

White County Planning Commission

Regular Session: MINUTES

Monday, May 4th, 2020

6:00 pm

Teleconference: Call in directions
posted on www.whitecounty.net

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

Staff: Harry Barton, John Sell, Andrew Ferguson 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: Mrs. Burke made a motion to add the appointment of Charlie Thomas to the Water Authority to the agenda; seconded by Mr. Yarbrough. Motion was unanimous.
- IV. Review and approval of minutes of February 24th, 2020 and March 2nd, 2020: Motion was made by Mr. Ackerman to approve the minutes of February 24th, 2020 and March 2nd, 2020; seconded by Mrs. Dixon. Motion was unanimous.
- V. Variances
 - a. **1. Appointment of Charlie Thomas** to represent the White County Planning Commission for the White County Water Authority Board, for the next term of Fiscal Year 2021/2022, which would be effective July 1st, 2020 to June 30th, 2022.

Motion made by Mr. Freeman to appoint Charlie Thomas to the Water Authority Board; seconded by Mrs. Burke. Motion was unanimous.

- a. **2. Faith Heinold Section 14-133-G Structures and Buildings**

Application of Faith Heinold to request a variance for structures over 400 square feet. Property is located at 327 Magnificent Way, Cleveland, GA, 30528. Lot D-165 in Mountain Shadows. Map and parcel 031E-100. Total acreage is less than 1.00.

The contractor, Dan Risener [address not provided], was present via teleconference to represent the landowner.

Mr. Barton gave a summary of the application.

Mr. Barton clarified that everything is within the setback; Mr. Risener said correct.

Mr. Barton clarified that there are no other structures on the property; Mr. Risener said correct.

Mr. Barton clarified that the application is for one structure only and it will be less than 800 square feet;

Mr. Risener said that is also correct.

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

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

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

- b. **Eleanor Stuck Section 14-133-G Structures and Buildings**

Application of Eleanor Stuck to request a variance for structures over 400 square feet. Property is located at 53 Hollow Log Path, Cleveland, GA, 30528. Lot D-68 in Mountain Shadows. Map and parcel 031E-240. Total acreage is less than 1.00.

The landowner, Eleanor Stuck of 53 Hollow Log Path, was present via teleconference.

Mr. Barton gave a summary of the application.

Mr. Barton clarified that the structure is not to exceed 800 square feet; Mrs. Stuck said exactly.

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Mr. Barton asked if the total square footage of all structures will be 785, roof over not to exceed 35x16 for a total of 560 square feet and existing building is 225 square feet; Mrs. Stuck said it is for 35x16 which is 785.

Mr. Barton asked if all structures will be at least five feet from all property lines; Mrs. Stuck said yes.

Mr. Barton asked if she had anything else to add; Mrs. Stuck said no.

Chairman Thomas asked if there were any questions from the board; Mr. Ackerman asked to clarify the measurements and square footage and determined the correction of two separate buildings of 560 square feet plus 225 square feet for the total 785 square feet.

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

Motion made by Mr. Ackerman to approve the variance as requested up to 800 square feet; seconded by Mr. Yarbrough. Motion was unanimous.

c. Thomas London Section 802 Lot Width and Size

Application of Thomas London to request a variance to add a second dwelling. Property is located at 520 Barrett London Road, Cleveland, GA, 30528. Map and Parcel 077-091. Total acreage is 54.66.

The landowner, Thomas London of 216 Walnut Grove Road in Cleveland, was present via teleconference.

Mr. Barton asked Mr. London to verify the total acreage; Mr. London said he thinks 54 acres.

Mr. Barton asked if this was for two dwelling per tract; Mr. London said yes.

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

Chairman Thomas asked if this for a family member; Mr. London said yes, for his son and son's daughter. He explained that there used to be a mobile home there, so it already has septic and well and it would save his son a lot of money.

Chairman Thomas asked if there were any questions for board; No response.

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

d. Ned Cannon Section 14-133-G Structures and Buildings

Application of Ned Cannon to request a variance for structures over 400 square feet. Property is located at 51 Candy Lane, Cleveland, GA, 30528. Lot D-11 in Mountain Shadows. Map and parcel 031E-046. Total acreage is less than 1.00.

The contractor, Jon Barron of 645 Stencil Road in Cleveland, was present via teleconference to represent Ned Cannon.

Mr. Barton gave a summary of the application.

Mr. Barton asked if the square footages listed on the application are correct; Mr. Barron said that is correct.

Mr. Barton asked Mr. Barron if he had anything he would like to add; Mr. Barron said no.

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

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

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e. **Marla and Francis McSwiney Section 802 Lot Width and Size**

Application of Marla and Francis McSwiney to request a variance to add a second dwelling. Property is located at 762 Virgil Hunt Road, Cleveland, GA, 30528. Map and Parcel 033D-003. Total acreage is 47.67.

The landowners, Marla and Frank McSwiney of 762 Virgil Hunt Road, were present via teleconference.

Mr. Barton asked Mrs. McSwiney to verify the total acreage; Mrs. McSwiney said 46.67.

Mr. Barton asked if she had anything to add; Mrs. McSwiney said no.

Chairman Thomas asked if this is for a family member; Mrs. McSwiney said no, it is for good friend that has medical issues.

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

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

f. **Lloyd Allison Chapter 58 Table 58-1**

Application of Lloyd Allison to request a variance for sign area. Property is located at 172 Lloyd Honey Farm Road, Cleveland, GA, 30528. Map and Parcel 020-128.

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

Mr. Barton gave a summary of the application.

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

Chairman Thomas asked Mr. Allison if he plans to put it on metal building facing Town Creek road; Mr. Allison said yes, one on both sides of the building.

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

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

VI. Land Use

- i. **Application of Jeff and Stacy Grow** to request a conditional use permit at 1257 Poplar Stump Road, Helen, Georgia 30545. Tax map and parcel 041-019. Total acreage 0.68. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

Mrs. Burke abstained.

The landowner, Stacy Grow of 1257 Poplar Stump Road, was present via teleconference.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mrs. Grow if she had anything to add; Mrs. Grow stated no, not at this time.

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

Motion made by Mr. Ackerman to recommend to the Board of Commissioners to approve this as requested; seconded by Mrs. Dixon. Motion was unanimous.

- ii. **Application of Braden Hansen** to request a conditional use permit at 35 Allen Summit Drive, Cleveland, Georgia 30528. Tax map and parcel 075-045. Total acreage 3.74. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

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The landowners, Braden Hansen and Jenna Gracek of 35 Allen Summit Drive, were present via teleconference.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mr. Hansen if he had anything to add. Mr. Hansen stated that his sister had a few words she would like to say.

Mrs. Gracek stated that they are requesting a special use permit to use as a short term rental to help offset some of the operating costs. She said they have been using it as a vacation home to enjoy with their family and plan to continue to do so. She stated that they hope to rent it out thirty 30 percent of the year and their families will use it the remainder of the time. She explained that they have heard neighbors' concerns about parties and loud noise, and she wants to assure them that they do not want this either for their family home. Mrs. Gracek stated that they will have security cameras placed around the outside of the home to monitor the home in real time like number of guests and cars. She said they have found a management company that has a zero tolerance policy for parties and groups that has a no group policy and the rental properties are for family vacations only and they charge a \$150 fee for any neighbor complaint that is called in. She stated that she and her brother live an hour away and can be there anytime if there is a complaint or an emergency. She said the home is on almost four acres and is very private and wooded. Mrs. Gracek explained that there are currently two short term rentals in their neighborhood community already and seven in a one mile radius from theirs- 104 Washboard Road has been a short term rental for more than five years and there is one near Lavista Drive. She stated that 192 Washboard Road currently runs his business out of his home and has work trucks coming and going every day and that none of the current residents have issued any complaints about the current short term rentals or home business in their community. She said they are not the first and are not setting precedence for short term rentals; the precedence has already been set. Mrs. Gracek said as for the concern of parking, 35 and 92 Allen summit each have their own private driveway. She said they have a long driveway with two parking pads, both of which are paved and can fit two cars and have plenty of room to turn around. She explained the road they share with their neighbor at 92 Allen summit is a shared, paved road that has plenty of visibility from the start all the way past our driveway. She said on the left side of the road, there is a flat grass area if any car does need to pull off to the side, which they have never needed to do in almost a year. She stated that the parking and turning around is not an issue for their property or their neighbors. Mrs. Gracek stated that their home brings less traffic since they do not come and go every day, that they paid the 2019 road dues and plan on paying the dues for 2020 once they receive the information. She explained that having a short term rental means bringing financial benefits to the local community with occupancy tax payments, local grocery store purchases from guests, and guests going to local restaurants and local shops and stores and outdoor attractions. She said she and her brother both have a lot of experiences managing rentals and tenants- she is a licensed real estate agent in Georgia and have managed rental properties for over 15 years, Braden is an IT general manager and has handled rental properties and maintenance supervision for over 10 years. She said that even with all of our rental experience, they will still have a company manage the home and ask for the board to grant the special use permit.

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Chairman Thomas asked the name of the management company; Mrs. Gracek stated that they have not signed a contract yet because they haven't been able to meet with them due to the stay at home orders, but the name is Georgia Mountain Rentals.

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

Motion made by Mr. Freeman to recommend to the Board of Commissioners to approve the conditional use of this property for short term rentals; seconded by Mr. Ackerman. Motion was unanimous.

- iii. **Application of John Kevin McCraney** to request a conditional use permit at 11 Country Breeze Drive, Sautee Nacoochee, Georgia 30571. Tax map and parcel 055D-102B. Total acreage 1.00. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, John Kevin McCraney of 11 Country Breeze Drive, was present via teleconference.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mr. McCraney if he had anything to add; Mr. McCraney stated that he found more information since the last meeting- there are 11 properties in the neighborhood. He said there are six on Country Breeze Drive that are in the rental program and one on Pine Ridge, so seven out of 11 are already rentals. He stated that this would fit the neighborhood and wants to put it in the rental program to make it more marketable.

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

Motion made by Mrs. Burke to recommend to the Board of Commissioners to approve the conditional use permit; seconded by Mr. Yarbrough. Motion was unanimous.

- iv. **Application of Donald Munson** to request a conditional use permit at 590 Monroe Ridge, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 069-581. Total acreage 1.04. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, Donald Munson of 590 Monroe Ridge in Sautee Nacoochee, was present via teleconference.

Mr. Munson stated that Leslie Gift, a representative with Vacasa, was also on the call, but remained muted during questioning for her address.

Mr. Barton gave a summary of the application

Mr. Barton asked Mr. Munson if he had anything to add; Mr. Munson stated that at one time it was a short term rental and his POA specifically allows it. He said all of the cabins surrounding his are short term rentals, that there are some residents but probably over 50 percent are short term rentals.

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

Motion made by Mrs. Burke to recommend to the Board of Commissioners to approve the conditional use permit; seconded by Mrs. Dixon. Motion was unanimous.

- v. **Application of Howard Dale Bentley** to request a special use permit to Appendix C/Article IX/Section 903/2 for pet breeding facilities located at 362 Kelley Road, Cleveland, Georgia

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30528. Tax map and parcel 019-286. Total acreage 20.50. Present use is A-1 Agriculture Forestry District.

The landowner, Howard Dale Bentley of 362 Kelley Road, was present via teleconference.

Mr. Barton gave a summary of the application.

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

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

Motion made by Mr. Ackerman to recommend to the Board of Commissioners to approve this as requested; seconded by Mrs. Burke. Motion was unanimous.

- vi. **Amending Appendix C, Article XV, Section 1501** of the existing Official Code of White County to include the following as a permitted use in an Industrial Land Use District: Athletic training complexes, to include but not limited to sports institutions and academies, competitive training facilities, outdoor equipment and fenced outdoor fields.

Mr. Barton gave a summary of the amendment.

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

Motion made by Mr. Yarbrough to recommend to the Board of Commissioners to approve the amendment as printed; seconded by Mrs. Burke. Motion was unanimous.

VII. Citizens Comments

Mark Tapley of 92 Allen Summit in Cleveland asked, via teleconference, to go on record against the recommendation for 35 Allen Summit. Mr. Tapley stated that the applicants stated some things that were not correct. Our driveway is not a road, it is a shared driveway. I maintain it by myself and have been for 20 years. The cabin they referred to as being a short term rental is not a short term rental and there are no short term rentals in the area.

Mr. Tapley asked what his next step was for getting legal counsel involved.

Mr. Barton stated that the next step is they have to go before the White County Board of Commissioners for approval or disapproval at the end of the month. This is not an approval by this board, this is a recommendation only. The Board of Commissioners makes the decision to approve or not approve the application.

Tapley asked if the plat he sent the county to look over meant anything. He said he sent the plat to Mr. Sell and Harry.

Mr. Barton said the plat shows that it is a shared driveway.

Mr. Tapley asked if that had any bearing on them using a shared driveway for their business.

Mr. Barton stated that it does not have any legal bearing.

Mr. Tapley stated that it is nine feet wide and [Mrs. Gracek] said it was a clear vision from the road. Mr. Tapley asked if the board had been out and seen the property because it is not a clear vision from the road. He said Harry knows it is not clear from the road. Mr. Tapley stated that his wife cannot back down the road when she meets somebody and cannot pull off onto the right side of the road because there is

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a ditch on the right side of the road. He asked if the county is accepting responsibility for letting them put a business in his driveway.

Mr. Barton stated that it has not been approved, the recommendation has been made.

Mr. Tapley said he thought it was the Planning Commission's job to do a survey of the area to make sure it was suitable to be approved and that is what he is asking. He asked if it is the Board of Commissioner's problem to go out and look at it, which is the reason he sent a plat and pictures.

Chairman Thomas stated that they had several board members that went out and looked at the property.

Mr. Tapley said asked if the Planning Commission says it is safe to back down that driveway and have traffic on that shared driveway. He said they are recommending that it is safe.

Chairman Thomas stated that they made a recommendation, the final approval or disapproval will be up to the county commissioners.

Mr. Tapley asked if he can get a copy of the minutes of the previous meeting and this one.

Mr. Barton stated yes, as soon as those drafts are done.

Mr. Tapley asked if they will be available before the board of commissioners meeting.

Mr. Barton stated they will be available before that board of commissioners meeting, yes.

Mr. Tapley asked if he will have time to review it with a lawyer.

Mr. Barton stated he doesn't know how much time he needs to review, but they have to be available because we have to make them available to the White County Board of Commissioners.

Mr. Tapley said he expressed concern last week when he called and talked to Mr. Sell about it and Mr. Sell stated that there will be no need to retain legal counseling at this time, so he wants to make sure he will have plenty of time to get legal counsel involved.

Mr. Barton stated that retaining legal counsel and when to retain it is up to him.

Mr. Tapley said yes of course, but he would have thought that with this many people outspoken against this recommendation and being on a shared driveway that is only nine feet wide that the Planning Commission would take those into consideration rather than just giving it a rubber stamp and saying it is good to go.

Chairman Thomas stated that they did not rubber stamp it; they took all matters into consideration.

Mr. Tapley asked if they can see [the Hansen's] driveway from the end of the road, he has a picture that states otherwise.

Mr. Sell, via teleconference, stated that this is supposed to be a citizen comment, not a question and answer. Mr. Sell stated that if Mr. Tapley wants to call the office and have a conversation, they can do that tomorrow.

Mr. Tapley stated that he would call Mr. Sell tomorrow.

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

VIII. Adjournment

Motion to adjourn made by Mrs. Burke; seconded by Mrs. Dixon. Motion was unanimous.