

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

Monday, October 26th, 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, Linda Dixon, and 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 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.

A representative, Andrew McKowen of 324 Foothills Pkwy in Gainesville, Georgia, was present. Mr. Barton gave a summary of the application. Mr. McKowen explained that the idea to rezone is to keep operations how they are now, which is an auction house, slaughter house, and restaurant. Mr. Barton explained that rezoning to C-2 provides an opportunity to expand since the property is currently a nonconforming use. Mr. McKowen stated that the processing plant is still in the works, but is not part of this plan.

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. McKowen if he had anything to add; he said no.

Chairman Thomas closed the hearing.

- ii. **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 landowner, Glenn Walker of 460 Duncan Bridge Trail in Cleveland, was present. Mr. Barton gave a summary of the application. Mr. Walker stated that his home is the lot adjacent to the lot this house is on. He explained that this is a guest house, where his daughter was married and is for family to stay in. He said he would like to do short term rental to cover expenses and that they will manage the rental themselves. Mr. Walker detailed that this property is in a subdivision, Duncan Bridge Estates, but that there is no HOA and the covenants do not cover this particular lot. He said he has experience with six or seven short term rentals and the maximum occupancy will be two people for this one bedroom, one bathroom house. The board requested to see a copy of the covenants at the next meeting. Mr. Walker stated that there are rentals in what he believes to be Phase II of Duncan Bridge Estates.

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

Chairman Thomas asked Mr. Walker if he had anything else he would like to add; Mr. Walker said no.

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Chairman Thomas asked if there was any for or against.

Ann Burgess of 394 Duncan Bridge Trail stated that she purchased her home in 2011 and is against this short term rental. Mrs. Burgess explained that you do not know who will be in and out, there will be increased traffic, and her neighborhood is generally quiet. She said her husband is security for Skylake and the one short term rental in that neighborhood is the one that gives the most trouble. Mrs. Burgess provided a letter to the board from another neighbor that could not attend the meeting.

Michael Beaudreau of 320 Duncan Bridge Trail said he is against this short term rental because approving the commercialization of a residential neighborhood tends to change the nature of the area. He said it is a private and comfortable area, that there are at least 20 houses in the neighborhood and it is on a dead end road.

Damon Burgess of 394 Duncan Bridge Trail stated that he is against this short term rental mainly because of issues at work. He said short term rentals are a snowball effect, that it is a quiet neighborhood and they're trying to keep it that way. He said some of the issues he deals with working at Skylake are a lot of college kids drinking and cutting up.

Chairman Thomas asked Mr. Walker if he had anything he would like to add.

Mr. Walker stated that he could sell the property to someone with teenagers with multiple cars or divide it in half for two houses with teenagers. He said he is the closest neighbor beside and across from this tract, about 125 feet away. He said there is agriculture on the south side of the property and that there will only be parking for one vehicle.

Chairman Thomas closed the hearing.

- iii. **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.

The applicants, Bryan and Sharon Lee of 993 Merck Road in Cleveland, were present. Mr. Barton gave a summary of the application. Mr. Lee explained that this property is beside his current business. He said he would move the current storage trailers and expand his complex to this property, as well as an office for his construction company. He said he would dress up the property put an aluminum ornamental fence on Lothridge Road, a new driveway for the new office, and a retention pond for a 100-year flood. He said the pond will help mitigate issues from construction. Mr. Lee said this property backs up to Lothridge Estates and he plans to plant Leland Cyprus trees as a landscape buffer to hide the business from the subdivision and that there will be down lighting on the buildings. He explained that he had to turn down about 100 people last month because he did not have the storage and wants to take care of a need that the county has for more storage. When asked about security, Mr. Lee said there will be security cameras and that renters have 24/7 access via keypad. Mrs. Lee stated that they will mostly be developing the side closest to their current property.

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

Chairman Thomas asked if there was any for or against.

Deborah Palmer of 310 Bonnie Pearl Lane stated that she is against this rezone because Mr. Lee flooded her property when he modified the original property. She said it destroyed her yard and the pond in the neighborhood. She urged the board to consider the environmental impact to their neighborhood and requested the board require Mr. Lee to complete an impact study for their neighborhood.

Jim Duren of 217 Bonnie Pearl Lane stated that he will appreciate anything Mr. Lee will do because it will be much improved to what is there now. He said he wants to make sure that what Mrs. Palmer explained does not happen again and that proper measures are taken. He said he doesn't want any more flooding and wanted clarification on the buffer.

Dennis Pierce of 116 Bonnie Pearl Lane explained that he did not have any water issues at his property. He said that when he bought his property, he knew that the storage facility was there. He said his only issue is what type of barrier will be put in place because he does not want to look at a metal fence and wants to know how long the construction will take. He suggested trees in addition to a fence. He said anything the Lee's do will be an improvement to the property, but what happens if they sell it.

Jerry Garner of 202 Bonnie Pearl Lane said he is the president of the homeowner's association. He stated that he would like a better definition of buffer zone to the homes, a setback of maybe twenty feet, and for them to landscape it so they do not feel like their homes are in an industrial environment. He suggested performance bonds be set up for maintenance.

Richard Palmer of 310 Bonnie Pearl Lane stated that he has been battling runoff for several years. He said the current retention pond is too small and has caused a ditch in his yard that he cannot cross. Mr. Palmer said it runs off from his yard into a natural spring on the next person's property. He said he cleans the spring out himself with his neighbor and that the pond used to be beautiful. He explained that now it is full of silt and debris like a swamp and has an island of saw grass in the middle of it. He stated that another property being developed will make the problem worse and requested an environmental study be conducted since they are suffering actual damage to their property.

Chairman Thomas asked Mr. Lee if he had anything he would like to add.

Mr. Lee stated that he can put the fence to the inside and trees to the outside of the property to make sure it looks pleasant to the neighborhood. He said the proposed retention pond will capture and release the water slowly. Mr. Lee detailed that there is a go-kart track that collects the water and pushes mud to the neighboring properties. He said he will hire a civil engineer to do a complete design that will go by the state requirements and conduct a hydrology study to make sure the pond will be adequate. Mrs. Lee stated that of all the people that spoke, only one adjoins this property and he said it would be an improvement to what is there. She said the others are further down, but do not border this property

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directly. She also noted that they do not own this property yet, but are the applicants for the rezone. Mrs. Lee provided a photo to the board of their proposed tree buffer.

Chairman Thomas closed the hearing.

iv. **Application of Chad Knott** 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 Pt in Cleveland, was present. Mr. Barton gave a summary of the application. Mr. Knott noted that the house is two bedrooms, two bath with a maximum occupancy of four individuals as approved by Environmental Health. He explained that the property was developed in 1983 as part of a 16.17 acre tract and is part of the Brookside Landowner's Development, with surveys being created individually. Mr. Knott provided the board with a copy of the covenants and recorded plat. He explained that the covenants were created originally as more of a road maintenance agreement, but has restrictions that allow rental units with a limit of one rental unit per property. He also noted that the property is 1.2 miles from Habersham Emergency Services #16 and 2.4 miles from White County Fire Services Station #3. When asked if there were any other rentals in the neighborhood, Mr. Knott stated that a neighboring house comes up on Google named "Helen Mountain House" that he thinks may have been a bed and breakfast, but he does not know for sure if it is still active. When asked about commercial business not being allowed in the covenants, Mr. Knott explained the Georgia Code Trump Statute of zoning causing certain covenants to expire. He stated that there will be parking for two or three cars and that the short term rental insurance has been secured since time of application. Chairman Thomas asked if the board has any other questions; no response. Chairman Thomas asked if there was any for or against.

Bart Rhoten of 266 Peppermint Drive stated that he owns Helen Mountain House and that it is not a rental. He stated that he did a survey of the neighborhood and eleven of the twelve properties were opposed to the short term rental and provided the survey to the board. Mr. Rhoten explained that half of the owners live there year round, the other half are there seasonally, and that there are six children total in the subdivision. Mr. Rhoten stated that the road is gravel and is not in good condition. He detailed that when the subdivision was developed in 1983 it was designed for weekend retreats and is on a community well. He explained that it will increase the traffic, strangers on the road, and the community well is a concern. Mr. Rhoten said that he purchased his home in January of 2020 and was not aware of any rentals ever being in the neighborhood. He said that short term rentals cause a decline in the neighborhood and that once allowed it will get worse and worse.

Brandon Jedd of 244 Peppermint Drive stated that his uncle used to own Helen Mountain House and it was never rented out while he owned it, but was a bed and breakfast when it was moved in. He said that he is opposed to the short term rental. He said he lives near Tallahassee Florida and would never have purchased his home if there was a short term rental near.

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LouAnn Rhoten of 266 Peppermint Drive stated that she and her husband live on a dead end street in Florida across from a short term rental and they do not want the same issue of not knowing who is going through the neighborhood.

Casey Jenksly of 96 Pepperidge Drive said she has a four-year-old son and is concerned about the road. She said there is not enough money in the HOA to repair it. She cited the last page of the covenants that state their subdivision is also under consideration of Nacoochee Acres. In reference to Mr. Knott's statement of being close to the fire department, she said that they are classified as protection class 4Y which means they do not have a fire hydrant within 1000 feet and are surrounded by trees that a fire would spread quickly through.

Regina Berg of Cabin Rentals of Helen located at 26 Carolina Springs stated that she has a contract with the owner. She explained that he has provided her with unlimited funds to remodel the house, including a new roof that is noted in the covenants as being a required maintenance. Mrs. Berg noted that short term rentals tend to have less traffic on average than full time owners. She explained that her company has a noise curfew and does not allow pets, weapons, or firearms. Mrs. Berg noted that she has found permanent residents tend to cause more problems to her guests than short term renters causing issues and that short term rentals have been given a bad name. She stated that the owner would possibly contribute more to maintain the road and might put up a privacy fence. Mrs. Berg stated that he is very humble and is willing to do whatever it takes to make it a good neighborhood.

Scott Steiger of 251 Peppermint Drive stated that he is a direct neighbor to 213 Peppermint Drive. He stated that 213 Peppermint Drive is landlocked with a creek that he shares. He said he is concerned that renters will use the creek and go through his property. Mr. Steiger stated that the road is bad and that there are eleven pieces of property that are not rentals and that do not want rentals. He said his wife works for Cabin Rentals of Helen and that he does not want to have the possible headache of a short term rental.

Chairman Thomas asked Mr. Knott if he had anything he would like to add.

Mr. Knott stated that the complaints were not rental related, they are property rights related. He reiterated that the occupancy is limited to four, which means it is very likely to only be one or two cars. He stated that the covenants clearly establish that rental units are allowed. He said he is not aware of any legal connection to Nacoochee Acres, but that there are rentals in Nacoochee Acres and on Mauldin Creek. Mr. Knott pointed out that friends and family can stay in houses that are not rentals, so strangers can happen regardless. Mr. Knott clarified that his client, Daniel Hutchinson, did not own the property at the time of the application, but he now owns the property.

V. Citizens Comments

Brandon Jedd of 244 Peppermint Drive stated that the covenants are from 1983 and eleven of the homeowners are opposed to short term rentals.

VI. Adjournment: Motion to adjourn made by Mrs. Dixon; seconded by Mr. Ackerman. Motion was unanimous.