

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

Monday, June 29th, 2020

White County Senior Center

6:00 pm

1239 Helen Hwy, Cleveland, Ga. 30528

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

Staff: Harry Barton, John Sell, and Mercedes Dodd

- I. Call to Order: Chairman Thomas called the meeting to order.
- II. Invocation: Mr. Yarbrough gave the invocation.
- III. Review of Agenda: Chairman Thomas asked if there were any changes to the agenda. Chairman Thomas said there were no changes to the agenda. Chairman Thomas opened the public hearing.
- IV. Land Use
 - i. **Application of Joshua Wells** to request a conditional use permit at 156 Bear Mountain Trail, Helen, Georgia, 30545. Tax map and parcel 042B-027. Total acreage 3.01. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District. The landowner, Joshua Wells of 156 Bear Mountain Trail, was present. Mr. Barton gave a summary of the application. Mr. Barton asked Mr. Wells if the property is in a subdivision and if it has covenants; Mr. Wells explained that the property is in a subdivision but the covenants were expired. Mr. Wells stated that the property will be an AirBnB and that he and his wife purchased it last year. He said it has a fully furnished and accessible basement that will be rented 8-12 weekends a year, typically around Octoberfest. Chairman Thomas asked what subdivision it is part of; Mr. Wells said Wilderland Trail. Chairman Thomas asked if the house has been on the rental program before; Mr. Wells said no. Chairman Thomas asked Mr. Wells if he will be going through a rental agency; Mr. Wells said they will manage it themselves through AirBnb or VRBO since they only plan to rent it a few times a year. He explained that they plan to be picky on who they rent to due to where the property is. Mr. Ackerman asked Mr. Wells if he received letters; Mr. Wells said yes, they got letters from all but two. Mr. Ash asked if there is a road agreement; Mr. Wells said not that he knows of. Mr. Yarbrough asked if there are other rentals near; Mr. Wells said yes, it is the second house in the subdivision.

Chairman Thomas asked if the board has any other questions; no response.
Chairman Thomas asked Mr. Wells if he add anything to add; he said no.
Chairman Thomas asked if there was any for or against; no response.
Chairman Thomas closed the hearing.
 - ii. **Application of Verizon Wireless**, represented by Kiersten Lurer, to request a conditional use permit at 99 R&R Drive, Cleveland, GA, 30528. Tax map and parcel 006-006A. Total acreage is 23.13. Proposed use is to add a new tower. Present use is A-1 Agriculture Forestry District. The applicant, Kiersten Lurer of 1000 Holcomb Woods Parkway, Suite 210, in Roswell, Georgia, was present. Mr. Barton gave a summary of the application. Ms. Lurer stated that the tower is 185 feet with a 100 foot lightning rod, giving an overall height of 195 feet. She said the leased area is 100 feet by 100 feet and they are proposing to fence 45 feet by 50 feet to contain the tower. Ms. Lurer stated that it will be surrounded by a 10 foot landscape

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

MINUTES

buffer and the tower is to exceed all setback requirements. Due to height and location of tower, Ms. Lurer said it will not require lighting. As far as traffic, she explained that once a month for about fifteen minutes, a tech will visit the site to check radios, so no addition of traffic or waste- only utilities used are electrical and a T-1 line. Ms. Lurer stated that this tower will provide emergency-911 coverage, regardless of chosen carrier.

Chairman Thomas asked if there are any structures within the fall zone of the tower; Ms. Lurer said there is nothing within that radius.

Mr. Ackerman asked to clarify that it is a new tower and it is collapsible; Ms. Lurer said it is new and it will collapse in three stages, so about half of the tower height is a good estimate to use. She said to picture a flag pole without the flag.

Mr. Ash asked if it is 5G; Ms. Lurer stated 4G, there are no plans for 5G at this time.

Mr. Ash asked how far the coverage would extend; Ms. Lurer provided a drawing to show coverage area. Mr. Barton stated that a binder has been provided with more extensive information for the board to review.

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

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

Chairman Thomas asked if there was any for or against.

William Porter of 121 Laura Lane in Cleveland took to the podium. Mr. Porter stated that anything that improves cell phone service here has his vote.

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

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

Chairman Thomas closed the hearing.

- iii. **Application of Cleve McAfee** to redistrict property located at 4389 HWY 115 E, Cleveland, GA, 30528 from C-1 Community Commercial to C-2 Highway Business District with a conditional use for residences. Total acreage is 8.77. Tax map and parcel 076-056. Present use is C-1 Community Commercial.

The landowner, Cleve McAfee of 173 Gerrells Road in Cleveland, was present.

Mr. Barton gave a summary of the application. Mr. Barton explained that this will bring the existing structures to a conforming use.

Mr. McAfee stated that he has had this property since 2000. He stated that he had a man come in for a permit to do online auto sales out of one of his buildings and that is when he found out he was non-conforming. He said he did auto sales out of the property himself prior to 2015 and did not realize that things had changed. He said there are seven commercial buildings and two residential houses that he wants to be in compliance.

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

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

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

Chairman Thomas closed the hearing.

- iv. **Application of Wendy Moses** to request a conditional use permit at 164 Pine Ridge Drive, Helen, Georgia, 30545. Tax map and parcel 055D-101A. Total acreage is 1.00. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

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

MINUTES

Mr. Barton stated that Mrs. Moses's representative was in route and asked Chairman Thomas if he would consider moving her hearing to the end of the agenda. Chairman Thomas said that will be fine.

After completing the agenda and with the representative still not present, Chairman Thomas asked if the board wanted to close the hearing to proceed with the Work Session, and then reopen the hearing once the representative was present.

Motion made by Mrs. Burke to close the public hearing portion of the meeting; seconded by Mr. Ackerman. Motion was unanimous.

Motion was made by Mrs. Burke to reopen the hearing, seconded by Mr. Ackerman. Motion was unanimous.

Cyndi Fargo of 114 Miway Lane in Sautee Nacoochee was present to represent the landowner.

Mr. Barton gave a summary of the application.

Mrs. Fargo explained that Wendy Moses is her sister and Mrs. Moses wants to rent the property out to supplement the mortgage payments. Mrs. Fargo stated that Mrs. Moses and her family have stayed in the house for approximately three to four weeks per year for the last two years and rent it out on short term rental when they are not here. She said the long term intentions are to live in it after they retire, but renting it out as her children are growing up with hopes to have it pay for itself. Mrs. Burke asked they have been renting it on short term rental program; Mrs. Fargo stated yes, it is being rented through Vacasa.

Mrs. Burke asked how long they have owned it; Mrs. Fargo said two years, they lived in it for a month while getting it ready to rent and it has been rented out since.

Chairman Thomas asked to clarify that it has been rented ever since they owned it, aside from the first month; Mrs. Fargo said yes.

Chairman Thomas asked if it was through a rental company or if they managed it themselves; Mrs. Fargo said no, it was through Vacasa. She stated that the company manages it and pays the taxes.

Mrs. Burke asked if Mrs. Moses plans to rent it herself or go through another company once she gets this approved; Mrs. Fargo stated yes, she already filled out the paperwork and are already sending the taxes to White County.

Mr. Ackerman asked if there are other short term rentals in this neighborhood; Mrs. Fargo said yes, most of them are.

Mr. Freeman asked if this is grandfathered in; Mrs. Fargo stated that she is grandfathered in, the only reason she is doing this is so it can be sold easily and for her will and trust.

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

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

Chairman Thomas asked if Mrs. Fargo had anything else to add; no response.

Chairman Thomas closed the hearing.

- v. **Application of Steve Seabolt** to request a conditional use permit at 5494 HWY 356, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 068-022A. Total acreage is 1.73. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District. The landowner, Steve Seabolt of 5494 HWY 256, was present.

Mr. Barton gave a summary of the application. Mr. Barton stated that the property is not in a subdivision.

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

MINUTES

Mr. Seabolt stated that this house was going to be their permanent home, but he and his wife had a business opportunity in 2013 in Florida. He said they still come up and stay at this property, but want to use as a short term rental in between to help with mortgage payments. He explained that they plan to eventually move back, which is why they want the conditional use permit in R-1. He said they plan to manage themselves and will use AirBnB and Direct Booking. Mr. Seabolt explained that they have a couple of emergency contacts and a cleaning staff they will use.

Chairman Thomas asked where the closest residence is; Mr. Seabolt stated that his mother in law lives directly behind the property and they are for the rental. He said his father in law is right across the street.

Chairman Thomas asked if they have done short term rentals previously at this property or elsewhere; Mr. Seabolt said no.

Mrs. Burke asked about the RV pad listed in the application; Mr. Seabolt stated that if people are travelling in an RV, he would like for them to have somewhere to park it because the house is situated on a hill and there is not a lot of turn around space.

Chairman Thomas asked to clarify if the RV would be a rental situation; Mr. Seabolt said no.

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

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

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

Chairman Thomas closed the hearing.

- vi. **Application of William Porter** to request a conditional use permit at 121 Laura Lane, Cleveland, Georgia, 30528. Tax map and parcel 091-070. Total acreage is 1.38. Proposed use is to place in "Short Term Rental" program. Present use is R-1 Residential Single-Family District.

The landowner, William Porter of 121 Laura Lane, was present.

Mr. Barton gave a summary of the application. Mr. Barton stated that the property is in a subdivision, but does not have covenants.

Mr. Porter stated that he is a real estate agent and insurance agent. He stated that he has vacation rentals in St. Augustine, Florida where he lives. He explained that he is from here and has a lot of family here. He explained that he moved to Florida in 2001, but missed the mountains and bought this as a second home for his family. Mr. Porter stated that they only looked for houses that were already used as a vacation rental and this house rented for eight to ten years. He said that sixty to seventy percent of time, it will be occupied by them as a second home and the reason they bought this house is because the woman (a neighbor) that took care of it as a rental treats it as her own.

Chairman Thomas asked how many letters they received; Mr. Porter stated eleven or twelve, but stopped asking because they had over what they needed.

Mrs. Burke asked if there were any other vacation rentals in that subdivision; Mr. Porter said yes, some of them signed the letters.

Mr. Porter explained that they won't rent to just anybody, they want people that will be quiet to where the neighbors won't know that anyone is there and will limit the number of cars. He said they are picky because they will be staying there, as well.

Chairman Thomas asked if they will manage themselves; Mr. Porter said yes, he is a property manager also and he has been managing his home in Florida since 2007.

Mrs. Burke asked how many people the house will sleep; Mr. Porter said the most will be ten, but prefer six to eight. He said there will be ten or twelve most of the time when he stays there because he has a large family.

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

MINUTES

Chairman Thomas asked if there is adequate parking and for how many vehicles; Mr. Porter stated that there is enough for six- four in front of the house on concrete pad and a side drive that will park a few more cars.

Mr. Ackerman asked if there will be a local representative renting it out; Mr. Porter stated that he will be handling all of the rentals, but if he has an issue he will contact the neighbor he spoke of earlier. He said she will handle most things, but he will handle any problems. He said he wants to be sure his reviews on line will be good reviews.

Mr. Porter verified that their listing states no more than four vehicles.

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

Chairman Thomas asked Mr. Porter if he had anything else he would like to add; he said no.

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

Chairman Thomas closed the hearing.

V. Citizens Comments: None.

VI. Adjournment: Motion to adjourn made by Mrs. Burke, seconded by Mr. Yarbrough. Motion was unanimous.