

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

Monday, November 25th, 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: 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 Bryan Lee** to redistrict property located at 28 Lothridge Road, Cleveland, GA, 30528 from: C-1 Community Commercial District, to C-2 Highway Business District. Tax map and parcel 062-095. Total acreage is 6.38. Present use is C-1 Community Commercial District.

The landowner, Bryan Lee of 993 Merck Road in Cleveland, was present.

Mr. Barton gave a summary of the application. Mr. Barton stated that the applicant is trying to get rezoned to be a permitted use for rental storage.

Mr. Barton asked Mr. Lee if he is planning on doing his last addition? Mr. Lee said yes, last addition on this piece of property, but we need to be C-2 not C-1.

Mr. Barton asked how long the site has been there? Mr. Lee said 15 years.

Mrs. Burke asked Mr. Lee if he was changing the business type that is there? Mr. Lee said no it will be the same thing that is there, he just wants to add to what is there.

Chairman Thomas asked what size building Mr. Lee wants to add? Mr. Lee said there will be 2 buildings- one is 45x100 and one is a 30x60.

Chairman Thomas asked if these were climate controlled? Mr. Lee said part of it is, part of them are not.

Mr. Barton asked if this will be a build out? Mr. Lee said yes.

Chairman Thomas asked if any questions from the board? No response.

Chairman Thomas asked if Mr. Lee had anything to add? He said no.

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

Chairman Thomas closed the hearing.

- ii. **Application of Sam Kondamudi** to request a conditional use permit at 635 Yonah Mountain Road, Cleveland, GA, 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.

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The landowner, Sam Kondamudi of 635 Yonah Mountain Road, was present.

Mr. Barton gave a summary of the application. Mr. Barton stated that it is part of a subdivision and that Mr. Kondamudi did get 50% plus 1 of signatures for the landowners on the subdivision plat. Mr. Barton stated that there are no covenants.

Mr. Barton asked Mr. Kondamudi if he had anything to add? Mr. Kondamudi said no, just that he submitted his application and would like to rent his house for short term rental.

Chairman Thomas asked Mr. Kondamudi if he had already been doing short term rental at this location? Mr. Kondamudi said last year he worked with a company and dropped them because he didn't have a good experience with them. But with the new ordinance, he had to wait 6-8 months to get all of the application process finished, so once he finished the application he submitted the application.

Mr. Barton suggested to Chairman Thomas that Mr. Kondamudi may not have understood the question.

Chairman Thomas asked Mr. Kondamudi if he had been renting at this property on Yonah Mountain Road? Mr. Kondamudi said yes, last year with a management company.

Chairman Thomas asked if he was going through a management company now? Mr. Kondamudi said no it is vacant right now and he plans to do it on his own once he goes through the approval process.

Chairman Thomas asked Mr. Kondamudi if he lives here? Mr. Kondamudi said he lives in Cumming.

Chairman Thomas asked how long Mr. Kondamudi has owned the property? Mr. Kondamudi said one year.

Chairman Thomas asked if any questions from the board? No response.

Chairman Thomas asked if Mr. Kondamudi had anything to add? He said no.

Chairman Thomas asked if anyone was for or against?

John Mitchell of 762 Yonah Mountain Road in Cleveland stepped to the podium. Mr. Mitchell submitted written information as part of the public record, stating that he was there to protest the issuance of a short term rental for 635 Yonah Mountain Road because of the excessive burden the large number of rental properties places on their residents. Mr. Mitchell proceeded to read off of the submitted information. Included in the file were photos of the property with cars in the driveway and text message screenshots with Mr. Kondamudi.

As part of the submitted written information, the following were included:

- A text message from Tim and Vie, of 345 Bald Eagle, to Mr. Mitchell regarding no more rent permits.
- A letter from Philip and Deborah Kos, the owners of 640 Yonah Mountain Road in Cleveland stating that they do not want another rental property in their gated residential community.

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- A letter from Tim and Juanita DeBay, the owners of 57 Soaring Hawk Trail, protesting additional rental properties.
- An email from Jeffrey Dalrymple of 456 Bald Eagle Path in Cleveland, president of the Yonah Mountain Heights homeowner's association, in support of the effort to not allow any additional rental homes within Yonah Mountain Heights.

Chairman Thomas asked Mr. Mitchell if he received any help from the Army or Forest Service maintaining that road? Mr. Mitchell stated that twice a year the Army grades the road and they grade it from the gate all the way to the top of the mountain, so they go through the forest service gate and continue up. Mr. Mitchell explained that they do grade twice a year on Yonah Mountain Road but they don't go out into Bald Eagle or Soaring Hawk.

Chairman Thomas asked if Mr. Mitchell is the president of the homeowner's association? Mr. Mitchell said no, he's the person that takes care of the road and that he does have a letter from the president.

Mrs. Burke asked if there are any restrictions on rentals in that subdivision; Mr. Mitchell said no, they do not have a restriction that says they cannot have renters. Mr. Mitchell stated that it was just recently that the county passed the ordinance that now they have to say it and it is getting pretty late for them, because like he said, 35% or over 1/3rd of the properties out there are renters.

Mrs. Burke stated that most of those were built for overnight rentals or weekend rentals, especially in that Yonah Peak area; Mr. Mitchell replied that yes, in Yonah Peak that's true, but not the rest of them.

Chairman Thomas asked for clarification that half of the homeowners signed that they would not be in opposition? Mr. Mitchell said in Yonah Peak, but there are six houses in Yonah Peak. Mr. Mitchell stated that five of six are renters, so it's not hard to get four signatures and none of the rental owners live in White County.

Chairman Thomas said so Yonah Peak is a separate subdivision from Yonah Heights? Mr. Mitchell said yes, it is a plot of land right in the center of Yonah Mountain Heights and the only access is through the gate and up his road.

Chairman Thomas asked if there were any further questions? Mr. Mitchell stated that he was not done yet and proceeded to read from the submitted written information.

In reference to the submitted text message, Mr. Mitchell stated they the homeowners live nearly on the end of Bald Eagle Drive where are no rental properties and they have dead end signs posted everywhere saying do not enter , yet all of the renters are in search of the elusive road to the top of Mt. Yonah. Mr. Mitchell stated that he knows this because he pulled some of them out of the ditch and asked what they were doing, and some of them stop in the middle of the road and ask how to get to the top of the mountain. Mr. Mitchell stated that renters roam

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around with total disregard and cause damage. Mr. Mitchell stated that Tim and Vie, the landowners that sent the text message, have cables strewn across their driveway, so now they have to get out and unlock it to be able to get in their driveway.

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

Judy Vickoren of 897 Yonah Mountain Road in Cleveland took to the podium. Mrs. Vickoren submitted written information as part of the public record, stating that she and her husband were present to protest the issuance of a short term rental permit for 635 Yonah Mountain Road.

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

Russell Hatcher of 307 Bald Eagle Path in Cleveland took to the podium to speak against the application. Mr. Hatcher stated that he would like to stop short term rental and that he was president for 10 years before Jeff was and ran the tractor for 10 years before John did. Mr. Hatcher stated that he got out of it, but he had seen progressively that people buy the homes up there and turn them into rental homes. He stated that there's a sharp turn around Soaring Hawk and Bald Eagle and his neighbors stopped there many times to get them to leave room for emergency access in case there was a problem and someone needed help. Mr. Hatcher stated that he opposes any kind of short term rental.

Mr. Mitchell stated that if there is any doubt whether that piece of property is being advertised, go onto AirBnB and you can read reviews of the past renters.

Chairman Thomas asked if there were any other for or against? No response.

Chairman Thomas called Mr. Kondamudi back to the podium.

Mr. Kondamudi stated that his neighbors mentioned that the road is being used heavily. Mr. Kondamudi said that the full time residents live there full time and the renters are just there for the weekends and most of them just come for the weekends. He continued on to state that in general, the residents use those roads and that he paid his dues last year and this year for the roads. Mr. Kondamudi stated that regarding John's pictures saying that he has been renting out, he has some friends and family members who came to check on the cabin and there was no financial link to the people that were there on the weekend. Mr. Kondamudi explained that when we bought the property last year, it had so many issues that nobody told him about with the well and septic that he ended up spending 60-70 thousand dollars. Mr. Kondamudi said he was told his well was 90 feet from the septic tank, so they had him do the field lines for \$4,900. He stated that he was testing it out with his friends and family members to see if the water was correct or not. Mr. Kondamudi went on to say that the well was not giving water and the property has a pool, so he has to make sure it has enough water, otherwise all the parts will go

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bad and will cost him more money. Mr. Kondamudi said he ended up contacting Mr. Larry Freeman who knows the area. Mr. Kondamudi explained that there were city water pipes and Mr. Freeman was kind enough to send his crew to get the pipes that were leftover and broken because in 1999 they built the city water pipes and until 2010 there were no issues, but then residents had issues for 8 years so they closed off the pipes. Mr. Kondamudi said he had to spend thousands of dollars to get water to his property and that he was sold the property as 3 bedroom, but when he went to get his septic letter for the application, he was told that it was only 2 bedroom 2 bathroom. Mr. Kondamudi said he had to spend more money for the lines to make it good for 3 bedrooms. He said that from the beginning, he's been spending 60-80 thousand dollars from his pocket so he needs some help because he is financially down and that is the reason he is putting it up for rent.

Mrs. Burke asked how many people it would sleep? Mr. Kondamudi said 7-8.

Mrs. Burke clarified that it is a 3 bedroom? Mr. Kondamudi said yes.

Mrs. Burke asked how much the yearly fee is for the HOA? Mr. Kondamudi said \$350 and that he has seen some of the residents flying behind him. He explains that because he's not used to the gravel road, he goes 5-10 miles per hour but he has seen some of the residents going 20-25 miles per hour. Mr. Kondamudi stated that all the gravel and all the roads damage very quickly, and though he hardly ever goes there, once or twice a month, he still pays his dues for the roads.

Mrs. Burke asked when the house was built? Mr. Kondamudi said 1999 or 2000.

Mr. Ash asked what the first date Mr. Kondamudi rented? Mr. Kondamudi said October through Cabin Rentals of Helen.

Mr. Ash asked October of last year; Mr. Kondamudi said last year.

Mrs. Dixon asked if he will be having a management company maintain this or if he would do it himself? Mr. Kondamudi said himself, he has installed security cameras on the front and back and that he watches them day and night. Mr. Kondamudi stated that one of his neighbors is a full-time rental and the other lot is vacant, 5 acres, and Bald Eagle Path is very far from his side. His renters don't have any use to cross his property and go to Bald Eagle Path.

Chairman Thomas asked if there were any other questions from the board? No response.

Chairman Thomas closed the hearing.

- iii. **Application of Mark Carriger** to request a conditional use permit at 520 Adair Mill Road, Cleveland, Georgia 30528, Tax map and parcel 018-058. Total acreage is 3.68. Proposed request is for a wedding chapel /event facility.
Present use is R-1 Residential, Single-Family District.

The landowner, Mark Carriger of 7310 Litany Court in Flowery Branch, was present.

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Mr. Barton gave a summary of the application.

Chairman Thomas asked Mr. Carriger to explain what he has in mind, what type of facility, how many people he would anticipate etc...? Mr. Carriger said that the structure will be 20 feet by 40 feet, so 800 square feet. He will be living above the event hall in a loft, one bedroom and one bath. Mr. Carriger stated that the max occupancy will be 70.

Chairman Thomas asked if there will be sufficient parking? Mr. Carriger said Eddie Hood, the local engineer, drew up all the site plans showing where the structures would be, the parking facilities, all of that which was given to Mr. Barton.

Mr. Barton stated that if Mr. Carriger gets approval, he will still need to go through the PRC process where six county departments review the application to look at building codes, access codes, site distance, all of that.

Chairman Thomas asked Mr. Carriger how long he has owned the property? Mr. Carriger said one month, and that he bought it specifically with condition of land use codes of White County and the only reason he decided to live there.

Mrs. Burke asked if there is a residence there now? Mr. Carriger said there's an old mobile home and old driveway that still goes to it, which will be removed. He stated that it's pretty dilapidated.

Mr. Ackerman asked for clarification that the max occupancy for the 800-square-foot building is 70 people and that it seems small? Mr. Carriger said yes, it is small, only 20x40, which is only about 100 square foot larger than the mobile home that is there now.

Mr. Ash asked Mr. Carriger if he has thought about how small the lot is with having an event facility on it? Mr. Carriger said yes, absolutely. It's in the middle of the lot and it's very wooded and that the aerials he submitted indicated that.

Chairman Thomas asked if the board had any further questions? No response.

Chariman Thomas asked if there were any for or against?

Blaire Taylor of 516 Adair Mill in Cleveland took to the podium.

Mr. Taylor stated that he shares an easement with the property, which Mr. Carriger has to go through Mr. Taylor's property for access. Mr. Taylor stated that yes, the road is dilapidated and that some of it has washed out. Mr. Taylor stated that he has four children. He said his property splits the driveway that Mr. Carriger will be using for his event facility, unless Mr. Carriger changes it. Mr. Taylor said that one of his children is special needs and she is known to wonder off and that he doesn't need her to be around an event with strangers. Mr. Taylor said it's just not a good place for this, that they live in a blind curve. He stated that he has lived there for going on four years and there's been probably two accidents per year in the curve because of total disregard of speed limitations. Mr. Taylor said his children catch the bus right outside of it, that they redid the bus routes five times for safety issues and are redoing it again after Christmas. He stated that it's a very dangerous spot to be coming in and out of and that he usually takes a right and goes up and around, just so he doesn't have to turn left to go out of the curve. Mr. Taylor said it just seems like a bad place and that they [he and his wife] bought the

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property because of the wooded lot. He stated that they lived in the city for 6-8 years and we wanted back in the country and to have all of it clear cut for an event facility doesn't sit right with them. Mr. Taylor said that a lot of people were on Facebook arguing this and that, but it's not right in their front yard. Mr. Taylor said he would have a wedding chapel literally in his front yard, with 70-80 people partying on the hill.

Mrs. Burke asked how far from Mr. Taylor's house this will be? Mr. Taylor said 250-300 yards and if you look at the parcel, he is the 1.87 on the right side of the plat and a triangle on the left hand side of that.

Chairman Thomas asked how long he has lived there? Mr. Taylor said going on 4 years, but he lived in White County for most of his childhood.

Mr. Ash asked if it was a one way? Mr. Taylor said it is a shared driveway that is an easement to Mr. Carriger's property. Mr. Taylor said there is no mailbox; his marker and Mr. Carriger's marker is shared, but you can't see it because someone came across the curve and drove across the grass and knocked it over.

Mr. Barton asked if the middle of the driveway was the property line? Mr. Taylor said up to a point of the triangle is where his property is on the other side of it. Mr. Taylor stated that's where his kids play, that's where his swimming pool is, and that's where his well is.

Chairman Thomas asked if they shared maintenance costs on the road? Mr. Taylor said there hasn't been anyone there other than some squatters when they first moved in.

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

Martha Senkbeil of 1207 Adair Mill took to the podium.

Mrs. Senkbeil stated that she has lived there for 25 years and Adair Mill Road has become a cut through from 400 to 129. She said they have traffic constantly on the road and where Mr. Carriger would have these events; there are motorcycles, cars, and trucks up and down there. Mrs. Senkbeil said there is a deep curve where this event center is proposed. She stated that this has been a residential area for a long time and that it used to be agricultural, but said they don't need a commercial business along there. She said they already have a Dollar General at the corner of 129 and Adair Mill Road and she doesn't feel like they need this encroachment of a business coming closer in. Mrs. Senkbeil said that she and her husband go out to 129 to get out of their subdivision because they are 1.2 miles from 129 and that she could go to Town Creek Road, but going to Town Creek Road is another 2 miles and there have been so many accidents in the curves. Mr. Senkbeil stated that they don't need any more encroachment of businesses or traffic. Mrs. Senkbeil explained that a lot of people out there are retired and all of cars scares you to death when you are in your 70s and 80s to pull out in the road. She said that where her house is located, they have a hill and a curve, so they have to make sure no one is coming over that hill and around the curve. She said she is against any type of commercial development.

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

Karen Spellman of 56 Toler Drive in Cleveland took to the podium.

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Ms. Spellman stated that her property is adjacent to the property for the proposed event center. She said she thought this would always be a residential area and never dreamed there would be a business that would allow for the influx of traffic on such a curvy and narrow road. Ms. Spellman stated that traffic is atrocious and adding more to it is just dangerous. She said that Toler Drive is where people turn around because no one wants to make a left hand turn. Ms. Spellman stated this would transform a residential area into a full-fledged commercial venue with loud music and there's no telling how late people are going to party and a possible late night intoxicated crowd. Ms. Spellman said that she doesn't know if Mr. Carriger is planning on putting up boundaries or borders to keep people off of other properties. She also stated that using a residential driveway is very concerning, and from what she understands, a residential driveway needs to be 10 feet wide and a commercial egress needs to be 20 feet wide. Ms. Spellman stated that she's not sure what benefits there are to the residents in that area to have a commercial venue in their backyard. She said with the property being on a corner, she wonders if there will need to be a decel lane.

Mr. Barton stated that would be a question for the road department.

Ms. Spellman stated that she personally feels that allowing this type exception into zoning in a residential area would set a precedent that is not part of the county's comprehensive plan, which encourages commercial development in town, but not in residential neighborhoods.

Chairman Thomas asked if there were any other for or against? No response.
Chairman Thomas invited Mr. Carriger back to the podium.

Mr. Carriger stated he will not be using the shared driveway and that there will be a separate cut. Mr. Carriger said the engineer came up with the design as well as where the structure is and there won't really be any more land cleared other than what will be flattened out for the mobile home. Mr. Carriger said it's a good area and he doesn't foresee anything else being cleared, other than the new driveway, and he wants to leave as much trees and wood and natural vegetation as he possibly can.

Mr. Ackerman asked if the proposed parking area would be on cleared land that is there? Mr. Carriger said no, that would be cleared out.

Chairman Thomas asked if Mr. Carriger planned on paving that area? Mr. Carriger said he would leave that up to the road department and as far as having it gravel or paved for the first 20 or 30 feet where it enters Adair Mill.

Mr. Barton stated that from the right-of-way in, it will be the requirement of the road department to run it all the way back to the asphalt.

Mr. Ackerman asked if Mr. Carriger planned to close the access to the private road? Mr. Carriger said that would close off the access to the neighbors.

Mrs. Dixon asked if he knew how big the proposed parking is? Mr. Carriger said that the maximum is 70 people, so whatever size that is.

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Mr. Ash asked if he was going to be running the facility? Mr. Carriger said yes, he's going to live above it.

Mr. Ash asked if he had done this before? Mr. Carriger said his son has been in the event planning business for years in Sugarloaf and he will actually be running it and has extensive history.

Mrs. Dixon asked to clarify that the area for the event center has been cleared, but the area for parking has not? Mr. Carriger said correct, it's only going to take up 20x40 feet twice and it's probably already been cleared off to the left and to the right, as well, that would be utilized. Mr. Carriger stated there's a power line easement and after talking to Habersham EMC, parking can be put there, which he thinks is 30 feet wide, but there will be more cleared for parking.

Chairman Thomas asked Mr. Carriger to share his business plan and if he has an idea of how many events he would need to have to make this viable for him? Mr. Carriger replied that's more his son, that he [Mr. Carriger] sold his house in Dahlonega and specifically bought this property for this and he is paying for it out of his pocket.

Chairman Thomas asked Mr. Carriger if he has an idea of how many events in a year's time that he would anticipate having? Mr. Carriger replied that he truly doesn't.

Mr. Ackerman asked if there will be any type of fence for the property? Mr. Carriger stated that his plan is more vegetation and that it's heavily wooded now, but yes to block out sound, that kind of thing. Mr. Carriger said he plans on planting more to make it even more invisible and it's pretty much invisible from any of the properties around there as it is.

Chairman Thomas asked Mr. Carriger if he knew the distance from your proposed facility to the closest resident? Mr. Carriger stated that he does. Mr. Carriger said that going by the aerial map that he has and using the scale, it's a little over 300 feet to Casie Taylor's- what structure that is he doesn't know, but that was the closest. Mr. Carriger then said that the next is over 350 feet, the next is 400 and that it's well over 300 feet.

Chairman Thomas asked if there were any other questions from the board? No response.

Chairman Thomas closed the hearing.

- iv. **Application of Benjamin Goodman** to request a conditional use permit at 177 Rabun Road, Sautee Nacoochee, GA, 30571. Tax map and parcel 071-002. Total acreage is 4.61. Proposed use is to place in "Short Term Rental" program.
Present use is R-1 Residential, Single-Family District.

The landowner's mother, Jane Goodman of 739 Robinson Farms Drive in Marietta, GA, 30068, was present to represent Benjamin Goodman.

Mr. Barton gave a summary of the application. Mr. Barton stated that it is not part of a subdivision and pointed out to the board that written comments were submitted and included in the packet for the board.

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Chairman Thomas asked Mrs. Goodman if Benjamin Goodman has done short term rental before at this location or any other location? Mrs. Goodman said no, he has a house that he lives in with his wife and baby and attached by a breezeway is a small structure that the former owner built for his mother-in-law. It has one bedroom and when her son bought the house, he used it for when they [his parents] came up or his friends came up, but now he wants to rent it on the weekends.

Chairman Thomas asked if he plans to go through an agency to handle this? Mrs. Goodman said no, she doesn't think so since it would be two people max because it's only one bed.

Chairman Thomas asked if the board had any other questions?

Mrs. Goodman stated that she had additional insurance information. Mr. Barton said she could submit it as part of the packet.

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

Charles Goodman, the landowner's father and resident of 739 Robinson Farms Drive in Marietta, GA, 30068 took to the podium. Mr. Charles Goodman stated that they [Benjamin Goodman and his wife] moved up here and are residents and plan to stay here because it is very rural, very beautiful. He just wanted to be sure that the board realizes that they will be living at this location.

Chairman Thomas asked if there were any other questions from the board? No response.
Chairman Thomas closed the hearing.

V. Citizens Comments

David Spellman of 1045 Adair Mill Road in Cleveland took to the podium.

Mr. Spellman stated that he has lived here for two and a half years and will live here until he dies. Mr. Spellman said that he has a question for the board about the municipal codes that no one seems to be addressing that is in regards to the wedding chapel. He asked that since they now they have a wedding chapel at the Cottage Vineyard and a wedding chapel at Kaya Vineyard, why do they need another one in the middle. He asked if the county is fostering spot commercial developments. Mr. Spellman stated that the reason he asks is because he's been doing DOT appraisals for the past 18 years and he's never seen anything like this. He said it seems to him that when he [Mr. Carriger] gets up and says he thinks he's going to do this and he thinks he's going to do that- how can he start building and putting in a driveway without having code adhered to? Mr. Spellman stated that the code for a commercial drive is forty feet and in this one drive, is he [Mr. Carriger] going to take this off the land he bought or buy it from someone else? Mr. Spellman then asked why doesn't he [Mr. Carriger] have the information for a commercial development instead of saying I guess I'm going to do this and I think I'm going to do that- that's not a way to do business. Mr. Spellman said he doesn't get it and he's really upset that he [Mr. Carriger] comes in here and says I'm going to do this and my son is going to do that- that's not the way to develop your land. Mr. Spellman asked if that is what the future land code looks like, is it so loosely bound that you can just put in a commercial property right in

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the middle of residential property. Mr. Spellman stated that you [the county] are taking residential areas and you're not even considering the residents who live in that area. Mr. Spellman asked how can you do that when there is a code that tells you what you can do and what you can't do and he [Mr. Carriger] should know what they are if he's going to put commercial property in there. He said he states his case.

Chairman Thomas asked if there was any other comment? No response.

VI. Adjournment