

White County Planning Commission

Regular Session

MINUTES

Monday, November 4th, 2019

White County Senior Center

6:00 pm

1239 Helen Hwy, Cleveland, Ga. 30528

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

Staff: Harry Barton, John Sell, and Mercedes Toolan

- 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 September 30th, 2019 and October 7th, 2019- Motion made by Mr. Ackerman to approve the minutes; seconded by Mrs. Burke. Motion was unanimously approved.
- V. **Variance**

a. **Bryan and Sharon Lee Section 802 Lot Width and Size**

Application of Bryan and Sharon Lee to request a variance to add a second dwelling. Property is located at 993 Merck Road, Cleveland, GA, 30528. Map and Parcel 075-228. Total acres 8.08.

The landowners, Bryan and Sharon Lee of 993 Merck Road, were present.

Mr. Barton gave a summary of the application.

Mrs. Lee stated that her mother is planning on moving to the area in the next 18 months and will need surgery. Mrs. Lee said she will be her mother's caregiver and would like to build a pool house with a mother-in-law suite that will be handicap accessible.

Chairman Thomas asked if there were any other questions; no response.

Motion was made by Mr. Ash to approve the variance as is; seconded by Mrs. Burke. Motion was unanimously approved.

b. **Mary Adams 601 Access**

Application of Mary Adams to request an intra-family land transfer. Property is located at 228 Broadus Road, Cleveland, GA, 30528. Map and Parcel 062-237. Total acres 13.40.

The grandson-in-law, Seth Caudell, was present to represent Mrs. Adams.

Mr. Caudell stated that Mrs. Adams has right at 20 acres of land, so she wants to sell 13.40 acres to Mr. Caudell and his wife.

Mr. Barton gave a summary of the application. Mr. Barton state that the application was due to access.

Chairman Thomas asked Mr. Caudell how he was related to Mrs. Adams; Mr. Caudell said his wife's grandmother.

Chairman Thomas asked if there were any other questions; no response.

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Motion was made by Mr. Ackerman to approve the variance as is; seconded by Mr. Yarbrough. Motion was unanimously approved.

c. **Hugh Hodges Section 802 Lot Width and Size**

Application of Hugh Hodges to request a variance to add a second dwelling. Property is located at 1862 Webster Lake Road, Cleveland, GA, 30528. Map and Parcel 078-088C. Total acres 4.00.

The landowner, Hugh Hodges of 1862 Webster Lake Road, was present.

Mr. Barton gave a summary of the application. Mr. Barton clarified that the property is Lot 1 with Mr. Hodges.

Mr. Hodges said the house is on 12 acres, it's four, four and four. Mr. Hodges said his house has its own septic and the barn has its own septic, and half of that barn they are looking to build into an apartment.

Mr. Barton clarified that it's Lot 1, 4 acre tract; Mr. Hodges said yes. Mr. Barton said it is two dwellings per tract.

Mr. Ackerman asked if the two houses are separate from each other; Mr. Hodges said correct.

Mrs. Burke asked that one is a barn; Mr. Hodges said yes, it's about a 36x36 barn with the walk through and 3 stalls and on the right side is just a long strip. Mr. Hodges said the layout is done and they are looking at a nice modification.

Chairman Thomas asked if Mr. Hodges plans to leave that as an apartment as a permanent solution; Mr. Hodges said yes, he believes so but at some point it might be a caretaker's cell and that they aren't looking to be a boarding house.

Chairman Thomas asked if there were any other questions; no response.

Motion was made by Mr. Yarbrough to approve the variance as is; seconded by Mrs. Burke.

Chairman Thomas asked if there was any discussion; no response.

Motion was unanimously approved.

d. **Melony Smith Section 601 Access**

Application of Melony Smith to request an intra-family subdivision of a tract of land. Property is located on Aardvark Trail, Cleveland, GA, 30528. Map and Parcel 051-003E. Total acres 2.40.

Melony Smith of 101 Slate Ave in Jefferson, Georgia, 30549, was present on behalf of her sisters for the Aardvark Trail property in Cleveland.

Mr. Barton gave a summary of the application. Mr. Barton stated that the applicant has already received Environmental Health approval. Mr. Barton stated that the application is for access.

Mr. Barton asked if it was for family members on the lot; Mrs. Smith stated that both of her sisters are disabled and her mom passed in March, but left money so they could both get a mobile home on a plot beside each other. She would like to stay in Cleveland and would like to put them together so the younger one can take care of the older one.

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Mr. Barton stated that they meet acreage requirements and are looking to approve the plat because of access.

Chairman Thomas asked if there were any other questions; no response.
Motion was made by Mrs. Burke to approve the variance as written; seconded by Mr. Ash.
Chairman Thomas asked if there was any discussion; no response.
Motion was unanimously approved.

VI. **Land Use**

- i. **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. Barton clarified that this property is not part of a subdivision.

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

Chairman Thomas asked the board if they had any questions; no response.
Motion was made by Mr. Ackerman to recommend the Board of Commissioners to approve the request as written for conditional use permit in R-1; Seconded by Mrs. Burke.
Chairman Thomas asked if there was any discussion; no response.
Motion was unanimously approved.

- ii. **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. Barton gave a summary of the application. Mr. Barton noted that the property is not part of a subdivision.

Chairman Thomas asked Mr. Hamilton had anything to add; Mr. Hamilton stated it had been a bed and breakfast for about fifteen years prior to this and since their granddaughter and kids are out of state, they would like to go visit them and rent the property out.

Chairman Thomas asked if there were any questions; no response.
Motion was made by Mr. Freeman to recommend to the Board of Commissioners to approve the changes requested; Seconded by Mr. Ash.

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Chairman Thomas and if there was any discussion; no response.
Motion was unanimously approved.

- iii. **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 pointed out that the 4 acres are proposed to be a maximum of 4 lots and it is solely dependent upon the soils report. Mr. Barton asked how many acres are there now; Mr. Anderson said 18. Chairman Thomas asked what Mr. Anderson will do with the remaining acreage, if he would just leave it Agricultural; Mr. Anderson said yes, probably just to sell.

Chairman Thomas asked the board if there were any questions; no response.
Motion was made by Mrs. Burke to recommend to the Board of Commissioners to redistrict the land use from A-1 to R-1 for 4.0 acres; seconded by Mr. Ackerman.
Chairman Thomas asked if there was any discussion; no response.
Motion was unanimously approved.

- iv. **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 in Cleveland, GA, 30528, was present.

Mr. Barton gave a summary of the application. Mr. Barton noted that the property is not part of a homeowner's association.

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

Chairman Thomas asked the board if they had any questions; no response.
Motion was made by Mr. Ackerman to recommend to the Board of Commissioners for approval as requested; Seconded by Mrs. Burke.
Chairman Thomas asked if there was any discussion; no response.
Motion was unanimously approved.

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- v. **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 237 Eagle Rock Road in Cleveland, GA, 30528 was present.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mr. Adams to state the proposed use of the property; Mr. Adams said a doggie daycare.

Chairman Thomas asked Mr. Adams if he had anything he wanted to add; Mr. Adams said no. Chairman Thomas asked the board if they had anything they wanted to add.

Mrs. Burke asked if the doggie daycare was just for the day or if it was for night; Mr. Adams said either or both.

Mrs. Burke stated so it is going to be overnight.

Mr. Ackerman asked Mr. Adams to clarify that he said a person may not be a contact person available all of the time; Mr. Adams said there will not be a person there past evening.

Chairman Thomas asked for clarification that the max number of dogs is 25; Mr. Adams said yes, 25.

Mr. Ackerman asked if they will be outside some; Mr. Adams said yes, sir.

Chairman Thomas asked if there were any other questions from the board.

Motion was made by Mr. Freeman to recommend to the Board of Commissioners to change from C-1 to C-2 as requested; Seconded by Mr. Ackerman.

Chairman Thomas asked if there was any discussion; no response.

Mr. Freeman, Mr. Ackerman, Mr. Ash, and Mr. Yarbrough voted for; Mrs. Burke voted against.

Chairman Thomas stated that the motion carries by a 4-1 vote.

- vi. **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 the R-3 district is an approved district for short term rentals.

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Chairman Thomas asked Mr. Cabrera if he had anything to add; Mr. Cabrera said no. Chairman Thomas asked Mr. Cabrera if he understands that once the change is made that it can't be a full time residence; Mr. Cabrera said yes.

Mr. Barton stated you are not allowed to live in an R-3 district without a conditional use permit for a full time dwelling; Mr. Cabrera said correct.

Chairman Thomas asked if there were any questions from the board; no response. Motion was made by Mr. Ackerman to recommend to the Board of Commissioners to redistrict this to an R-3 district; Seconded by Mr. Freeman. Chairman Thomas asked if there was any discussion. Motion was unanimously approved.

- vii. **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 asked Mr. Sieveking to state his proposed use.

Mr. Sieveking stated that he would like to build a 3200-square-foot building to turn into a wood shop/specialty lumber store where the public can actually come there and buy from there, which is why he wanted to rezone to a C-2 district.

Mr. Barton clarified that what Mr. Sieveking's wish is to go to a shop for you to... Mr. Sieveking said to make and sell furniture or specialty lumber. Mr. Sieveking continued that there's bar tops, there's certain other things, there's tables, it's not all furniture, some people like to make it into something themselves. There's walnut, cherry, oak, certain other types of wood.

Mr. Barton stated that he knows last week a concern was being moved to a C-2 and all that comes with C-2, so he pointed out that the board can consider a condition of this recommendation to whatever conditions they would like. He stated that it would only tie this use to the property.

Mr. Barton mentioned to Mr. Sieveking that that's why he had him state to the board what he wished to do, to be sure that if the board chose to do this then it would cover what he wished to do. Mr. Sieveking said of, course.

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Mr. Sieveking asked the board if there were any questions about the equipment he plans to use and if that was a concern.

Mrs. Burke said not to her or the rest of the board she didn't think, it was mostly concerns from other people about the C-2.

Chairman Thomas said he thought Mr. Sieveking mentioned last week that he was going to clean the property up.

Mr. Sieveking said absolutely, the condition before had an existing shop on it. He said that the property is labeled a single family home, but this was never a home for anyone that he knows who has lived in it. All the timber had been logged when he got it and it was all piles built up. He cleaned up the property and got it in the best condition he could. But there wasn't really much he could do to the existing shop and no one was living there. That's what he's trying to do, is turn it into storage for his own personal use with the option of actually creating it into something else one day.

Chairman Thomas asked how long he has owned the property; Mr. Sieveking said probably 7 or 8 years, he wasn't sure of the exact time.

Chairman Thomas asked Mr. Sieveking to state one more time what he intends to use the property for.

Mr. Sieveking said a specialty wood shop that allows the public to come and purchase from this place of business. No business plan set yet, but that is his purpose of what he wants to do. It could just be storage for a while of the wood and may not be working with it yet. He just wants the option that if two years down the road if someone wants to purchase the wood from him that they can.

Chairman Thomas asked if there are any other questions; no response.

Motion was made by Mr. Ash to send the application to the Board of Commissioners and let them make the choice if they want to put a conditional use on it and make a motion to redistrict from R-1 to C-2 for Mr. Sieveking; seconded by Mrs. Burke.

Chairman Thomas asked if there was any discussion; no response.

Motion was unanimously approved.

VII. Citizens Comments

Dan Windam of 253 Garland Bristol Road, Sautee Nacoochee, GA, 30571

In regards to the application of Shannon Adams to redistrict property located at 325 HWY 255 N, Sautee Nacoochee, GA, 30571.

Mr. Windam wanted to say a few things about the C-1 to C-2 that Mr. Adams presented. He said it is really concerning. It involves the old store. The Presbyterian Church is across the street from it, the parking lot borders it across from 255. 200 members of that church that may be bothered by the sound. He believes there might be a mistake in calling it a day care center if they're going to have 25 dogs there maybe 24 hours a day. He's really concerned with sanitation and noise

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and generalized pollution. Mr. Windam stated that he has lived there in the house with over 20 acres, some of which border that property and church members are concerned, and some of the SNCA, with what it will do to the community. No significant sanitation facility is there. It was changed from a store to the Jericho House which used it for washing cars and other things. He stated that they washed the cars and water ran across the road to the church property. He continued that dogs that are defecating on their runs and creating their barking 24 hours a day, and he's concern with some possibility of infection that can occur from the dogs. He said it's just an old store with a cement floor. Mr. Windam said that as far as he knows, no preparation has been made for any droppings or feces or urine, that kind of thing. So he's worried about the detrimental impact on their community and property values and lowering the county taxes. As citizens and parents and community people, he appreciates what all the county does, but he said he doesn't believe it's really been thought through; probably not by Mr. Adams and maybe not by the board. Mr. Windam said that's where he stands and several other people that live near him feel the same way. He doesn't want to antagonize any of the board or Mr. Adams, but said he wants to look out for their community.

Patrick Brennan of 1490 Blue Ridge Drive, Sautee Nacoochee

In regards to the application of Shannon Adams to redistrict property located at 325 HWY 255 N, Sautee Nacoochee, GA, 30571.

He is the director of the community center across the street. He is concerned with the size of the lot.

Chairman Thomas stated that this is for a recommendation only. The final decision will be made by the elected officials at the Board of Commissioners in 30 days and they do open for public comment.

Mr. Barton stated that the date for the Board of Commissioners has not been set yet, but in most cases, it is the last Monday of the month.

Mr. Sell stated that there was discussion of doing a combined meeting on December 2nd, but once that decision is made, it will be posted at the newspaper and online website for White County.

Chairman Thomas asked if there was any other public comment.

Mike Yarbrough of 118 Dove Run, Sautee Nacoochee, GA, 30571

In regards to the application of Shannon Adams to redistrict property located at 325 HWY 255 N, Sautee Nacoochee, GA, 30571.

Mr. Yarbrough said he spoke last week. He found out through the grapevine what was going on and wasn't really prepared to come up to make comments. He loves dogs, they are great. But at the same time, for that piece of property to be turned into a kennel, you are talking about a concrete floor and sheetrock, and a relatively dilapidated structure. Mr. Yarbrough asked the board if they have investigated it at all.

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Chairman Thomas stated that he personally has not.

Mr. Yarbrough stated that he would have challenged the board to do that because in order to have a kennel, it's going to have to have cages, it's going to have to be washed out, and you can't do that with sheetrock walls and things of this nature because of mold and other problems occurring on the property. As far as having been to the last meeting, Mr. Yarbrough stated he wasn't aware of any of what was to be done at this property. Mr. Yarbrough said he has several friends that are church members that are concerned. He is a big supporter of the Sautee Nacoochee Community Center, and that's how he presented himself last week. They have different programs that go on during the evenings, and if the dogs are howling it's not going to be good for the community center whatsoever. He said that Patrick Brennan worked very hard to bring that community center to a level of viability after it had been run down at some point. Mr. Yarbrough continued that it is very simple point to our community and a dog kennel is a great idea, it just may not be the best location for it.

Chairman Thomas asked if there was any other comment.

Shannon Adams of 237 Eagle Rock Road, Cleveland, GA, 30528

In regards to the application of Shannon Adams to redistrict property located at 325 HWY 255 N, Sautee Nacoochee, GA, 30571.

The building where the dogs will be is concrete and there's not going to be dogs where there is sheetrock. She state that as far as the noise is concerned, the dogs will be let out at certain times of the day. She said if the community center is having a meeting or anything, she will make sure there are no dogs outside. She continued that there are drains on the inside; it will all be as sanitary as possible. Mrs. Adams stated that the department of Agriculture will come in periodically for surprise visits to check her out and make sure they dogs are taken care of. She is very much regulated by the Department of Agriculture. The inside of the building is not all sheetrock, it is also block, she said. She plans to do a lot of work to the outside, dressing it up, and making it fit in to make it a nice place. She said she is willing to work with the community center.

Chairman Thomas asked if there was any other comment.

Mike Yarbrough of 118 Dove Run, Sautee Nacoochee, GA, 30571

In regards to the application of Shannon Adams to redistrict property located at 325 HWY 255 N, Sautee Nacoochee, GA, 30571.

After the meeting last week, he went up and looked at the sign and it was a large sign. He saw that it said it would be changed from C-1 to C-2 and he understands what that means, but there was nothing on the sign that had anything to do with the presentation of what the new use would be. In other words, that it was going to be a kennel. He asked if that was not required at any level to be on the sign.

Chairman Thomas directed the question to Mr. Barton.

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Mr. Barton stated that the information on the sign is the zoning information, the date, time, and location of the hearing, and a phone number to contact to get more information on the application that is public.

Mr. Windam asked Mr. Barton if the health department gets involved and will they do inspections periodically.

Mr. Barton stated that he couldn't speak for the health department but that if anything was being done to the inside with water or drainage, then yes, the health department would get involved. He also stated that if the building department would be involved for improvements, and because of that the health department would be involved since you can't get a building permit without a septic permit. Mr. Barton said that if the building is ready to go, then he is unsure of what level the health department would be involved.

Mr. Windam asked about small children in the area, if there was any type of insurance requirement for the dogs that will be boarded.

Mr. Barton stated not to his knowledge, not in White County. That may be the Department of Agriculture or a state requirement. White County doesn't have anything that would require them to be insured.

Chairman Thomas asked if there was any other public comment.

Howard Berger of 212 Sweetheart Lane, Sautee Nacoochee, GA, 30571

In regards to the application of Matthew Sieveking to redistrict property located at 76 Ralph Vandiver Road in Sautee Nacoochee, GA, 30571

His perception is that Mr. Sieveking just asked approval for a sawmill.

Chairman Thomas stated that he never heard the term sawmill.

Mr. Berger went on to state that Mr. Sieveking did say he would have people perhaps buy the lumber he was cutting for slab lumber, and he is only getting that in through one way and that is lumber trucks. Those lumber trucks would be coming in through Ralph Vandiver. Mr. Berger said that he [Mr. Sieveking] does have road frontage along 356, so if this is approved then he should have to make his own driveway on 356 and not on Ralph Vandiver Drive and put landscaping to hide his wood shop. Right now, Mr. Berger claims it is being used for a cell tower business and that morning there were 10 employees out there, there were 14 trucks, loading and unloading equipment and then they would leave their vehicles there for the entire day, then they would drive out and come back and unload all of their stuff into the dumpsters that are there. Mr. Berger also said that boxes are strewn about the whole property. Mr. Berger also said that that he [Mr. Sieveking] says he might have cut some lumber up and cleared half the property, but now he wants to build a 3200 square foot building, so is it going to be more of the same that's there now? Mr. Berger said he drives by it 2-4 times a day. Mr. Berger continued that he [Mr. Sieveking] says the cell tower business may have a Cleveland address, but it is certainly being operated out of this location. Mr. Berger said he doesn't know that he [Mr. Sieveking] is being forthcoming with all of the information to allow the board to make an informed decision.

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Chairman Thomas asked if there was any other public comment; no response.

- VIII. Adjournment: Motion to adjourn was made by Mrs. Burke; Seconded by Mr. Ackerman. Motion was unanimously approved.