

White County Planning Commission
Regular Session: Minutes

Monday, March 1st, 2021

White County Senior Center

6:00 pm

1239 Helen Hwy, Cleveland, Ga. 30528

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

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. Review and approval of minutes of January 25th and February 1st, 2021: Motion made by Mr. Ackerman to accept the minutes of January 25th and February 1st, 2021; seconded by Mr. Yarbrough. Motion was unanimously approved.

V. Variance

a. **Benjamin Davis - Section 14-133-K**

Application of Benjamin Davis to request a variance for structures over 400 square feet. Property is located at 26 Hollow Log Path in Cleveland, GA, 30528. Lot 101 in Mountain Lakes. Tax map and parcel 031E-231.

The landowner, Benjamin Davis of 427 Donahue Road in Winder, GA, was present. Mr. Barton gave a summary of the application. When asked if there are other structures on the property, Mr. Davis stated that there is a 100-square-foot building currently but that he will be removing it. Mr. Davis said that he would like to add a 40 by 20-foot cover over his RV.

Motion made by Mr. Ackerman to approved the variance as requested, with a maximum of 800 square feet, seconded by Mr. Yarbrough. Motion was unanimous.

b. **Donna Lindsey - Section 14-133-K**

Application of Donna Lindsey to request a variance for structures over 400 square feet. Property is located at 170 Yogi Bear Blvd in Cleveland, GA, 30528. Lot B51 in Mountain Lakes. Tax map and parcel 031F-057.

The landowner, Donna Lindsey of 140 Glynn Isle Drive in Covington, GA, was present. Mr. Barton gave a summary of the application. Mrs. Lindsey stated that this structure would be covering another structure, making the total covered square footage 800 square feet and there are no setback issues.

Motion made by Mr. Freeman to approve the 800 square feet as requested, seconded by Mr. Ackerman. Motion was unanimous.

c. **Martha Clark - Section 601 Access**

Application of Martha Clark to request a variance for access. Property is located at 217 Haint Rock Trail in Cleveland, GA, 30528. Tax map and parcel 033-081. Total acreage is 5.00.

The landowner, Martha Clark of 143 Haint Rock Trail, was present. Mr. Barton gave a summary of the application. Mrs. Clark said this is for her granddaughter.

Motion made by Mr. Yarbrough to grant the variance as requested, seconded by Mr. Ash. Motion was unanimous.

d. **Robert Dollard - Section 601 Access**

Application of Robert Dollard to request a variance for access. Property is located on N Cherokee Lane in Sautee Nacoochee, GA, 30571. Tax map and parcel 055-094. Total acreage is 2.166.

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The landowner, Robert Dollard of 2444 GA 357 in Sautee Nacoochee was present. Mr. Barton gave a summary of the application. Mr. Dollard stated that he would like to do rental cabins, for which he will apply for a conditional use permit if this variance for access is approved.

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

e. **Matthew Goss – Section 601 Access**

Application of Matthew Goss to request a variance for access. Property is located at 6166 Hwy 115 West, Cleveland, GA, 30528. Tax map and parcel 022-061. Total acreage is 1.37.

The landowner, Matthew Goss of 6166 HWY 115 West, was present. Mr. Barton gave a summary of the application. Mr. Goss stated that there is 25 feet between the building and the driveway and that it is a straight line. When asked if there would be enough road width distance to meet fire department requirements, Mr. Barton stated yes.

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

f. **Patti Garrigus – Section 601 Access**

Application of Patti Garrigus to request a variance for access. Property is located at 248 Brewer Road in Cleveland, GA, 30528. Tax map and parcel 019-277B. Total acreage is 1.073.

The landowner, Patti Garrigus of 248 Brewer Road, was present. Mr. Barton gave a summary of the application. Mrs. Garrigus stated that this is for her daughter and grandchildren to be able to live on the property.

Motion made by Mr. Yarbrough to grant the variance as requested, seconded by Mr. Ackerman. Motion was unanimous.

VI. Land Use

1. **Application of Sandra Durick** to request a conditional use permit at 306 Scenic Drive, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 059B-005. Total acreage 0.79. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, Sandra Durick of 306 Scenic Drive, was present. Mr. Barton gave a summary of the application. When asked if she had anything she would like to add, Mrs. Durick said no.

Motion made by Mr. Freeman to recommend to the Board of Commissioners to approve the conditional use for this property, seconded by Mr. Ackerman. Motion was unanimous.

2. **Application of Earl Bouse** to redistrict property located at 1627 Mill Creek Trail, Cleveland, Georgia, 30528 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Tax map and parcel 018-005. Total acreage is 3.55. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Single Family Residential District.

The landowner, Earl Bouse of 1627 Mill Creek Trail, was present. Mr. Barton gave a summary of the application. Mr. Bouse stated that this is part of a subdivision, but the covenants are twenty five years old. Mr. Barton explained that covenants were not submitted because it is not required as part of the rezone request to R-3.

Motion made by Mr. Freeman to recommend to the Board of Commissioners to not approve the change of this property from R-1 to R-3, seconded by Mr. Ash. Motion was unanimous.

Mr. Bouse stated that the covenants are expired and have not been updated since 1986. He said they did a trial run, donated the proceeds to the food bank, and received the rating of super host. Mr. Bouse

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stated that they have four home based businesses. Chairman Thomas explained that this was not a public hearing and that Mr. Bouse will have a chance to speak in front of the Board of Commissioners, where the final decision on his application will be made.

3. **Application of Haley Stapleton** to redistrict property located at 570 Ostrich Drive, Cleveland, Georgia, 30528 from R-1 Residential Single Family to R-3 Residential Seasonal District. Tax map and parcel 075-133. Total acreage is 7.00. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, Haley Stapleton of 570 Ostrich Drive, was present. Mr. Barton gave a summary of the application. Mrs. Stapleton stated that she would be willing to limit parking to four vehicles, to pay an additional \$300 a year toward the maintenance of the road, to set a 10 p.m. curfew, to make the minimum rental age requirement 32-years-old to encourage family stays, and to purchase traffic mirrors. She also explained that the renters are told to call the rental company rather than neighbors if there are issues.

Motion made by Mr. Freeman to recommend to the Board of Commissioners to approve the request for short term rental, seconded by Mr. Ackerman. Motion was unanimous.

4. **Application of 5S Escapes, LLC** to request a conditional use permit at 74 Gilstrap Road, Cleveland, Georgia, 30528. Tax map and parcel 036-101. Total acreage is 20.60. Proposed use is to place in "Short Term Rental" program. Present use is A-1 Agriculture Forestry District.

The landowner, Matthew Stevens of 74 Gilstrap Road, was present. Mr. Barton gave a summary of the application. Mr. Stevens stated that this property is not part of a subdivision, there is no homeowner's association, only one acre will be rented out to preserve the property conservation, the minimum age for renters is 25, and background checks are conducted.

Motion made by Mr. Freeman to recommend to the Board of Commissioners to approve the request, seconded by Mr. Yarbrough. Motion was unanimous.

5. **Application of Debi Fry** to redistrict property located at 16 Windy Acres Road, Cleveland, Georgia, 30528 from C-1 Community Commercial District to R-3 Residential Seasonal District. Tax map and parcel 045B-057. Total acreage is 1.98. Present use is C-1 Community Commercial District.

The applicant, Debi Fry of 16 Windy Acres Road, was present. Mr. Barton gave a summary of the application. Ms. Fry stated that this will be reopened as a bed and breakfast.

Motion made by Mr. Yarbrough to recommend to the Board of Commissioners to grant the request, seconded by Mr. Ackerman. Motion was unanimous.

6. **Application of Jessica McClary** to request a conditional use permit at 244 Farmette Drive, Cleveland, Georgia, 30528. Tax map and parcel 030D-034. Total acreage 1.08. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The applicant, Jessica McClary of 244 Farmette Drive, was present. Mr. Barton gave a summary of the application. Ms. McClary stated that she manages two other properties in this subdivision, that the minimum age requirement is 25 years old, and the curfew is 10 p.m. She added that she received more neighbor letters than what was required.

Motion made by Mr. Ackerman to recommend to the Board of Commissioners to approve the request as written, seconded by Mr. Freeman. Motion was unanimous.

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7. **Application of Andrea Rodriguez** to request a conditional use permit at 254 Sweetheart Lane, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 055D-102H. Total acreage 1.18. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District. The applicant, Andrea Rodriguez of 417 Canterbury Place in Roswell, GA, was present. Mr. Barton gave a summary of the application. When asked if she had anything to add, Mrs. Rodriguez said no. Motion made by Mr. Freeman to recommend to the Board of Commissioners to approve the conditional use for this property as requested, seconded by Mr. Ackerman. Motion was unanimous.

8. **Application of Ben D. Trail, on behalf of Kaya Winery**, to redistrict property located at 5400 Town Creek Road, Dahlonega, Georgia, 30533 from A-1 Agriculture Forestry District to R-3 Residential Seasonal District. Tax map and parcel 007-059 and 007-060. Total acreage is 10.00. Proposed use is to place in "Short Term Rental" program and rental cabin development. Present use is A-1 Agriculture Forestry District.

The applicant, Ben Trail of 3898 War Hill Park Road in Dawsonville, GA, was present. Mr. Barton gave a summary of the application. Mr. Trail stated that he addressed the misinformation provided to the landowners that were present at the public hearing. He stated that the main entrance is at Town Creek Road and it will be branched off from the existing cul-de-sac. When asked if there are plans for more cabins, Mr. Trail said he did not know.

Motion made by Mr. Freeman to recommend to the Board of Commissioners to change this property from A-1 to R-3 as requested, seconded by Mr. Yarbrough. Motion was unanimous.

9. **Application of Alex Green, on behalf of Blake Percival Enterprises, LLC**, to request a conditional use permit at 171 Clarice Lane, Cleveland, Georgia, 30528. Tax map and parcel 069-608. Total acreage 1.00. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The applicant, Alex Green, was present. Mr. Barton gave a summary of the application. When asked if he had anything to add, Mr. Green said no. When asked to clarify if this is a new home, Mr. Green stated this is new construction.

Motion made by Mr. Ackerman to recommend to the Board of Commissioners to approve the application as requested, seconded by Mr. Ash. Motion was unanimous.

10. **Application of Matthew Keef** to redistrict property located at 222 Bennetts Trail, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Tax map and parcel 056B-242. Total acreage is 1.02. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Single Family Residential District.

The landowner, Matthew Keef of 222 Bennetts Trail, was present. Mr. Barton gave a summary of the application. Mr. Keef stated that the neighborhood covenants allow for short term rentals, which there are currently three operating in the neighborhood, and that he pays additional fees toward road maintenance. He explained that there is plenty of parking between the two car garage, parking spaces in front of the garage, and above the main entrance. He said Cabin Rentals of Helen will manage the property, but that his father and brother are local also. When asked about the shared well, Mr. Keef detailed that a flow test was completed on the shared well and it was determined that it looked good in terms of having enough water. In addition, Mr. Keef said he is considering options such as adding a 119-gallon pump into the well house or a 500-gallon tank in his garage as extra water. He said his

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understanding is that the maintenance on the well is shared, but he is still trying to get in contact with the shared owner.

Motion made by Mr. Freeman to recommend to the Board of Commissioners to approve the request to change this property to R-3, with the stipulation that 15 feet of concrete be poured where his driveway meets Bennetts Trail. Mr. Keef stated that he has already been in contact with a company to get a quote on concrete or asphalt for the driveway. The motion and stipulation was seconded by Mr. Ackerman and the vote was unanimous.

11. **Application of Tony Greenway** to redistrict property located at 111 Jenny's Cove Road, Cleveland, GA, 30528 from C-1 Community Commercial District, to R-1 Residential, Single Family District. Total acreage is 10.01. Tax map and parcel 033-017. Present use is C-1 Community Commercial District. The landowner, Anthony Greenway of 111 Jenny's Cove Road, was present. Mr. Barton gave a summary of the application. Mr. Greenway stated that the zoning was changed without his knowledge and he would like it to be changed back to residential.

Motion made by Mr. Yarbrough to recommend to the Board of Commissioners to approve the request, seconded by Mr. Ash. Motion was unanimous.

VII. Citizens Comments

Mitchelle Johnson of 431 Gold Flume Way in Cleveland, secretary of Adair Mill Homeowner's Association, said she wanted to refute Mr. Bouse's claim about expired covenants. She said the covenants were originally written about twenty five years ago, but they are still active and enforced.

VIII. Adjournment: Motion to adjourn made by Mr. Yarbrough, seconded by Mr. Ackerman. Motion was unanimous.