

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

MINUTES

Monday, February 22<sup>nd</sup>, 2021

White County Senior Center

6:00 pm

1239 Helen Hwy, Cleveland, Ga. 30528

Those present were R.K. Ackerman, Larry Freeman, Charlie Thomas, John Yarbrough, and Linda Dixon.

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

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. Mrs. Durick stated that the application is for a separate building on the property that used to be a garage apartment, which was used by the previous owner to live in while the main house was being built. She explained that she purchased the home last summer and that she has experience with long term rentals. When asked about occupancy and parking, Mrs. Durick detailed that the maximum occupancy is two and that there is a circular driveway for parking. Mrs. Durick said she will manage the rental herself while living in the main house, which is about twenty five feet away.

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

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

Chairman Thomas asked Mrs. Durick if she had anything to add; she said no.

Chairman Thomas closed the hearing.

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 read from a binder that he provided to the Planning Commission Board, which was made part of the application. Mr. Bouse added that the other homes are a quarter mile up the road and that he would be living in the home while it was being rented out, so renters would not be there alone. When asked if he has experience with short term rental, Mr. Bouse stated he has in Dahlonega and at this home for nine months, which he donated all of the revenue from this property's short term rental to the local food bank since he did not pay the rental taxes. Mr. Bouse stated that he would continue to run his four businesses out of this property if the short term rental is approved. He clarified that if he is not approved he will be renting his property to friends of his, a family of six. He said he would move his travel trailer behind the house, since there would not be room for them in the house with full time renters, and that he has already put in a parking pad for the trailer and had it plumbed.

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

Chairman Thomas asked if there was any for or against.

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Joe Ann Hanson, of 1738 Adair Mill Road, stated that she owns property adjacent to Mr. Bouse (across the creek) and has owned her home since 1995 and has concerns about the owner leaving the property while it is being rented, stating that control is lost when the owner is not present. Mrs. Hanson stated that Adair Mill was designed for single family residential and the subdivision would like for it to stay that way.

Mitchelle Johnson, of 431 Gold Flume Way, stated that she is the secretary of the homeowner's association and wanted to reiterate that Mr. Bouse stated that he was renting the property without the proper permits, licenses, or paying taxes. Mrs. Johnson explained that their attorney verified that their covenants are still valid and that she obtained a copy of Mr. Bouse's application through open records. She explained that the bylaws specifically prevent short term rentals as "rentals of less than 90 days" and pointed out that Mr. Bouse had listed on his application where it asked for the number of properties in the subdivision, he wrote one lot rather than ninety-two lots that are there. She also explained that only one owner was listed on the application instead of both owners. Mrs. Johnson also stated that Mr. Bouse had signed certifying that no deed restrictions and/or covenants were on the property which she said is not true. Mrs. Johnson detailed that Mr. Bouse has applied for a rezoning to circumvent the R-1 code requirement and that R-3 zoning would not fit the neighborhood, stating that the property does not qualify as seasonal or second home.

Guy Cameron, of 110 Howard Lane in Dahlonega, GA, stated that he has owned his property in this subdivision for 14 days. Mr. Cameron stated that he agrees that Mr. Bouse has the right to do what he wants with his property, as long as he follows the rules that he agreed to when the property was purchased. He explained that he is against this proposal because it stands against why he purchased this property and moved from Dahlonega for reasons of increased population and traffic.

Virginia Edwards, of lot 32 in Adair Mill, stated that this property is not at the end of a dead end road, it is in a cul-de-sac, and it is less than a quarter mile from other homes. She said he knew of covenants when he purchased the property and this is not a neighborhood for a bed and breakfast. She also stated that she never saw a zoning sign on the property.

Ricky Pantall, of 1531 Mill Creek Trail, stated that he agreed with the last person that stated Mr. Bouse knew of the covenants when he purchased the property, which is the same reason Mr. Pantall purchased his property.

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

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

Mr. Bouse stated that he just wanted to clarify that it was probably a mistake on the application because he thought they were asking how many lots were his. He also made a correction that his house might be less than a quarter mile from other homes.

Chairman Thomas closed the hearing.

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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 explained that this property is at the top of Dean Mountain and that she owns the parcel beside it, as well. She said it is at the end of a private road, it is gated, and it has a pool that is completely fenced and away from the house. Mrs. Stapleton stated that Cabin Rentals of Helen will be managing the rental, her brother will manage the pool, and she has a landscape company that will maintain the property. She said she anticipates the maximum occupancy to be ten adults and two children. Mrs. Stapleton stated that she pays road maintenance fees to the HOA, which is essentially only for a road maintenance agreement, that there is plenty of parking with a wraparound driveway and a three car garage, and that she has owned the property for two years. Mrs. Stapleton explained that this is their second home, with their other home being closer to her husband’s work. When asked if there are other short term rentals on her road, she said not that she is aware of.

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

Chairman Thomas asked if there were any for or against.

Regina Berg with Cabin Rentals of Helen, located at 26 Carolina Springs Road, stated that she will be managing this property. She reiterated the safety aspect of the swimming pool, mentioning that she has staff to help with the pool, as well. She stated that she supports short term rentals and in the last year, she did over three million in sales and had less than five hundred dollars in damages from all of her rental properties. She stated that with proper guidance, she does not see anything wrong with short term rentals.

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

Patricia Wood, of 490 Ostrich Road, stated that the home owner’s association maintains the road and feels that a short term rental would bring more wear and tear to the road, causing an additional maintenance issue. She said the speed limit is 20 mph and the road is one lane, noting that new drivers do not understand the road or know where to pull over. Mrs. Wood explained that all of the other properties would be affected since this property is at the top.

Joyce Jones, of 1591 Gold Valley Road, explained that she has some general questions about short term rentals, such as can these properties be divided. Mrs. Joyce stated that private road maintenance is a problem. She added that she has called rental companies many times to complain about rentals.

Chairman Thomas asked if there were any other for or against; no response. Chairman Thomas asked Mrs. Stapleton if she had anything she would like to add.

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Mrs. Stapleton stated that she would be willing to pay extra to help maintain the road or to aid in the addition of mirrors. She said she would also be willing to limit the amount of cars. Mrs. Stapleton stated that she respects her neighbors, that she wants them to feel safe and to be happy.  
Chairman Thomas closed the hearing.

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, Matt Stevens of 74 Gilstrap Road, was present. Mr. Barton gave a summary of the application. Mr. Stevens detailed that the property is on 20 acres and will only be doing short term rental in the house itself since the remainder of the property is in conservation with no plans of subdividing. He said he will have an agent managing the property and has multiple other short term rentals. Mr. Stevens stated that the maximum occupancy is eight, there is adequate parking and the property is not in a subdivision. He explained that he bought the property in August as an investment property and has already spoken with the neighbor across the street, which has no problems with short term rental. In addition, Mr. Stevens said there are now two septic tanks and the emergency contact lives six miles away.

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

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

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

Chairman Thomas closed the hearing.

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 explained that this property was a Bed and Breakfast about six years ago and it will be reopened as a Bed and Breakfast. She said there are five rooms, so there will be a ten person maximum anticipated and ten parking spaces. Ms. Fry explained that the owners live in Norcross and she would live onsite as the manager.

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

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

Chairman Thomas asked Ms. Fry if she had anything to add; she said no.

Chairman Thomas closed the hearing.

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 Cumming, GA was present. Mr. Barton gave a summary of the application. Ms. McClary explained that there are nineteen houses in this neighborhood, ten of which are short term rental and four are full time residents. She stated that she runs her father's short term

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rentals in the neighborhood and has since 2016. Ms. McClary stated that there is a no party policy. She said this property is not currently on the short term rental program, but this is a second home for the owners that live in Buford.

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

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

Chairman Thomas asked Ms. McClary if she had anything to add; she said no.

Chairman Thomas closed the hearing.

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 Suwanee, GA, was present. Mr. Barton gave a summary of the application. Mrs. Rodriguez stated that these cabins were built for short term rental and that only one is used as full time. She said the occupancy is two guests and that guests are usually quiet. Mrs. Rodriguez stated that she will manage the property on behalf of the owner and that she bought the property beside it last year.

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

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

Chairman Thomas asked Mrs. Rodriguez if she had anything to add; she said no.

Chairman Thomas closed the hearing.

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 this is an extension of the rental cabins that were started in 2017, which are used primarily for weddings and events. He said this will be phase two and it will be on county water. Currently, he stated, there are four cabins and five will be added. He said the total acreage for the winery is 84 acres and he does not think the owner will want to expand further since it will move into the vineyard space.

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

Chairman Thomas asked if there was any for or against.

Lonnie McEwen, of 140 Roach Road, stated that his property backs up to Kaya and traffic is getting worse. He said he understood that there will be blasting at the back of the property and would like to see plans to see how it will affect his well. He said another concern is the noise.

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Bill Bridges, of 595 Robinson Road, said he also heard there would be blasting and has a concern with his well water. He said he also wants to know what the access would be due to traffic concerns.

Lisa Fuguay, of 140 Roach Road, stated her concern is that they live at the bottom near the creek and wants to know how they will be impacted. She said she is concern with traffic, also.

Dana Bridges, of 595 Robinson Road, stated that her biggest concern is the natural habitat. She said she is an avid hiker and can tell when out of towners come in because of the amount of trash that is left on trails.

Christopher Fister, of 251 Daniel Drive, said his biggest concern is his well water and wanted to know if there has been a percolation test yet. He said he has been in his home for twenty three years and traffic is getting worse.

Mark Bukowski, of 303 Daniel Drive, stated that he has concerns with the blasting and his well water.

Chairman Thomas asked if there was any for or against; no response. Chairman Thomas asked Mr. Trail if he had anything he would like to add.

Mr. Trail stated that they are not planning on doing any blasting. He said they will be extending the existing road 300 feet and asphaltting it. Mr. Trail explained that the access is currently off of Towns Creek. He stated that there were no issues with the soil test and they will do proper erosion control. Chairman Thomas closed the hearing.

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 with Blue Creek Cabins, was present. Mr. Barton gave a summary of the application and advised Mr. Green to post a 911 address on the property. Mr. Green stated that he is the property manager, that this is a new build, that most of the community is short term rentals, and the maximum occupancy is four people. He stated that the parking could hold about six vehicles.

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

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

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

Chairman Thomas closed the hearing.

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.

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The applicant, Matthew Keef of 222 Bennett's Trail, was present. Mr. Barton gave a summary of the application. Mr. Keef stated that he purchased this property about a month ago as a second home and that Cabin Rentals of Helen will be managing the property. He mentioned that his father is also local. He said this was a one owner residence before he purchased it and that it is in a subdivision. Mr. Keef stated that there are ten lots in the subdivision and there are other short term rentals, one of which is near his property. He explained that there are no covenants against short term rental and actually has a road maintenance agreement with different tiers, allowing for properties doing short term rental to pay an additional fee for maintenance. When asked about occupancy, he stated that maximum is probably ten.

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

Chairman Thomas asked if there was any for or against.

Regina Berg with Cabin Rentals of Helen, located at 26 Carolina Springs Road, stated that she will be managing this property and is for short term rentals. She said there are currently three short term rentals that she knows of in this subdivision and that she has had seven homes in this area in the last seventeen years. She said the road condition is gravel, which she lets renters know of prior to renting, and she does not allow her employees to speed.

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

Carol Sadler, of 65 Wolf Howl Trail, stated that this is her second home that she has plans to retire to. She explained that the neighborhood has had a lot of problems with rental units and provided a petition with thirty one signatures opposing an additional rental. She also provided a letter from a landowner that could not be present and a letter from Mr. and Mrs. Sadler to their County Commissioner detailing why they are opposed to the rental, which she read to the Planning Commission Board as part of her approximately 20 minutes of comments. In addition, Mrs. Sadler stated that there are roughly 44 to 48 lots in the subdivision, ten of which are currently short term rental. She said ten or 11 are full time weekenders. She said short term rentals are allowed in the covenants, but they were created twenty years ago.

Joyce Jones, of 1591 Gold Valley Road, stated that she purchased her property in the 1980's. She said she has had many issues with traffic and trash. Mrs. Jones explained that rental companies do not understand what goes on at their rentals and that she has contacted the rental companies many times.

Linda Brummer, of 54 Bennett's Trail, stated that the road is in bad condition and rental cars will ruin it. She said she is also concerned about the neighbor beside this property.

Barry Harrison, of 145 Bennett's Trail, reiterated concerns of traffic. Mr. Harrison explained that they are on a shared well and are concerned about the water usage. He said he is curious about a percolation test for the septic, as well.

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Opal Bennett, of 251 Bennett's Trail, stated that she lives directly next to this property and bought her land in 1983. She said the primary problem is the roads, especially since it takes 1.5 to 2.5 hours for wreckers to get there if a vehicle gets stuck. She explained that she shares a driveway with this property and cannot walk up the road if she gets stuck at the bottom. Mrs. Bennett explained that she lives alone and is concerned about safety when there are strangers in the rentals. Another concern Mrs. Bennett stated is the noise that is brought by renters, particularly late at night. She said visitors are inconsiderate and she is concerned that if this is approved, it will bring in more rentals on the vacant lots.

Mike Trevor, of 171 Bennett's Trail, stated that more people on the roads mean more wear and tear. He explained that extra traffic will cause more stress on his property.

Allen LaFavor, of 58 Wolf Howl Trail, explained that this is his second home that he visits once a month. He expressed concerns about noise from motorcycles coming back from Helen late at night, loud and obscene music that gets played from the hot tubs, and the amount of cars for one cabin. He said that the rental agencies are not fast in responding to calls and he does not feel that he should have to call the rental agencies constantly. In addition to the rental traffic, Mr. LaFavor stated that the rental agencies bring more traffic with their maintenance and cleaning crews.

Chairman Thomas asked if there was any other for or against; no response. Chairman Thomas asked Mr. Keef if he had anything he would like to add.

Mr. Keef stated that there is a two car garage and parking in the driveway, leaving plenty of parking spaces. He said there is no hot tub to cause the noise issues mentioned previously and he will respect the noise ordinance.

Chairman Thomas closed the hearing.

V. Citizens Comments

Mitchelle Johnson, of 431 Gold Flume Way, expressed her gratitude to the board for all they do for the community.

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