

White County Planning Commission

Regular Session

MINUTES

Monday, December 2<sup>nd</sup>, 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, Brad Ash, and John Yarbrough.

Staff: Harry Barton 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 regular meeting.
- IV. Review and approval of minutes of October 28<sup>th</sup>, 2019 and November 4<sup>th</sup>, 2019. Motion made by Mrs. Burke to approve the minutes; seconded by Mr. Yarbrough. Motion was unanimously approved.
- V. **Variance**
  - a. **Jeff Venza Section 14-133-K Setbacks**

Application of Jeff Venza to request a variance to build within the building setback. Property is located at 109 Magnificent Way, Cleveland, GA, 30528. Lot D47 in Mountain Lakes. Map and parcel 031E-082. Total acreage is 1.00.

The landowner, Jeff Venza of 38 Magnificent Way, was present.

Mrs. Toolan gave a summary of the application.

Mr. Venza, referencing a photo on his tablet, stated that the red line in the drawing is the property line that is currently a 5-foot setback and that he is requesting a 3-foot setback. He stated that there are a couple of reasons why. One is the way the property is shaped- it is kind of a triangle and oddly shaped, so in order to build his 400-square foot add-on to his camper, he is asking for those extra couple of feet. The other reason is that he purchased the lot next to him. Mr. Venza said he purchased lot 48 so he would be the owner of both lots and he could have more flexibility. Mr. Venza stated that he also has a photo of the building before he tore it down, and there's a little bit of a grandfathered aspect with the deck, since it was already 3-feet off the setback.

Chairman Thomas asked Mr. Venza to clarify that he does own the lot that is being encroached upon? Mr. Venza said yes, he does, in one of the exhibits is a letter from him to himself. Chairman Thomas pointed out that Mr. Venza could sell the lot once he gets his building done and that it is a formality.

Chairman Thomas asked if the only issue was the setback, not a square footage issue? Mrs. Toolan said correct.

Chairman Thomas asked the board if they had any other questions? No response. Motion was made by Mr. Ackerman to approve the variance as submitted; seconded by Mrs. Burke. Motion was unanimously approved.

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**b. Joan and M.O. Rothery Section 14-133-G Structures and Buildings**

Application of Joan and M.O. Rothery to request a variance for structures over 400 square feet. Property is located at 38 Magnificent Way, Cleveland, GA, 30528. Lot D79 in Mountain Lakes. Map and parcel 031E-250. Total acreage is 1.00.

Jon Barron, the contractor for Mr. and Mrs. Rothery, was present to represent the landowners.

Mrs. Toolan gave a summary of the application.

Mr. Barron stated that Mr. Rothery wants to build a roof over part of his camper and that part of his deck is 630 square feet. Mr. Barron stated that there are a couple of utility buildings but we deducted that off.

Chairman Thomas asked what the total square footage is that is under roof? Mr. Barron stated that the current is 80, so an additional 630. Mrs. Burke said a total of 710 square feet.

Chairman Thomas asked if there is a setback issue? Mr. Barron said no.

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

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

Chairman Thomas asked if there was any discussion? No response.

Motion was unanimously approved.

**c. Gary Gettis Section 601 Access**

Application of Gary Gettis to request an intra-family land transfer. Property is located at 111 Berrong Drive, Sautee Nacoochee, GA, 30571. Map and parcel 083-002. Total acreage to be transferred is 3.00.

Margaret Gettis, of 2145 Creekstone Point Drive in Cumming, GA, 30041 and wife of Gary Gettis, was present. Her sister and brother in-law, Mary Ann and Steve McCullough of 4312 Bond St NE, Hoschton, GA, 30548, were present, as well.

Mrs. Gettis stated that she and her husband want to subdivide three acres and a cabin to her sister.

Mrs. Toolan gave a summary of the application. Mrs. Toolan stated that the variance is needed due to an easement.

Mrs. Burke asked if there are two residences now? Mrs. Gettis stated there is, she and her husband own the adjoining property at 260 Berrong Drive that is five acres. Mrs. Gettis stated that 111 Berrong Drive is 11 acres, so they own a total of 16 acres and would like to give three acres and the cabin to her sister.

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Chairman Thomas asked if this was a gift of love and affection? Mrs. Gettis stated yes, because one day they will need to take care of each other.

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

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

Chairman Thomas asked if there was any discussion? No response.

Motion was unanimously approved.

VI. **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.

Mrs. Toolan gave a summary of the application.

Chairman Thomas asked Mr. Lee to state what he has in mind for the property; Mr. Lee stated that he will be adding more storage to what they have now. He rezoned the property in 2015 to C-1 in order to have storage, but on more than two acres it requires C-2 and now he is requesting to bring it up to current standards. Mr. Lee stated that they are just adding more storage.

Chairman Thomas asked if this would build out? Mr. Lee stated that yes, it would pretty much build them out.

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

Motion was made by Mr. Ash to recommend to the Board of Commissioners to approve the request to redistrict from C-1 to C-2; Seconded by Mrs. Burke.

Chairman Thomas asked if there was any discussion? No response.

Motion was unanimously approved.

- 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.

The landowner, Sam Kondamudi of 4745 Danbury Farms Drive in Cumming, GA, 30040, was present.

Mrs. Toolan gave a summary of the application.

Chairman Thomas asked Mr. Kondamudi what he would like to do with the property on Yonah Mountain? Mr. Kondamudi stated he would like to place the house in the short term rental program.

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Chairman Thomas asked Mr. Kondamudi if the house has been in any kind of rental program before; Mr. Kondamudi stated yes, with him last year through Cabin Rentals of Helen during September and October.

Chairman Thomas asked Mr. Kondamudi if he was the owner at the time it was being rented? Mr. Kondamudi said yes.

Chairman Thomas asked Mr. Kondamudi if he knew if the cabin had been rented before he owned it? Mr. Kondamudi said yes, it was built in 1999 up to 2010, it was in a rental program. There was a management company and when he spoke to him, they gave him photos from when it was rented at that time.

Chairman Thomas asked Mr. Kondamudi who the owner was at that time, who he bought the cabin from? Mr. Kondamudi stated that he bought the cabin from Sam and Dale Hardee, who were the full time residents from 2010 up until the time Mr. Kondamudi purchased the cabin in 2018.

Chairman Thomas asked if they lived full time in the cabin for a period of time and then they put it in a rental program for a certain period of time? Mr. Kondamudi said the previous owners lived there full time but never rented it.

Chairman Thomas said as far as Mr. Kondamudi knows, the previous owners never rented it on the weekends? Mr. Kondamudi said no.

Mrs. Burke said it was the owners prior to that that rented the property; Chairman Thomas asked if Mr. Kondamudi knew how long they had rented it? Mr. Kondamudi said 10 years.

Chairman Thomas asked if that was through a management company? Mr. Kondamudi said yes, in Helen.

Chairman Thomas asked to clarify that this cabin had been rental for almost 11 years and asked how many years it was a full time residence? Mr. Kondamudi said yes, about 8 years. Chairman Thomas clarified that the cabin is around 20 years old? Mr. Kondamudi said yes.

Mr. Ash asked Mr. Kondamudi to tell the board about the road agreement and the yearly fees? Mr. Kondamudi stated \$350.

Mr. Ash asked if that was a flat fee per lot? Mr. Kondamudi said yes, when he first bought the cabin last year, the president told him the fee was voluntary.

Mr. Ash asked to clarify that there is no road agreement? Mr. Kondamudi said no, but he still paid the fees last year and this year.

Chairman Thomas asked if most of the residents pay the road fee? Mr. Kondamudi said about 98% of them pay the road fees.

Chairman Thomas asked how many homes are in the neighborhood? Mr. Kondamudi said he didn't know.

Mrs. Burke pointed out that there are two subdivisions.

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Chairman Thomas asked how many houses are in the subdivision that Mr. Kondamudi's cabin is in- eight to ten? Mr. Kondamudi said something like that.

Chairman Thomas asked how many of those are in a rental program? Mr. Kondamudi said six or seven of them.

Mrs. Toolan stated there are eight lots in that subdivision.

Chairman Thomas asked what the name is of the subdivision that this lot is in and asked if all of the subdivisions were accessed off of this same road going up Yonah off of HWY 75 North?

Mr. Barton stated that the name of the subdivision is Yonah Peak and that he can't attest to the names of the other subdivisions.

Chairman Thomas asked if anyone knew how many subdivisions were accessed by this road?

Mr. Barton said two.

Mrs. Burke stated that the subdivisions are Yonah Peak and Yonah Heights.

Mr. Barton stated that there are other lots that are not part of the subdivision.

Chairman Thomas asked if the staff knows how many homes up there are in some kind of weekend rental right now? Mr. Barton stated that he does not know. An audience member stated 89%.

Chairman Thomas asked what state the road is in? Mr. Kondamudi stated in great condition.

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

Motion was made by Mr. Burke to recommend the Board of Commissioners to approve the request based on there being so many other rental cabins up there and she doesn't feel that it is fair to tell one person that he can't when everyone else is; Seconded by Mr. Ackerman.

Chairman Thomas asked if there was any discussion? No response.

Motion was unanimously approved.

- 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.

Mr. Barton gave a summary of the application.

Chairman Thomas asked Mr. Carriger to go over what his plans are for the property? Mr.

Carriger stated he would like to put a 20x40, so 800 square foot, wedding chapel, the same size as the event facility next to it, and he would like to live above the event facility.

Chairman Thomas asked if he remembered correctly about the occupancy being 70-80 people?

Mr. Carriger said the maximum is 70.

Chairman Thomas asked if there was ample parking for that many people? Mr. Carriger said yes, there is plenty of parking on the site plan and he believes that will be dictated by the road department.

Chairman Thomas asked if he remembered correctly about a new access being graded in for the property? Mr. Carriger said yes, absolutely.

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Mr. Barton stated that if Mr. Carriger gets approved by the Board of Commissioners, he still has to go through the Plan Review Committee Process. That means that any access has to be approved by the White County Public Works Department. Mr. Barton stated that in that process, Mr. Carriger will go through Planning, Building, Environmental Health, and local White County DOT for access.

Mr. Barton told Mr. Carriger that he may not have had conversations with the road department yet or know the process; Mr. Carriger stated no, but he and Mr. Barton went over the process and Mr. Barton made him aware of all of that.

Mr. Barton stated that regardless of approval, Mr. Carriger will need to go through this process and just like anything else, if he can't get a septic tank permit, then he can't get a building permit.

Chairman Thomas clarified that the parking won't be through the road department; Mr. Barton no, they'll look at his parking for setbacks and the access on the road is probably going to be the biggest struggle.

Mr. Carriger stated that Mr. Barton made him aware of just about everything from the beginning.

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

Motion was made by Mr. Ash to recommend the Board of Commissioners to deny the request for a conditional use permit; Seconded by Mrs. Burke.

Mrs. Burke stated that is based on the location of it in the curve, that many people are accessing the road, and people living so close, and based on the amount of property.

Chairman Thomas asked if there was any discussion? No response.

Mr. Freeman, Mrs. Burke, Mr. Ash, and Mr. Yarbrough were in favor of the motion; Mr. Ackerman was against the motion.

Motion was carried by majority.

- 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, Benjamin Goodman of 177 Rabun Road, was present.

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

Chairman Thomas asked Mr. Goodman if he had anything to add? Mr. Goodman referenced his letter of intent.

Mrs. Burke asked how far off of Hwy 17 Mr. Goodman's property is, if it is the third house on the left? Mr. Goodman stated that when you turn left onto Rabun Road, it is the fourth lot.

Mr. Barton stated it is .177 miles from the road and having an odd address means it is on the left.

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Chairman Thomas asked if Mr. Goodman has ever done short term rental before? Mr. Goodman stated in California a little.

Chairman Thomas asked if he was going through a management company? Mr. Goodman stated he will self-manage and that he and his wife both work at home.

Mr. Goodman stated that he wanted to address that you can't see the house from the road, it is perched up on a hill.

Mr. Ash asked if the apartment was attached to the house? Mr. Goodman stated yes, there are two structures attached by a breezeway and there is about a 1000-square-foot structure that would be part of the rental program.

Mr. Ackerman asked for clarification that Mr. Goodman would be living on the property? Mr. Goodman stated yes, in what he calls the main house.

Mr. Ackerman asked if he would continue to live there while it was rented out? Mr. Goodman said yes.

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

Motion was made by Mr. Freeman to recommend the Board of Commissioners to approve the request for short term rental; Seconded by Mrs. Burke.

Chairman Thomas asked if there was any discussion. No response.

Motion was unanimously approved.

VII. Citizen Comments- None

VIII. Adjournment- Motion to adjourn was made by Mr. Yarbrough; Seconded by Mrs. Burke. Motion was unanimously approved.