

White County Planning Commission

Regular Session: MINUTES

Tuesday, September 8<sup>th</sup>, 2020  
6:00 pm

White County Senior Center  
1239 Helen Highway, Cleveland, GA, 30528

Those present were Larry Freeman, R.K. Ackerman, Dona K. Burke, Charlie Thomas, Linda Dixon, 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 regular meeting.

IV. Review and approval of minutes of July 27<sup>th</sup>, 2020 and August 3<sup>rd</sup>, 2020: Motion was made by Mrs. Burke to approve the minutes of July 27<sup>th</sup>, 2020 and August 3<sup>rd</sup>, 2020; seconded by Mr. Yarbrough. Motion was unanimous.

V. Variances

a. **Richard Liftchild Section 14-133-K Structure and Building**

Application of Richard Liftchild to request a variance for structures over 400 square feet. Property is located at 88 Hillcrest Court, Cleveland, GA, 30528. Lot 81 Paradise Valley Campground. Tax map and parcel 005E-078.

A representative, Trev Sutton of 283 Meadow Lane in Dahlonga, GA, was present. Mr. Barton gave a summary of the application. Mr. Sutton explained that he is Mr. Liftchild's contractor. Mr. Barton stated the total requested square footage is 680.

Motion made by Mrs. Burke to approve the variance as requested; seconded by Mrs. Dixon. Motion was unanimous.

b. **Susan Turner Section 14-133-G**

Application of Susan Turner to request a variance to build within the building setback. Property is located at 36 Cindy Parkway, Cleveland, GA, 30528. Lot 129 Mountain Shadow Campground . Tax map and parcel 031E-207.

The landowner, Susan Turner of 36 Cindy Parkway, was present. Mr. Barton gave a summary of the application. Mrs. Turner explained that there will not be a cover and that it will be 33" from the property line. Mrs. Turner provided letters from her neighbors to Mr. Barton.

Motion made by Mr. Ackerman to approve the variance as requested; seconded by Mrs. Burke. Motion was unanimous.

c. **Marvin Brown Section 601 Access**

Application of Marvin Brown to request a variance for access. Property is located on Brown Road in Cleveland, GA, 30528. Tax map and parcel 022-119. Total acres 1.11.

The landowner, Marvin Brown of 307 Ferguson Circle in Cleveland, was present. Mr. Barton gave a summary of the application. Mr. Brown explained that this is for family and he has forty acres total.

Motion made by Mr. Yarbrough to approve the variance as requested; seconded by Mrs. Dixon. Motion was unanimous.

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d. **NEGVS LLC Section 802 Lot Width and Size and Section 804 Building lines**

Application of NEGVS LLC to request a variance for lot size and building setback. Property is located on Runway Circle, Cleveland, GA, 30528. Tax map and parcel 063A-053. Total acreage is 0.145.

The landowner, Donald Savage of 5298 Cleveland Hwy in Clermont, was present. Mr. Barton gave a summary of the application. Mr. Barton explained that there is a zero foot setback from Runway Circle that was automatically granted years ago and two and a half feet on each side. Mr. Savage stated that there will not be any sleeping quarters, but there is an outside spigot and there will be some electrical. Motion made by Mr. Ash to approve the variance as is; seconded by Mrs. Burke. Motion was unanimous.

e. **Verizon Wireless Section 14-214 (11)a. Design Requirements**

Application of Verizon Wireless to request a variance for tower setback. Property is located at 99 R & R Drive, Cleveland, GA, 30528. Tax map and parcel 006-006A.

The applicant, Kiersten Lurer of 1000 Holcomb Woods Pkwy, Suite 210 in Roswell, was present on behalf of Verizon Wireless. Mr. Barton gave a summary of the application. Ms. Lurer stated that the tower is 185 feet with a 10 foot lightning rod and that the proposed location exceeds the tower setback requirement with the closest property line being 198 feet away. Ms. Lurer detailed that Verizon has included a non-exclusive easement around the tower with radius of 195 feet in the lease agreement, which means they will not have full control. She explained that it is an undue burden to require applicants to lease almost an acre of land they will never use and equally incomprehensible to require a property owner to give that land without financial compensation, so this is a joint compromise that has been listed in the lease. When asked if this is something Verizon normally does, Ms. Lurer said no, they typically lease ten thousand square feet which is well enough for the initial compound, any expansions, and the landscape buffer. She stated that both parties are aware of what their rights are and the owners have signed the lease.

Motion made by Mr. Freeman to approve the variance as requested; seconded by Mrs. Burke. Those for were Mr. Freeman, Mr. Ackerman, Mrs. Burke, Mrs. Dixon, and Mr. Yarbrough. Those opposed were Mr. Ash. Motion carried by majority.

f. **James and Gena Baird Section 601 Access**

Application of James and Gena Bird to request a variance for access. Property is located on Brock Road in Cleveland, GA, 30528. Tax map and parcel 037-020. Total acreage is 1.06.

The landowner, Gena Baird of 145 Brock Road, was present.

Mr. Barton gave a summary of the application. Mrs. Baird said it is for family.

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

g. **Vickie S. Foster Section 601 Access**

Application of Vickie S. Foster to request a variance for access. Property is located at 329 Hawthorne Drive, Cleveland, GA, 30528. Tax map and parcel 021E-029. Total acreage is 2.137.

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The landowner, Vickie Foster of 329 Hawthorne Drive, was present. Mr. Barton gave a summary of the application. Mrs. Foster stated that it is for family. She said she is hoping to divide the property into two lots, a 1 acre tract and a 2.14 acre tract, so her daughter can be of help to her and her husband. Mr. Barton said the access would be through the 2.14 acre tract.

Motion made by Mr. Ash to accept the variance as is; seconded by Mrs. Dixon. Motion was unanimous.

**h. Carmen Mellix Section 14-133-K Structure and Building**

Application of Carmen Mellix to request a variance for structures over 400 square feet. Property is located at 135 Rocky Lane, Cleveland, GA, 30528. Lot 131 Mountain Shadows Unit D. Tax map and parcel 031E-190.

The landowner, Carmen Mellix of 135 Rocky Lane, was present.

Mr. Barton gave a summary of the application. Ms. Mellix said there are no setback issues and the total square footage will be 569 if approved.

Motion made by Mr. Yarbrough to approve the variance for 570 square feet; seconded by Mrs. Burke. Motion was unanimous.

**i. Earl Sullivan of HG Acquisitions LLC Section 601 Access**

Application of Earl Sullivan of HG Acquisitions LLC to request a variance for access. Property is located in Yonah Mountain Lake Subdivision Lot 89, Sautee Nacoochee, GA, 30571. Tax map and parcel 058D-031. Total acreage is 1.18.

The applicant, Earl Sullivan of HG Acquisitions LLC located at 9827 Cogdill Road in Knoxville, TN, was present. Mr. Barton gave a summary of the application. Mr. Sullivan stated that it is better access to go through Lot 88 to get to lot 89, due to the steep grade. Mr. Sullivan said it would be reflected on the final plat and the deed.

Motion made by Mrs. Dixon to approve the variance as requested; seconded by Mr. Ackerman. Motion was unanimous.

**j. Earl Sullivan of HG Acquisitions LLC Section 30-254: Table 1 Land disturbance areas and impervious surface limits**

Application of Earl Sullivan of HG Acquisitions LLC to request a variance for MHP lot size. Property is located in Yonah Mountain Lake Subdivision Lots 60 and 61, Sautee Nacoochee, GA, 30571. Tax map and parcel 058D-031. Total acreage per lot is 1.00 each.

The applicant, Earl Sullivan of HG Acquisitions LLC located at 9827 Cogdill Road in Knoxville, TN, was present. Mr. Barton gave a summary of the application. Mr. Sullivan stated that they did not meet the total average of the slope in that area to stay at one acre, which will cause them to lose a lot if they have to change the lot size to 1.5 acres. Mr. Sullivan said that the average of lots 60 and 61 is right at 30%. Mr. Barton stated that lot 60 is 31% and 61 is 34%. Mr. Sullivan stated that the average lot size throughout the development is 1.5 acres.

Motion made by Mr. Freeman to approve the variance; seconded by Mrs. Burke. Those for were Mr. Freeman, Mrs. Burke, Mrs. Dixon, and Mr. Yarbrough. Those opposed were Mr. Ash and Mr. Ackerman. Motion carried by majority.

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k. **HG Acquisitions Final Plat Approval for Yonah Mountain Lake Subdivision**

To request final plat approval for Yonah Mountain Lake Subdivision consisting of 96 lots. Tax map and parcel 050D-031. Total acreage is 179.49.

The applicant, Earl Sullivan of HG Acquisitions LLC located at 9827 Cogdill Road in Knoxville, TN, was present. Mr. Barton gave a summary of the application. Mr. Sullivan stated that they are in the final stages of the asphalt and have met with all other agencies, with the exception of the health department. Mr. Sullivan explained that what has yet to be paved does have base that has been tested and the county has been there for the inspection. He said about forty percent is not asphalted yet, of the total of about 8,300 feet of street, and is anticipating being through with the roads Thursday afternoon if there are no issues. Mr. Sullivan said the road department and county manager are on site today. Mr. Barton said bonds and health department sign off are still pending. Mr. Sullivan said the maintenance bond and performance bonds are in place and are set to start in October. When asked about internet, Mr. Sullivan said HEMC will be the internet provider and hopes for Windstream, as well.

Motion made by Mr. Ackerman to approve the Final Plat for Yonah Mountain Lake Subdivision contingent upon the completion of road paving, to include final inspection and sign-off of the White County Public Works Department; seconded by Mrs. Burke. Motion was unanimous.

VI. Land Use

1. **Application of Alexander Jenkins** to request a conditional use permit at 7932 Hwy 75 Alt, Helen, Georgia, 30545. Tax map and parcel 042B-054. Total acreage is 0.60. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The applicant was not present. No action taken.

2. **Application of Priscilla Pearson** to redistrict property located at 333 Skywood Lane, Cleveland, Georgia, 30528 from R-1 Residential Single Family to R-3 Residential Seasonal District. Tax map and parcel 060C-051 and 060C-017A. Total acreage is 2.00. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, Priscilla Pearson of 333 Skywood Lane, was present. Mr. Barton gave a summary of the application. Mrs. Pearson stated that the house had been a short term rental for about seven years when they purchased it. She said she took it off of rental for three years, and is now looking to put it back on short term rental.

Chairman Thomas asked the board if they had any questions; no response. Motion made by Mr. Ackerman to recommend to the Board of Commissioners to approve the request as submitted; seconded by Mr. Ash. Motion was unanimous.

3. **Application of Sam Kondamudi** to request a conditional use permit at 635 Yonah Mountain Road, Cleveland, Georgia, 30528. Tax map and parcel 059-081. Total acreage is 1.01. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, Sam Kondamudi of 635 Yonah Mountain Road, was present. Mr. Barton gave a summary of the application. Mr. Kondamudi said he would like to clarify that he has not been renting short term

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rental since he was turned down by the Board of Commissioners, but he was doing short term rental before that. Mr. Kondamudi explained that he signed up Cabin Rentals of Helen in the beginning and they were not paying taxes to White County, so the business license office called him. He said he then signed up with EVOLVE and they said he needed to use ad valorem to subscribe to pay fees so they could pay taxes to White County. He said they told him if he had business license they would collect taxes and pay to White County. Mr. Kondamudi said after a few months, he was told he needed a conditional use permit. When asked if he owes back taxes to White County, Mr. Kondamudi said yes, he asked the business license office how he could pay them back but was told he would need to get the conditional use permit first. He said he owes \$3,334 and will pay at any point. When asked if he owes any other fees, Mr. Kondamudi said no. Mr. Barton stated that it is not ad valorem tax that is owed; otherwise, Mr. Kondamudi would not have been able to file an application.

Chairman Thomas asked if the board had any questions; no response. Motion made by Mrs. Burke to recommend to the Board of Commissioners to grant the conditional use permit as written, contingent upon Mr. Kondamudi paying the back taxes of \$3,334, plus any interest and penalties; seconded by Mr. Yarbrough. Motion was unanimous.

4. **Application of Trina Lovell** to redistrict property located on Hiawassee Lane in Cleveland, Georgia, 30528 from R-3 Residential Seasonal District to R-1 Residential Single Family District. Tax map and parcel 079-132. Total acreage is 1.41. Present use is R-3 Residential Seasonal District.

The landowner, Trina Lovell of 100 Cardinal Court Apartment A in Cleveland, was present. Mr. Barton gave a summary of the application. When asked if Mrs. Lovell is part of the subdivision, she said yes, she is part of Cedar Creek Subdivision as reflected in her covenants. She said she is Lot 20 and her land does go along the road with the gate.

Chairman Thomas asked if the board had any questions; no response. Motion made by Mr. Freeman to recommend to the Board of Commissioners to change this property from R3 to R1 as requested; seconded by Mr. Ackerman. Motion was unanimous.

5. **Application of Robert Sloane** to request a conditional use permit at 3088 Skitts Mountain Road, Cleveland, Georgia, 30528. Tax map and parcel 065-094. Total acreage is 17.16. Proposed use is to place in "Short Term Rental" program. Present use is A-1 Agriculture Forestry District.

The applicant, Robert Sloane of 3088 Skitts Mountain Road, was present. Mr. Barton gave a summary of the application. Mr. Sloane said he did not have anything to add.

Chairman Thomas asked if the board had any questions; no response. Motion made by Mr. Ash to recommend approval to the Board of Commissioners; seconded by Mrs. Burke. Motion was unanimous.

6. **Application of Justin Hester** to redistrict property located at 3391 Hwy 129 S, Cleveland, Georgia, 30528 from C-2 Highway Business District to R-1 Residential Single Family District. Tax map and parcel 049C-151. Total acreage is 1.04. Present use is C-2 Highway Business District.

The applicant, Justin Hester of 3391 Hwy 129 S, was present. Mr. Barton gave a summary of the application. When asked if this is for family, Mr. Hester said yes.

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

7. **Application of Chad Knott** to request a conditional use permit on Sang Springs Trail in Cleveland, Georgia, 30528. Tax map and parcel 073-278. Total acreage is 1.50. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, Chad Knott of 233 Mossy Creek Point in Cleveland, was present. Mr. Barton gave a summary of the application. Mr. Knott said he did not have anything to add.

Chairman Thomas asked if the board had any questions; no response. Motion made by Mrs. Dixon to recommend to the Board of Commissioners to approve the land use change (conditional use permit for Short-Term Rental); seconded by Mr. Ash. Motion was unanimous.

VII. Citizens Comments: None.

VIII. Adjournment: Motion to adjourn made by Mrs. Burke; seconded by Mr. Yarbrough. Motion was unanimous.