentions are to do better things with the property, not make it look dirty or worse off. He said it would be to increase property values by landscaping everything around it. He said the existing shop right now looks trashy and he is also wanting to bring that up and make it look nice. Mr. Sieveking stated the property is being used for storage right now, trucks and trailers, because that's all he could really do with the property, but that it is not being used as a business.

Chairman Thomas asked to clarify that there's not an existing business there; Mr. Sieveking said no.

Mr. Ackerman asked to clarify that if rezoned, there would not be two businesses on the property; Mr. Sieveking said no.

Mr. Sieveking stated that no one ever informed him that they had a problem with it, but he would remove the trailers and trucks if they had a problem with it to make a better scene for the people there.

Mr. Ash asked if Mr. Sieveking ever had any trouble with the Short Term Renters. Mr. Sieveking said no, he never had anyone come to him saying his intentions were bad, this was the first he heard of it. He said his purpose is to make it better and do a small scale wood working shop, not a lumber yard. He stated that it won't be large scale; the property isn't big enough to do anything like that. Mr. Sieveking stated that it's a small use, it would be more of a hobby and what he makes is more for the cabin type that is behind his property.

Chairman Thomas asked if it would be a home shop in other words; Mr. Sieveking said yes. Chairman Thomas asked if he lived on the property; Mr. Sieveking said no, he doesn't live on the property.

Mr. Ackerman asked what will happen to the existing building; Mr. Sieveking said he would make a nice office area out of it and maybe do some of the wood working out of that shop, but the 3200 square foot building would be more storage and sales.

Chairman Thomas asked if the board had any other questions for Mr. Sieveking; no response. Chairman Thomas asked if anyone else would like to speak for or against; no response. Chairman Thomas closed the hearing.

- V. Citizens Comments
None
- VI. Adjournment

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Motion made to adjourn by Mrs. Burke, seconded by Mr. Ackerman. Motion was unanimously approved.