

White County Planning Commission  
Regular Session: Minutes

Monday, July 6<sup>th</sup>, 2020  
6:00 pm

White County Senior Center  
1239 Helen Highway, Cleveland, GA, 30528

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, 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 regular meeting.
- IV. Review and approval of minutes of May 26<sup>th</sup>, 2020 and June 1<sup>st</sup>, 2020: Motion was made by Mr. Ackerman to approve the minutes of May 26<sup>th</sup>, 2020 and June 1<sup>st</sup>, 2020; seconded by Mrs. Burke. Motion was unanimous.
- V. Variances

a. **James Davis Section 601 Access**

Application of James Davis to request a variance for access. Property is located at 249 Davis Drive, Cleveland, GA, 30528. Tax map and parcel 049A-108. Total acreage is 3.21.

The landowner, James Davis of 3910 HWY 75 South in Cleveland, was present.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mr. Davis if the gravel drive was part of the Davis property; Mr. Davis said yes.

Chairman Thomas asked if this division is for a family member; Mr. Davis said no, he is selling part of the property.

Chairman Thomas asked which tract he is selling; Mr. Davis said tract one.

Mrs. Dixon asked if tract one will have the gravel easement; Mr. Barton stated both one and two will have it per code section 601.

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

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

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

b. **Sherry Janoski Section 802 Lot Width and Size**

Application of Sherry Janoski to request a variance to add a second dwelling. Property is located at 61 Gordon Road, Cleveland, GA, 30528. Tax map and parcel 003-043. Total acreage is 9.72.

The applicant's husband, Frederick Janoski of 61 Gordon Road, was present.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mr. Janoski if there is one dwelling on the property already and they are requesting to add one more; Mr. Janoski said yes.

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

Chairman Thomas asked Mr. Janoski if he had anything to add; Mr. Janoski stated that this is for his daughter and her fiancé to move a mobile home on the property.

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

c. **Justin Hester Section 601 Access**

Application of Justin Hester to request a variance for access. Property is located at 3391 Hwy 129 S in Cleveland, GA, 30528. Tax map and parcel 049C-151. Total acreage is 1.04.

The applicants, Justin Hester and his father Dwayne Hester of 3391 HWY 129 S, were present.

Mr. Barton gave a summary of the application.

Chairman Thomas asked if they just want to build a house; Mr. Justin Hester said yes, the house is for him.

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

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

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

VI. 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 he had anything else to add; Mr. Wells said no.

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

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

- 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 representative was not present.

- 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 Gerrels Road in Cleveland, was present.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mr. McAfee if he had anything to add; Mr. McAfee said he just wants to become current on zoning so people can continue to operate.

Mrs. Burke asked to clarify that this is a rezone from C-1 to C-2; Chairman Thomas stated that there is a conditional use, as well. Mr. Barton explained the conditional use is for the residences.

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

Motion was made by Mrs. Burke to recommend to the Board of Commissioners to approve the request to redistrict from C-1 to C-2 with a conditional use; seconded by Mr. Ash. Motion was unanimous.

- iv. **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.

A representative, Ann Seabolt of 92 River Street in Helen, was present.

Mr. Barton gave a summary of the application.

Mr. Barton asked Mrs. Seabolt if she had anything she would like to add; Mrs. Seabolt said no.

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

Motion made by Mrs. Dixon to recommend to the Board of Commissioners to approve the application as submitted; seconded by Mrs. Burke. Motion was unanimous.

- v. **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 asked Mr. Porter if he had anything he would like to add; Mr. Porter stated that they stopped asking for letters from the neighbors because everyone they asked said yes.

Mrs. Burke stated that the subdivision does have covenants that say no commercial business allowed and asked if they had been renewed; Mr. Porter stated that he had not been given anything and everyone he has spoken to were told there were covenants but no one has seen them.

Mrs. Burke stated that they are on record and referenced on the deed. Mrs. Burke asked if there is a road maintenance agreement; Mr. Porter stated no, he is repairing the road himself but from what he understands, the road is on his plat.

Mrs. Burke asked if he has been renting it; Mr. Porter stated yes, when he was looking for a property to purchase, they were only looking at homes that were already being rented as short term rentals.

Mrs. Burke asked if it was rented through a company; Mr. Porter stated it was rented through VRBO.

Mrs. Burke asked if Mr. Porter is renting the same way; Mr. Porter stated yes.

Mrs. Burke asked what made him request a conditional use permit; Mr. Porter stated that someone told him he was in violation and he wants to do it right.

Chairman Thomas asked if the county's code enforcement officer came to him; Mr. Porter stated that he received a phone call from someone saying he needed a business license.

Chairman Thomas asked Mr. Porter if he knew he was in violation of the county code; Mr. Porter said he had no idea, he thought he was doing what he was supposed to be. He stated that on his VRBO website, he chose the option for them to collect sales tax so he thought he was legitimate.

Mrs. Burke asked if Mr. Porter received signatures from any of the neighbors that live on Laura Lane;

Mr. Porter said yes, both of them.

Mrs. Burke stated that there are covenants and Mr. Porter should find out if they have been renewed.

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Chairman Thomas asked Mr. Barton if the county code says anything about covenants stating no commercial business; Mr. Barton said that the code states the covenants have to specifically allow for short term rental.

Mr. Sell explained that the code states the covenants have to have language allowing for short term rentals, it does not address if short term rental is commercial or residential within covenants.

Mr. Porter stated that they were not renewed because he has never paid any fees and that a single family home cannot be considered commercial, but that it straddles the line.

Chairman Thomas asked how to find out if the covenants are still valid; Mr. Barton stated that Mr. Porter signed the affidavit stating that there are no restrictive covenants.

Mr. Porter stated that he was informed by a neighbor that the road was originally going to be maintained through the association, but that never happened.

Chairman Thomas asked Mr. Porter if he was aware of any incidents with renters; Mr. Porter said no.

Chairman Thomas stated that he received phone calls this week regarding an incident where his renters went to the neighbor to ask for a grill. Mr. Porter stated he has a fire pit with a LP gas grill and a campground type charcoal grill that is mounted in the ground, so no one would do that from his property.

Mrs. Burke stated that she heard the same thing.

Mr. Porter stated that he actually spoke to one of the neighbors that morning and seemed to have a good rapport with them, but he still hasn't met the other neighbor. He said he felt confident that the neighbor he spoke to would have come to him about any issues because he has asked him to.

Mrs. Burke asked if the water is a community well; Mr. Porter stated that it is some type of community water that he pays an annual fee for.

Mr. Ash asked if there are any other short term rentals in the subdivision; Mr. Porter said yes, quite a few.

Chairman Thomas asked if there was anyone else on his road is renting; Mr. Porter stated that he is the only one, but he feels that the one next to him may be a rental someday since he never sees anyone there.

Mr. Freeman stated that there is not a lot going on in that subdivision; Mr. Porter stated that he is actually trying to purchase the lot next to him to put a garage on.

Chairman Thomas clarified with Mr. Porter that he will be managing the property himself.

Mrs. Burke asked if there will be anyone local to handle emergencies; Mr. Porter said the neighbor that takes care of the house will be the eyes and ears.

Mr. Ackerman asked if there is a problem, would the neighbor take care of it; Mr. Porter stated that she would unless it is something he can get here to handle himself. He said he would prefer to handle it personally so he knows what is said or done.

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

Motion made by Mrs. Burke to recommend to the Board of Commissioners to allow the short term rental with a condition that there are no covenants; seconded by Mr. Yarbrough. Motion was unanimous.

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- vi. **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.

The landowner, Wendy Moses of 164 Pine Ridge Drive, was present.

Mr. Barton gave a summary of the application.

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

Chairman Thomas asked the board if they had any questions; 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.

VII. Citizens Comments: None.

VIII. Adjournment: Motion to adjourn made by Mr. Freeman; seconded by Mrs. Dixon. Motion was unanimous.