

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

MINUTES

Monday, September 30th, 2019
6:00 pm

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

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

Staff: Harry Barton and Mercedes Toolan

- I. Call to Order: Chairman Thomas called meeting to order.
- II. 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.
- III. Land Use

- a. **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 land owner Mr. Lloyd Allison, of 172 Lloyds Honey Farm Road, was present.

Mr. Barton gave a summary of the application. Mr. Barton clarified the total acreage for the entire property to be 129 acres with Mr. Allison.

Mr. Allison stated that he has been in the honey business since 1978 or 1980, but planted some grapes a few years ago. Mr. Allison stated that the grapes are now 17 acres of his farm and that he wants to start a winery. Mr. Allison did not realize he was in R-1 until he started applying for a business license, so he would like to rezone to A-1.

Chairman Thomas asked if that would take the whole property to A-1.

Mr. Allison said yes.

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

Chairman Thomas asked if anyone was for or against. No response.

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

Chairman Thomas closed the hearing.

- b. **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 R1 Residential, Single-Family District.

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The landowner, Mrs. Larissa Neilson of 33 Windchase Lane in Santee Nacoochee, was present.

Mr. Barton gave a summary of the application.

Mrs. Neilson said she wants the 1-bedroom, 1-bath property to be used as a getaway for couples to go to since it is in a nice seasonal area. Mrs. Neilson was surprised that the property was not currently zoned for R-3 for seasonal rentals.

Chairman Thomas asked if the property will be going through a rental agency; Mrs. Neilson responded no, stating they will be going through AirBnB so they can rent the property themselves.

Chairman Thomas asked if Mrs. Neilson has experience renting properties short term; Mrs. Neilson stated no, she works as a PRN and wanted a side job since she enjoys hospitality.

Chairman Thomas asked Mrs. Neilson if the property is in a subdivision; Mrs. Neilson stating that while technically a subdivision, it is a cul-de-sac of five cabins that are all seasonal vacation homes. Mrs. Neilson stated that only one other cabin is not utilized as a rental, however, they are present to ask for short term rental, as well.

Mrs. Burke mentioned that there are covenants in the application and asked if there was anything that stated short term rentals are allowed; Mrs. Neilson stated that an addendum was submitted in the application to officially allow short term rentals in the covenants.

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

Chairman Thomas asked if anyone was for or against. No response.

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

Chairman Thomas closed the hearing.

- c. **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 R1 Residential, Single-Family District.

The landowner, Mr. Clyde Fleming of 672 Foothills Dr., was present.

Mr. Barton gave a summary of the application. Mr. Barton stated that he spoke to Mr. Fleming about information that was submitted today by an adjoining landowner regarding an existing covenant of the property. Mr. Barton stated that he would send the submittal to the board tomorrow for review.

Mr. Fleming stated that he was not aware of the covenant and that they are from 1978. Mr. Fleming purchased the property in 2015.

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Mr. Barton stated the covenants renew every 10 years unless the board takes action to revise.

Chairman Thomas asked if that means it has automatic renewal.

Mr. Barton said yes, that is how he interprets it. Mr. Barton said the covenant does not state that Short Term Rentals are allowed.

Mr. Fleming stated that he did his best to track down the previous owner. Mr. Fleming stated that the previous owner had rental history and that was part of the reason he bought the property- to enjoy it and get some income from it. Mr. Fleming said he contacted previous owner to get them to help with VRBO they used and that he got the business license office on the phone with VRBO, but they [VRBO] would not say yes or no it was rented. Mr. Fleming said he hit it a wall to prove it was in the rental program.

Mrs. Burke asked how far down Foothill.

Mr. Fleming stated there are probably 10 properties and he is about fifth up the hill. Mr. Fleming also said that he owns both sides and down below.

Mrs. Burke asked for clarification on the number of properties he owns.

Mr. Fleming said he owns down below to the left and 3 acres of his own, and has the National Forest behind him.

Mrs. Burke asked if his other houses are on the rental program.

Mr. Fleming stated that he does not have any other houses, it is just raw land.

Mrs. Burke asked if he was planning on using a service to rent.

Mr. Fleming said VRBO. Mr. Fleming said he still has two high schoolers, but once they get out he will be able to enjoy the property a lot more.

Chairman Thomas asked how many people the cabin will hold.

Mr. Fleming said it is a 3 bedroom, so sleeping 8 people, and he does not want any more than 8 people sleeping there.

Chairman Thomas asked if he will limit the number of parking and asked how many vehicles.

Mr. Fleming said parking is not an issue. Mr. Fleming also stated that parties are not allowed and that the tenants will lose their deposit for that.

Chairman Thomas asked if it is a paved road.

Mr. Fleming stated that is it paved road and a long driveway with multiple car slots. Mr.

Fleming stated that the driveway could probably fit 8 cars, but he does not want that many.

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

Mr. Barton mentioned to Mr. Fleming that any documentation of changed covenants would be beneficial.

Mr. Fleming stated that people from his neighborhood came and that from what he understood, the neighborhood went bankrupt. Mr. Fleming said that he pays someone \$250 a year to maintain the road, but the association does not meet and he does not know who to talk to.

Mrs. Burke asked who he pays his road fees to and suggested that he may need to speak with them.

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Chairman Thomas asked if the board had any other questions for Mr. Fleming.
Mrs. Burke advised Mr. Fleming to check with the local rental programs to see if the previous owners had used them.

Mrs. Burke asked what company was it with.
Mr. Fleming said he didn't know and that it was a service out of Helen that is no longer in business.
Chairman Thomas suggested getting a letter from the previous owner.
Mr. Fleming said he could get that.

Chairman Thomas asked Mr. Barton if it was existing use, if that changes once the owner changes; Mr. Barton stated that the only way that it exempts them is that if the owner had a business license or went through a rental agency as of June 3rd of 2019 according to the new ordinance.

Chairman Thomas asked when he purchased the property.
Mr. Fleming said 2015.
Chairman Thomas asked if he had already been renting the property.
Mr. Fleming said yes, to friends and family.
Chairman Thomas asked if he had a business license while renting the property.
Mr. Fleming said no, he had been trying to go through the Business License office since December when he got the letter stating the new White County Ordinance. Mr. Fleming stated he has tried to follow every guideline to make it right.

Chairman Thomas asked if there was anyone that would like to speak for or against.

Sherri Goff, a realtor, asked if the homeowner's association had any active officers. Ms. Goff stated that in Georgia, if the officers are inactive for so long then the association is not necessarily active.
Chairman Thomas asked if the board had any questions for Ms. Goff; no response.

Chairman Thomas asked if anyone else would like to speak for or against.

Mr. Emmett "Buzz" Hines, the treasurer and secretary of Ash Mountain Homeowner's Association (AMHOA) took the podium. Mr. Hines submitted written information as part of the public record and proceeded to read off of the submitted information. Mr. Hines stated that the AMHOA respectfully request the application under consideration be declined.

As part of the submitted information, Mr. Hines stated that there are 25 landowners that own about 80 acres along the road. Chairman Thomas asked of the 25 landowners, how many does the association collect fees from. Mr. Hines stated that the top 50 percent of the road belongs to 11 landowners that make up the AMHOA.

Mr. Hines cited the White County Ordinance, Appendix C, Article 7, Section 702 (d). Mr. Hines stated that short term rentals are not mentioned in the Ash Mountain Covenants.

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As part of the submitted information, Mr. Hines stated that about 70 percent of the AMHOA 11 members do not support short term rentals.

Mrs. Dixon asked if the board could get a list of all property owners.

Mr. Hines said it would be part of the submitted information.

Mrs. Burke asked if the covenants had been updated since they were originally created.

Mr. Barton stated that the covenants are good for the first 20 years, then every 10 years unless they have been changed and documented.

As part of the submitted information, Mr. Hines stated that Short term rentals disturb the tempo of the neighborhood.

Chairman Thomas asked if there have been any incidents since the homeowner has been renting the property.

Mr. Hines said yes, not personally to him, but he can think of two incidents.

Chairman Thomas asked him to elaborate.

Mr. Hines stated one member that lives out of state has a Ring doorbell and two cameras outside. Mr. Hines stated that the owner noticed one camera went off, and when she [the owner] logged in, she observed 4 or 6 people that had come onto her property and were sitting around her fire pit. Mr. Hines said the owner contacted them by way of the Ring doorbell, that they were strangers and didn't have any cars that she could see.

Mr. Hines stated another member was asleep and heard a ruckus outside of their window.

Mr. Hines said a loud noise scared them and they got up to see what was going on. Mr.

Hines said that a group of people were walking up the road being loud and disturbing the peace.

As part of the submitted information, Mr. Hines stated that if short term renting was approved, it could set a precedent that would only aggravate neighborhood disturbance as more rentals became available.

Chairman Thomas asked how many of the 11 members that the association was collecting dues from.

Mr. Hines said all of them, but one is not in good standing.

Chairman Thomas asked how often they have HOA meetings.

Mr. Hines stated that they are every year and they send out notifications. Mr. Hines stated the last one was in May.

Chairman Thomas asked if anyone else would like to speak for or against.

Patricia Warbington, of 417 Foothills Drive and previous treasurer of AMHOA, stated that the concerns she has with the property being a rental is traffic. Mrs. Warbington stated that the major problem is that Mr. Fleming is renting the property in conjunction with the wedding venue across the street, resulting in multiple cars driving back and forth between the rental and wedding venue. Mrs. Warbington stated that neighbors are in peril driving down a narrow, one lane, curvy road that does not have many overhead lights, that also borders the national forest wildlife.

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Chairman Thomas asked if there was anyone else that would like to speak for or against. There was no response, so Chairman Thomas invited Mr. Fleming to the podium for rebuttal.

Mr. Fleming stated that he did not want to cause any issues; that he had never received any kind of email stating any of the comments they have given about traffic or walking the streets. Mr. Fleming stated he would not have wasted his money or time.

Chairman Thomas closed the hearing.

- d. **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 R1 Residential, Single-Family District.

The landowners, Mr. David Guzinski and Mrs. Margaret Guzinski, of 601 Laurel Ridge Road, were present.

Mr. Barton gave a summary of the application.

Mr. Guzinski stated that he and his wife honeymooned in Cleveland years ago and loves the area. Mr. Guzinski stated that they purchased the property for vacations and would like to rent it when they are not using it. Mr. Guzinski stated the property is not in a subdivision, but pay road fees for road maintenance.

Mrs. Burke asked for clarification that there are no covenants since a road maintenance fee is collected; Mrs. Guzinski said that is correct. Mr. Guzinski stated that there is an HOA on the property, but they are not part of it.

Chairman Thomas asked what the subdivision name is that has the HOA; Mr. Guzinski said Laurel Ridge.

Chairman Thomas asked how long they have owned the property; Mr. Guzinski said about a year. Mr. Guzinski stated they renovated the property, made sure taxes were paid, and made sure rental agreements were in place.

Chairman Thomas asked if they have rented properties before; Mr. Guzinski said yes, a couple in the Atlanta area.

Mrs. Burke asked how many people they are planning to rent to in a night; Mr. Guzinski said on average, 4-6 at this time. Mr. Guzinski stated they are currently rectifying an issue with the septic tank only accommodating a 2-bedroom home rather than a 3-bedroom.

Chairman Thomas asked if the property is on a community water system; Mr. Guzinski said yes.

Mr. Freeman asked if the property was above the winery; Mr. Guzinski said yes.

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

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Chairman Thomas asked if anyone was for or against; no response.
Chairman Thomas asked if the landowners had anything to add; he said no.
Chairman Thomas closed the hearing.

- e. **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 Rd., was present. Mr. Sweatman stated he would like to have a small operation for selling trailers.

Mr. Barton gave a summary of the application.

Chairman Thomas asked if the property would be for mobile homes; Mr. Sweatman said it was for utility trailers.
Chairman Thomas asked what the total acreage is; Mr. Barton stated 3 acres plus or minus.
Chairman Thomas asked if Mr. Sweatman anticipated putting up any more buildings; Mr. Sweatman said yes, a ten by eighteen foot.

Chairman Thomas asked if any questions from the board; no response.
Chairman Thomas asked if anyone was for or against; no response.
Chairman Thomas asked if Mr. Sweatman had anything to add; he said no.
Chairman Thomas closed the hearing.

- f. **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 realtor, Sherry Goff of 1074 Bennock Mill Rd., Augusta, Ga, 30906, was present to represent the landowners.

Mr. Barton gave a summary of the application.

Mrs. Goff stated that she believes when the county went to the online mapping system, the zoning was issued incorrectly because the cabin is not multi-family.
Mr. Barton mentioned that a revision to the covenants was submitted with the application.
Mrs. Goff stated that she contacted the president of the HOA to advise him to create a legal document for the revision; Mrs. Goff assisted in the legal process of getting the amendment added to the covenants.

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Mr. Barton stated that the benefit of the landowners to switching to R-1 Single Family Residential on a Conditional Use Permit for Short Term Rental is that the landowners could live in the cabin if they chose.

Mrs. Burke stated that the surrounding properties were R-2 Multi-Family; Mrs. Goff stated that it could be because Brenau University owns the land behind the property.

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

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

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

Chairman Thomas closed the hearing.

- g. **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 R1 Residential, Single-Family District.

Chairman Thomas declared that no one was present to represent Mr. McClure and that this hearing would be skipped.

- h. **Applications 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.

Mr. Johnson stated that he and wife live near the property with family and purchased it to have a home of their own. Mr. Johnson stated that their plan is to rent out the other portion of the home.

Mrs. Burke asked if this was two rentals in the same house; Mr. Johnson said it was added onto for a beauty shop.

Chairman Thomas asked if it would be a bed and breakfast type; Mrs. LaCava stated no, short term rental only.

Mrs. Burke asked how many people they would have in the home at one time; Mr. Johnson said it is currently a three-bedroom home that they will be blocking off one bedroom for the rental and do not want more than 4 people.

Mrs. Burke asked if they would be the ones renting it; Mrs. LaCava said yes.

Chairman Thomas asked if there are any parking issues; Mr. Johnson said no.

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Chairman Thomas asked who the closest neighbor is; Mr. Johnson listed the surrounding neighbors.

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

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

Chairman Thomas asked if the landowners if they had anything to add; Mr. Johnson said no.

Chairman Thomas closed the hearing.

- i. **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 R1 Residential, Single-Family District.

The applicant, Mr. Mihai Marin, of 505 Stepney Ct. in Marietta, GA, 30067, was present.

Mr. Barton gave a summary of the application.

Mr. Marin stated that his parents currently live on the property and have owned it for roughly 8 years. Mr. Marin stated that he plans to use the Wedding Tourism/Event Center to fund his parents' retirement and income. Mr. Marin stated the plan is to construct a building for weddings.

Chairman Thomas asked how many people they plan to accommodate; Mr. Marin said that they are hoping for a more intimate space with less people, about 150 guests.

Chairman Thomas asked if they have parking to accommodate that number of people; Mr. Marin said yes, there is a long driveway but it will need designated parking.

Mrs. Burke asked if the building is already built; Mr. Marin stated that a new building will be constructed.

Mr. Barton stated that his understanding based on the application was to use the existing building. Mr. Marin said the house will still be there and that his parents will live there initially, but a new building will be added.

Chairman Thomas asked for clarification that the parents will continue to live in the existing house and a new venue will be built; Mr. Marin said yes.

Chairman Thomas asked if the property has septic; Mr. Marin said yes, it will have to have a new system.

Chairman Thomas asked if any soil work has been done on the property to see if it would accommodate the venue; Mr. Marin said he believes it was fine, but it not sure if new samples were taken.

Mr. Barton stated that soils would be addressed during the building permit process.

Mrs. Burke asked what the property is being zoned to since it is currently classified as R-1; Mr. Barton stated that it would be a conditional use permit for R-1.

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

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

Chairman Thomas asked if Mr. Marin if they had anything to add; Mr. Johnson said no.

Chairman Thomas closed the hearing.

IV. Citizens Comments

None

V. Adjournment

Motion made to adjourn by Mrs. Burke, seconded by Mr. Ash. Motion was unanimously approved.