

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

Monday, April 27th, 2020
6:00 pm

Teleconference: Call in directions
posted on www.whitecounty.net

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

Staff: Harry Barton, John Sell, Andrew Ferguson 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 Kevin and Stacy Grow** to request a conditional use permit at 1257 Poplar Stump Road, Helen, Georgia 30545. Tax map and parcel 041-019. Total acreage 0.68. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowners, Kevin and Stacy Grow of 1527 Poplar Stump Road, were present via phone.

Mr. Barton gave a summary of the application.

Mrs. Grow stated that they just purchased the home and that they have a large family. She said they love Helen and love the area and would like to use as a short term rental when they are not using it.

Mrs. Grow explained that most of the neighbors are short term rental. She stated that it is a two bedroom/two bathroom home and they would like it to sleep four people.

Chairman Thomas asked how long they have owned the home; Mrs. Grow stated a little over a month.

Chairman Thomas asked if the property was in the rental program before purchased; Mrs. Grow said not that she knows of, it was a widow that owned it previously and used intermittently.

Chairman Thomas asked if they plan to go through a rental agency or manage themselves; Mrs. Grow stated that they would manage themselves.

Mr. Ackerman, looking at the application, asked if they live in Florida; Mrs. Grow said they have been up here for the last few months, but their permanent residence is considered Sarasota, Florida. She said they have been living at the house for the last couple of months.

Mr. Ackerman asked if they are not using an agency, would that be a problem with supervising when in Florida; Mrs. Grow said she didn't believe so, because they have another cabin in Hiawassee that has been used as a rental since last June. She said her housekeeper manages it and will be managing this one, as well.

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

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

Chairman Thomas asked Mrs. Grow if she had anything else she would like to add; Mrs. Grow said no.

Chairman Thomas closed the hearing.

- ii. **Application of Braden Hansen** to request a conditional use permit at 35 Allen Summit Drive, Cleveland, Georgia 30528. Tax map and parcel 075-045. Total acreage 3.74. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

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The landowner, Braden Hansen of 35 Allen Summit in Cleveland, was present via phone.
Mr. Barton gave a summary of the application.

Chairman Thomas asked Mr. Hansen to give a brief on what he would like to do at the property. Mr. Hansen stated that his family would like to use as short term rental when they aren't using it as a family. He said it is two bedroom/two bathroom home and they want it to sleep four. Mr. Hansen explained that they purchased it back in July and has been working on upgrades and repairs since then.

Chairman Thomas asked if he has done short term rental before; Mr. Hansen stated that they have done a lot of long term, but this is their first short term rental.

Chairman Thomas asked if he plans to manage himself or through an agency; Mr. Hansen said through an agency.

Mrs. Burke asked if the property was part of a subdivision; Mr. Barton stated that it was not part of a subdivision.

Chairman Thomas asked to clarify that they wanted to sleep up to four people; Mr. Hansen said yes.

Chairman Thomas asked if there was adequate parking; Mr. Hansen said yes, there are two pretty long driveways.

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

Chairman Thomas asked if there were any for or against.

Mark Tapley of 92 Allen Summit in Cleveland asked to speak against.

Mr. Tapley stated that he would like to read from a letter that he submitted to the Planning Commission board. Exhibit "A" is attached for reference.

Chairman Thomas asked Mr. Tapley how long he has lived there; Mr. Tapley said since 1997.

Mr. Tapley explained that the driveway is very narrow and on a curve and really steep, you cannot pass each other. He said that you either have to back down it or people pull up to his house and turn around at his driveway, there is very limited room. Mr. Tapley stated that before the owners bought the house, he had to post signs to keep people from going to his house thinking it was the other one. He said there is no way to control the traffic.

Chairman Thomas asked how many residents are on this driveway; Mr. Tapley said just his and 35 Allen Summit.

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

Chairman Thomas asked if there were any other for or against.

Dawn Lamendola of 263 Washboard Road in Cleveland asked to speak against.

Mrs. Lamendola stated that her house is right at Allen Summit. She said there have been a few times she has seen someone on the road blocking Mr. Tapley's house. Mrs. Lamendola explained that she is concerned because she doesn't know how noisy or loud people will get because she is right there at the bottom of the hill and can see the house. She said traffic on the road will increase and they have maintenance and have a hard time keeping up with the road.

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

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Chairman Thomas asked if there were any other for or against.

Nancy Grist of 384 Washboard Road in Cleveland asked to speak against.

Mrs. Grist stated that her property is next door to Allen Summit. She said that while they are not in a subdivision, they are in a closed neighborhood and that the distinction is only in the definition of a subdivision. She said they do have quite a lot of road problems because it is a private road and they would have more cars on the road than a residential if it was a rental. Mrs. Grist stated they would have a lot more noise and being on a hill, while it is a beautiful view, she respectfully asks the board to decline proposal.

Chairman Thomas asked how many people participate on the road maintenance agreement; Mrs. Grist stated that there are 42 homes in the community, and there is probably 10-15% participation.

Mr. Yarborough asked if there are any rentals you know of in that neighborhood; there was no response from Mrs. Grist.

Chairman Thomas asked if there were any other for or against.

Brian Driscoll of 345 Lavista Drive in Cleveland asked to speak.

Mr. Driscoll stated that his property abuts the property in question. He said he purchased his back in 2007 because it was in a residential neighborhood and there were no short term rentals nearby. Mr. Driscoll stated that there is a long term rental near Washboard Road. Mr. Driscoll explained that he doesn't feel a short term rental is sympathetic for the rest of the neighborhood. He said he is in the adjacent subdivision and they do not have any rentals there and he feels that it doesn't fit in with the neighborhood. He said that short term rentals are a slippery slope, if they let this one happen then there will be a domino effect. Mr. Driscoll explained that he has seen that happen where he moved from- it's a big issue, they are trying to get rid of them but they can't so he is worried that once they have one, it could be a slippery slope.

Chairman Thomas asked the board if they had any questions; no response.

Chairman Thomas asked if there were any other for or against.

Carol Addington of 313 Lavista Drive in Cleveland asked to speak.

She said she shares the same concerns as everyone else. Mrs. Addington said that the house is very close to her through the woods. She explained that when the previous neighbors lived there, they were very noisy and she could hear everything that went on there. She stated that people like to party when they are out on vacation and it's very disruptive to their residential area.

Chairman Thomas asked the board if they had any questions; no response.

Chairman Thomas asked if there were any other for or against.

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Nancy Grist asked if it should become a short term rental, are there any codes or enforcement to ensure the rest of the neighborhood is not inconvenienced or roads are not torn up and will they pay additional fees for the road; Mr. Barton stated that there is nothing in the code that would require them to pay additional fees, unless a condition was added. He stated that there are requirements in the White County Code in Sections 701-703 of Appendix C.

Frank Roberts of 22 Forest Drive in Cleveland asked to speak.

Mr. Roberts stated that he has the same concerns that the other people mentioned and that he would also like to say no to short term rental.

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

Chairman Thomas asked if there were any other for or against.

Heidi Tapley of 92 Allen Summit in Cleveland asked to speak.

Mrs. Tapley stated that her husband Mark Tapley previously spoke, but she wanted to stress her concerns of the shared driveway. She stated that when you are coming up from Washboard Road to her house, if someone is leaving 35 Allen Summit and comes down the drive, you can't see based on the curve and it is a concern. She explained that you can't pull over to side because of the way the drainage is on the side of the road. Mrs. Tapley stated that she understands that people will live there and when the Brewers lived there for twenty plus years, they never had a problem with the shared drive, but with a short term rental, she feels there will be more in and out traffic at times and more of a concern for safety with a shared drive.

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

Chairman Thomas asked if there were any other for or against.

Scott Rice of 384 Washboard Road in Cleveland asked to speak against.

Mr. Rice stated that his biggest concern is that most of the neighbors are retired and they moved to a quiet road where they know everyone. He said he is opposed to loud parties that people like to have on the weekends when they are in cabins. Mr. Rice explained that the owner won't be able to control that because he won't be onsite.

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

Chairman Thomas asked if there were any other for or against.

Michael and Nancy Abbott of 112 Chestnut Oak Lane in Cleveland asked to speak against.

Mr. Abbott stated that he would like to thank the Planning Commission for opportunity to speak on the subject. He said they moved to this address 26 years ago to be closer to their relatives in White County and he would like to strongly object to the rezoning of this property. Mr. Abbot stated that his property adjoins 35 Allen Summit, that they have 90 feet of separation between their property line and the

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parking area of 35 Allen Summit. He stated that both he and his wife are both elderly with medical conditions. Mr. Abbott explained that he thinks this would be bad for the area and for them by adding uncertainty to the area, that they are concerned for their safety and peaceful living. Chairman Thomas asked if there were any questions from the board; no response.

Chairman Thomas asked if there were any other for or against; no response.

Chairman Thomas asked Mr. Hansen if he had any rebuttal that he would like to add.

Mr. Hansen stated that he would like to address the reoccurring points. He stated that there is plenty of room in his driveway to turn around and that he can't speak to the past since that is completely out of his control. Mr. Hansen explained that he owns the property in conjunction with his sister and he has been coming up regularly with multiple cars, sometimes four plus trailers, while they were doing work on the property and had no issues during that time period or safety concerns. He said it's a pretty short shared road between the two, and the property line does extend passed that road on the other side. Mr. Hansen stated that with a short term rental, it is not occupied 100 percent of the time, so there will be less traffic than if he was living there full time with his vehicles going to work on a daily basis. Mr. Hansen explained that they are putting up security cameras around the property so they can make sure that everything is safe and make sure there are no parties since that is not something they want to allow either. He said that he, along with his sister, only live an hour away and would be more than happy to make their phone numbers available to any concerned party. He said they don't plan to rent to anyone under the age of 25. He said that as far as noise, the house is on four acres of land, which is one of the reasons they chose it, to have distance from other people and therefore the noise should be cut down. Mr. Hansen stated that he is only planning to rent it out about 30 percent of the year, the rest of the time it will either be unoccupied or it will be occupied by his family or his sister.

Chairman Thomas asked Mr. Hansen if he knows of any other short term rentals in this neighborhood; Mr. Hansen said he does not know the address but there is a small cabin on Washboard Road.

Chairman Thomas asked if it is in the short term rental program; Mr. Hansen said that he is not sure if it is in the program, but he has seen the listing on AIRBNB and VRBO.

Mrs. Burke asked if he has driveway maintenance with the other shared driveway person; Mr. Hansen stated he does not believe so, that he does not share driveway but shares road.

Mr. Ackerman asked if the nine and a half foot driveway is or is not shared by both; Mr. Hansen stated that it is a shared road, but not a shared driveway.

Mr. Freeman asked if there is a maintenance agreement for the shared road; Mr. Hansen said he does not believe so.

Chairman Thomas asked who maintains the road; Mr. Hansen said he does not know.

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

Chairman Thomas asked Mr. Hansen if he had anything he would like to add; Mr. Hansen stated that he has many years' experience with rental properties between him and his sister, that they have been doing this most of their lives but mainly with long term rental. Mr. Hansen stated that their father owns

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a property management company that they both worked for and between them have over two decades experience so they have been dealing with renters all their lives.

Chairman Thomas closed the hearing.

- iii. **Application of John Kevin McCraney** to request a conditional use permit at 11 Country Breeze Drive, Sautee Nacoochee, Georgia 30571. Tax map and parcel 055D-102B. Total acreage 1.00. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, John Kevin McCraney of 11 Country Breeze Drive, was present via phone.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mr. McCraney if there was any statement he would like to make to the board.

Mr. McCraney stated he purchased the property in 2003 while they were living in Middle Georgia. Mr. McCraney explained that it was in Pine Ridge Country Cottages, but he never used it as a rental, it was a vacation home. He said that his primary residence is in Hartwell, Georgia, so now that they live in North Georgia, they do not use it much anymore. He stated that he had the property for sale a little over a year and has had several potential buyers look at it, but the process of getting it in the short term rental program has scared several of them off. Mr. McCraney said he talked to his realtor and decided the best way to market this would be for him to go through the process and get the conditional use permit done so that if someone wants to be able to rent it, they would be able to do so. He said he believes several of the properties are still rental cabins but he does not know specifically which ones, but they were set up as rental properties. He said it is a two bedroom cabin and it is set up to sleep four.

Chairman Thomas asked to clarify that he just wants to get the conditional use to make it more marketable; Mr. McCraney said correct, he has had a lot of potential buyers walk because this is a multi-step process and almost every one of them asked if he would go through it.

Mrs. Burke asked if he plans to rent it out at all if it does not sell; Mr. McCraney said no, if it does not sell he does not plan on renting it out.

Mr. Ackerman asked if this is in a subdivision; Mr. Barton stated that it is in a subdivision, but his application stated that he is not in violation of any covenants.

Chairman Thomas asked how many homes are in this subdivision; Mr. McCraney said he is not sure, around ten cabins and he thinks it is a stretch to call it a subdivision. He explained that it was previously called Pine Ridge Country Cabins and were originally built as rental cabins.

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

Chairman Thomas asked if there were any for or against; no response.

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

Chairman Thomas closed the hearing.

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- iv. **Application of Donald Munson** to request a conditional use permit at 590 Monroe Ridge, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 069-581. Total acreage 1.04. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, Donald Munson of 590 Monroe Ridge, was present via phone.

Mr. Barton gave a summary of the application. He stated that according to the application, Mr. Munson is not in violation of any covenants.

Chairman Thomas asked Mr. Munson to explain what he has in mind for the property; Mr. Munson stated that he bought the home as a vacation home and short term rental. Mr. Munson stated that Leslie Gift with Vacasa was on the line and that she will be managing the property when Mr. Munson is not using it. He stated that it is a two bedroom/two bathroom house and it was designed to be a short term rental. He also mentioned that all properties around him are short term rentals.

Leslie Gift of 421 Kennedy Mountain Road in Clarkesville, Georgia joined the meeting. Mrs. Gift stated that she has been representing owners in this subdivision since 2006 since it was owned by the original developers. She stated that at the time, this particular cabin was short term rental, but then in 2008 or 2009 the person who bought it wanted to keep it for themselves. Mrs. Gift stated that most of the homes there are short term rentals and the covenants allow for short term rentals.

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

Chairman Thomas asked if there were any for or against; no response.

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

Chairman Thomas closed the hearing.

- v. **Application of Howard Dale Bentley** to request a special use permit to Appendix C/Article IX/Section 903/2 for pet breeding facilities located at 362 Kelley Road, Cleveland, Georgia 30528. Tax map and parcel 019-286. Total acreage 20.50. Present use is A-1 Agriculture Forestry District.

The landowner, Howard Dale Bentley of 362 Kelley Road, was present via phone.

Mr. Barton gave a summary of the application.

Chairman Thomas asked Mr. Bentley to explain what he has in mind for the property; Mr. Bentley stated that he would like have concrete slab, 1,200 square foot, with a roof to house dogs to breed and sell.

Chairman Thomas asked how many dogs he anticipates having at one time; Mr. Bentley said the maximum is fifteen and there will be fifteen bays in the building.

Chairman Thomas asked how far the closest neighbor is; Mr. Bentley stated about 250 yards southeast.

Chairman Thomas asked if anyone has voiced any concern to him about this proposal; Mr. Bentley said no.

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

Chairman Thomas asked if there were any for or against; no response.

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

Chairman Thomas closed the hearing.

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- vi. **Amending Appendix C, Article XV, Section 1501** of the existing Official Code of White County to include the following as a permitted use in an Industrial Land Use District: Athletic training complexes, to include but not limited to sports institutions and academies, competitive training facilities, outdoor equipment and fenced outdoor fields.

Mr. Barton gave a summary of the proposed amendment changes.

- V. Citizens Comments – None.
- VI. Adjournment: Motion made by Mrs. Burke to adjourn; Seconded by Mr. Ackerman. Chairman Thomas asked if there was any discussion; no response. Motion was unanimous.

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EXHIBIT "A"

- I'm Mark Tapley and wife is Heidi - I have lived at 92 Allens Smt since 1997.
- The first time I was notified of intent for 35 Allens Smt to become a short-term rental was when **Notice of Public Meeting** sign was posted at the split of the shared driveway
- Many people don't know that Allens Smt is a **one-lane private shared driveway** that **dead ends** at my house near the top of Gerrells Mtn
- The driveway from Washboard Rd to my house is over **400ft** long and 9 ½ ft wide with a **21% slope** with **roughly 190ft of the driveway is shared.**
- If someone isn't familiar with the driveway and misses the turn for 35 Allens Smt,, they typically have to drive up to my house, do a **3 point turn in my parking area** and then drive back down since most drivers are unable to back down the curved, sloped driveway.
- When 35 Allens Smt was for sale, I had to post large **Road Closed signs** beside the driveway since I had cars driving up and turning around in my parking area at all times of the day and night.
- Once the home sold, we took the signs down in **respect to the new neighbors.**
- But **I don't feel the same respect has been shown to me** by Mr. Hansen. He hasn't spoken to me about his intent of 35 Allens Smt becoming a short-term-rental nor about maintenance of the shared driveway - **in fact we haven't spoken at all.**
- Also, regarding maintenance, we all know that renters don't have the same care and concern for property as a property owner.
- The thought of a short-term rental next door also raises **MAJOR concerns of safety and security since I believe these are the pillars of a neighborhood.**
- With the shared drive, occupants of 35 Allens Smt can easily see our comings and goings. If you have a regular neighbor, this isn't a bad thing. If there is a change in routine-check on your neighbor and their wellbeing.
- Although we may not talk to our neighbors every day, we know we can rely on each other in a time of need or **especially when our safety and security is at risk.** A few years ago we heard Michael's alarm going off and called law enforcement to check it out; Jerry Brewer who lived at 35 Allens Smt had a tree fall and helped to clean it up and have shoveled snow from the shared driveway; and Dawn has taken care of our dog and watched our home on several occasions when we have been out of town.
- As an essential worker in the road construction industry, I am required to do **nightwork** several times a year.
- When I work at night, **my wife is left at home alone**, and the thought of having a short-term rental with strangers next door is **VERY** worrisome for me.
- The safety and security risk of a short-term rental has even been highlighted by gov't officials by suspending short-term rentals during the pandemic.
- **To sum up -Section 1815 Standards of Review** subparagraph **13** states **"The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight."** I pray the Planning Commission makes the right decision and truly considers my concerns and opposition of 35 Allens Smt becoming a short-term rental due to fact it is located on a shared driveway and it poses safety and security risks to the surrounding neighbors.