

White County Planning Commission

Regular Session

MINUTES

Monday, October 7th, 2019
6:00 pm

White County Senior Center
1239 Helen Hwy, Cleveland, Ga. 30528

Those present were Larry Freeman, R.K. Ackerman, Donna K. Burke, Charlie Thomas, Linda Dixon, 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**
- IV. **Review and approval of minutes of August 26th, 2019 and September 9th, 2019**- Motion made by Mrs. Dixon to approve the minutes; seconded by Mrs. Burke. Motion was unanimously approved.
- V. **Variance**
 - a. **Steven Mather: Section 133-14-K**

Application of Steven Mather to request a variance for structures over 400 square feet. Property located at 110 Park Vista Drive, Cleveland, GA, 30528. Lot 132. Map and parcel 004E-132.

The landowners, Mr. Steven Mather and Mrs. Ilene Mather of 13768 Coconut Avenue in Juno Beach, Florida, were present.

Mr. Barton gave a summary of the application.

Mr. Barton asked for clarification that the landowners that the variance is to be within 5 feet with an addition; Mrs. Mather said correct, they are wanting to extend the deck out.

Chairman Thomas asked if they knew who the adjoining landowner is; Mrs. Mathers said yes, they gave a letter of consent.

Chairman Thomas asked if they had anything else to add; Mr. Mather said no.

Chairman Thomas asked if there was any square footage issue; Mr. Barton said no, the issue on the application was the setback.

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

Motion was made by Mrs. Burke to approve the variance of 110 Park Vista Drive; seconded by Mrs. Dixon. Motion was unanimously approved.

b. **David Ogden: Section 804 Building Lines**

Application of David Ogden to request a variance to build in the building setback, located at 5778 Westmoreland Rd, Cleveland, GA, 30528. Map and parcel 036-031. Total acres 6.0.

The landowner, Mr. David Ogden of 5778 Westmoreland Road in Cleveland, GA, was present.

Mr. Barton gave a summary of the application. Mr. Barton clarified with Mr. Ogden that the building would be 10 feet 6 inches from the property line.

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Mr. Ogden stated that he has signed and notarized letters from the adjoining landowners. Chairman Thomas asked who are the adjoining landowners; Mr. Ogden stated their names.

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

c. **Tim Adams: Section 802 Lot Width and Size**

Application of Tim Adams to request a variance to add a second dwelling. Property is located at 16 Twin Lake Drive, Cleveland, GA, 30528. Map and Parcel 034C-013B. Total acres 3.32.

The landowner, Mr. Tim Adams of 1561 Grindle Bridge Road in Dahlonega, GA, was present. Mr. Barton gave a summary of the application.

Mr. Barton asked if Mr. Adams had anything else to add.

Mr. Adams stated that there is currently a mobile home on the property that his son lives in and that his mother has dementia.

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

d. **Chris Walls: Section 802 Lot Width and Size**

Application of Chris Walls to request a variance to add a second dwelling. Property is located at 107 Runway Circle, Cleveland, GA, 30528. Map and Parcel 063A-028. Total acres 5.20.

The landowner, Mr. Chris Walls of 107 Runway Circle in Cleveland, was present.

Mr. Barton gave a summary of the application.

Mr. Barton asked if Mr. Walls had anything else to add; Mr. Walls said no.

Chairman Thomas asked if this is next to White County Airport; Mr. Walls said yes.

Mr. Barton stated that this is a residential tract.

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

e. **Brooke Stancil: Standard Mortgage Variance**

Application of Brooke Stancil to request a standard mortgage variance. Property is located at 2541 Lynch Mountain Rd, Sautee Nacoochee, GA, 30571. Map and Parcel 083-014. Total acres 1.00.

The landowner, Mrs. Brooke Stancil of 2541 Lynch Mountain Road in Sautee Nacoochee, was present.

Mr. Barton gave a summary of the application. Mr. Barton stated that the approval of the variance is for mortgage purposes only and that the plat will revert back once mortgage is satisfied.

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Mrs. Burke asked if this was two tracts; Mr. Barton said it is only for one of the tracts, the one acre tract. Mr. Barton stated that Mrs. Stancil is taking out of one of the other tracts for mortgage purposes.

Mr. Barton asked Mrs. Stancil if she had anything to add; Mrs. Stancil said she will have the updated plat tomorrow with the necessary verbiage.

Motion was made by Mrs. Dixon to approve the variance; seconded by Mrs. Burke. Motion was unanimously approved.

f. **Michele and Steven London: Section 1207 Intra-Family Land Transfer**

Application of Michele and Steven London to request an intra family land transfer. Property is located at 151 Gunns Circle, Cleveland, GA, 30528. Map and Parcel 061-274. Total acres to be transferred are 1.00.

The landowner, Mrs. Michele London of 151 Gunns Circle in Cleveland, was present.

Mr. Barton gave a summary of the application. Mr. Barton clarified with Mrs. London that the property was multiple family land transfers to make a whole.

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

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

VI. **Land Use**

- i. **Application of Lloyd Allison** to redistrict property located at 172 Lloyds Honey Farm Road, Cleveland, Ga. 30528 from R-1 Residential Single- Family District, to A-1 Agriculture Forestry District. Total acreage to be changed is 18.00, more or less. Tax parcel 020-128. Present use is R-1 Residential Single-Family District.

The landowner, Mr. Lloyd Allison of 172 Lloyds Honey Farm Road, was present.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mr. Allison if he had anything to add; Mr. Allison said no.

Motion made by Mrs. Burke to make a recommendation of approval to the Board of Commissioners to redistrict from R-1 Residential Single- Family District to A-1 Agriculture Forestry District; seconded by Mr. Ash. Motion was unanimously approved.

- ii. **Application of Larissa Neilson** to request a conditional use permit at 33 Windchase Lane, Sautee Nacoochee, Ga, 30571. Tax map and parcel 069-007. Total acres 1.00. 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, Mrs. Larissa Neilson of 33 Windchase Lane in Sautee Nacoochee, was present.

Mr. Barton gave a summary of the application.

Mrs. Burke asked for clarification on covenants; Mrs. Neilson stated that the HOA had changed the covenants that were filed in her application.

Mr. Barton stated that the HOA had made an amendment.

Chairman Thomas asked when the amendment was made; Mrs. Neilson stated this August.

Motion was made by Mr. Ackerman to recommend to the Board of Commissioners to approve the conditional use permit; seconded by Mrs. Dixon. Motion was unanimously approved.

- iii. **Application of Clyde Fleming** to request a conditional use permit at 672 Foothills Dr., Cleveland, Ga, 30528. Tax map and parcel 016-037. Total acres 2.77. Proposed use is to place in "Short Term Rental" program.
Present use is R-1 Residential, Single-Family District.

The landowner, Mr. Clyde Fleming of 672 Foothills Drive in Cleveland, was present. Mr. Fleming's realtor, Mrs. Kelly Mills of 457 Hwy 255 S in Cleveland, was present, as well.

Mr. Barton gave a summary of the application. Mr. Barton stated the covenants that were submitted at the last meeting did not cover the subdivision above the mountain. Mr. Barton also stated that officially, according to an opinion of the county attorney, the properties are not classified as a subdivision because the lots were done one at a time in 1979. Couldn't find a plat that showed all of the lots done at one time that called it a subdivision, so if it's not in a subdivision then it doesn't require a covenant or homeowners' to sign off on it. Based on the information that has been supplied to us, you're acting on STR in a non-subdivision situation. It still has to have a conditional use permit.

Chairman Thomas asked if that was the opinion of the county attorney; Mr. Barton said yes, that it is not classified as a subdivision and that we don't need to look at covenants. There is a road agreement, but they are not part of a covenant. It still has to have a conditional use permit in R-1 Residential.

Mrs. Burke asked about the size of the road being so small and asked if the county had any requirements on that; Mr. Barton said there are not any road requirements for Short Term Rental permits.

Mrs. Burke asked how many people would be at the residence; Mr. Fleming said 8 at max and that through his presentation there would be no guns, no fireworks, no one under the age of 25, no pets, no parties. Mr. Fleming stated he has done everything he can to prevent any kind of noise violation. Mr. Fleming stated there have been no calls to White County and no calls to him because of violations the two years that he has been there.

Mrs. Mills stated that she has been up on the mountain since 1999 either selling real estate or her husband building houses and that they were always vacation rentals.

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Mr. Fleming stated that he also owns 20+ acres around him and he backs up to the national forest, so there are no neighbors. Mr. Fleming stated there is not much activity on the road and it is a pretty quiet place.

Chairman Thomas asked how long Mr. Fleming had been doing rentals; Mr. Fleming stated that he had the house built in 2017, and that he approached the county in 2018 to get his business license. Mr. Fleming stated that he has been working with the county since then. Mrs. Mills stated that the previous owner had rented the property as a vacation rental since around 2010 and that the owners before that rented it out.

Chairman Thomas asked to clarify that the previous owner used the property as a rental; Mr. Fleming said yes, and as an investor he needs supplemental income and that he even added onto the house. Mr. Fleming stated that he would take a \$100,000 hit should things change and that he won't be able to sell it like it should be.

Chairman Thomas asked how many complaints Mr. Fleming has had since he has owned the property; Mr. Fleming said zero and that he could check the county records.

Chairman asked the board if there were any other questions.

Mrs. Dixon stated that she would like to recuse herself from voting since she had contributed money to that road.

Mrs. Burke asked if the board could table this application due to not being comfortable without more information. Mr. Barton stated that the board has to act on the application after so many days, so a recommendation will need to be made.

Motion was made by Mr. Ash, since receiving the new information, to recommend to the Board of Commissioners to approve the application; 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 the motion; Mrs. Burke voted against the motion; Mrs. Dixon abstained. Motion was carried by majority.

For clarification, Mr. Sell cited Section 2004(b) from the White County Code of Ordinances.

- iv. **Application of David and Margaret Guzinski** to request a conditional use permit at 601 Laurel Ridge Road, Cleveland, Ga, 30528. Tax map and parcel 059D-097. Total acres 1.00. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential, Single-Family District.

The realtor, Mr. Mike Dalton of 309 Hayfield Road in Blairsville, GA, was present to represent the landowner.

Mr. Barton gave a summary of the application.

Chairman Thomas asked if Mr. Dalton had anything to add; Mr. Dalton said that his clients would do whatever was legally conforming to what the county has and that the house is listed as 3 bedrooms, but registered with the county as a 2 bedroom.

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Chairman Thomas asked if there were any other questions.

Mr. Yarbrough asked to abstain for conflict of interest because he lives on the road.

Chairman Thomas stated Mr. Yarbrough would abstain for the stated reason. Chairman Thomas asked if there were any other questions.

Motion was made Mr. Freeman to recommend to the Board of Commissioners to approve the conditional use permit application; seconded by Mrs. Dixon. Motion was unanimously approved with one abstention.

- v. **Application of Winton Sweatman** to redistrict property located at 4205 Asbury Mill Road, Cleveland, Ga, 30528 from: C-1 Community Commercial District, to C-2 Highway Business District. Total acreage to be changed is 3.00 +/- . Tax parcel 022-080A. Present use is C-1 Community Commercial District.

The landowner, Mr. Winton Sweatman of 4205 Asbury Mill Road in Cleveland, was present.

Mr. Barton gave a summary of the application.

Mr. Barton asked if Mr. Sweatman had anything to add; Mr. Sweatman said no.

Chairman Thomas clarified the location on HWY 115.

Mrs. Burke asked what kind of business he was planning on putting there; Mr. Sweatman said utility trailers sales.

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

Motion was made by Mr. Ackerman to recommend to the Board of Commissioners to approve a redistricting from C-1 Community Commercial District to C-2 Highway Business District; seconded by Mr. Ash. Motion was unanimously approved.

- vi. **Application of Keith and Theresa Williams** to request redistricting from R-2 Multi-Family District, to R-1 Single-Family District and conditional use permit for property located at 74 Windchase Lane, Sautee Nacoochee, Ga, 30571. Total acreage to be changed is 1.00. Tax map and parcel 069-007C. Proposed use is to place in R-1 Single-Family District and "Short Term Rental" program. Present use is R-2 Residential, Multi-Family District.

The landowner, Mr. Keith Williams of 1911 Hickory Hill Drive in North Augusta, South Carolina, was present.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mr. Williams if he had anything to add; Mr. Williams said no.

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

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Motion was made by Mrs. Burke to recommend to the Board of Commissioners to approve the redistrict from R-2 Multi-Family District, to R-1 Single-Family District and conditional use permit; seconded by Mrs. Dixon. Motion was unanimously approved.

- vii. **Application of John Johnson and Shannon LaCava** to request a conditional use permit at 6838 Hwy 75 Alt., Helen, Ga, 30545. Tax map and parcel 042C-049. Total acres 1.00. Proposed use is to place in "Short Term Rental" program.
Present use is R-1 Residential, Single-Family District.

The landowners, Mr. John Johnson and Mrs. Shannon LaCava of 180 Johnson Drive in Helen, GA, were present.

Mr. Barton gave a summary of the application.

Chairman Thomas asked if the landowners had anything to add; Mrs. LaCava said no.

Motion was made by Mrs. Burke to recommend approval to the Board of Commissioners for the conditional use permit; seconded by Mr. Ash. Motion was unanimously approved.

- viii. **Application of Mihai Marin** to request a conditional use permit at 164 Carolina Springs Road, Sautee Nacoochee, Ga, 30571. Tax map and parcel 058C-111. Total acres 7.54. Proposed use is to use as Wedding Tourism/Event Center.
Present use is R-1 Residential, Single-Family District.

The applicant, Mr. Mihai Marin of 164 Carolina Springs Road in Sautee Nacoochee, was present.

Mr. Barton gave a summary of the application.

Mr. Barton stated that the board would like to see a site plan.

Chairman Thomas stated that the board would like to see the building size on paper, how much parking they will have, setbacks.

Mr. Marin stated that he was waiting on approval before submitting that information; Mr. Barton stated that it wouldn't be to the extent for a building permit, just something to show approximate location.

Mr. Marin stated that he had submitted a drawing to Environmental Health; Mr. Barton stated that Environmental Health is a state agency and that the county does not have that information.

Mr. Marin said he had a copy and showed it to the board with the future building and driveway drawn out.

Mrs. Burke asked what the size of the new building will be; Mr. Marin said approximately 4000 square feet.

Mrs. Burke asked how many square feet the existing building is; Mr. Marin said a little under 2000, but he wasn't sure of the exact size of the existing building.

Chairman Thomas asked what the distance will be from the proposed building to the property line; Mr. Marin said 30-50 feet, maybe a little more. Mr. Marin stated that this is just a sketch and they will be getting a recommendation from an architect on how best to use the land.

Mrs. Burke clarified that the existing building is roughly 2000 square feet and how large the garage is; Mr. Marin said roughly 1500 square feet.

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Mrs. Burke ask Mr. Marin if he still wanted to add an additional 4000 square feet; Mr. Marin stated that the new building is dedicated just to the event center and they don't want to tear anything down because his parents still live in the existing house.

Mr. Barton suggested to the board that they add a condition to the recommendation to the Board of Commissioners to add a site plan before it goes in front of them for review. Chairman Thomas asked if tabling this application was an option; Mr. Barton said he didn't believe so since the code says 30 days, but they can recommend with any conditions added that they want.

Mr. Ash asked what the setbacks are for an event hall; Mr. Barton stated that it would be 100 feet from the back property line since it borders A-1.

Mrs. Burke asked how many residents live around the property; Mr. Marin said there's houses down the valley and up a hill. Mrs. Dixon said so you do have residents around you in the R-1 district; Mr. Marin said yes.

Chairman Thomas expressed concerns that Mr. Marin had stated 30-50 feet from the property lines, but the code requires 100 feet from A-1; Mr. Marin said whatever it needs to be, then that it was they will meet.

Mrs. Aline Marin, of 164 Carolina Springs, took the podium. Mrs. Marin stated that they had decided before moving on with any plans was to determine if it was a possibility and that they want to do everything proper and correctly. They wanted advice on proper distances so they don't do anything they aren't supposed to, which is why Mihai doesn't know any of the exact numbers. Mrs. Marin stated that they have not hired an architect yet because they thought the ideal thing was to go to the county first to be sure they were doing something they were able to do. Once approved, they would hire someone and follow how things should be.

Mr. Barton stated that we do know it will have to be at least one hundred feet from the A-1 district; Mrs. Burke asked how wide the property is. Mr. Marin stated 400-500 feet.

Mr. Barton said 300 feet on the road and 300 feet for the property width.

Chairman Thomas asked if there were any questions.

Motion was made by Mr. Freeman to recommend to the Board of Commissioners to pass the conditional use permit on conditions that plans and specs be submitted to the White County Building and Planning for their approval before anything proceeds; seconded by Mr. Ash.

Mr. Freeman, Mr. Ackerman, Mrs. Burke, Mr. Ash, and Mr. Yarbrough voted for the motion; Mrs. Dixon voted against the motion. Motion was carried by majority.

VII. **Citizens Comments-** None

VIII. **Adjournment-** Motion made by Mrs. Burke to adjourn, seconded by Mrs. Dixon. Motion was unanimously approved.