



## WHITE COUNTY BOARD OF COMMISSIONERS

### WORK SESSION & CALLED MEETING

MONDAY, OCTOBER 30, 2023 AT 4:30 P.M.

### AGENDA

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1. Call to order.

#### Land Use Items

**NOTE: In reference to land use agenda items #2 - #8 – Georgia Zoning Procedures Law (O.C.G.A. 36-66-1, et seq.) requires a public hearing be advertised and held prior to any proposed zoning decision with a minimum of 10 minutes (per side) for both proponents and opponents to present data, evidence, and opinion. This requirement was met for the following items at the public hearing held at the Planning Commission Meeting on September 25, 2023. All information presented was then forwarded to the Board of Commissioners.**

2. Consider the land use application filed by Kelly Mills, on behalf of Cleveland Home Rentals, LLC to redistrict property located on Highway 129 N. Cleveland, Georgia 30528 from R-1, Single-Family Residential District to A-1, Agriculture Forestry District. Tax map and parcel 016-081A. Total acreage is 10.16. Present zoning is R-1, Single-Family Residential District.
3. Consider the application filed by Juan Rodriguez Isacusa and Valeria Carpico to request a conditional use permit at 54 McConnell Court Helen, Georgia 30545. Tax map and parcel 042B-004. Total acreage is 1.21. The proposed use is to place in a Short-Term Rental program. Present zoning is R-1, Residential Single-Family District.
4. Consider the land use application filed by Donald and Susan Gwaltney to request a conditional use permit at 3588 Duncan Bridge Road Cleveland, Georgia 30528. Tax map and parcel 074-008B. Total acreage is 10.00. The proposed use is to place in a Short-Term Rental program. Present zoning is R-1, Residential Single-Family District.
5. Consider the land use application filed by Jacob Gardner to request a conditional use permit at 2325 Highway 115 West Cleveland, Georgia 30528. Tax map and parcel 034B-029. Total acreage is 3.00. The proposed use is to place in a Short-Term Rental program. Present zoning is R-1, Residential Single-Family District.
6. Consider the land use application filed by Salvador Aceves, on behalf of Solterra Holdings, LLC to redistrict property located at 151 Clarice Lane Sautee Nacoochee, Georgia 30571 from R-1 Single-Family Residential District to R-3, Residential Seasonal District. The proposed use is to place in a Short-Term Rental program. Tax map and parcel 069- 607. Total acreage is 1.24. Present zoning is R-1, Single-Family Residential District.

7. Consider the land use application of Salvador Aceves, on behalf of Solterra Holdings, LLC to redistrict property located at 269 Clarice Lane Sautee Nacoochee, Georgia 30571 from R-1, Single-Family Residential District to R-3, Residential Seasonal District. The proposed use is to place in a Short-Term Rental program. Tax map and parcel 069- 610. Total acreage is 1.00. Present zoning is R-1, Single-Family Residential District.
8. Consider the land use application filed by Salvador Aceves, on behalf of Solterra Holdings, LLC to redistrict property located at 150 Clarice Lane Sautee Nacoochee, Georgia 30571 from R-1, Single-Family Residential District to R-3, Residential Seasonal District. The proposed use is to place in a Short-Term Rental program. Tax map and parcel 069- 619. Total acreage is 1.00. Present zoning is R-1, Single-Family Residential District.

### **New Business**

9. Consider adoption of a surplus resolution (County Resolution No. 2023-16) for ten (10) vehicles / parts assigned to the Sheriff's Office.
10. Consider approval of the 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) application submission by the Appalachian Regional Drug Enforcement Office – for which White County serves as the fiscal agent.
11. Consider approval of the purchase of the following items for the Yonah Preserve Ballfield Complex:
  - Concrete pads for the batting cages,
  - Benches and picnic tables, and
  - Shade structures for the bleachers and playground area.
12. Consider approving a proposal from Southern Geotechnical Consultants, LLC for project inspection and materials testing services related to the construction of the new Yonah Preserve Recreation Facility.
13. Consider adoption of a resolution (County Resolution No. 2023-17) approving the Fiscal Year 2022-2023 Year End Budget Amendments.
14. Review of the agenda for the Monday, November 6, 2023 Regular Meeting.
15. Adjourn.



# WHITE COUNTY

## *Board of Commissioners*

### Agenda Request Form

**Item Title:** Rezoning request from R-1 to A-1 for Kelly Mills, 129 North, Cleveland

**For Meeting Date:** 10/30/2023

**Work Session**  **Regular Meeting**  **Public Hearing**

**Category (Select One):** Land Use Application

**Submitted By:** John Sell

**Attachments:** Yes  **If yes, please list each file name below:**

1. Application #20067
2. Public Hearing minutes of 9/25/2023
3. Regular Meeting minutes of 10/2/2023

#### **Purpose:**

Consider the application of Kelly Mills, on behalf of Cleveland Home Rentals, LLC, to redistrict property located on Highway 129 N, Cleveland, Georgia, 30528 from R-1 Single Family Residential District to A-1 Agriculture Forestry District. Tax map and parcel 016-081A. Total acreage is 10.16. Present zoning is R-1 Single Family Residential District.

#### **Background / Summary:**

- Applicant is requesting to rezone the property from R-1 to A-1. Ms. Mills explained that she purchased the property before land use went into effect and assumed that it was zoned A-1. The intention is to sell the property because they no longer have plans to build on it and it is a lot to maintain in addition to their current property. The property is in conservation and has agricultural lands surrounding it. It is located behind Fire Station #6. No one spoke for or against the application. The Planning Commission recommended approval of the application and the motion passed by unanimous vote.

#### **Department Recommendation:**

Planning Commission recommended approval by unanimous vote.

#### **Options:**

- Uphold Planning Commission recommendation and approve the application

- Reverse Planning Commission recommendation and deny the application.
- Table the application for further review or to send back to Planning Commission

**Budget Information:** Applicable  Not Applicable

**Budgeted:** Yes  No

**Finance Director's Comments (if applicable):**

- 

**County Manager Comments:**

-

# WHITE COUNTY CHANGE OF LAND USE DISTRICT APPLICATION

<b>OFFICE USE ONLY</b>	Land Use Application #: <u>20067</u>
Public Hearing Date: <u>7/31/2023</u>	Commission District: <u>3</u>
Fees Assessed: <u>\$25000</u>	Paid via: <input type="checkbox"/> cash <input checked="" type="checkbox"/> credit card <input type="checkbox"/> check# _____

APPLICANT INFORMATION	
Status: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent <input type="checkbox"/> Lessee <input type="checkbox"/> Option to Purchase	
Printed Name(s): <u>Cleveland Home Rentals, LLC (Kelly Mills)</u>	
Address: <u>457 Highway 255 S., Cleveland, GA 30528</u>	
Phone Number: <span style="background-color: black; color: black;">[REDACTED]</span>	Alternate Contact Number: _____
Email: <u>preferredrealtyga@hotmail.com</u>	
Owner Information (if different from Applicant/Agent):	
Name: _____	Phone #: _____

PROPERTY INFORMATION	
Parcel ID: <u><del>017107</del> / 016 D81A</u>	Total acreage being changed: <u>10.16</u>
Address: <u>Highway 129 N. behind fire station</u>	
Directions to Property: <u>129 North from Cleveland to left at fire station.</u>	

Current Use/Zoning of Property: <u>R1</u>	Type of Road Surface: <u>Paved</u>
Any prior redistricting requests for property: <u>No</u> If yes, provide redistricting application #: _____	

SURROUNDING PROPERTY LAND USE CLASSIFICATION:			
North: <u>A1</u>	South: <u>R2</u>	East: <u>R1</u>	West: <u>A1 / R1</u>

REQUESTED ACTION AND DETAILS OF PROPOSED USE (check all that apply)	
<input checked="" type="checkbox"/>	Redistrict from district: <u>R1</u> Redistrict to district: <u>A1</u>
<input type="checkbox"/>	Conditional Use - specify: _____
<input type="checkbox"/>	Special Use - specify: _____
<input type="checkbox"/>	Land Use Variance from Code Section: _____

Proposed use if not listed above: _____	
Is this property part of a subdivision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If so, please list number of lots: _____
Are there covenants? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is there an active homeowner's association? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Subdivision Name (if applicable): <u>None</u>	

Existing Utilities (check all that apply):  
 County or City Water     Well     Septic     Gas     Electric     Broadband

Proposed Utilities (check all that apply):  
 County or City Water     Well     Septic     Gas     Electric     Broadband

**COMMERCIAL AND INDUSTRIAL REDISTRICKT INFORMATION**

Building Area: \_\_\_\_\_ No. of Parking Spaces: \_\_\_\_\_

**RESIDENTIAL REDISTRICKT INFORMATION**

No. of Lots: \_\_\_\_\_ Minimum Lot Size in acres: \_\_\_\_\_ No. of Units: \_\_\_\_\_

Minimum Heated Floor Area (ft<sup>2</sup>): \_\_\_\_\_ Density/Acre: \_\_\_\_\_

Is an Amenity area proposed (specify if yes)?

Apartments     Condominiums     Townhomes     Single Family

Rental Cabins     Recreational Vehicle Park     Other- Specify: \_\_\_\_\_

**LIST OF ADJACENT PROPERTY OWNERS**

It is the responsibility of the Applicant to provide a list of adjacent property owners that has property bordering your property or who has property directly across the street from your property (additional sheet may be included, if necessary).

PARCEL	PROPERTY OWNER NAME	MAILING ADDRESS
1	017 059 John D Adams	6443 Highway 129 N Cleveland, GA 30528
2	017 060 Mark Duguay	6441 Highway 129 N Cleveland, GA 30528
3	016 083 Marlene Eubanks	P.O. Box 2373 Cleveland, GA 30528
4	016 072 Henry McMillian	7997 Highway 129 N Cleveland, GA 30528
5	016 080 Darren Datson	P.O. Box 2854 Cleveland, GA 30528
6	_____	_____
7	_____	_____

**APPLICANT CERTIFICATION**

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners meeting agendas.

I understand that the Planning Department staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and Board of Commissioners to make an informed determination on my request. I understand that I may seek legal advice if I am not familiar with the land use requirements and procedures.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioners meetings and that I am required to be present or to be represented by someone able to present all facts and answer all questions. I understand that failure to appear at a meeting shall result in the postponement or denial of my application request. I further understand that it is my responsibility to be aware of relevant meeting dates and times regardless of notification from White County.

I hereby certify that I have read the above and that the above information, as well as the attached information, is true and correct.

Applicant Signature: *Dee Mills, owner* Date: *6/12/23*

**2023 DEADLINES AND MEETING DATES**

Submittal Date Planning Dept. Office 5:00 p.m. Deadline	Planning Commission Public Hearing 1239 Helen Hwy 6:00 p.m.	Planning Commission Regular Session 1239 Helen Hwy 6:00 p.m.	Board of Commissioners Work Session 1235 Helen Hwy 4:30 p.m.
Wednesday, January 4, 2023	Monday, January 30, 2023	Monday, February 6, 2023	Monday, February 27, 2023
Wednesday, February 1, 2023	Monday, February 27, 2023	Monday, March 6, 2023	Monday, March 27, 2023
Wednesday, March 1, 2023	Monday, March 27, 2023	Monday, April 3, 2023	Monday, April 24, 2023
Wednesday, March 29, 2023	Monday, April 24, 2023	Monday, May 1, 2023	TBA
Wednesday, May 3, 2023	TBA	Monday, June 5, 2023	Monday, June 26, 2023
Wednesday, May 31, 2023	Monday, June 26, 2023	Monday, July 3, 2023	Monday, July 31, 2023
* Wednesday, June 14, 2023 *	Monday, July 31, 2023	Monday, August 7, 2023	Monday, August 28, 2023
Wednesday, July 12, 2023	Monday, August 28, 2023	TBA	Monday, September 25, 2023
Wednesday, August 9, 2023	Monday, September 25, 2023	Monday, October 2, 2023	Monday, October 30, 2023
Wednesday, September 13, 2023	Monday, October 30, 2023	Monday, November 6, 2023	Monday, November 27, 2023
Wednesday, October 11, 2023	Monday, November 27, 2023	Monday, December 4, 2023	TBA
Wednesday, November 8, 2023	TBA	TBA	Monday, January 29, 2024
Wednesday, December 13, 2023	Monday, January 29, 2024	Monday, February 5, 2024	Monday, February 26, 2024

\*NEW DEADLINE DATES EFFECTIVE IN ORDER TO MEET ZPL UPDATES AS OF JULY 2023

**NOTICE OF AGRICULTURAL DISTRICT ADJACENCY**

Future abutting developers in non-agricultural land use districts shall be provided with this "Notice of Agricultural Adjacency" prior to administrative action on either land use district, the issuance of a building or occupancy permit or approval of a subdivision of property. Prior to administrative action, the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing, adjacent to his/her use, which can produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent Agricultural District uses, the applicant agrees by executing this form to waive any objection to those effects and understands that his/her district change and/or permits or other approvals are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the Agricultural District constitute a nuisance against the local government and adjoining land owners whose property is located in an Agricultural District. This waiver shall be provided and made applicable for subsequent purchasers and owners or heirs of his/her property. This notice and acknowledgement shall be public record.

**Applicant Signature:**  **Date:** 6/12/23

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS  
(APPLICANTS AND REPRESENTATIVE(S) OF REQUESTED ACTION)**

Pursuant to O.C.G.A. Section 36-67 A-3.A, the disclosure of any campaign contributions aggregating \$250.00 or more to a local government official who will consider an application for re-classification or for a conditional use or special use permit is mandatory when an application or any representation of application for re-classification of district or for conditional use or special use permit has been made within two (2) years immediately preceding the filing of a request for reclassification or conditional use or special use permit by the same applicant and/or representative of said applicant. It shall be the duty of the applicant and/or any representatives of the applicant to file a disclosure with the governing authority of the respective local government to show the following:

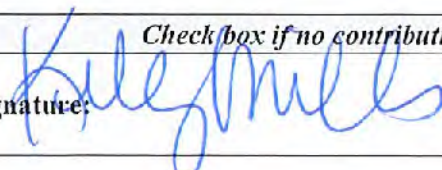
Name of local official(s) to whom campaign contribution was made:

The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of this application for action for district re-classification, conditional use or special use permit.

**Amount \$:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Enumeration and description of each gift (when the total value of all gifts is \$250.00 or more) made to the local government official during the two (2) years immediately preceding the filing of this application. **Please attach additional sheets if needed.**

*Check box if no contributions made*

**Applicant Signature:**  **Date:** 8/7/23



**PROPERTY OWNER AUTHORIZATION**

To be completed by the property owner to certify ownership of subject property and to provide authorization for other person(s) to represent the owner on their behalf.

I/WE (print), Kelly Mills,  
hereby swear that I/we own the property for which this land use change application is being made.

Property Address and/or Parcel ID: 017 187 and 016 081A

**PROPERTY OWNER INFORMATION**

Printed Name of Owner(s):  
Cleveland Home Rentals, LLC (Kelly Mills, as mg)

Mailing Address: 457 Highway 255 South  
Cleveland GA 30528

Phone Number: [REDACTED]

Alternate Contact Number: [REDACTED]

Email: preferredrealtyga@hotmail.com

I/we hereby authorize the person named below to act as the applicant or agent in the pursuit of the requested action on this property. I/we understand that any action granted and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The person named below is authorized to make this application. The person named below is aware that no application or re-application affecting the same land shall be acted upon within six (6) months from the date of the last action by the White County Board of Commissioners.

Printed Name of applicant or agent(s): GARY MILLS

Signature of Owner(s):	Date Signed:
<u>Kelly Mills</u>	<u>6/12/23</u>

**PROPERTY OWNER AUTHORIZATION DOCUMENT: NOTARY ACKNOWLEDGEMENT**

Sworn to (or affirmed) and subscribed before me this 14<sup>th</sup> day of June, 20 23 by Kelly Mills (name of signer(s)). The named signer(s) is/are personally known by me or produced the identification type of N/A.

{Seal}



Emma Schmidt (Signature of Notary)

Emma Schmidt (Name of Notary Typed, Stamped, or Printed)

**SHORT TERM RENTAL CERTIFICATIONS**

*To be completed and notarized for any application where the proposed use is short term rental.*

I/WE (print), NA,  
hereby swear that I/we own/will own the property referenced below for which this land use change application is being made.

**\*Property Address and/or Parcel ID:**

**PROPERTY OWNER AUTHORIZATION ACKNOWLEDGEMENT OF GUESTS**

I acknowledge to keep the total number of guests to that number which can safely stay in the premises and may be subject to the State of Georgia's fire safety code regulations.

**Signature of Owner/Future Owner(s):**

**PROPERTY OWNER AUTHORIZATION CERTIFIED BY OWNER OR THIRD PARTY INSPECTOR**

I attest by owner or third party inspector that short term rentals meet applicable International Building Code, International Fire Code regulations and NFPA 101 Life Safety codes.

**Signature of Owner/Future Owner(s):**

**PROPERTY OWNER AUTHORIZATION CERTIFIED DEED RESTRICTION**

I certify that there are no deed restriction and/or covenants on the property that prohibits the use of the property as a short-term rental.

**Signature of Owner/Future Owner(s):**

**PROPERTY OWNER AUTHORIZATION CERTIFIED SHORT-TERM RENTAL INSURANCE**

I certify that the owner/future owner has commercial or specific short-term rental insurance for the property. If insurance *has not been obtained* at time of application, I certify that owner/future owner will obtain prior to renting if application approval is granted.

**Signature of Owner/Future Owner(s):**

**OFFICIAL CODE OF WHITE COUNTY APPENDIX C/ARTICLE VII – SHORT TERM RENTALS & BUSINESS LICENSES NOTIFICATION**

I certify that I have been informed of and provided a copy of Appendix C/Article VII - Short Term Rentals. I certify that I have also been informed that I will need to contact the White County Business Tax Office (706-865-2235) to obtain the proper business licensing, host licensing, and subsequent tax information prior to operation of my short-term rental.

**Signature of Owner/Future Owner(s):**

***SHORT TERM RENTAL CERTIFICATIONS DOCUMENT: NOTARY ACKNOWLEDGEMENT***

Sworn to (or affirmed) and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ (name of signer(s)). The named signer(s) is/are personally known by me or produced the identification type of \_\_\_\_\_.

{Seal}

\_\_\_\_\_  
(Signature of Notary)

\_\_\_\_\_  
(Name of Notary Typed, Stamped, or Printed)

**APPLICANT ACKNOWLEDGEMENT OF MEETING DATES**

I, Kelly Mills (print name) have been advised that I or someone to represent me must be in attendance when my application is before the White County Planning Commission and the White County Board of Commissioners or it will be tabled. I also acknowledge that I have been made aware of the below dates upon submission of my application.

Senior Center, 1239 Helen Hwy, Cleveland

6:00pm

Public Hearing Date (Planning Commission): July 31<sup>st</sup>, 2023

Regular Meeting Date (Planning Commission): August 7, 2023

Administration Building, 1235 Helen Hwy, Cleveland

4:30pm

Board of Commissioners Meeting Date: August 28, 2023

*\*Meeting dates are subject to change*

Kelly Mills  
Signature of Applicant or Authorized Agent

6/12/23  
Date

<p><b><u>OFFICE USE ONLY</u></b></p> <p>Copy given to applicant: _____ (date)</p> <p>Staff Initials: _____</p> <p>Flag (circle):    Y    N</p>
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<p><b>WITHDRAWAL</b></p> <p><i>Notice: This section only to be completed if application is being withdrawn.</i></p>
<p>PART II - OFFICIAL CODE/APPENDIX C - LAND USE REGULATIONS/ARTICLE XVIII. AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS</p> <p><i>Section 1803. Withdrawal of amendment application. Any petition for an amendment to these regulations, official land use district map, conditional use approval, variance or special use permit may be withdrawn, at the discretion of the person or agency initiating such request, at any time prior to final action by the board of commissioners upon written notice to the planning director. Any required fees shall be forfeited</i></p>
<p>I hereby withdraw application #:</p>
<p><b>Applicant Signature:</b> _____ <b>Date:</b> _____</p>

**APPLICANT ACKNOWLEDGEMENT OF MEETING DATES**

I, \_\_\_\_\_ (print name) have been advised that I or someone to represent me must be in attendance when my application is before the White County Planning Commission and the White County Board of Commissioners or it will be tabled. I also acknowledge that I have been made aware of the below dates upon submission of my application.

**Senior Center, 1239 Helen Hwy, Cleveland 6:00pm**

Public Hearing Date (Planning Commission): 9/25/2023

Regular Meeting Date (Planning Commission): 10/2/2023

**Administration Building, 1235 Helen Hwy, Cleveland 4:30pm**

Board of Commissioners Meeting Date: 10/30/2023

*\*Meeting dates are subject to change*

\_\_\_\_\_  
Signature of Applicant or Authorized Agent

\_\_\_\_\_  
Date

<p><b><u>OFFICE USE ONLY</u></b></p> <p>Copy given to applicant: <u>8/15/23</u> via <u>email</u> (date)</p> <p>Staff Initials: <u>MD</u></p> <p>Flag (circle):    Y    N</p>
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<p><b>WITHDRAWAL</b></p> <p><i>Notice: This section only to be completed if application is being withdrawn.</i></p>
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<p>I hereby withdraw application #:</p>
<p><b>Applicant Signature:</b> _____ <b>Date:</b> _____</p>

## **Letter of Intent**

**June 12, 2023**

**To: White County Planning Commission**

**From: Cleveland Home Rentals, LLC**

**RE: Rezone from R1 to A1 on 15.16 Acres Highway 129 N**

**I am requesting a rezone on this property to make it more marketable for sale if and when that time ever comes. This property is bordered by a wedding venue, on the Wine Highway region, and surrounded by large tracts of land. Although it is not actively marketed, I have received numerous calls regarding my interest in selling. Most of those calls have been buyers associated with vineyards and special event venues. Thank you for your time and consideration.**

**Sincerely,**



**Cleveland Home Rentals, LLC  
Kelly Mills, as manager**



**Public Health**  
Prevent. Promote. Protect.

## White County Environmental Health

Zachary Taylor, M.D., M.S., Health Director

1241 Helen Highway, Unit 210 • Cleveland, GA 30528

PH: 706-348-7698 • FAX: 706-348-1670 • [www.phdistrict2.org](http://www.phdistrict2.org)

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Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union and White Counties

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- |   |   |
|---|---|
| <input type="checkbox"/> Evaluation Applied For                 | <input type="checkbox"/> Appropriate Permit Applied For                             |
| <input type="checkbox"/> Appropriate Permit Issued to Applicant | <input checked="" type="checkbox"/> Evaluation, Permit Not Applied For At This Time |

DATE: 08/07/2023

APPLICANT NAME: KELLY MILLS

PROPERTY ADDRESS: 0 HWY 129 N (PARCEL 016 081A) VACANT LAND  
CLEVELAND, GA 30528

White County Planning Department:

In reference to a request for a change of zoning/land use or a building permit, application may need to be made for an existing system evaluation to determine:


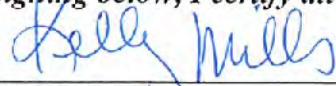
- that the permit on file is the correct permit for the property in question;
- that there is no evidence of system failure;
- that the septic system is appropriately sized for the current and proposed use;
- that there is adequate repair after the proposed addition;
- that there are no conditions that could adversely affect the functionality of the system.

Please note that this is NOT an all-inclusive list. Based upon the information submitted and/or the outcome of the evaluation, it may be determined that a septic system needs additional capacity or upgrade. If so, the appropriate permit will need to be obtained and the work completed before an approval can be given.

If, based upon information submitted, no septic systems exist on the property, this zoning/land use change and/or building permit request should not affect the property with respect to septic use.

White County Environmental Health  
District 2 Public Health

*By signing below, I certify all information submitted is accurate and true to the best of my knowledge.*

   
Applicant Signature

HAS BEEN PREPARED IN CONFORMITY WITH MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

I. P. F. = IRON PIN FOUND  
 I. P. S. = IRON PIN SET (5/8" RE-BAR)  
 C. M. = CONCRETE MONUMENT

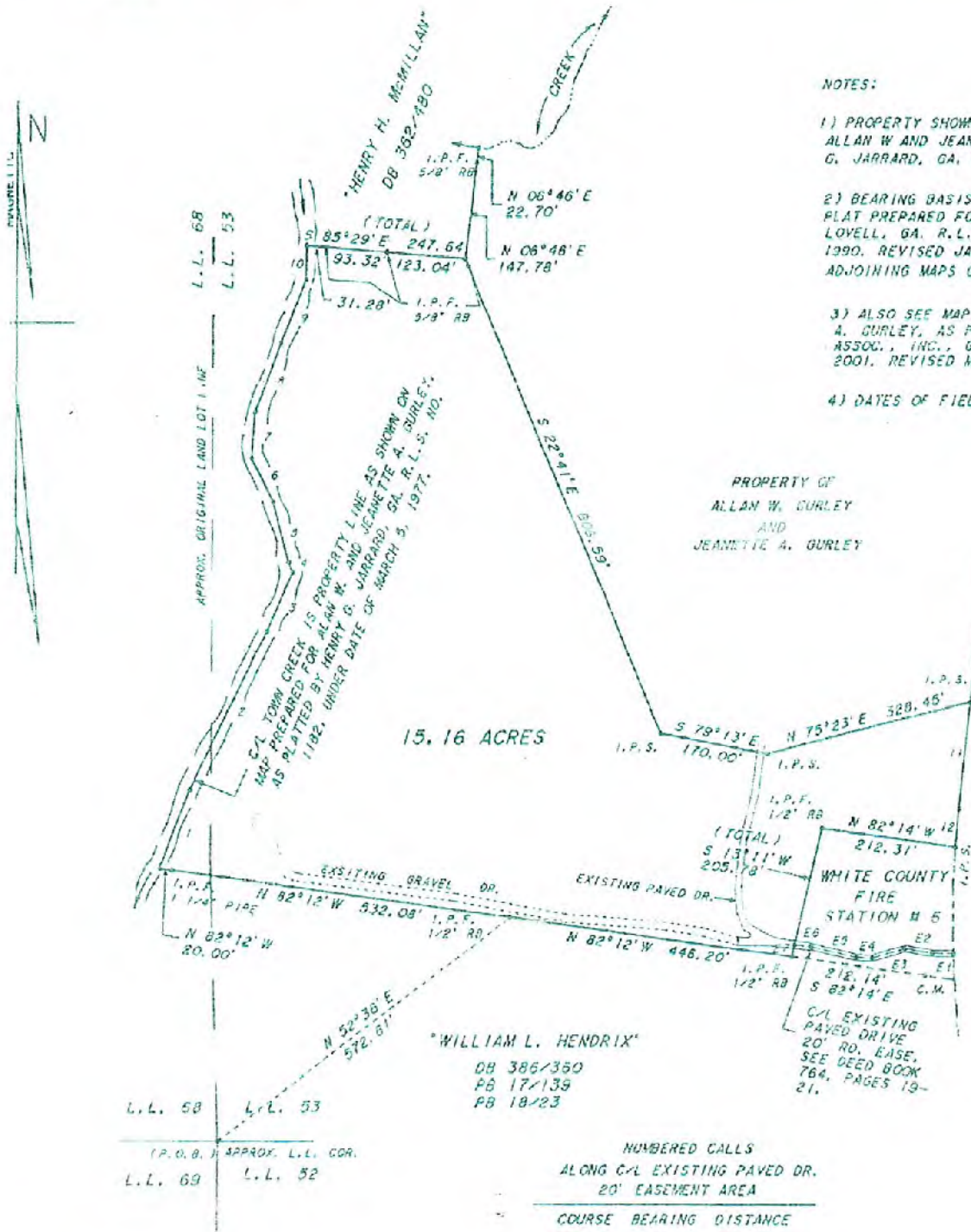
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 250,016 FEET AND AN ANGULAR ERROR OF 00°00'01" PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE.

DEBRA M. ADAMS, CLERK  
 WHITE COUNTY, GA  
 2001 FEB 21 PM 11:11

MAP OR PLAT HAS BEEN CALCULATED FOR ACCURACY AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 15,248 FEET.

NOTES:

- 1) PROPERTY SHOWN IS A PART OF SURVEY AND MAP FOR ALLAN W AND JEANNETTE A. GURLEY, AS PLATTED BY HENRY G. JARRARD, GA. R.L.S. NO. 1182, UNDER DATE OF 3/5/77.
- 2) BEARING BASIS FOR THIS SURVEY AND MAP TAKEN FROM PLAT PREPARED FOR HENRY H. McMILLAN, AS PLATTED BY A LOVELL, GA. R.L.S. NO. 1553, UNDER DATE OF MARCH 21, 1990. REVISED JAN. 20, 1993, (SOME BEARINGS DIFFER FROM ADJOINING MAPS OF RECORD. LINES REMAIN THE SAME)
- 3) ALSO SEE MAP PREPARED FOR ALLAN W. & JEANNETTE A. GURLEY, AS PLATTED BY LOVELL, DUVALL, MILLER & ASSOC., INC., GA. R.L.S., UNDER DATE OF APRIL 30, 2001. REVISED MAY 16, 2001.
- 4) DATES OF FIELD WORK: APRIL 30, 2001  
 MAY 16, 2001  
 APRIL 16, 2002  
 MAY 21, 2002



LL 53168  
 DIST 4112  
 PB 63  
 PG 167  
 2-21-03  
 APPROVED  
 R. London  
 J. B. [unclear]

NOTE: REVISED MAY 22, 2002 TO S. C/L 20' ROAD EASE, FROM WESTERN RIGHT OF WAY U.S. HWY. 129 THRU PROPERTY, AND CLOSING ON 1/2" R/W AT SOUTHWEST CORNER COUNTY PROP.

NUMBERED CALLS ALONG C/L EXISTING PAVED DR. 20' EASEMENT AREA

COURSE	BEARING	DISTANCE
E-1	N 88°47'W	32.82'
E-2	N 80°47'W	43.93'
E-3	S 73°18'W	53.72'
E-4	N 87°10'W	24.96'
E-5	N 77°05'W	73.93'
E-6	N 85°10'W	26.01'
E-7	S 13°11'W	18.45'

NUMBERED CALLS TRACT ONE

COURSE	BEARING	DISTANCE
L-1	N 20°45'E	131.08'
L-2	N 25°17'E	276.00'
L-3	N 33°17'E	100.48'
L-4	N 21°26'W	17.47'
L-5	N 14°38'W	98.78'
L-6	N 25°00'W	79.46'
L-7	N 03°23'E	73.30'
L-8	N 20°04'E	114.92'
L-9	N 22°04'E	106.37'
L-10	N 00°34'E	60.30'
L-11	S 05°45'W	169.55'
L-12	S 04°47'W	54.69'



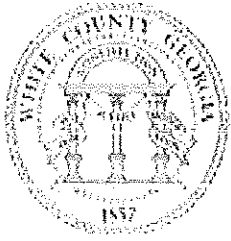
### Exhibit A

All that tract or parcel of land lying and being in land **Lot 53 and 68 of the 4<sup>th</sup> Land District of White County, Georgia** and being **15.16 acres** as shown by a plat of survey recorded **Plat Book 53, Page 169A** of the White County, Georgia deed records. Reference to said plat and the description contained therein being incorporated herein by reference for a full and complete description thereof.

**Also conveyed** are the easement rights as set forth at Deed Book 869, pages 239-240 of the White County, Georgia deed records. Said parcel is subject to the restrictions and easements of record.

**Less and Except** that certain **5.00 acres** as described at **Deed Book 1737, page 514** of the White County, Georgia deed records.





Official Tax Receipt  
White County, GA  
113 N. Brooks St.  
Cleveland, 30528  
--Online Receipt--

Phone: 706-865-2225

Trans No	Map Code	Property ID & District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2022-3537	016 081A	LL53,68 LD4	\$87.22	\$0.00 Fees: \$0.00	\$0.00	\$87.22	\$0.00
<b>Totals:</b>			<b>\$87.22</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$87.22</b>	<b>\$0.00</b>

Paid Date: 10/18/2022

Charge Amount: \$87.22

CLEVELAND HOME RENTALS LLC  
457 HWY 255 S  
CLEVELAND, GA 30528



Scan this code with your mobile phone to view this bill

# 15.16 Acres Hwy 129 N

Write a description for your map.

## Legend

15.16 Acres

15.16 Acres

6441 US-129

11

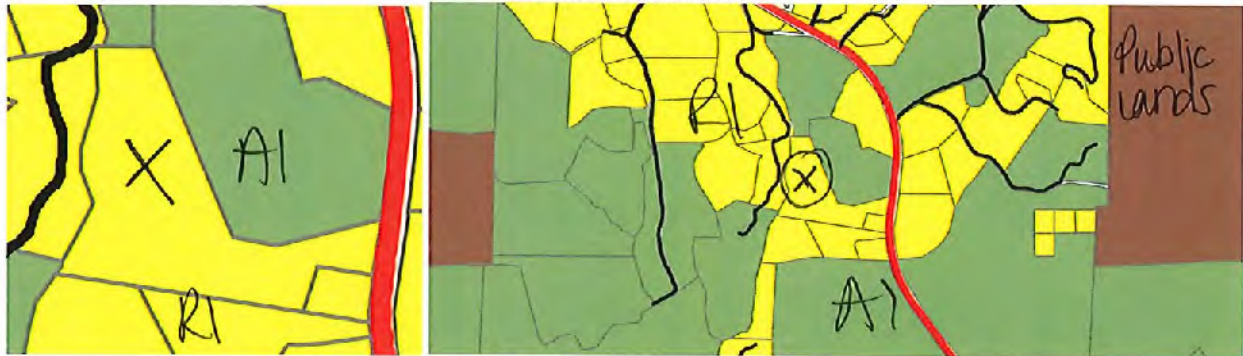


WHITE COUNTY PLANNING DEPARTMENT  
STAFF COMMENT

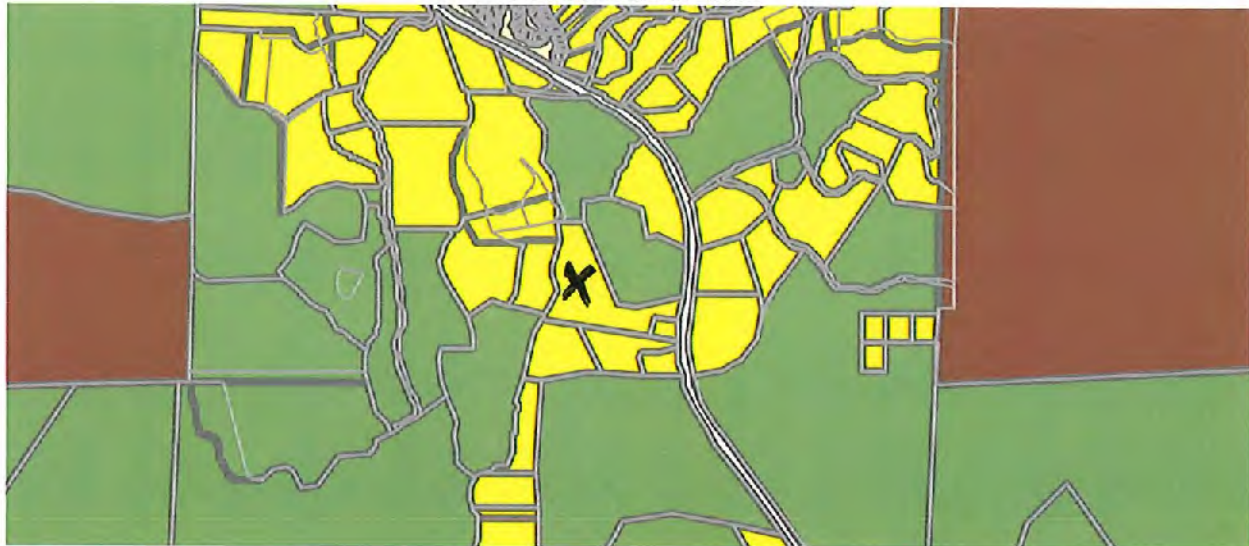
KELLY MILLS

- PROPERTY IS LOCATED ON HIGHWAY 129 NORTH IN CLEVELAND. APPLICATION REQUEST TO CONSIDER REDISTRICTING FROM R-1 RESIDENTIAL SINGLE FAMILY DISTRICT TO A-1 AGRICULTURE FORESTRY DISTRICT.
- PROPERTY ADJOINS TO THE SOUTH, EAST, AND WEST R-1 RESIDENTIAL SINGLE FAMILY DISTRICT; TO THE NORTH AND EAST A-1 AGRICULTURE FORESTRY DISTRICT.
- THE WHITE COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP INDICATES SINGLE FAMILY RESIDENTIAL DISTRICT.
- TOTAL ACREAGE IS 10.16.
- PROPERTY WILL BE SUPPLIED BY WELL AND SEPTIC.

EXISTING LAND USE



FUTURE LAND USE



WHITE COUNTY PLANNING COMMISSION AGENDA  
REGULAR SESSION

Monday, October 2<sup>nd</sup>, 2023  
6:00 pm

White County Senior Center  
1239 Helen Hwy, Cleveland, Ga. 30528

Those present were Larry Freeman, R.K. Ackerman, Dona K. Burke, Charlie Thomas, Linda Dixon, Brad Ash, and John Yarbrough. Staff members present were Harry Barton, John Sell, and Mercedes Dodd.

Chairman Thomas called the meeting to order. Mr. Yarbrough gave the invocation. No changes were made to the agenda. Motion to approve the minutes of July 31<sup>st</sup>, 2023 and August 7<sup>th</sup>, 2023 made by Ms. Dixon and seconded by Mr. Ackerman. Motion was unanimous.

**Application of Steve and Kathie Reeder** to request a variance from Section 802 Lot Width and Size for a second dwelling. Property is located at 3125 Highway 255 North, Sautee Nacoochee, GA, 30528. Tax map and parcel is 083-045. Total acreage is 30.83.

The applicant, Steve Reeder of 3125 Highway 255 North, was present. Mr. Barton gave a summary of the application. Mr. Reeder explained the barndominium was built three years ago, which was the first dwelling, and now plans to build a second dwelling to move into. He said the barndominium would be for family to stay in and for extra space.

Motion to approve the variance made by Ms. Burke and seconded Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant to contact the building department regarding his building permit.

**Application of Lori VanSickle** to request a variance from Section 802 Lot Width and Size for a third dwelling. Property is located at 142 Sunkist Drive, Cleveland, GA, 30528. Tax map and parcel is 022-103B. Total acreage is 6.735.

The applicant, Lori VanSickle of 142 Sunkist Drive, was present. Mr. Barton gave a summary of the application. Ms. VanSickle explained that she purchased the land from family that lives on the property and that both existing dwellings house family members. She said she is requesting a third dwelling for her to live in with her mother so she can help take care of all family members and added that family owns much of the surrounding property.

Motion to approve the variance made by Mr. Ackerman and seconded by Mr. Yarbrough. Motion was unanimous. Mr. Barton explained the applicant may have to come back for another variance depending on the mortgage company.

**Application of Kelly Mills, on behalf of Cleveland Home Rentals, LLC**, to redistrict property located on Highway 129 N, Cleveland, Georgia, 30528 from R-1 Single Family Residential District to A-1 Agriculture Forestry District. Tax map and parcel 016-081A. Total acreage is 10.16. Present zoning is R-1 Single Family Residential District.

The applicant, Kelly Mills of 457 Highway 255 South, was present. Mr. Barton gave a summary of the application. Ms. Mills said she wishes to rezone the property in order to sell it.

Motion to recommend approval to the Board of Commissioners made by Ms. Burke and seconded by Mr. Ash. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

WHITE COUNTY PLANNING COMMISSION AGENDA  
PUBLIC HEARING: LAND USE REGULATION

Monday, September 25<sup>th</sup>, 2023  
6:00 pm

White County Senior Center  
1239 Helen Hwy, Cleveland, Ga. 30528

Those present were Larry Freeman, R.K. Ackerman, Dona K. Burke, Charlie Thomas, Linda Dixon, and John Yarbrough. Staff members present were Harry Barton, John Sell, and Mercedes Dodd.

Chairman Thomas called the meeting to order. Mr. Yarbrough gave the invocation. No changes made to the agenda. Mr. Barton explained the public hearing procedures.

**Application of Kelly Mills, on behalf of Cleveland Home Rentals, LLC**, to redistrict property located on Highway 129 N, Cleveland, Georgia, 30528 from R-1 Single Family Residential District to A-1 Agriculture Forestry District. Tax map and parcel 016-081A. Total acreage is 10.16. Present zoning is R-1 Single Family Residential District.

The applicant, Kelly Mills of 457 Highway 255 South, was present. Mr. Barton gave a summary of the application. Ms. Mills explained that she purchased the property before land use and thought it was zoned agriculture. She stated the intention is to sell the property because they decided it was a lot to maintain in addition to their current property. Ms. Mills said the property is surround by agriculture and has had a conservation easement since she purchased it.

Mr. Barton explained that public comment is limited to three minutes per person.

Chairman Thomas asked if anyone would like to speak for the application, there was no response. He asked if anyone would like to speak against the application, there was no response. Ms. Mills did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on October 2<sup>nd</sup>.

**Application of Eduardo Rodriguez** to request a conditional use permit located at 1774 Joe Black Road, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 044D-019. Total acreage is 1.28. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Eduardo Rodriguez of 1774 Joe Black Road, was present. Mr. Barton gave a summary of the application. Mr. Rodriguez explained the proposed short-term rental has three bedrooms and two bathrooms with parking for three cars. He said he purchased in April of this year with plans for a retirement home and would like to rent part time to help with mortgage. He said he plans to spend some weekends there and that is why he would like to do short-term rental instead of full-time rental, which he currently has a full-time tenant staying in the home while he goes through the land use process. Mr. Rodriguez stated the property is part of Windy Acres subdivision, but is accessed off Joe Black Road rather than through the community. He received 13 signatures from homeowners and 1 signature from a lot owner, and there is a bed and breakfast nearby.

Chairman Thomas asked if anyone would like to speak for the application, there was no response. He asked if anyone would like to speak against the application.

Nick Nickerson of 50 Terry’s Place read opposition letters from neighbors. He submitted the letters to Mr. Barton for the application file.



# WHITE COUNTY

## *Board of Commissioners*

### Agenda Request Form

**Item Title:** Conditional Use Permit Request for STR for Juan Isacura, 54 McConnell Court, Helen

**For Meeting Date:** 10/30/2023

**Work Session**  **Regular Meeting**  **Public Hearing**

**Category (Select One):** Land Use Application

**Submitted By:** John Sell

**Attachments:** Yes  **If yes, please list each file name below:**

1. Application #20182
2. Public Hearing minutes of 9/25/2023
3. Regular Meeting minutes of 10/2/2023

#### **Purpose:**

Consider the application of Juan Rodriguez Isacusa and Valeria Carpico to request a conditional use permit located at 54 McConnell Court, Helen, Georgia, 30545. Tax map and parcel 042B-004. Total acreage is 1.21. Proposed use is to place in "Short Term Rental" program. Present zoning is R-1 Residential Single Family.

#### **Background / Summary:**

- Applicant is requesting a conditional use permit for short term rental. The property is in a subdivision for White County Land Company and Cleveland Land Company and contains 14 lots. Applicant supplied letters from 7 owners covering 8 lots or 57% of the owners. This is the second STR being applied for in the subdivision. Mr. Isacura explained that the STR will have 2 bedrooms and 2 bathrooms with parking for 5 vehicles. Blue Creek Cabins, Alex Green, will manage the property and has established rules for vetting renters. No one spoke in favor or against the application. The Planning Commission recommended approval of the application and the motion passed by unanimous vote.

#### **Department Recommendation:**

Planning Commission recommended approval by unanimous vote.

#### **Options:**

- Uphold Planning Commission recommendation and approve the application

- Reverse Planning Commission recommendation and deny the application.
- Table the application for further review or to send back to Planning Commission

**Budget Information:** Applicable  Not Applicable

**Budgeted:** Yes  No

**Finance Director's Comments (if applicable):**

- 

**County Manager Comments:**

-

# WHITE COUNTY CHANGE OF LAND USE DISTRICT APPLICATION

<b>OFFICE USE ONLY</b>	Land Use Application #: <u>20182</u>
Public Hearing Date: <u>9/25/2023</u>	Commission District: <u>4</u>
Fees Assessed: <u>\$250</u>	Paid via: <input type="checkbox"/> cash <input checked="" type="checkbox"/> credit card <input type="checkbox"/> check# _____

APPLICANT INFORMATION	
Status: <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Agent <input type="checkbox"/> Lessee <input type="checkbox"/> Option to Purchase	
Printed Name(s): <u>Juan Rodriguez Isacura &amp; Valeria Caspico</u>	
Address: <u>54 McConnell Ct, Helen, GA 30545</u>	
Phone Number: [REDACTED]	Alternate Contact Number: _____
Email: [REDACTED]	
Owner Information (if different from Applicant/Agent):	
Name: <u>Alex Green</u>	Phone #: <u>706-809-2325</u>
PROPERTY INFORMATION	
Parcel ID: <u>042B004</u>	Total acreage being changed: <u>1.21</u>
Address: <u>54 McConnell Ct, Helen, GA 30545</u>	
Directions to Property: <u>Helen Hwy left on Alternate 75, turn right on poplar stump rd, left on Myra branch, left on McConnell Ct. First property on the right.</u>	
Current Use of Property: <u>R1</u>	Type of Road Surface: <u>Asphalt</u>
Any prior redistricting requests for property: <u>No</u> If yes, provide redistricting application #: _____	
SURROUNDING PROPERTY LAND USE CLASSIFICATION:	
North: <u>R1</u>	South: <u>R1</u> East: <u>R1</u> West: <u>R1</u>
REQUESTED ACTION AND DETAILS OF PROPOSED USE (check all that apply)	
<input type="checkbox"/> Redistrict from district:	Redistrict to district:
<input checked="" type="checkbox"/> Conditional Use - specify: <u>Short term Rental</u>	
<input type="checkbox"/> Special Use - specify:	
<input type="checkbox"/> Land Use Variance from Code Section:	
Proposed use if not listed above:	
Is this property part of a subdivision? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If so, please list number of lots:	
Are there covenants? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is there an active homeowner's association? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Subdivision Name (if applicable): <u>McConnell Ct</u>	



Existing Utilities (check all that apply):  
 County or City Water     Well     Septic     Gas     Electric     Broadband

Proposed Utilities (check all that apply):  
 County or City Water     Well     Septic     Gas     Electric     Broadband

**COMMERCIAL AND INDUSTRIAL REDISTRICKT INFORMATION**

Building Area: \_\_\_\_\_ No. of Parking Spaces: 4

**RESIDENTIAL REDISTRICKT INFORMATION**

No. of Lots: \_\_\_\_\_ Minimum Lot Size in acres: \_\_\_\_\_ No. of Units: \_\_\_\_\_

Minimum Heated Floor Area (ft<sup>2</sup>): \_\_\_\_\_ Density/Acre: \_\_\_\_\_

Is an Amenity area proposed (specify if yes)?  
 Apartments     Condominiums     Townhomes     Single Family  
 Rental Cabins     Recreational Vehicle Park     Other- Specify: \_\_\_\_\_

**LIST OF ADJACENT PROPERTY OWNERS**

It is the responsibility of the Applicant to provide a list of adjacent property owners that has property bordering your property or who has property directly across the street from your property (additional sheet may be included, if necessary).

PARCEL	PROPERTY OWNER NAME	MAILING ADDRESS
<sup>1</sup> <u>042B003</u>	<u>Morris, Barry</u>	<u>3659 Spring Valley Rd, Loganville GA 30052</u>
<sup>2</sup> <u>042B005</u>	<u>Morris, Barry</u>	<u>3659 Spring Valley Rd, Loganville GA 30052</u>
<sup>3</sup> <u>042B016</u>	<u>STARCK, Patricia</u>	<u>73 LA OLLA Cir, Montgomery, TX 77356</u>
<sup>4</sup> <u>042B017</u>	<u>Hammonds, John</u>	<u>2391 Hammonds Rd, Stockbridge GA, 30281</u>
<sup>5</sup> <u>042B020</u>	<u>Desroot, Peter</u>	<u>PO BOX 226, Helen, GA 30545</u>
<sup>6</sup> <u>042B021A</u>	<u>USA, US FOR</u>	<u>1755 Cleveland Hwy, Gainsville, GA 30501</u>
<sup>7</sup> <u>042B022</u>	<u>Wiggins, Mary</u>	<u>173 McConell Ct, Helen GA, 30545</u>

**APPLICANT CERTIFICATION**

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners agenda(s) for a public hearing.

I understand that the Planning Department staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and Board of Commissioners to make an informed determination on my request. I understand that I may seek legal advice if I am not familiar with the land use requirements and procedures.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioners hearings and that I am required to be present or to be represented by someone able to present all facts and answer all questions. I understand that failure to appear at a public hearing shall result in the postponement or denial of my application request. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from White County.

I hereby certify that I have read the above and that the above information, as well as the attached information, is true and correct.

Applicant Signature:  Date: 1/27/23

**2023 DEADLINES AND MEETING DATES**

Submittal Date Planning Dept. Office 5:00 p.m. Deadline	Planning Commission Public Hearing 1239 Helen Hwy 6:00 p.m.	Planning Commission Regular Session 1239 Helen Hwy 6:00 p.m.	Board of Commissioners Work Session 1235 Helen Hwy 4:30 p.m.
Wednesday, January 4, 2023	Monday, January 30, 2023	Monday, February 6, 2023	Monday, February 27, 2023
Wednesday, February 1, 2023	Monday, February 27, 2023	Monday, March 6, 2023	Monday, March 27, 2023
Wednesday, March 1, 2023	Monday, March 27, 2023	Monday, April 3, 2023	Monday, April 24, 2023
Wednesday, March 29, 2023	Monday, April 24, 2023	Monday, May 1, 2023	TBA
Wednesday, May 3, 2023	TBA	Monday, June 5, 2023	Monday, June 26, 2023
Wednesday, May 31, 2023	Monday, June 26, 2023	Monday, July 3, 2023	Monday, July 31, 2023
Wednesday, June 28, 2023	Monday, July 31, 2023	Monday, August 7, 2023	Monday, August 28, 2023
Wednesday, August 2, 2023	Monday, August 28, 2023	TBA	Monday, September 25, 2023
Wednesday, August 30, 2023	Monday, September 25, 2023	Monday, October 2, 2023	Monday, October 30, 2023
Wednesday, October 4, 2023	Monday, October 30, 2023	Monday, November 6, 2023	Monday, November 27, 2023
Wednesday, November 1, 2023	Monday, November 27, 2023	Monday, December 4, 2023	TBA
Wednesday, November 29, 2023	TBA	TBA	Monday, January 29, 2024
Wednesday, January 3, 2024	Monday, January 29, 2024	Monday, February 5, 2024	Monday, February 26, 2024

**NOTICE OF AGRICULTURAL DISTRICT ADJACENCY**

Future abutting developers in non-agricultural land use districts shall be provided with this "Notice of Agricultural Adjacency" prior to administrative action on either land use district, the issuance of a building or occupancy permit or approval of a subdivision of property. Prior to administrative action, the applicant shall be required to sign this wavier which indicates that the applicant understands that a use is ongoing, adjacent to his/her use, which can produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent Agricultural District uses, the applicant agrees by executing this form to waive any objection to those effects and understands that his/her district change and/or permits or other approvals are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the Agricultural District constitute a nuisance against the local government and adjoining land owners whose property is located in an Agricultural District. This wavier shall be provided and made applicable for subsequent purchasers and owners or heirs of his/her property. This notice and acknowledgement shall be public record.

Applicant Signature: 

Date: 1/27/23

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS  
(APPLICANTS AND REPRESENTATIVE(S) OF REQUESTED ACTION)**

Pursuant to O.C.G.A. Section 36-67 A-3.A, the disclosure of any campaign contributions aggregating \$250.00 or more to a local government official who will consider an application for re-classification or for a conditional use or special use permit is mandatory when an application or any representation of application for re-classification of district or for conditional use or special use permit has been made within two (2) years immediately preceding the filing of a request for reclassification or conditional use or special use permit by the same applicant and/or representative of said applicant. It shall be the duty of the applicant and/or any representatives of the applicant to file a disclosure with the governing authority of the respective local government to show the following:

Name of local official(s) to whom campaign contribution was made:

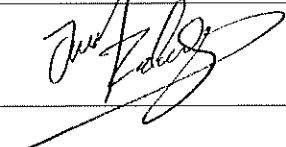
The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of this application for action for district re-classification, conditional use or special use permit.

Amount \$:

Date:

Enumeration and description of each gift (when the total value of all gifts is \$250.00 or more) made to the local government official during the two (2) years immediately preceding the filing of this application. **Please attach additional sheets if needed.**

Check box if no contributions made

Applicant Signature: 

Date: 1/27/23

**PROPERTY OWNER AUTHORIZATION**

To be completed by the property owner to certify ownership of subject property and to provide authorization for other person(s) to represent the owner on their behalf.

I/WE (print), Juan Rodriguez Isacusa, hereby swear that I/we own the property for which this land use change application is being made.

Property Address and/or Parcel ID: <u>042B004</u>	
<b>PROPERTY OWNER INFORMATION</b>	
Printed Name of Owner(s): <u>JUAN RODRIGUEZ ISACUSA</u>	
Mailing Address: <u>196 Montgomery St NW, Marietta, GA 30060</u>	
Phone Number:	[REDACTED]
Alternate Contact Number:	[REDACTED]
Email:	[REDACTED]
I/we hereby authorize the person named below to act as the applicant or agent in the pursuit of the requested action on this property. I/we understand that any action granted and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The person named below is authorized to make this application. The person named below is aware that no application or re-application affecting the same land shall be acted upon within six (6) months from the date of the last action by the White County Board of Commissioners.	
Printed Name of applicant or agent(s):	<u>JUAN RODRIGUEZ ISACUSA / Alex Green</u>
Signature of Owner(s):	Date Signed:
<u>[Signature]</u>	<u>7/28/23</u>

**PROPERTY OWNER AUTHORIZATION DOCUMENT: NOTARY ACKNOWLEDGEMENT**

Sworn to (or affirmed) and subscribed before me this 28 day of July, 20 23 by Juan Rodriguez Isacusa (name of signer(s)). The named signer(s) is/are personally known by me or produced the identification type of DL.

{Seal}

**Mercedes Dodd**  
**NOTARY PUBLIC**  
**White County, GEORGIA**  
**My Commission Expires 06/02/2026**

[Signature]  
(Signature of Notary)

(Name of Notary Typed, Stamped, or Printed)

**SHORT TERM RENTAL CERTIFICATIONS**

To be completed and notarized for any application where the proposed use is short term rental.

I/WE (print), Juan Rodriguez Isaacson,  
hereby swear that I/we own/will own the property referenced below for which this land use change application is being made.

\*Property Address and/or Parcel ID: 042B004

**PROPERTY OWNER AUTHORIZATION ACKNOWLEDGEMENT OF GUESTS**

I acknowledge to keep the total number of guests to that number which can safely stay in the premises and may be subject to the State of Georgia's fire safety code regulations.

Signature of Owner/Future Owner(s): Juan Rodriguez Isaacson

**PROPERTY OWNER AUTHORIZATION CERTIFIED BY OWNER OR THIRD PARTY INSPECTOR**

I attest by owner or third party inspector that short term rentals meet applicable International Building Code, International Fire Code regulations and NFPA 101 Life Safety codes.

Signature of Owner/Future Owner(s): Juan Rodriguez Isaacson

**PROPERTY OWNER AUTHORIZATION CERTIFIED DEED RESTRICTION**

I certify that there are no deed restriction and/or covenants on the property that prohibits the use of the property as a short-term rental.

Signature of Owner/Future Owner(s): Juan Rodriguez Isaacson

**PROPERTY OWNER AUTHORIZATION CERTIFIED SHORT-TERM RENTAL INSURANCE**

I certify that the owner/future owner has commercial or specific short-term rental insurance for the property. If insurance *has not been obtained* at time of application, I certify that owner/future owner will obtain prior to renting if application approval is granted.

Signature of Owner/Future Owner(s): Juan Rodriguez Isaacson

**OFFICIAL CODE OF WHITE COUNTY APPENDIX C/ARTICLE VII – SHORT TERM RENTALS & BUSINESS LICENSES NOTIFICATION**

I certify that I have been informed of and provided a copy of Appendix C/Article VII - Short Term Rentals. I certify that I have also been informed that I will need to contact the White County Business Tax Office (706-865-2235) to obtain the proper business licensing, host licensing, and subsequent tax information prior to operation of my short term rental.

Signature of Owner/Future Owner(s): Juan Rodriguez Isaacson

**SHORT TERM RENTAL CERTIFICATIONS DOCUMENT: NOTARY ACKNOWLEDGEMENT**

Sworn to (or affirmed) and subscribed before me this 28 day of July, 2023 by Juan Rodriguez Isaacson (name of signer(s)). The named signer(s) is/are personally known by me or produced the identification type of DL.

Mercedes Dodd (Signature of Notary)

{Seal} Mercedes Dodd  
NOTARY PUBLIC

White County, GEORGIA  
My Commission Expires 06/02/2026

(Name of Notary Typed, Stamped, or Printed)

**APPLICANT ACKNOWLEDGEMENT OF MEETING DATES**

I, Juan Rodriguez Isacoco (print name) have been advised that I or someone to represent me must be in attendance when my application is before the White County Planning Commission and the White County Board of Commissioners or it will be tabled. I also acknowledge that I have been made aware of the below dates upon submission of my application.

**Senior Center, 1239 Helen Hwy, Cleveland 6:00pm**

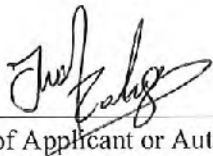
Public Hearing Date (Planning Commission): 9/25/2023

Regular Meeting Date (Planning Commission): 10/2/2023

**Administration Building, 1235 Helen Hwy, Cleveland 4:30pm**

Board of Commissioners Meeting Date: 10/30/2023

*\*Meeting dates are subject to change*

  
Signature of Applicant or Authorized Agent

1/27/23  
Date

<b><u>OFFICE USE ONLY</u></b>
Copy given to applicant: <u>7/28/23</u> (date)
Staff Initials: <u>WD</u>
Flag (circle): <u>(Y)</u> N

\*\*\*\*\*

<b>WITHDRAWAL</b>
<i>Notice: This section only to be completed if application is being withdrawn.</i>
PART II - OFFICIAL CODE/APPENDIX C - LAND USE REGULATIONS/ARTICLE XVIII. AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS
<i>Section 1803. Withdrawal of amendment application. Any petition for an amendment to these regulations, official land use district map, conditional use approval, variance or special use permit may be withdrawn, at the discretion of the person or agency initiating such request, at any time prior to final action by the board of commissioners upon written notice to the planning director. Any required fees shall be forfeited</i>
I hereby withdraw application #:
Applicant Signature: _____ Date: _____

Juan Rodriguez Isacura  
Valeria Carpico Amadio

54 Mcconnell Ct  
Helen, GA  
30545

To Whom it May concern,

We, Juan Rodriguez Isacura and Valeria Carpico Amadio, current owners of the property located at 54 Mcconnell Ct, Helen, GA 30545, intent to pursue a short-term rental license for our cabin; therefore, a change of land use must be requested. The cabin can accommodate a maximum of 4 guest.

Thank you in advance,



Juan Rodriguez Isacura



Valeria Carpico Amadio



# White County Environmental Health

Zachary Taylor, M.D., M.S., Health Director  
1241 Helen Highway, Unit 210 • Cleveland, GA 30528  
PH: 706-348-7698 • FAX: 706-348-1670 • [www.phdistrict2.org](http://www.phdistrict2.org)

Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union and White Counties

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Evaluation Applied For      | <input type="checkbox"/> Appropriate Permit Applied For                  |
| <input type="checkbox"/> Appropriate Permit Issued to Applicant | <input type="checkbox"/> Evaluation, Permit Not Applied For At This Time |

DATE: 06/12/2023

APPLICANT NAME: JUAN RODRIGUEZ ISACURA

PROPERTY ADDRESS: 54 MCCONNELL CT  
HELEN, GA 30545

### White County Planning Department:

In reference to a request for a change of zoning/land use or a building permit, application may need to be made for an existing system evaluation to determine:

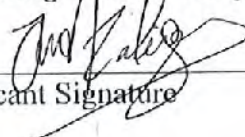
- that the permit on file is the correct permit for the property in question;
- that there is no evidence of system failure;
- that the septic system is appropriately sized for the current and proposed use;
- that there is adequate repair after the proposed addition;
- that there are no conditions that could adversely affect the functionality of the system.

Please note that this is NOT an all-inclusive list. Based upon the information submitted and/or the outcome of the evaluation, it may be determined that a septic system needs additional capacity or upgrade. If so, the appropriate permit will need to be obtained and the work completed before an approval can be given.

If, based upon information submitted, no septic systems exist on the property, this zoning/land use change and/or building permit request should not affect the property with respect to septic use.

White County Environmental Health  
District 2 Public Health

*By signing below I certify all information submitted is accurate and true to the best of my knowledge.*

  
Applicant Signature





**Georgia Department of Public Health On-Site Sewage Management System  
Performance Evaluation Report Form**

APPLICANT NAME: <b>JUAN RODRIGUEZ ISACURA</b>		PROPERTY/SYSTEM ADDRESS: <b>54 MCCONNELL CT HELEN, GA 30545</b>	EVALUATION ID: <b>006274</b>
APPLICANT PHONE: [REDACTED]			COUNTY: <b>White</b>
APPLICANT EMAIL ADDRESS:		SUBDIVISION/LOT/BLOCK: <b>CLEVELAND LAND COMPANY/LOT 14/N/A</b>	REASON FOR EVALUATION: <b>Structure Change of Use</b>
<b>Inspection Records</b>			
Yes	1. Inspection records exist for this septic system.		
Yes	2. Inspection records indicate that all components of the septic system were properly constructed and approved at the time of original inspection. A copy of the original inspection report is attached.		
<b>Maintenance Records (applicable copies are attached)</b>			
No	3. Maintenance or installation records indicate that the tank has been pumped out or installed within the past 5 years. Note: it is recommended that septic tanks be pumped at least once every 5 years.		
N/A	4. Systems with aerobic treatment unit(s) (ATU): Records indicate the ATU has been serviced in accordance with the manufacturer's recommended maintenance schedule OR an authorized representative of the manufacturer has provided documentation that the ATU is operating sufficiently.		
N/A	5. Systems with grease trap(s): Maintenance records indicate the grease trap(s) has been pumped out within the last 6 months OR documentation has been provided by a qualified individual confirming that the grease trap contains less than 75% of the designed grease holding capacity and is operating sufficiently.		
<b>System Assessment and Existing Site Conditions (applicable copies are attached)</b>			
No	6. The septic tank was uncovered at the time of this County Board of Health Evaluation OR maintenance records exist and the tank appears to meet the required design, construction, and installation criteria. The appropriateness of the sizing and installation criteria of the absorption field cannot be verified since no initial inspection records exist.		
Yes	7. A Georgia certified septic tank installer has provided written documentation of the system design, location, and components.		
Yes	8. This site evaluation by the County Board of Health revealed no evidence of system failure.		
Yes	9. This site evaluation by the County Board of Health revealed no evidence of adverse conditions which would affect the functioning of the system.		
<b>Addition to Property</b>			
N/A	10. This site evaluation as well as the provided information indicate that the proposed construction to the home or property should not adversely affect the functioning of the existing system.		
<b>Relocation of Home or Change of Use</b>			
Yes	11. This site evaluation as well as the provided information indicate that the system appears to meet the required design, construction, and installation criteria to accommodate the proposed relocation of the home or change of use for the facility should not adversely affect the functioning of the existing system.		

See 2nd page for evaluation notes, disclaimer, and signature.

## Performance Evaluation Report Form (continued)

PROPERTY/SYSTEM ADDRESS: <b>54 MCCONNELL CT HELEN, GA 30545</b>	EVALUATION ID: <b>006274</b>
	SUBDIVISION/LOT/BLOCK: <b>CLEVELAND LAND COMPANY/LOT 14/N/A</b>

**Adverse Conditions** (i.e. malfunctioning or damaged system or clear evidence of a condition, or conditions, that would likely contribute to system malfunction or unacceptable risk to public health):  
No adverse conditions were noted during the time of the inspection.

**Additional Notes/Comments:**  
Septic tank location is clearly marked. Ensure that cars continue to maintain setback areas to prevent pre-mature failure.  
STR approved for 4 persons based on 75 gallons per person per day.

<b>Inspector:</b> Padraic Thompson	<b>Signature:</b> 	<b>Date:</b> 06/22/2023
---------------------------------------	---	----------------------------

*I verify the above information to be correct at the date and time of this evaluation only. Disclaimer: This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by system malfunction.*



**Public Health**  
Prevent. Promote. Protect.

**White County Environmental Health**

1241 Helen Hwy, Unit 210

Cleveland, GA 30528

Phone: 706-348-7698 • Fax: 706-348-1670

[www.phdistrict2.org](http://www.phdistrict2.org)

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District 2 Public Health

Zachary Taylor, M.D., M.S., District Health Director

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June 23, 2023

Mr. Juan Rodriguez-Isacura  
54 McConnell Ct.  
Helen, Georgia 30545

Mr. Rodriguez-Isacura:

The water sample, which was collected **June 21, 2023** from the well located at **54 McConnell Ct. Helen, Georgia**, was found to be negative for coliform bacteria and negative for E-coli bacteria. This water sample is satisfactory.

If you have any questions, please call.

Sincerely,

Abigail Davis, MPH  
Environmental Health Specialist II

2189

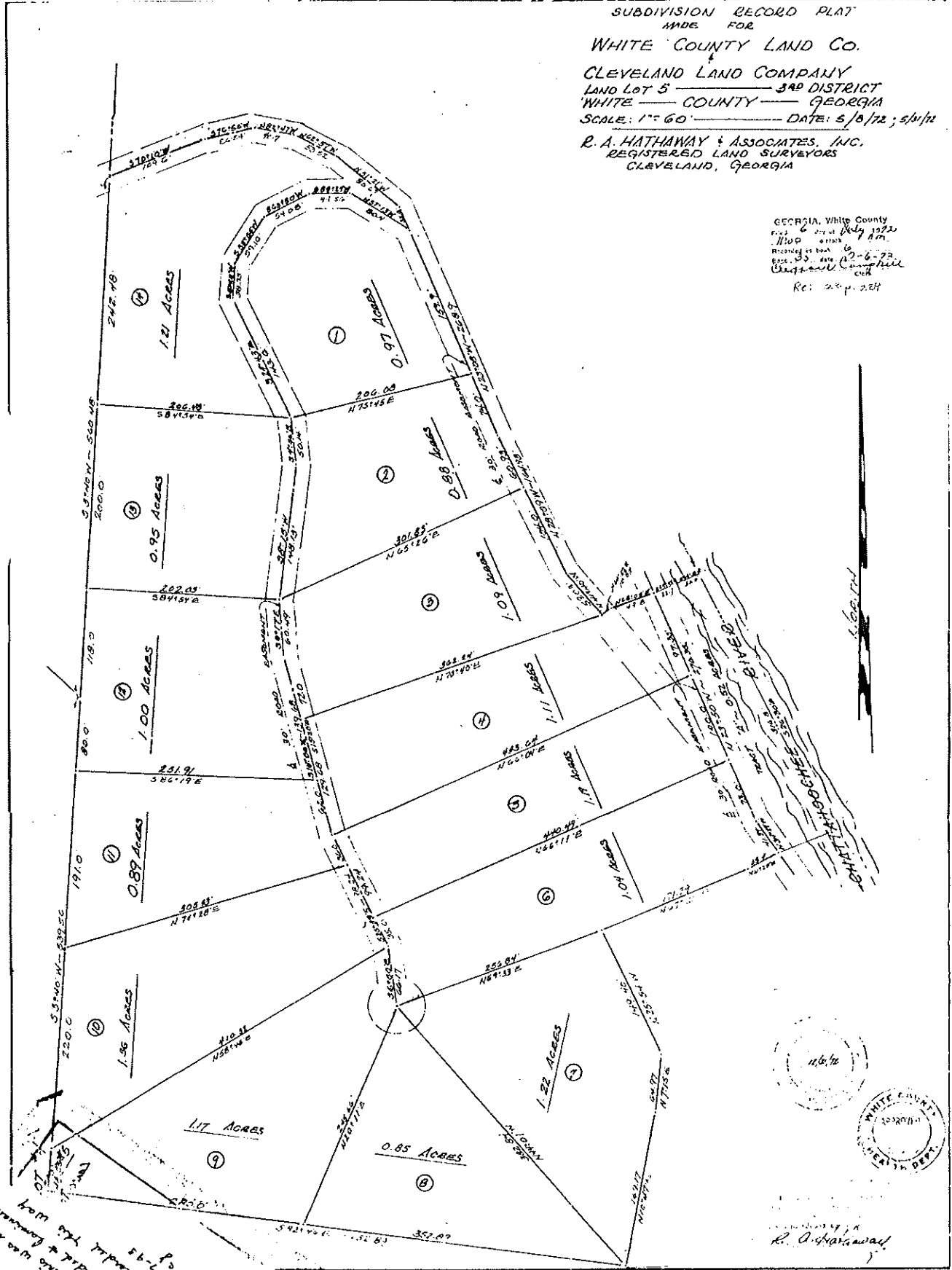
SUBDIVISION RECORD PLAT  
MADE FOR  
WHITE COUNTY LAND CO.

CLEVELAND LAND COMPANY  
LAND LOT 5 - 340 DISTRICT  
WHITE COUNTY - GEORGIA

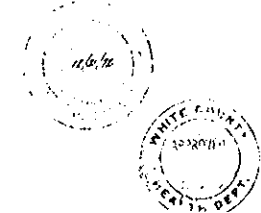
SCALE: 1" = 60' DATE: 5/10/72; 5/11/72

R. A. HATHAWAY & ASSOCIATES, INC.  
REGISTERED LAND SURVEYORS  
CLEVELAND, GEORGIA

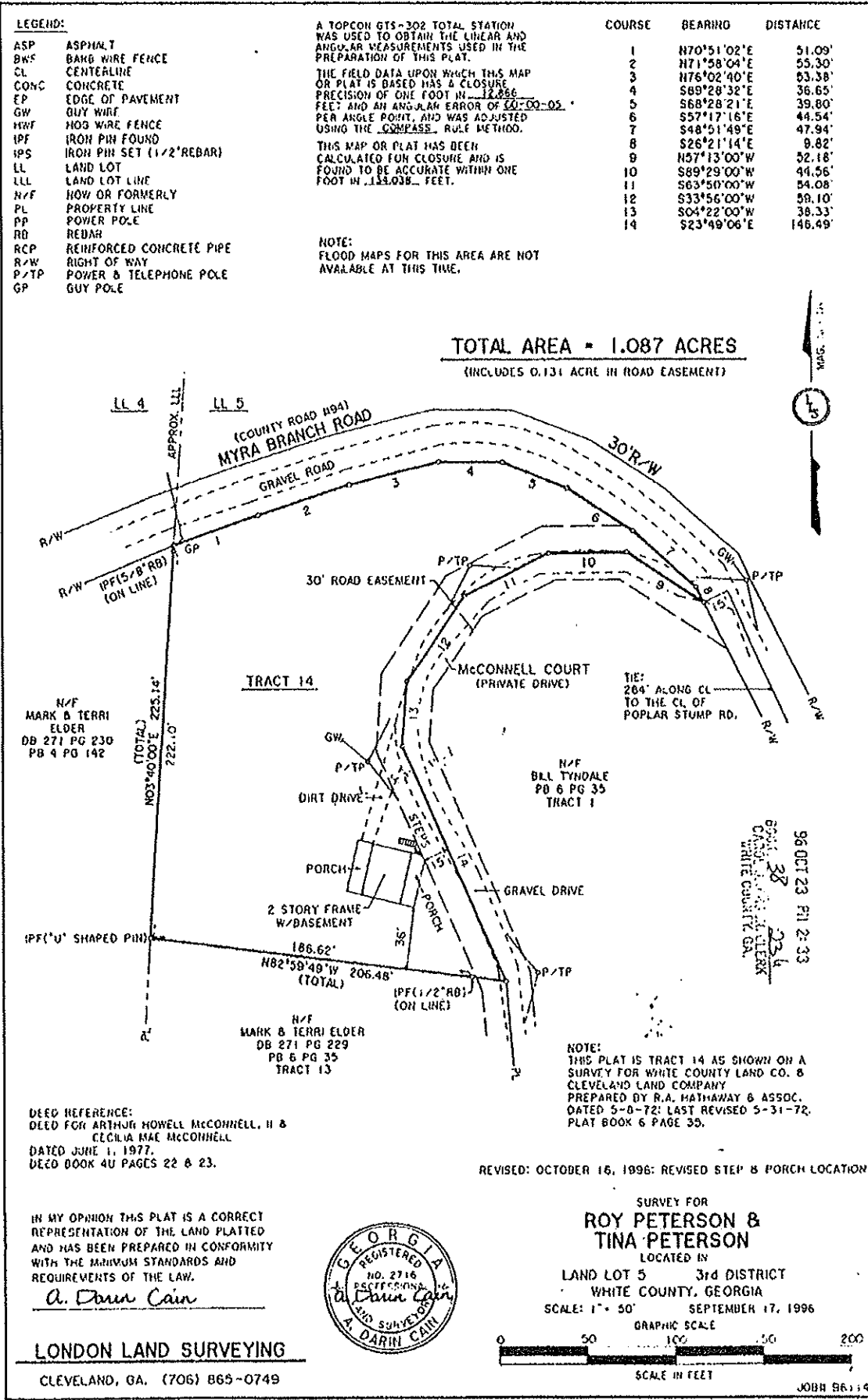
GEORGIA, White County  
Book 6 of Deeds 1972  
Page 1100  
Recorded as Book 6  
Page 1100 on 5-6-72  
Cleveland County  
Ga.  
Re: 28-p. 287



1-7-73  
Revised this plat  
filled & forwarded  
to the  
C.O.T.



R. A. Hathaway





# OFFICIAL TAX RECEIPT

## White County Tax Commissioner

**Cindy Cannon**

113 North Brooks Street  
Cleveland GA 30528

Phone 17068652225 - Fax 17062190078

Email: wctc@whitecounty.net

### OWNER

KING HEATHER P  
54 MCCONNELL CT  
HELEN, GA 30545-2404

PAID DATE		11/11/2022	
RECEIPT PRINTED		1/27/2023 2:49:10 PM	
CASH AMOUNT	CHECK AMOUNT	CHARGE AMOUNT	CHECK NUMBER(s) CHARGE APPROVAL CODE
\$0.00	\$0.00	\$1,532.44	0
REFUND AMOUNT		\$0.00	
OVERPAY AMOUNT		\$0.00	
CHANGE AMOUNT		\$0.00	
REGISTER		88	
CASHIER			
TOTAL PAID		\$1,532.44	

Tax Year- Bill Number FMV Property ID	Property Description Property Address District Serial Number Decal Number	Due Date Original Due	Interest Penalty Other Fees	Previous Paid Amount	Current Amount Due	Amount Paid	Tax Bill New Balance	
2022-9633 FMV: 185830.00 042B 004	LT14 CHAT LL5 LD3 54 MCCONNELL CT DISTRICT: 001 SERIAL NUMBER: DECAL NUMBER: 0	11/15/2022  \$1,532.44	\$0.00 \$0.00 \$0.00	\$0.00	\$1,532.44	\$1,532.44	\$0.00	
Paid By: Paid by Heather King from web. Ref No: 21695952 Auth Code:False				Overpayment Amount: 0.00				
Charge Number: 0								
Transaction(s): 17828 - 17828		Total(s):	\$1,532.44	\$0.00	\$0.00	\$1,532.44	\$1,532.44	\$0.00



# LETTER REQUEST FOR APPROVAL OF SHORT TERM RENTAL

Hello,

My name is Juan Rodriguez Isaacora. I am requesting a conditional use permit for Short Term Rental for the following property:

Address: 54 McConnell Ct, Helen, GA 30545


Parcel ID: 042 B004

Per White County Code of Ordinances Appendix C/Article VII/Section 702, I am required to have a signed majority of the homeowners in the subdivision for me to apply for this conditional use. Please complete the form below indicating that you approve of a conditional use for Short Term Rental at my property above.

I, Juan Rodriguez Isaacora (printed name), approve of short term rental at the property referenced above. My information is provided below.

I own the following properties in this subdivision:

Lot #	Parcel ID	Address or Street name if no address
	042 B004	54 McConnell Ct, Helen, GA 30545

Signature: 

Date Signed: 6/29/23



# LETTER REQUEST FOR APPROVAL OF SHORT TERM RENTAL

Hello,

My name is Juan Rodriguez Isacora. I am requesting a conditional use permit for Short Term Rental for the following property:

Address: 54 McConnell Ct, Helen, GA 30545

Parcel ID: 042B 004

Per White County Code of Ordinances Appendix C/Article VII/Section 702, I am required to have a signed majority of the homeowners in the subdivision for me to apply for this conditional use. Please complete the form below indicating that you approve of a conditional use for Short Term Rental at my property above.

I, Sam Benator (printed name), approve of short term rental at the property referenced above. My information is provided below.

I own the following properties in this subdivision:

Lot #	Parcel ID	Address or Street name if no address
9,10311	042B 006	160 McConnell Ct, Helen, GA 30545

Signature: Sam Benator

Date Signed: 6-30-2023

# LETTER REQUEST FOR APPROVAL OF SHORT TERM RENTAL

Hello,

My name is HEATHER KING. I am requesting a conditional use permit for Short Term Rental for the following property:

Address: 54 MCCONNELL CT, HELEN, GA 30545

Parcel ID: 042B 004

Per White County Code of Ordinances Appendix C/Article VII/Section 702, I am required to have a signed majority of the homeowners in the subdivision for me to apply for this conditional use. Please complete the form below indicating that you approve of a conditional use for Short Term Rental at my property above.

I, RAVINDRA KUMAR JONNAVATHULA (printed name), approve of short term rental at the property referenced above. My information is provided below.

I own the following properties in this subdivision:

Lot #	Parcel ID	Address or Street name if no address
	<u>042B 007</u>	<u>MCCONNELL CT (220)</u>

Signature: 

Date Signed: 01/16/2023

# LETTER REQUEST FOR APPROVAL OF SHORT TERM RENTAL

Hello,

My name is HEATHER KING. I am requesting a conditional use permit for Short Term Rental for the following property:

Address: 54 McCONNELL CT HELEN GA 30545

Parcel ID: 042 B 004

Per White County Code of Ordinances Appendix C/Article VII/Section 702, I am required to have a signed majority of the homeowners in the subdivision for me to apply for this conditional use. Please complete the form below indicating that you approve of a conditional use for Short Term Rental at my property above.

I, Steven and Viktoriya Croskey (printed name), approve of short term rental at the property referenced above. My information is provided below.

I own the following properties in this subdivision:

Lot #	Parcel ID	Address or Street name if no address
	042 B 013	173 McCONNELL CT

Signature: [Signature] Viktoriya D Croskey

Date Signed: 1/12/2023 1/12/23

# LETTER REQUEST FOR APPROVAL OF SHORT TERM RENTAL

Hello,

My name is HEATHER KING. I am requesting a conditional use permit for Short Term Rental for the following property:

Address: 54 McCONNELL CT HELEN GA 30545

Parcel ID: 042 B 004

Per White County Code of Ordinances Appendix C/Article VII/Section 702, I am required to have a signed majority of the homeowners in the subdivision for me to apply for this conditional use. Please complete the form below indicating that you approve of a conditional use for Short Term Rental at my property above.

I, GAIL DUFFEY (printed name), approve of short term rental at the property referenced above. My information is provided below.

I own the following properties in this subdivision:

Lot #	Parcel ID	Address or Street name if no address
	042B008	207 McCONNELL CT

Signature: Gail Duffey

Date Signed: 1-12-2023

# LETTER REQUEST FOR APPROVAL OF SHORT TERM RENTAL

Hello,

My name is HEATHER KING. I am requesting a conditional use permit for Short Term Rental for the following property:

Address: 54 McCONNELL CT HELEN GA 30545

Parcel ID: 042 B 004

Per White County Code of Ordinances Appendix C/Article VII/Section 702, I am required to have a signed majority of the homeowners in the subdivision for me to apply for this conditional use. Please complete the form below indicating that you approve of a conditional use for Short Term Rental at my property above.

I, BARBARA BOYD / HARRY YANN (printed name), approve of short term rental at the property referenced above. My information is provided below.

I own the following properties in this subdivision:

Lot #	Parcel ID	Address or Street name if no address
		191 McCONNELL CT

Signature: Barbara Boyd Hyg

Date Signed: 1/24/23

**WHITE COUNTY PLANNING DEPARTMENT  
STAFF COMMENT**

**JUAN RODRIGUEZ ISACUSA**

- PROPERTY IS LOCATED AT 54 MCCONNELL CT IN HELEN. IT IS IN THE R-1 SINGLE FAMILY RESIDENTIAL DISTRICT AND WILL REQUIRE A CONDITIONAL USE PERMIT FROM THE WHITE COUNTY BOARD OF COMMISSIONERS TO PLACE THE PROPERTY IN THE SHORT TERM RENTAL PROGRAM.
- PROPERTY ADJOINS TO THE NORTH, SOUTH, EAST, AND WEST R-1 RESIDENTIAL SINGLE-FAMILY DISTRICT.
- THE WHITE COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP INDICATES SINGLE FAMILY RESIDENTIAL.
- TOTAL ACREAGE IS 1.21.
- PROPERTY SUPPLIED BY WELL AND SEPTIC.

**EXISTING LAND USE**



**FUTURE LAND USE**



WHITE COUNTY PLANNING COMMISSION AGENDA  
REGULAR SESSION

**Application of Eduardo Rodriguez** to request a conditional use permit located at 1774 Joe Black Road, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 044D-019. Total acreage is 1.28. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant was not present. The application was tabled for the next Regular Meeting.

**Application of Juan Rodriguez Isacura and Valeria Carpico** to request a conditional use permit located at 54 McConnell Court, Helen, Georgia, 30545. Tax map and parcel 042B-004. Total acreage is 1.21. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

A representative, Alex Green of Blue Creek Cabin Rentals for 54 McConnell Court, was present. Mr. Barton gave a summary of the application. Mr. Green explained he will be managing the property. He stated the Board of Commissioners approved another property on McConnell Court last week. Mr. Green said this would be the second short-term rental, with the remainder being transient homes and half of the lots are undeveloped.

Motion to recommend approval to the Board of Commissioners made by Mr. Ackerman and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Donald and Susan Gwaltney** to request a conditional use permit located at 3588 Duncan Bridge Road, Cleveland, Georgia, 30528. Tax map and parcel 074-008B. Total acreage is 10.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicants, Donald and Susan Gwaltney of 242 Lacount Lane in Clarkesville, GA, was present. Mr. Barton gave a summary of the application. Ms. Gwaltney did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Ms. Dixon and seconded by Ms. Burke. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Jacob Gardner** to request a conditional use permit located at 2325 Highway 115 West, Cleveland, Georgia, 30528. Tax map and parcel 034B-029. Total acreage is 3.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Jacob Gardner of 2325 Highway 115 West, was present. Mr. Barton gave a summary of the application. Mr. Gardner did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Mr. Freeman and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 151 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-607. Total acreage is 1.24. Present zoning is R-1 Single Family Residential District.

The applicant, Salvador Aceves for 151 Clarice Lane, was present. Mr. Barton gave a summary of the application. Mr. Aceves did not have anything to add.

WHITE COUNTY PLANNING COMMISSION AGENDA  
PUBLIC HEARING: LAND USE REGULATION

Sandy Holden of 47 Terry's Place explained the property was rented out last year with issues of loud music that she called the police about, but did not have the property address. She said Mr. Rodriguez came to see her about reconsidering short-term rental but she said no. She said it is a quiet community with children that ride bicycles and play in the streets, as well as pets.

Harold Stinson of 1657 Joe Black asked if changing zoning would change their property taxes. Chairman Thomas said it would be a question for Tax Commissioner. Mr. Stinson said he does not want his taxes to go up or have issues with selling his property.

Nancy Hurst of 73 Terry's Place expressed concerns of sound traveling through the hollow, the one-way driveway coming into Terry's Place, weekend rentals, parties, noise, people walking up the Georgia Power access trail, stepping into her driveway, and safety in the quiet neighborhood. When asked if subdivision has covenants, she said she never researched but assumed it does.

Robert Orr of 1901 Joe Black Road said he works in Helen and residents of the county do not like to deal with Helen, so the rest of the county should stay residential and rural. He said short-term rentals are trying to "change the flavor" of this county and he does not think it is a good fit. He added that he believes that someone doing short-term rental should live in the county so they would have a vested interest in the community.

Chairman Thomas asked Mr. Rodriguez if he had anything he would like to add.

Mr. Rodriguez said he believes the letters he sent out addressed many of the concerns, such as having a noise detector and not renting to people that are young but it is not 100% fool proof. When asked about the incident that occurred last year, Mr. Rodriguez said he just purchased the property in April and has not rented it out short-term since he has owned it. He said he has been renting it full time for about a month. When asked where he lives, Mr. Rodriguez said he lives in West Palm Beach, Florida and plans to hire a company to manage the rental.

Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on October 2<sup>nd</sup>.

**Application of Juan Rodriguez Isacura and Valeria Carpico** to request a conditional use permit located at 54 McConnell Court, Helen, Georgia, 30545. Tax map and parcel 042B-004. Total acreage is 1.21. Proposed use is to place in "Short Term Rental" program. Present zoning is R-1 Residential Single Family.

The applicant, Juan Isacura of 54 McConnell Court, was present. Mr. Barton gave a summary of the application. Mr. Isacura explained the proposed short-term rental has two bedrooms and two bathrooms with parking for three vehicles. He said he purchased the property in February and has been making improvements since then, but has not been renting it. Mr. Isacura said he lives in Atlanta and hired a local management company to help mitigate concerns. He said the previous owner of the property was a full time occupant but others on McConnell Court are vacation homes that are not part of the short-term rental program. When asked if there are other short-term rentals in the subdivision, he stated one was approved today at the Board of Commissioners meeting. When asked about the letters he received from the



WHITE COUNTY PLANNING COMMISSION AGENDA  
PUBLIC HEARING: LAND USE REGULATION

neighbors, he said there are fourteen lots and he received eight letters, all of which are homeowners instead of landowners.

Chairman Thomas asked if anyone would like to speak for the application, there was no response. He asked if anyone would like to speak against the application, there was no response. Mr. Isacura did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on October 2<sup>nd</sup>.

**Application of Donald and Susan Gwaltney** to request a conditional use permit located at 3588 Duncan Bridge Road, Cleveland, Georgia, 30528. Tax map and parcel 074-008B. Total acreage is 10.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Susan Gwaltney of 242 Lacount Lane in Clarkesville, GA, was present. Mr. Barton gave a summary of the application. Ms. Gwaltney explained the proposed short-term rental would have a maximum occupancy of six with parking for four vehicles, no firearms, and a minimum rental age of 22 or 24. She said she owns two other short-term rentals in White County, so she will self-manage and be the local contact with a company that will handle the marketing. She said she has owned the property for about a year and just built the home. She explained there is a short-term rental behind them and others on and near Satterfield Road. She said the closest neighbor is half a mile away.

Chairman Thomas asked if anyone would like to speak for the application.

Duane McCollum of 4314 Duncan Bridge Road said he is in support since he is wanting to do a short-term rental, as well. He said there are many other rentals on Satterfield and does not see anything wrong with this property being a rental, especially on that large of a tract.

Chairman Thomas asked if anyone would like to speak against the application, there was no response. Ms. Gwaltney did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on October 2<sup>nd</sup>.

**Application of Jacob Gardner** to request a conditional use permit located at 2325 Highway 115 West, Cleveland, Georgia, 30528. Tax map and parcel 034B-029. Total acreage is 3.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Jake Gardner of 2325 Highway 115, was present. Mr. Barton gave a summary of the application. Mr. Gardner explained the proposed short-term rental is a basement apartment in his primary residence, it would have a maximum occupancy of four to six people with parking for two vehicles immediately outside of the apartment. He said the basement has two bedrooms and one bathroom with a separate entrance and is currently being rented out long term. He explained the closest neighbor is 80 to 100 yards away, but he has spoken with the property owner about his intentions. Mr. Gardner explained he plans to self-manage the rental.

Chairman Thomas asked if anyone would like to speak for the application, there was no response. He asked if anyone would like to speak against the application, there was no response. Mr. Gardner did not



# WHITE COUNTY

## *Board of Commissioners*

### Agenda Request Form

**Item Title:** Conditional Use Permit Request for STR for Donald and Susan Gwaltney 3588 Duncan Bridge Rd.

**For Meeting Date:** 10/30/2023

**Work Session**  **Regular Meeting**  **Public Hearing**

**Category (Select One):** Land Use Application

**Submitted By:** John Sell

**Attachments:** Yes  **If yes, please list each file name below:**

1. Application #20186
2. Public Hearing minutes of 9/25/2023
3. Regular Meeting minutes of 10/2/2023

**Purpose:**

Consider the application of Donald and Susan Gwaltney to request a conditional use permit located at 3588 Duncan Bridge Road, Cleveland, Georgia, 30528. Tax map and parcel 074-008B. Total acreage is 10.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

**Background / Summary:**

- Applicant is requesting a conditional use permit for short term rental. The property is not in a subdivision. Mrs. Gwaltney explained that the STR would have a maximum occupancy of six with parking for 4 vehicles. Their rules include no firearms and a minimum age of 22-24 to rent. She said she owns two other STRs in White County so she will self-manage and be the local contact. She has owned the property for about a year and just completed building the home. She said there is a STR behind them as well as other rentals near them off of Satterfield Road. Duane McCollum of 4314 Duncan Bridge Road spoke in support saying there are other rentals in the area and he would like to do a STR as well. There was no opposition to the application. The Planning Commission recommended approval of the application and the motion passed by unanimous vote.

**Department Recommendation:**

Planning Commission recommended approval by unanimous vote.

**Options:**

- Uphold Planning Commission recommendation and approve the application
- Reverse Planning Commission recommendation and deny the application.
- Table the application for further review or to send back to Planning Commission

**Budget Information:** Applicable  Not Applicable

**Budgeted:** Yes  No

**Finance Director's Comments (if applicable):**

- 

**County Manager Comments:**

-

# WHITE COUNTY CHANGE OF LAND USE DISTRICT APPLICATION

<b>OFFICE USE ONLY</b>	Land Use Application #: <u>20186</u>
Public Hearing Date: <u>9/25/23</u>	Commission District: <u>4</u>
Fees Assessed: <u>\$150</u>	Paid via: <input type="checkbox"/> cash <input type="checkbox"/> credit card <input checked="" type="checkbox"/> check# <u>1240</u>

APPLICANT INFORMATION	
Status: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Authorized Agent <input type="checkbox"/> Lessee <input type="checkbox"/> Option to Purchase	
Printed Name(s): <u>Donald &amp; Susan Gwaltney</u>	
Address: <u>242 LA Court Lane Clarkesville, GA 30523</u>	
Phone Number: [REDACTED]	Alternate Contact Number: [REDACTED]
Email: [REDACTED]	

**Owner Information (if different from Applicant/Agent):**

Name:	Phone #:
-------	----------

PROPERTY INFORMATION	
Parcel ID: <u>074008B</u>	Total acreage being changed: <u>10.00</u>
Address: <u>3588 Duncan Bridge Rd Cleveland, GA</u>	
Directions to Property: <u>north of intersection of Satterfield &amp; Duncan Bridge Rd</u>	

Current Use/Zoning of Property: <u>R1</u>	Type of Road Surface: <u>Asphalt</u>
Any prior redistricting requests for property <u>No</u> If yes, provide redistricting application #: _____	

**SURROUNDING PROPERTY LAND USE CLASSIFICATION:**

North: <u>R1</u>	South: <u>R1</u>	East: <u>R1</u>	West: <u>R1</u>
------------------	------------------	-----------------	-----------------

REQUESTED ACTION AND DETAILS OF PROPOSED USE (check all that apply)	
<input type="checkbox"/> Redistrict from district:	Redistrict to district:
<input checked="" type="checkbox"/> Conditional Use - specify: <u>STR</u>	
<input type="checkbox"/> Special Use - specify:	
<input type="checkbox"/> Land Use Variance from Code Section:	

Proposed use if not listed above:

Is this property part of a subdivision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If so, please list number of lots:
Are there covenants? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is there an active homeowner's association? <input type="checkbox"/> Yes <input type="checkbox"/> No
Subdivision Name (if applicable):	

Existing Utilities (check all that apply):  
 County or City Water     Well     Septic     Gas     Electric     Broadband

Proposed Utilities (check all that apply):  
 County or City Water     Well     Septic     Gas     Electric     Broadband

**COMMERCIAL AND INDUSTRIAL REDISTRICT INFORMATION**

Building Area: \_\_\_\_\_ No. of Parking Spaces: \_\_\_\_\_

**RESIDENTIAL REDISTRICT INFORMATION**

No. of Lots: \_\_\_\_\_ Minimum Lot Size in acres: \_\_\_\_\_ No. of Units: \_\_\_\_\_

Minimum Heated Floor Area (ft<sup>2</sup>): \_\_\_\_\_ Density/Acre: \_\_\_\_\_

Is an Amenity area proposed (specify if yes)?

Apartments     Condominiums     Townhomes     Single Family

Rental Cabins     Recreational Vehicle Park     Other- Specify: \_\_\_\_\_

**LIST OF ADJACENT PROPERTY OWNERS**

It is the responsibility of the Applicant to provide a list of adjacent property owners that has property bordering your property or who has property directly across the street from your property (additional sheet may be included, if necessary).

PARCEL	PROPERTY OWNER NAME	MAILING ADDRESS
1 074009	Fontain, Jennie	P.O. Box 425 (Cleveland), OH 30528
073C077	Beckman, Harold	3517 Duncan Bridge Rd (Cleveland) 30528
2 074011	Sims, Jerril & Michael	67 Log Cabin Trl (Cleveland) 30528
073C073	Forry, Freddy	3320 Duncan Bridge Rd (Cleveland)
3 074006D	Hopper, Steven & Michelle	174 White Pine Rd Cleveland
074008	Campbell, Donelson	1111 Satterfield Rd Cleveland
4 074008A	Anderson, Rhonda / Aaron	1454 Old Blue Creek Rd (Cleveland)
5		
6		
7		

### APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners meeting agendas.

I understand that the Planning Department staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and Board of Commissioners to make an informed determination on my request. I understand that I may seek legal advice if I am not familiar with the land use requirements and procedures.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioners meetings and that I am required to be present or to be represented by someone able to present all facts and answer all questions. I understand that failure to appear at a meeting shall result in the postponement or denial of my application request. I further understand that it is my responsibility to be aware of relevant meeting dates and times regardless of notification from White County.

I hereby certify that I have read the above and that the above information, as well as the attached information, is true and correct.

Applicant Signature: *X Donald Swaff*  
*X Susan Swaff* Date: *7/26/2023*

### 2023 DEADLINES AND MEETING DATES

Submittal Date Planning Dept. Office 5:00 p.m. Deadline	Planning Commission Public Hearing 1239 Helen Hwy 6:00 p.m.	Planning Commission Regular Session 1239 Helen Hwy 6:00 p.m.	Board of Commissioners Work Session 1235 Helen Hwy 4:30 p.m.
Wednesday, January 4, 2023	Monday, January 30, 2023	Monday, February 6, 2023	Monday, February 27, 2023
Wednesday, February 1, 2023	Monday, February 27, 2023	Monday, March 6, 2023	Monday, March 27, 2023
Wednesday, March 1, 2023	Monday, March 27, 2023	Monday, April 3, 2023	Monday, April 24, 2023
Wednesday, March 29, 2023	Monday, April 24, 2023	Monday, May 1, 2023	TBA
Wednesday, May 3, 2023	TBA	Monday, June 5, 2023	Monday, June 26, 2023
Wednesday, May 31, 2023	Monday, June 26, 2023	Monday, July 3, 2023	Monday, July 31, 2023
Wednesday, June 14, 2023 *	Monday, July 31, 2023	Monday, August 7, 2023	Monday, August 28, 2023
Wednesday, July 12, 2023	Monday, August 28, 2023	TBA	Monday, September 25, 2023
→ Wednesday, August 9, 2023	Monday, September 25, 2023	Monday, October 2, 2023	Monday, October 30, 2023
Wednesday, September 13, 2023	Monday, October 30, 2023	Monday, November 6, 2023	Monday, November 27, 2023
Wednesday, October 11, 2023	Monday, November 27, 2023	Monday, December 4, 2023	TBA
Wednesday, November 8, 2023	TBA	TBA	Monday, January 29, 2024
Wednesday, December 13, 2023	Monday, January 29, 2024	Monday, February 5, 2024	Monday, February 26, 2024

\*NEW DEADLINE DATES EFFECTIVE IN ORDER TO MEET ZPL UPDATES AS OF JULY 2023

**NOTICE OF AGRICULTURAL DISTRICT ADJACENCY**

Future abutting developers in non-agricultural land use districts shall be provided with this "Notice of Agricultural Adjacency" prior to administrative action on either land use district, the issuance of a building or occupancy permit or approval of a subdivision of property. Prior to administrative action, the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing, adjacent to his/her use, which can produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent Agricultural District uses, the applicant agrees by executing this form to waive any objection to those effects and understands that his/her district change and/or permits or other approvals are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the Agricultural District constitute a nuisance against the local government and adjoining land owners whose property is located in an Agricultural District. This waiver shall be provided and made applicable for subsequent purchasers and owners or heirs of his/her property. This notice and acknowledgement shall be public record.

**Applicant Signature:**

**Date:**

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS  
(APPLICANTS AND REPRESENTATIVE(S) OF REQUESTED ACTION)**

Pursuant to O.C.G.A. Section 36-67 A-3.A, the disclosure of any campaign contributions aggregating \$250.00 or more to a local government official who will consider an application for re-classification or for a conditional use or special use permit is mandatory when an application or any representation of application for re-classification of district or for conditional use or special use permit has been made within two (2) years immediately preceding the filing of a request for reclassification or conditional use or special use permit by the same applicant and/or representative of said applicant. It shall be the duty of the applicant and/or any representatives of the applicant to file a disclosure with the governing authority of the respective local government to show the following:

Name of local official(s) to whom campaign contribution was made:

The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of this application for action for district re-classification, conditional use or special use permit.

Amount \$:

Date:

Enumeration and description of each gift (when the total value of all gifts is \$250.00 or more) made to the local government official during the two (2) years immediately preceding the filing of this application. **Please attach additional sheets if needed.**

Check box if no contributions made

**Applicant Signature:**

*[Handwritten Signature]*

**Date:**

*7/26/23*

**PROPERTY OWNER AUTHORIZATION**

To be completed by the property owner to certify ownership of subject property and to provide authorization for other person(s) to represent the owner on their behalf.

I/WE (print), Donald & Susan Gwaltney, hereby swear that I/we own the property for which this land use change application is being made.

<b>Property Address and/or Parcel ID:</b>	
<b>PROPERTY OWNER INFORMATION</b>	
Printed Name of Owner(s): <u>Donald &amp; Susan Gwaltney</u>	
Mailing Address: <u>242 La Court Lane Habersham (Clarksville), GA</u>	
Phone Number:	<u>30523</u>
Alternate Contact Number:	
Email:	
I/we hereby authorize the person named below to act as the applicant or agent in the pursuit of the requested action on this property. I/we understand that any action granted and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The person named below is authorized to make this application. The person named below is aware that no application or re-application affecting the same land shall be acted upon within six (6) months from the date of the last action by the White County Board of Commissioners.	
Printed Name of applicant or agent(s):	
<b>Signature of Owner(s):</b>	<b>Date Signed:</b>
<u>[Signature]</u>	<u>7/27/23</u>
<u>[Signature]</u>	<u>7/27/2023</u>

**PROPERTY OWNER AUTHORIZATION DOCUMENT: NOTARY ACKNOWLEDGEMENT**

Sworn to (or affirmed) and subscribed before me this 27 day of July, 2023 by Donald & Susan Gwaltney (name of signer(s)). The named signer(s) is/are personally known by me or produced the identification type of DL.



[Signature]  
(Signature of Notary)  
Christy M Sprinkle  
(Name of Notary Typed, Stamped, or Printed)



**SHORT TERM RENTAL CERTIFICATIONS**

To be completed and notarized for any application where the proposed use is short term rental.

I/WE (print), Donald & Susan Gwaltney,  
hereby swear that I/we own/will own the property referenced below for which this land use change application is being made.

\*Property Address and/or Parcel ID: 3588 Duncan Bridge Rd IP# 074,008B

**PROPERTY OWNER AUTHORIZATION ACKNOWLEDGEMENT OF GUESTS**

I acknowledge to keep the total number of guests to that number which can safely stay in the premises and may be subject to the State of Georgia's fire safety code regulations.

Signature of Owner/Future Owner(s): X [Signature]

**PROPERTY OWNER AUTHORIZATION CERTIFIED BY OWNER OR THIRD PARTY INSPECTOR**

I attest by owner or third party inspector that short term rentals meet applicable International Building Code, International Fire Code regulations and NFPA 101 Life Safety codes.

Signature of Owner/Future Owner(s): X [Signature]

**PROPERTY OWNER AUTHORIZATION CERTIFIED DEED RESTRICTION**

I certify that there are no deed restriction and/or covenants on the property that prohibits the use of the property as a short-term rental.

Signature of Owner/Future Owner(s): X [Signature]

**PROPERTY OWNER AUTHORIZATION CERTIFIED SHORT-TERM RENTAL INSURANCE**

I certify that the owner/future owner has commercial or specific short-term rental insurance for the property. If insurance *has not been obtained* at time of application, I certify that owner/future owner will obtain prior to renting if application approval is granted.

Signature of Owner/Future Owner(s): X [Signature]

**OFFICIAL CODE OF WHITE COUNTY APPENDIX C/ARTICLE VII - SHORT TERM RENTALS & BUSINESS LICENSES NOTIFICATION**

I certify that I have been informed of and provided a copy of Appendix C/Article VII - Short Term Rentals. I certify that I have also been informed that I will need to contact the White County Business Tax Office (706-865-2235) to obtain the proper business licensing, host licensing, and subsequent tax information prior to operation of my short-term rental.

Signature of Owner/Future Owner(s): X [Signature]

**SHORT TERM RENTAL CERTIFICATIONS DOCUMENT: NOTARY ACKNOWLEDGEMENT**

Sworn to (or affirmed) and subscribed before me this 27 day of July, 2023 by Donald & Susan Gwaltney (name of signer(s)). The named signer(s) is/are personally known by me or produced the identification type of DL.



[Signature]  
(Signature of Notary)

Christy M Sprinkle  
(Name of Notary Typed, Stamped, or Printed)

**APPLICANT ACKNOWLEDGEMENT OF MEETING DATES**

I, Donald & Susan Cwaltney (print name) have been advised that I or someone to represent me must be in attendance when my application is before the White County Planning Commission and the White County Board of Commissioners or it will be tabled. I also acknowledge that I have been made aware of the below dates upon submission of my application.

Senior Center, 1239 Helen Hwy, Cleveland

6:00pm

Public Hearing Date (Planning Commission): ~~Wed 8/~~ 9/25/23 (Monday)

Regular Meeting Date (Planning Commission): 10/2/2023

Administration Building, 1235 Helen Hwy, Cleveland

4:30pm

Board of Commissioners Meeting Date: 10/30/2023

x Donald Cwaltney \*Meeting dates are subject to change

Susan Cwaltney  
Signature of Applicant or Authorized Agent

7/26/2023  
Date

<b><u>OFFICE USE ONLY</u></b>
Copy given to applicant: <u>7/31/23</u> (date)
Staff Initials: <u>WV</u>
Flag (circle): <u>Y</u> N

\*\*\*\*\*

<b>WITHDRAWAL</b>
<i>Notice: This section only to be completed if application is being withdrawn.</i>
PART II - OFFICIAL CODE/APPENDIX C - LAND USE REGULATIONS/ARTICLE XVIII. AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS
<i>Section 1803. Withdrawal of amendment application. Any petition for an amendment to these regulations, official land use district map, conditional use approval, variance or special use permit may be withdrawn, at the discretion of the person or agency initiating such request, at any time prior to final action by the board of commissioners upon written notice to the planning director. Any required fees shall be forfeited</i>
I hereby withdraw application #:
Applicant Signature: _____ Date: _____

Donald and Susan Gwaltney are the owners of the 3 bedroom / 2 bath newly constructed home at 3588 Duncan Bridge Road Cleveland, GA.

We would like to offer this home as a short term rental. We have been successful former owners of two short term rental cabins for approximately 20 years in White County.

We plan to list this property with Evolve Marketing ( listing on VRBO, AirBnB, ect.)

We will be the contact persons for this property as we live in Clarkesville about 15 minutes away.

The maximum guests will be 6 people, 4 car parking, and we will not allow firearms discharged on the property by our guests.

SUSAN Gwaltney  
Susan Gwaltney 7/31/2023



**Public Health**  
Prevent. Promote. Protect.

## White County Environmental Health

Zachary Taylor, M.D., M.S., Health Director

1241 Helen Highway, Unit 210 • Cleveland, GA 30528

PH: 706-348-7698 • FAX: 706-348-1670 • [www.phdistrict2.org](http://www.phdistrict2.org)

Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union and White Counties

- |                                     |   |                          |  |
|-------------------------------------|---|--------------------------|--|
| <input checked="" type="checkbox"/> | <b>Evaluation Applied For</b>                 | <input type="checkbox"/> | <b>Appropriate Permit Applied For</b>                  |
| <input type="checkbox"/>            | <b>Appropriate Permit Issued to Applicant</b> | <input type="checkbox"/> | <b>Evaluation, Permit Not Applied For At This Time</b> |

DATE: 07/31/2023

APPLICANT NAME: DONALD & SUSAN GWALTNEY

PROPERTY ADDRESS: 3588 DUNCAN BRIDGE RD  
CLEVELAND, GA 30528

White County Planning Department:

In reference to a request for a change of zoning/land use or a building permit, application may need to be made for an existing system evaluation to determine:

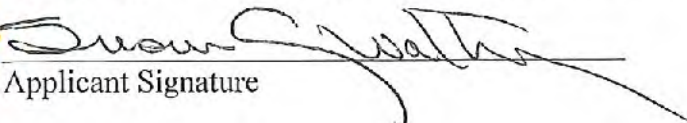
- that the permit on file is the correct permit for the property in question;
- that there is no evidence of system failure;
- that the septic system is appropriately sized for the current and proposed use;
- that there is adequate repair after the proposed addition;
- that there are no conditions that could adversely affect the functionality of the system.

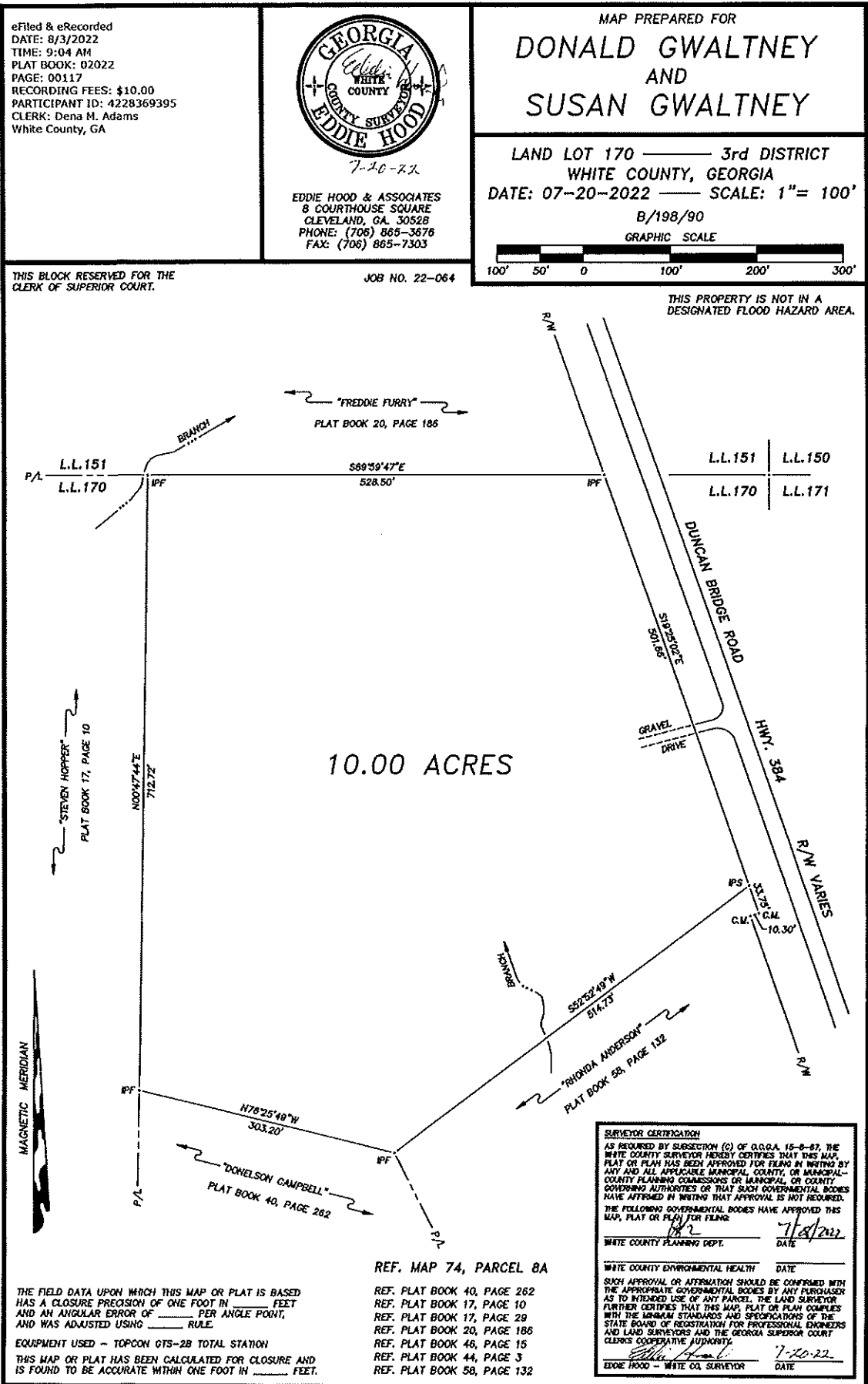
Please note that this is NOT an all-inclusive list. Based upon the information submitted and/or the outcome of the evaluation, it may be determined that a septic system needs additional capacity or upgrade. If so, the appropriate permit will need to be obtained and the work completed before an approval can be given.

If, based upon information submitted, no septic systems exist on the property, this zoning/land use change and/or building permit request should not affect the property with respect to septic use.

White County Environmental Health  
District 2 Public Health

*By signing below, I certify all information submitted is accurate and true to the best of my knowledge.*

  
Applicant Signature





# OFFICIAL TAX RECEIPT

## White County Tax Commissioner

**Cindy Cannon**

P. O. Box 970

Cleveland GA 30528

Phone 17068652225 - Fax 17062190078

Email: wclc@whitecounty.net

### OWNER

ANDERSON RHONDAANDERSON AARON

1454 OLD BLUE CREEK RD

CLEVELAND. GA 30528-0052

PAID DATE		11/15/2022	
RECEIPT PRINTED		7/31/2023 11:32:36 AM	
CASH AMOUNT	CHECK AMOUNT	CHARGE AMOUNT	CHECK NUMBER(s) CHARGE APPROVAL CODE
\$0.00	\$1,594.45	\$0.00	141
REFUND AMOUNT		\$0.00	
OVERPAY AMOUNT		\$0.00	
CHANGE AMOUNT		\$0.00	
REGISTER		1	
CASHIER			
TOTAL PAID		\$1,594.45	

Tax Year- Bill Number FMV Property ID	Property Description Property Address District Serial Number Decal Number	Due Date  Original Due	Interest Penalty  Other Fees	Previous Paid Amount	Current Amount Due	Amount Paid	Tax Bill New Balance	
2022-698 FMV: 168000.00 074 008A	LL170 LD3 DUNCAN BRIDGE RD DISTRICT: 001 SERIAL NUMBER: DECAL NUMBER: 0	11/15/2022  \$1,594.45	\$0.00 \$0.00 \$0.00	\$0.00	\$1,594.45	\$1,594.45	\$0.00	
Paid By: ARR FAMILY LLC Check Number: 141				Overpayment Amount: 0.00				
Transaction(s): 192583 - 192583		Total(s):	\$1,594.45	\$0.00	\$0.00	\$1,594.45	\$1,594.45	\$0.00





Overview



Legend

- Roads
- Railroads
- Lakes
- Streams and Rivers
- City Labels

Parcel ID	074 008B	Alternate ID	5080176	Owner Address	GWALTNEY DONALD
Sec/Twp/Rng	n/a	Class	A		GWALTNEY SUSAN
Property Address	DUNCAN BRIDGE RD	Acreage	10.0		242 LACOUNT LN
	01				CLARKESVILLE GA 30523-6027
District	01				
Brief Tax Description	LL170 171 LD3				
	(Note: Not to be used on legal documents)				

Date created: 7/25/2023  
 Last Data Uploaded: 7/25/2023 5:22:18 AM

Developed by Schneider  
 GEOSPATIAL

**WHITE COUNTY PLANNING DEPARTMENT  
STAFF COMMENT**

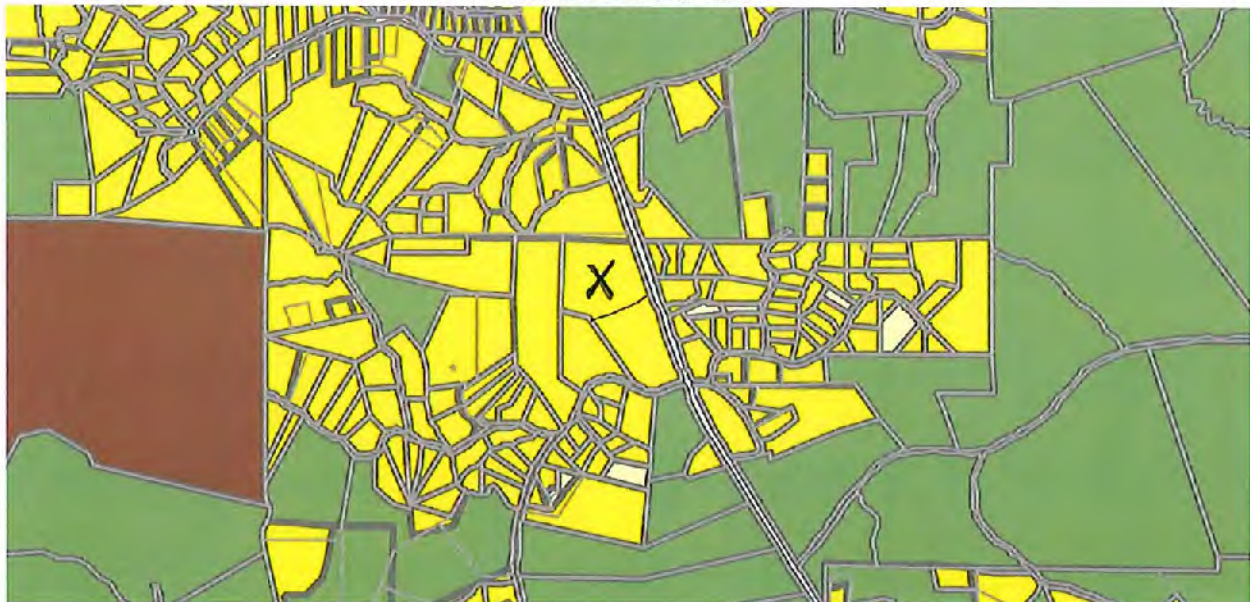
**SUSAN GWALTNEY**

- PROPERTY IS LOCATED AT 3588 DUNCAN BRIDGE RD IN CLEVELAND. IT IS IN THE R-1 SINGLE FAMILY RESIDENTIAL DISTRICT AND WILL REQUIRE A CONDITIONAL USE PERMIT FROM THE WHITE COUNTY BOARD OF COMMISSIONERS TO PLACE THE PROPERTY IN THE SHORT TERM RENTAL PROGRAM.
- PROPERTY ADJOINS TO THE NORTH, SOUTH, EAST, AND WEST R-1 RESIDENTIAL SINGLE-FAMILY DISTRICT.
- THE WHITE COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP INDICATES SINGLE FAMILY RESIDENTIAL.
- TOTAL ACREAGE IS 10.00.
- PROPERTY SUPPLIED BY WELL AND SEPTIC.

**EXISTING LAND USE**



**FUTURE LAND USE**





WHITE COUNTY PLANNING COMMISSION AGENDA  
REGULAR SESSION

**Application of Eduardo Rodriguez** to request a conditional use permit located at 1774 Joe Black Road, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 044D-019. Total acreage is 1.28. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant was not present. The application was tabled for the next Regular Meeting.

**Application of Juan Rodriguez Isacura and Valeria Carpico** to request a conditional use permit located at 54 McConnell Court, Helen, Georgia, 30545. Tax map and parcel 042B-004. Total acreage is 1.21. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

A representative, Alex Green of Blue Creek Cabin Rentals for 54 McConnell Court, was present. Mr. Barton gave a summary of the application. Mr. Green explained he will be managing the property. He stated the Board of Commissioners approved another property on McConnell Court last week. Mr. Green said this would be the second short-term rental, with the remainder being transient homes and half of the lots are undeveloped.

Motion to recommend approval to the Board of Commissioners made by Mr. Ackerman and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Donald and Susan Gwaltney** to request a conditional use permit located at 3588 Duncan Bridge Road, Cleveland, Georgia, 30528. Tax map and parcel 074-008B. Total acreage is 10.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicants, Donald and Susan Gwaltney of 242 Lacount Lane in Clarkesville, GA, was present. Mr. Barton gave a summary of the application. Ms. Gwaltney did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Ms. Dixon and seconded by Ms. Burke. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Jacob Gardner** to request a conditional use permit located at 2325 Highway 115 West, Cleveland, Georgia, 30528. Tax map and parcel 034B-029. Total acreage is 3.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Jacob Gardner of 2325 Highway 115 West, was present. Mr. Barton gave a summary of the application. Mr. Gardner did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Mr. Freeman and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 151 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-607. Total acreage is 1.24. Present zoning is R-1 Single Family Residential District.

The applicant, Salvador Aceves for 151 Clarice Lane, was present. Mr. Barton gave a summary of the application. Mr. Aceves did not have anything to add.

WHITE COUNTY PLANNING COMMISSION AGENDA  
PUBLIC HEARING: LAND USE REGULATION

neighbors, he said there are fourteen lots and he received eight letters, all of which are homeowners instead of landowners.

Chairman Thomas asked if anyone would like to speak for the application, there was no response. He asked if anyone would like to speak against the application, there was no response. Mr. Isacura did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on October 2<sup>nd</sup>.

**Application of Donald and Susan Gwaltney** to request a conditional use permit located at 3588 Duncan Bridge Road, Cleveland, Georgia, 30528. Tax map and parcel 074-008B. Total acreage is 10.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Susan Gwaltney of 242 Lacount Lane in Clarkesville, GA, was present. Mr. Barton gave a summary of the application. Ms. Gwaltney explained the proposed short-term rental would have a maximum occupancy of six with parking for four vehicles, no firearms, and a minimum rental age of 22 or 24. She said she owns two other short-term rentals in White County, so she will self-manage and be the local contact with a company that will handle the marketing. She said she has owned the property for about a year and just built the home. She explained there is a short-term rental behind them and others on and near Satterfield Road. She said the closest neighbor is half a mile away.

Chairman Thomas asked if anyone would like to speak for the application.

Duane McCollum of 4314 Duncan Bridge Road said he is in support since he is wanting to do a short-term rental, as well. He said there are many other rentals on Satterfield and does not see anything wrong with this property being a rental, especially on that large of a tract.

Chairman Thomas asked if anyone would like to speak against the application, there was no response. Ms. Gwaltney did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on October 2<sup>nd</sup>.

**Application of Jacob Gardner** to request a conditional use permit located at 2325 Highway 115 West, Cleveland, Georgia, 30528. Tax map and parcel 034B-029. Total acreage is 3.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Jake Gardner of 2325 Highway 115, was present. Mr. Barton gave a summary of the application. Mr. Gardner explained the proposed short-term rental is a basement apartment in his primary residence, it would have a maximum occupancy of four to six people with parking for two vehicles immediately outside of the apartment. He said the basement has two bedrooms and one bathroom with a separate entrance and is currently being rented out long term. He explained the closest neighbor is 80 to 100 yards away, but he has spoken with the property owner about his intentions. Mr. Gardner explained he plans to self-manage the rental.

Chairman Thomas asked if anyone would like to speak for the application, there was no response. He asked if anyone would like to speak against the application, there was no response. Mr. Gardner did not



# WHITE COUNTY

## *Board of Commissioners*

### Agenda Request Form

**Item Title:** Conditional Use Permit Request for STR for Jacob Gardner 2325 Hwy 115 West, Cleveland

**For Meeting Date:** 10/30/2023

**Work Session**  **Regular Meeting**  **Public Hearing**

**Category (Select One):** Land Use Application

**Submitted By:** John Sell

**Attachments:** Yes  **If yes, please list each file name below:**

1. Application #20203
2. Public Hearing minutes of 9/25/2023
3. Regular Meeting minutes of 10/2/2023

#### **Purpose:**

Consider the application of Jacob Gardner to request a conditional use permit located at 2325 Highway 115 West, Cleveland, Georgia, 30528. Tax map and parcel 034B-029. Total acreage is 3.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

#### **Background / Summary:**

- Applicant is requesting a conditional use permit for short term rental. The property is not in a subdivision. Mr. Gardner explained that this is a basement apartment in his primary residence and it would have a maximum occupancy of 4 to 6 people with parking for two vehicles immediately outside the apartment. The basement has two bedrooms and one bath and is currently being rented long term. He plans on self-managing the rental. There was no one to speak for or in opposition to the application. The Planning Commission recommended approval of the application and the motion passed by unanimous vote.

#### **Department Recommendation:**

Planning Commission recommended approval by unanimous vote.

#### **Options:**

- Uphold Planning Commission recommendation and approve the application
- Reverse Planning Commission recommendation and deny the application.

- Table the application for further review or to send back to Planning Commission

**Budget Information:** Applicable  Not Applicable

**Budgeted:** Yes  No

**Finance Director's Comments (if applicable):**

- 

**County Manager Comments:**

-

# WHITE COUNTY CHANGE OF LAND USE DISTRICT APPLICATION

<b>OFFICE USE ONLY</b>	Land Use Application #: <u>20203</u>
Public Hearing Date: <u>9/25/23</u>	Commission District: <u>1</u>
Fees Assessed: <u>\$250-</u>	Paid via: <input type="checkbox"/> cash <input checked="" type="checkbox"/> credit card <input type="checkbox"/> check# _____

### APPLICANT INFORMATION

Status:  Owner     Authorized Agent     Lessee     Option to Purchase

Printed Name(s): Jacob Gardner

Address: 2325 Hwy 115 W., Cleveland, GA. 30528

Phone Number: [REDACTED]    Alternate Contact Number: [REDACTED]

Email: [REDACTED]

### Owner Information (if different from Applicant/Agent):

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

### PROPERTY INFORMATION

Parcel ID: 034B 029    Total acreage being changed: 3

Address: 2325 Hwy 115 W., Cleveland, GA. 30528

Directions to Property: From Cleveland Square, travel West on Hwy 115 W for approximately 2.5 miles. Home is on the east side of the highway between Asbury Mill Rd. and Turner Ridge Dr.

Current Use/Zoning of Property: R1    Type of Road Surface: Pavement / gravel

Any prior redistricting requests for property:  If yes, provide redistricting application #: \_\_\_\_\_

### SURROUNDING PROPERTY LAND USE CLASSIFICATION:

North: R1    South: R1    East: R1    West: R1 & A1

### REQUESTED ACTION AND DETAILS OF PROPOSED USE (check all that apply)

<input type="checkbox"/> Redistrict from district:	Redistrict to district:
<input checked="" type="checkbox"/> Conditional Use - specify: <u>Short-term rental</u>	
<input type="checkbox"/> Special Use - specify:	
<input type="checkbox"/> Land Use Variance from Code Section:	

Proposed use if not listed above: \_\_\_\_\_

Is this property part of a subdivision?  Yes  No    If so, please list number of lots: \_\_\_\_\_

Are there covenants?  Yes  No    Is there an active homeowner's association?  Yes  No

Subdivision Name (if applicable): \_\_\_\_\_

Existing Utilities (check all that apply):  
 County or City Water     Well     Septic     Gas     Electric     Broadband

Proposed Utilities (check all that apply):  
 County or City Water     Well     Septic     Gas     Electric     Broadband

**COMMERCIAL AND INDUSTRIAL REDISTRICT INFORMATION**

Building Area: 3,400 sq. ft.                      No. of Parking Spaces: 6

**RESIDENTIAL REDISTRICT INFORMATION**

No. of Lots:                      Minimum Lot Size in acres:                      No. of Units:

Minimum Heated Floor Area (ft<sup>2</sup>):                      Density/Acre:

Is an Amenity area proposed (specify if yes)?

Apartments     Condominiums     Townhomes     Single Family

Rental Cabins     Recreational Vehicle Park     Other- Specify:

**LIST OF ADJACENT PROPERTY OWNERS**

It is the responsibility of the Applicant to provide a list of adjacent property owners that has property bordering your property or who has property directly across the street from your property (additional sheet may be included, if necessary).

PARCEL	PROPERTY OWNER NAME	MAILING ADDRESS
1	034B 030 Richard & Evelyn Anglin	PO Box 991, Cleveland, GA, 30528
2	034B 025 Travis & Kirsten Smith	97 Turner Ridge Dr., Cleveland, GA, 30528
3	034B 026 Michael & Tisha Long	51 Turner Ridge Dr., Cleveland, GA, 30528
4	034B 028 Gloria Hughes	2333 Hwy 115 W., Cleveland, GA, 30528
5	034B 003 James & Karen Huff	2304 Hwy 115 W., Cleveland, GA, 30528
6	034B 004 Geleta Grace Hunt	665 Antrim Glen Dr., Roschton, GA, 30548
7		

**APPLICANT CERTIFICATION**

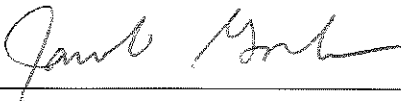
I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners meeting agendas.

I understand that the Planning Department staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and Board of Commissioners to make an informed determination on my request. I understand that I may seek legal advice if I am not familiar with the land use requirements and procedures.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioners meetings and that I am required to be present or to be represented by someone able to present all facts and answer all questions. I understand that failure to appear at a meeting shall result in the postponement or denial of my application request. I further understand that it is my responsibility to be aware of relevant meeting dates and times regardless of notification from White County.

I hereby certify that I have read the above and that the above information, as well as the attached information, is true and correct.

**Applicant Signature:** 

**Date:** 8/4/23

**2023 DEADLINES AND MEETING DATES**

Submittal Date Planning Dept. Office 5:00 p.m. Deadline	Planning Commission Public Hearing 1239 Helen Hwy 6:00 p.m.	Planning Commission Regular Session 1239 Helen Hwy 6:00 p.m.	Board of Commissioners Work Session 1235 Helen Hwy 4:30 p.m.
Wednesday, January 4, 2023	Monday, January 30, 2023	Monday, February 6, 2023	Monday, February 27, 2023
Wednesday, February 1, 2023	Monday, February 27, 2023	Monday, March 6, 2023	Monday, March 27, 2023
Wednesday, March 1, 2023	Monday, March 27, 2023	Monday, April 3, 2023	Monday, April 24, 2023
Wednesday, March 29, 2023	Monday, April 24, 2023	Monday, May 1, 2023	TBA
Wednesday, May 3, 2023	TBA	Monday, June 5, 2023	Monday, June 26, 2023
Wednesday, May 31, 2023	Monday, June 26, 2023	Monday, July 3, 2023	Monday, July 31, 2023
Wednesday, June 14, 2023 *	Monday, July 31, 2023	Monday, August 7, 2023	Monday, August 28, 2023
Wednesday, July 12, 2023	Monday, August 28, 2023	TBA	Monday, September 25, 2023
Wednesday, August 9, 2023	Monday, September 25, 2023	Monday, October 2, 2023	Monday, October 30, 2023
Wednesday, September 13, 2023	Monday, October 30, 2023	Monday, November 6, 2023	Monday, November 27, 2023
Wednesday, October 11, 2023	Monday, November 27, 2023	Monday, December 4, 2023	TBA
Wednesday, November 8, 2023	TBA	TBA	Monday, January 29, 2024
Wednesday, December 13, 2023	Monday, January 29, 2024	Monday, February 5, 2024	Monday, February 26, 2024

\*NEW DEADLINE DATES EFFECTIVE IN ORDER TO MEET ZPL UPDATES AS OF JULY 2023

**NOTICE OF AGRICULTURAL DISTRICT ADJACENCY**

Future abutting developers in non-agricultural land use districts shall be provided with this "Notice of Agricultural Adjacency" prior to administrative action on either land use district, the issuance of a building or occupancy permit or approval of a subdivision of property. Prior to administrative action, the applicant shall be required to sign this wavier which indicates that the applicant understands that a use is ongoing, adjacent to his/her use, which can produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent Agricultural District uses, the applicant agrees by executing this form to waive any objection to those effects and understands that his/her district change and/or permits or other approvals are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the Agricultural District constitute a nuisance against the local government and adjoining land owners whose property is located in an Agricultural District. This wavier shall be provided and made applicable for subsequent purchasers and owners or heirs of his/her property. This notice and acknowledgement shall be public record.

**Applicant Signature:** 

**Date:** 8/4/23

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS  
(APPLICANTS AND REPRESENTATIVE(S) OF REQUESTED ACTION)**

Pursuant to O.C.G.A. Section 36-67 A-3.A, the disclosure of any campaign contributions aggregating \$250.00 or more to a local government official who will consider an application for re-classification or for a conditional use or special use permit is mandatory when an application or any representation of application for re-classification of district or for conditional use or special use permit has been made within two (2) years immediately preceding the filing of a request for reclassification or conditional use or special use permit by the same applicant and/or representative of said applicant. It shall be the duty of the applicant and/or any representatives of the applicant to file a disclosure with the governing authority of the respective local government to show the following:

Name of local official(s) to whom campaign contribution was made:

The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of this application for action for district re-classification, conditional use or special use permit.

Amount \$: \_\_\_\_\_ Date: \_\_\_\_\_

Enumeration and description of each gift (when the total value of all gifts is \$250.00 or more) made to the local government official during the two (2) years immediately preceding the filing of this application. **Please attach additional sheets if needed.**


*Check box if no contributions made*

**Applicant Signature:** 


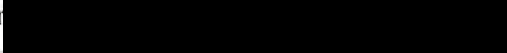
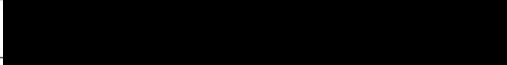
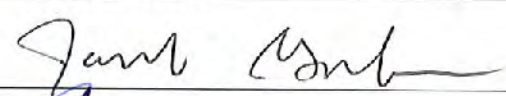
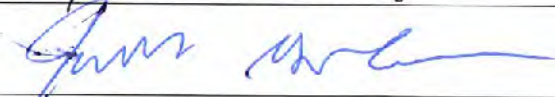
**Date:** 8/4/23



## PROPERTY OWNER AUTHORIZATION

*To be completed by the property owner to certify ownership of subject property and to provide authorization for other person(s) to represent the owner on their behalf.*

I/WE (print), Jacob Gardner,  
hereby swear that I/we own the property for which this land use change application is being made.


<b>Property Address and/or Parcel ID:</b> <u>2325 Hwy 115 W., Cleveland, GA. 30528</u>	
<b>PROPERTY OWNER INFORMATION</b>	
Printed Name of Owner(s): <u>Jacob Gardner</u>	
Mailing Address: <u>2325 Hwy 115 W., Cleveland, GA. 30528</u>	
Phone Number:	
Alternate Contact Number:	
Email:	
<p>I/we hereby authorize the person named below to act as the applicant or agent in the pursuit of the requested action on this property. I/we understand that any action granted and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The person named below is authorized to make this application. The person named below is aware that no application or re-application affecting the same land shall be acted upon within six (6) months from the date of the last action by the White County Board of Commissioners.</p>	
Printed Name of applicant or agent(s): <u>Jacob Gardner</u>	
<b>Signature of Owner(s):</b>	<b>Date Signed:</b>
	<u>8/4/23</u>
	<u>8/7/23</u>

### **PROPERTY OWNER AUTHORIZATION DOCUMENT: NOTARY ACKNOWLEDGEMENT**

Sworn to (or affirmed) and subscribed before me this 7<sup>th</sup> day of August, 2023 by  
Jacob Kale Gardner (name of signer(s)). The  
named signer(s) is/are personally known by me or produced the identification type of Drivers License.

{Seal}

Doreen Green  
NOTARY PUBLIC  
White County, GEORGIA  
My Commission Expires 07/12/2025

  
\_\_\_\_\_  
(Signature of Notary)

Doreen Green  
\_\_\_\_\_  
(Name of Notary Typed, Stamped, or Printed)

**SHORT TERM RENTAL CERTIFICATIONS**

To be completed and notarized for any application where the proposed use is short term rental.

I/WE (print), Jacob Gardner,  
hereby swear that I/we own/will own the property referenced below for which this land use change application is being made.

\*Property Address and/or Parcel ID:

**PROPERTY OWNER AUTHORIZATION ACKNOWLEDGEMENT OF GUESTS**

I acknowledge to keep the total number of guests to that number which can safely stay in the premises and may be subject to the State of Georgia's fire safety code regulations.

Signature of Owner/Future Owner(s): Jacob Gardner

**PROPERTY OWNER AUTHORIZATION CERTIFIED BY OWNER OR THIRD PARTY INSPECTOR**

I attest by owner or third party inspector that short term rentals meet applicable International Building Code, International Fire Code regulations and NFPA 101 Life Safety codes.

Signature of Owner/Future Owner(s): Jacob Gardner

**PROPERTY OWNER AUTHORIZATION CERTIFIED DEED RESTRICTION**

I certify that there are no deed restriction and/or covenants on the property that prohibits the use of the property as a short-term rental.

Signature of Owner/Future Owner(s): Jacob Gardner

**PROPERTY OWNER AUTHORIZATION CERTIFIED SHORT-TERM RENTAL INSURANCE**

I certify that the owner/future owner has commercial or specific short-term rental insurance for the property. If insurance *has not been obtained* at time of application, I certify that owner/future owner will obtain prior to renting if application approval is granted.

Signature of Owner/Future Owner(s): Jacob Gardner

**OFFICIAL CODE OF WHITE COUNTY APPENDIX C/ARTICLE VII – SHORT TERM RENTALS & BUSINESS LICENSES NOTIFICATION**

I certify that I have been informed of and provided a copy of Appendix C/Article VII - Short Term Rentals. I certify that I have also been informed that I will need to contact the White County Business Tax Office (706-865-2235) to obtain the proper business licensing, host licensing, and subsequent tax information prior to operation of my short-term rental.

Signature of Owner/Future Owner(s): Jacob Gardner

**SHORT TERM RENTAL CERTIFICATIONS DOCUMENT: NOTARY ACKNOWLEDGEMENT**

Sworn to (or affirmed) and subscribed before me this 7<sup>th</sup> day of August, 2023 by Jacob Kale Gardner (name of signer(s)). The named signer(s) is/are personally known by me or produced the identification type of Drivers License.

Doreen Green  
(Signature of Notary)

Doreen Green  
(Name of Notary Typed, Stamped, or Printed)

{Seal} **Doreen Green**  
**NOTARY PUBLIC**  
**White County, GEORGIA**  
**My Commission Expires 07/12/2025**

**APPLICANT ACKNOWLEDGEMENT OF MEETING DATES**

I, Jacob Gardner (print name) have been advised that I or someone to represent me must be in attendance when my application is before the White County Planning Commission and the White County Board of Commissioners or it will be tabled. I also acknowledge that I have been made aware of the below dates upon submission of my application.

**Senior Center, 1239 Helen Hwy, Cleveland 6:00pm**

Public Hearing Date (Planning Commission): 9/25/2023  
 Regular Meeting Date (Planning Commission): 10/2/2023

**Administration Building, 1235 Helen Hwy, Cleveland 4:30pm**

Board of Commissioners Meeting Date: 10/30/2023

*\*Meeting dates are subject to change*

Jacob Gardner  
 Signature of Applicant or Authorized Agent  
  
8/7/23  
 Date

<b><u>OFFICE USE ONLY</u></b>	
Copy given to applicant: <input checked="" type="checkbox"/>	(date)
Staff Initials: <u>ABZ</u>	
Flag (circle): <input checked="" type="radio"/> Y <input type="radio"/> N	

\*\*\*\*\*

<b>WITHDRAWAL</b>	
<i>Notice: This section only to be completed if application is being withdrawn.</i>	
PART II - OFFICIAL CODE/APPENDIX C - LAND USE REGULATIONS/ARTICLE XVIII. AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS	
<i>Section 1803. Withdrawal of amendment application. Any petition for an amendment to these regulations, official land use district map, conditional use approval, variance or special use permit may be withdrawn, at the discretion of the person or agency initiating such request, at any time prior to final action by the board of commissioners upon written notice to the planning director. Any required fees shall be forfeited</i>	
I hereby withdraw application #:	
Applicant Signature:	Date:

Jacob Gardner, 2325 Hwy 115 W., Cleveland, GA. 30528

08/04/23

White County Planning Department

Subject: Letter of Intent for Obtaining Conditional Land-Use Permit for Hosting an Airbnb

Dear Sir/Madam,

I am writing to express my intent to apply for a Conditional Land-Use Permit to operate an Airbnb on my property located at 2325 Hwy 115 W., Cleveland, in White County, Georgia. I am excited about the prospect of sharing our beautiful community with travelers while contributing positively to the local economy.

Property Details: The property we intend to host as an Airbnb is a basement apartment in our home. The basement apartment is 2 bedrooms/1 bathroom and is approximately 1500 square feet. The apartment includes a full kitchen as well as a washer and dryer in the unit. There is a separate entrance to the apartment, and the renters will have their own parking available.

The main floor of the house is where my family lives (and will continue to do so). The main floor is 3 bedrooms/2 bathrooms and is approximately 1900 square feet. Thus, in total, the entire house is 5 bedrooms/3 bathrooms and is approximately 3400 square feet. Additionally, the house sits on 3 acres of land. We have community water supplied to the house by White County Water Authority which is confirmed by a letter attached to this application. The house is also on a septic system. I have requested a septic evaluation by the White County Environmental Health Department. Confirmation of this request is also attached to this application.

I attended a pre-application meeting with Mr. John Snell, and his supplied letter, along with the recorded plat of the property, most current tax receipt, and color copy of an aerial location map is also attached to this application.

I understand the significance of obtaining a Conditional Land-Use Permit, and I assure you that I will fully comply with all requirements set forth by the White County Planning Department. I look forward to working with you and the community to create a positive for White County and for our guests.

Thank you for considering my application. I am eager to contribute positively to the community and will be happy to provide any further details necessary to facilitate this process.

Sincerely,

Jacob Gardner



**Public Health**  
Prevent. Promote. Protect.

## White County Environmental Health

Zachary Taylor, M.D., M.S., Health Director

1241 Helen Highway, Unit 210 • Cleveland, GA 30528

PH: 706-348-7698 • FAX: 706-348-1670 • [www.phdistrict2.org](http://www.phdistrict2.org)

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Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union and White Counties

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Evaluation Applied For

Appropriate Permit Applied For

Appropriate Permit Issued to Applicant

Evaluation, Permit Not Applied For At This Time

DATE: 07/31/2023

APPLICANT NAME: JACOB GARDNER

PROPERTY ADDRESS: 2325 HWY 115 W  
CLEVELAND, GA 30528

White County Planning Department:

In reference to a request for a change of zoning/land use or a building permit, application may need to be made for an existing system evaluation to determine:

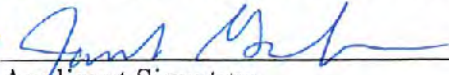
- that the permit on file is the correct permit for the property in question;
- that there is no evidence of system failure;
- that the septic system is appropriately sized for the current and proposed use;
- that there is adequate repair after the proposed addition;
- that there are no conditions that could adversely affect the functionality of the system.

Please note that this is NOT an all-inclusive list. Based upon the information submitted and/or the outcome of the evaluation, it may be determined that a septic system needs additional capacity or upgrade. If so, the appropriate permit will need to be obtained and the work completed before an approval can be given.

If, based upon information submitted, no septic systems exist on the property, this zoning/land use change and/or building permit request should not affect the property with respect to septic use.

White County Environmental Health  
District 2 Public Health

*By signing below, I certify all information submitted is accurate and true to the best of my knowledge.*

→   
Applicant Signature



P.O. Box 3020  
Cleveland, GA 30528-0052  
Phone: 706-865-0788  
Fax: 706-865-0329

July 31, 2023

VIA-EMAIL: [REDACTED]

RE: 2325 Hwy 115 W  
Cleveland GA 30528  
White County, Georgia  
Account # 0162-00

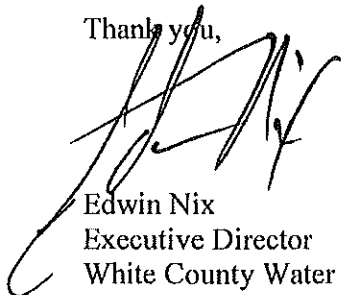
To Whom It May Concern,

Let this letter serve as notice that White County Water Authority does provide water to the above referenced service address.

Please understand that once the White County Board of Commissioners approves the short-term rental application, the minimum water bill rate for this service address will increase to a commercial rate with no water leak protection.

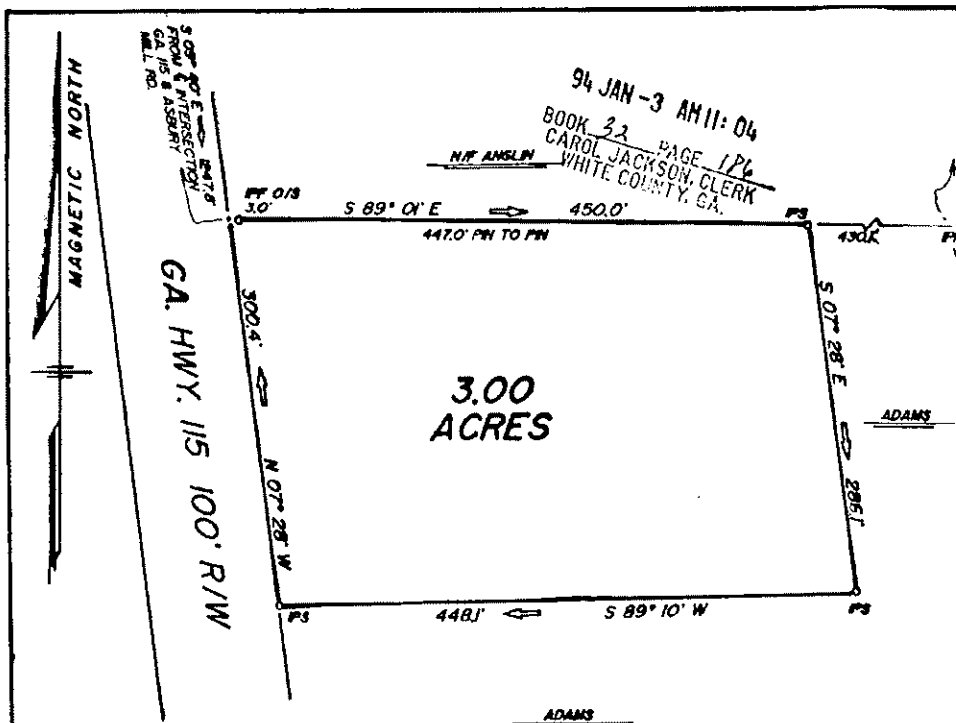
Please call our office if you have any questions concerning the referenced service area, you can reach me at (706) 865-0788, Monday – Friday 8:00 a.m. – 4:30 p.m.

Thank you,



Edwin Nix  
Executive Director  
White County Water Authority

186



EQUIP. USED: CG SEC TOTAL STATION  
 ± ERROR PER STA. = 10"  
 FIELD E/C = 10,000'  
 ADJUSTMENT: NONE

PLANNING COMMISSION APPROVED  
 COMMISSION  
 JAN 2 1994  
 HARRY S. PARTON JR.

GEORGIA REGISTERED  
 No. 2067  
 Max Lewallen  
 LAND SURVEYOR  
 MAX JACKSON LEWALLEN

SURVEY FOR <b>ELMER BANKS</b>		IPS = IRON PIN SET IPF = IRON PIN FOUND O/S = OFFSET
COUNTY: <b>WHITE</b>	LL: 9 DAY: 2nd	STATE: <b>GEORGIA</b>
DATE: <b>NOV. 22, 1993</b>	SCALE: 1" = 100'	DR. BY:
SURVEYED BY: <b>MAX LEWALLEN</b> LICENSED ENGINEER & SURVEYOR R. 3 CARNESVILLE 30521 PHONE (HOMER) 677-3691		LOCATION MAP: 
DR. NO.: <b>A-B-303</b>		
FIELD BOOK: <b>94-45</b>		
DISC: <b>20 ADAM-S-D</b>		

# 2022 Property Tax Statement

Cindy Cannon

White County Tax Commissioner

113 North Brooks Street

Cleveland, GA 30528

Phone 1 (706) 865-2225 - Fax 1 (706) 219-0078

wctc@whitecounty.net

BILL NO.	PRINTED	LAST PAYMENT MADE ON	PAYMENT GOOD THROUGH	DUE DATE	TOTAL DUE
2022-1100	07/24/2023	12/08/2022	07/24/2023	11/15/2022	0.00
PID		LOCATION			
034B 029		2325 HWY 115 W			

MAKE CHECK OR MONEY ORDER PAYABLE TO:

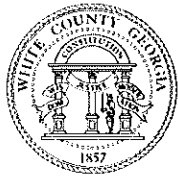
**White County Tax Commissioner**

This is your 2022 Ad Valorem Property Tax Statement. This bill must be paid in full by November 15, 2022 in order to avoid interest and penalty charges. Interest and penalties are governed by Georgia Code. If payment is made after the due date, please call the office for the current amount due. State law requires all bills be mailed to the owner of record as of January 1st of the tax year. If you have sold this property, please forward this bill to the new owner and notify our office. Please note that your Tax Commissioner is responsible for billing and collections and is not responsible for the property value on your bill or the millage rate. Thank you for the privilege of serving you as your Tax Commissioner. Cindy Cannon



BANKS DORIS I TAYLOR BEVERLY ANN  
2325 HIGHWAY 115 W  
CLEVELAND, GA 30528-4401

**RETURN THIS PORTION WITH PAYMENT (Interest will be added per month if not paid by due date)**



**2022**

## Property Tax Statement

Cindy Cannon

White County Tax Commissioner

113 North Brooks Street

Cleveland, GA 30528

Phone 1 (706) 865-2225 - Fax 1 (706) 219-0078

Email: wctc@whitecounty.net

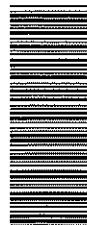
PROPERTY OWNER(S) BANKS DORIS I TAYLOR BEVERLY ANN  
PID 034B 029 REAL  
DESCRIPTION LL9 LD2  
LOCATION 2325 HWY 115 W  
BILL NUMBER 2022-1100  
DISTRICT 001 WHITE COUNTY UNINCORPORATED  
PRINTED ON 07/24/2023

BUILDING VALUE	LAND VALUE	ACRES/LOTS	TOTAL FAIR MARKET VALUE	DUE DATE	BILLING DATE	PAYMENT GOOD THROUGH	EXEMPTIONS
190,100.00	54,900.00	3.0000	245,000.00	11/15/2022		07/24/2023	S4 L2

**FIRST NOTICE**

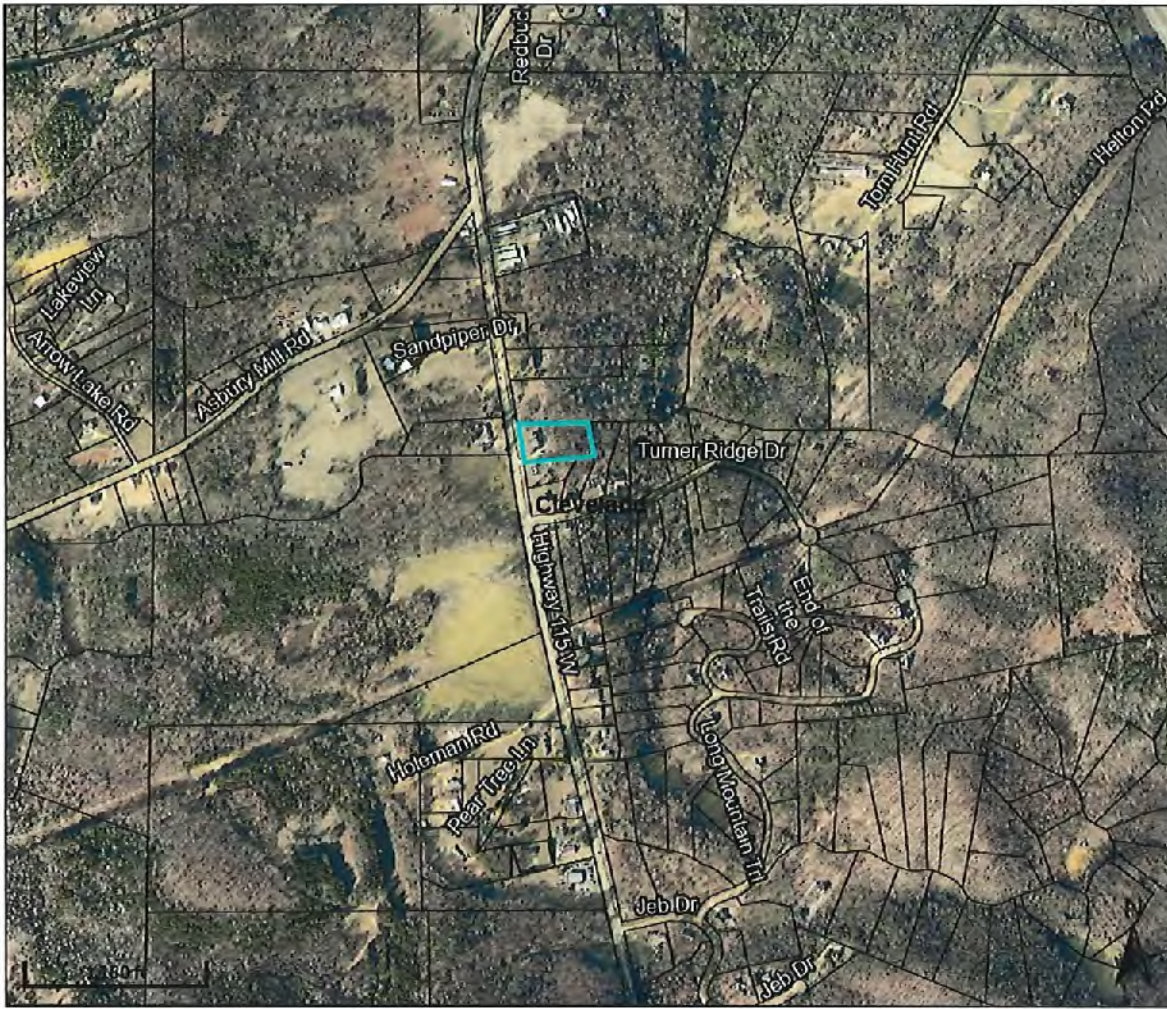
ENTITY	ADJUSTED FAIR MARKET VALUE	NET ASSESSMENT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	GROSS TAX	CREDIT TAX AMT	NET TAX AMT
COUNTY M&O	245,000.00	98,000.00	15,000.00	83,000.00	12.9490	1,074.77		788.92
SALES TAX ROLLBACK				83,000.00	-3.4440		-285.85	
<b>TOTALS</b>					<b>9.5050</b>	<b>1,074.77</b>	<b>-285.85</b>	<b>788.92</b>

Each resident of White County is eligible for a Homestead Exemption on the property they own and occupy as their permanent residence on January 1st of the taxable year. Homestead Exemption applications are accepted year round by the White County Assessors office however, your application must be made before April 1st to apply to the taxable year. All tax returns are filed with the White County Assessors office between January 1st and April 1st of the taxable year. For questions about your Homestead Exemption or filing a tax return, you may reach the Assessors office at (706) 865-5328. Thanks



CURRENT DUE	788.92
+ PENALTY	0.00
+ INTEREST	4.10
+ OTHER FEES	0.00
PREVIOUS PAYMENTS	793.02
+ BACK TAXES	0.00
<b>= Total Due</b>	<b>0.00</b>





Overview



Legend

-  Parcels
-  Roads
-  Railroads
-  Lakes
-  Streams and Rivers
-  City Labels

Parcel ID	034B 029	Alternate ID	5180143	Owner Address	BLUE CREEK SCENIC PROPERTIES
Sec/Twp/Rng	n/a	Class	R		LLC
Property Address	2325 HWY 115 W	Acreage	3.0		388 BLACK RD
	01				CLEVELAND GA 30528

District 01  
 Brief Tax Description LL9 LD2

(Note: Not to be used on legal documents)

Date created: 8/4/2023  
 Last Data Uploaded: 8/4/2023 5:22:17 AM

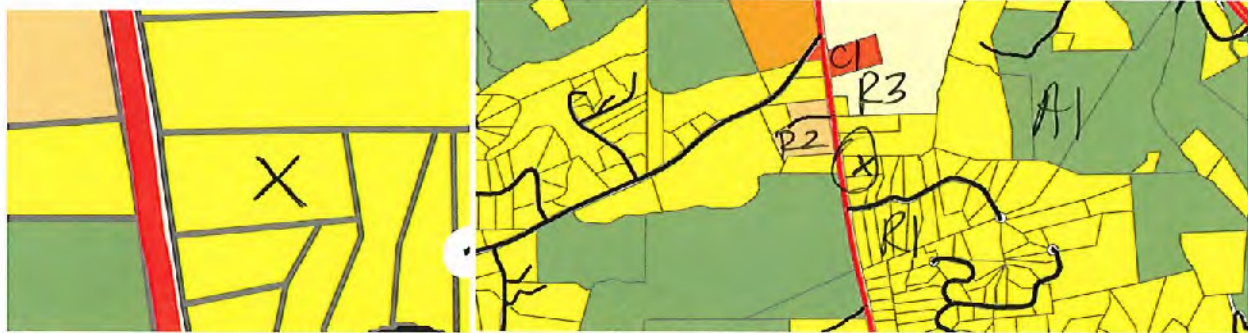
Developed by  Schneider  
 GEOSPATIAL

**WHITE COUNTY PLANNING DEPARTMENT  
STAFF COMMENT**

**JACOB GARDNER**

- PROPERTY IS LOCATED AT 2325 HIGHWAY 115 W IN CLEVELAND. IT IS IN THE R-1 SINGLE FAMILY RESIDENTIAL DISTRICT AND WILL REQUIRE A CONDITIONAL USE PERMIT FROM THE WHITE COUNTY BOARD OF COMMISSIONERS TO PLACE THE PROPERTY IN THE SHORT TERM RENTAL PROGRAM.
- PROPERTY ADJOINS TO THE NORTH, SOUTH, EAST, AND WEST R-1 RESIDENTIAL SINGLE-FAMILY DISTRICT; TO THE WEST A-1 AGRICULTURE FORESTRY DISTRICT.
- THE WHITE COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP INDICATES SINGLE FAMILY RESIDENTIAL.
- TOTAL ACREAGE IS 3.00.
- PROPERTY SUPPLIED BY WHITE COUNTY WATER AUTHORITY AND SEPTIC.

**EXISTING LAND USE**



**FUTURE LAND USE**



WHITE COUNTY PLANNING COMMISSION AGENDA  
REGULAR SESSION

**Application of Eduardo Rodriguez** to request a conditional use permit located at 1774 Joe Black Road, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 044D-019. Total acreage is 1.28. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant was not present. The application was tabled for the next Regular Meeting.

**Application of Juan Rodriguez Isacura and Valeria Carpico** to request a conditional use permit located at 54 McConnell Court, Helen, Georgia, 30545. Tax map and parcel 042B-004. Total acreage is 1.21. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

A representative, Alex Green of Blue Creek Cabin Rentals for 54 McConnell Court, was present. Mr. Barton gave a summary of the application. Mr. Green explained he will be managing the property. He stated the Board of Commissioners approved another property on McConnell Court last week. Mr. Green said this would be the second short-term rental, with the remainder being transient homes and half of the lots are undeveloped.

Motion to recommend approval to the Board of Commissioners made by Mr. Ackerman and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Donald and Susan Gwaltney** to request a conditional use permit located at 3588 Duncan Bridge Road, Cleveland, Georgia, 30528. Tax map and parcel 074-008B. Total acreage is 10.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicants, Donald and Susan Gwaltney of 242 Lacount Lane in Clarkesville, GA, was present. Mr. Barton gave a summary of the application. Ms. Gwaltney did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Ms. Dixon and seconded by Ms. Burke. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Jacob Gardner** to request a conditional use permit located at 2325 Highway 115 West, Cleveland, Georgia, 30528. Tax map and parcel 034B-029. Total acreage is 3.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Jacob Gardner of 2325 Highway 115 West, was present. Mr. Barton gave a summary of the application. Mr. Gardner did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Mr. Freeman and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 151 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-607. Total acreage is 1.24. Present zoning is R-1 Single Family Residential District.

The applicant, Salvador Aceves for 151 Clarice Lane, was present. Mr. Barton gave a summary of the application. Mr. Aceves did not have anything to add.

WHITE COUNTY PLANNING COMMISSION AGENDA  
PUBLIC HEARING: LAND USE REGULATION

neighbors, he said there are fourteen lots and he received eight letters, all of which are homeowners instead of landowners.

Chairman Thomas asked if anyone would like to speak for the application, there was no response. He asked if anyone would like to speak against the application, there was no response. Mr. Isacura did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on October 2<sup>nd</sup>.

**Application of Donald and Susan Gwaltney** to request a conditional use permit located at 3588 Duncan Bridge Road, Cleveland, Georgia, 30528. Tax map and parcel 074-008B. Total acreage is 10.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Susan Gwaltney of 242 Lacount Lane in Clarkesville, GA, was present. Mr. Barton gave a summary of the application. Ms. Gwaltney explained the proposed short-term rental would have a maximum occupancy of six with parking for four vehicles, no firearms, and a minimum rental age of 22 or 24. She said she owns two other short-term rentals in White County, so she will self-manage and be the local contact with a company that will handle the marketing. She said she has owned the property for about a year and just built the home. She explained there is a short-term rental behind them and others on and near Satterfield Road. She said the closest neighbor is half a mile away.

Chairman Thomas asked if anyone would like to speak for the application.

Duane McCollum of 4314 Duncan Bridge Road said he is in support since he is wanting to do a short-term rental, as well. He said there are many other rentals on Satterfield and does not see anything wrong with this property being a rental, especially on that large of a tract.

Chairman Thomas asked if anyone would like to speak against the application, there was no response. Ms. Gwaltney did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on October 2<sup>nd</sup>.

**Application of Jacob Gardner** to request a conditional use permit located at 2325 Highway 115 West, Cleveland, Georgia, 30528. Tax map and parcel 034B-029. Total acreage is 3.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Jake Gardner of 2325 Highway 115, was present. Mr. Barton gave a summary of the application. Mr. Gardner explained the proposed short-term rental is a basement apartment in his primary residence, it would have a maximum occupancy of four to six people with parking for two vehicles immediately outside of the apartment. He said the basement has two bedrooms and one bathroom with a separate entrance and is currently being rented out long term. He explained the closest neighbor is 80 to 100 yards away, but he has spoken with the property owner about his intentions. Mr. Gardner explained he plans to self-manage the rental.

Chairman Thomas asked if anyone would like to speak for the application, there was no response. He asked if anyone would like to speak against the application, there was no response. Mr. Gardner did not

WHITE COUNTY PLANNING COMMISSION AGENDA  
PUBLIC HEARING: LAND USE REGULATION

have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on October 2<sup>nd</sup>.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 151 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-607. Total acreage is 1.24. Present zoning is R-1 Single Family Residential District. The applicant, Salvador Aceves of 425 Crestwood Court in Alpharetta, GA and 272 Clarice Lane in Sautee Nacoochee, was present. Ms. Dodd gave a summary of the application and said there have been other R3 zonings approved in this subdivision. Mr. Aceves explained the proposed short-term rental has two bedrooms and two bathrooms and is located in Highcrest Summit that allows short-term rentals in the subdivision. He said it is a new development and he owns five lots, three of which are in the building process. He said 269 Clarice Lane has plenty of parking and 150 Clarice Lane has an easement road. For the development, Mr. Aceves stated there are 30-40 homes, eight of which are on Clarice Lane. He said there is one full time resident that he is aware of and he believes the rest are short-term rentals. When asked if there have been any issues with existing short-term rentals, he said not that he is aware of. Mr. Aceves stated he will use a local company for maintenance but plans to self-manage since he owns other short-term rentals in Birmingham that he self-manages, as well. He added that he is in discussions with one of the neighbors to help with the rental also.

Chairman Thomas asked if anyone would like to speak for the application.

Gilbert Sandate, co-owner of 272 Clarice Lane and father in law of the applicant, explained that there have been no issues or concerns from short-term rentals along or near Clarice Lane and does not anticipate problems, but he is also available and lives in Alpharetta.

Chairman Thomas asked if anyone would like to speak against the application, there was no response. Mr. Aceves did not have anything to add. Chairman Thomas closed the hearing.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 269 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-610. Total acreage is 1.00. Present zoning is R-1 Single Family Residential District. The applicant, Salvador Aceves of 425 Crestwood Court in Alpharetta, GA and 272 Clarice Lane in Sautee Nacoochee, was present. Mr. Aceves explained this home has two bedrooms and two bathrooms and the construction is 90% complete, with everything stated on the previous application applying to this one. He said his intention is to rezone three of his five lots to R-3. When asked if he knew about the R-1 conditional use permit for short-term rental, he said no and asked when he would need to decide. Mr. Sell explained the withdrawal process and the requirements for re-applying. Mr. Aceves said he would let Ms. Dodd know if he decides to go that route.

Chairman Thomas asked if anyone would like to speak for the application, there was no response. He asked if anyone would like to speak against the application, there was no response. Mr. Aceves did not have anything to add. Chairman Thomas closed the hearing.



# WHITE COUNTY

## *Board of Commissioners*

### Agenda Request Form

**Item Title:** Rezoning from R-1 to R-3 for STR for Sal Aceves 151 Clarice Lane, Sautee Nacoochee

**For Meeting Date:** 10/30/2023

**Work Session**  **Regular Meeting**  **Public Hearing**

**Category (Select One):** Land Use Application

**Submitted By:** John Sell

**Attachments:** Yes  **If yes, please list each file name below:**

1. Application #20218
2. Public Hearing minutes of 9/25/2023
3. Regular Meeting minutes of 10/2/2023

#### **Purpose:**

Consider the application of Salvador Aceves, on behalf of Solterra Holdings, LLC, to redistrict property located at 151 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-607. Total acreage is 1.24. Present zoning is R-1 Single Family Residential District.

#### **Background / Summary:**

- Applicant is requesting a conditional use permit for short term rental. The property is in Highcrest Summit subdivision and the covenants allow for short term rentals. Mr. Aceves explained that he owns 5 lots in Highcrest Summit, which has other R-3 zoned propoerties. He is currently building on three lots. The cabin will be 2 bedrooms and 2 baths and there is plenty of parking. He said there is one full-time resident among the 8 lots on Clarice Lane and the rest are short-term rentals. He plans to self-manage while using a local company for maintenance. Gilbert Sandate, co-owner of 272 Clarice Lane and the father-in-law of the applicant, explained that there have been no issues or concerns from short term rentals along or near Clarice Lane. No one was opposed to the application. The Planning Commission recommended approval of the application and the motion passed by unanimous vote.

#### **Department Recommendation:**

Planning Commission recommended approval by unanimous vote.

**Options:**

- Uphold Planning Commission recommendation and approve the application
- Reverse Planning Commission recommendation and deny the application.
- Table the application for further review or to send back to Planning Commission

**Budget Information:** Applicable  Not Applicable

**Budgeted:** Yes  No

**Finance Director's Comments (if applicable):**

- 

**County Manager Comments:**

-

#2

# WHITE COUNTY CHANGE OF LAND USE DISTRICT APPLICATION

<b>OFFICE USE ONLY</b>	Land Use Application #: <u>20218</u>
Public Hearing Date: <u>9/25/23</u>	Commission District: <u>4</u>
Fees Assessed: <u>\$250</u>	Paid via: <input type="checkbox"/> cash <input type="checkbox"/> credit card <input checked="" type="checkbox"/> check# <u>1004</u>

APPLICANT INFORMATION	
Status: <input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent <input type="checkbox"/> Lessee <input type="checkbox"/> Option to Purchase
Printed Name(s): <u>Solterra Holdings LLC (Salvador G. Acves)</u>	
Address: <u>4575 Webb Ridge Way # 5744 Alpharetta GA 30005</u>	
Phone Number: [REDACTED]	Alternate Contact Number: [REDACTED]
Email: [REDACTED]	

**Owner Information (if different from Applicant/Agent):**

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

PROPERTY INFORMATION	
Parcel ID: <u>069-607 (lot 27)</u>	Total acreage being changed: <u>1.24</u>
Address: <u>151 Clarice Ln. Santee Nacoochee GA 30571</u>	
Directions to Property: <u>North on 75</u>	
<u>Right on 356</u>	
<u>Right on Gus Abernathy</u>	
<u>Right on Monroe Ridge</u>	
<u>Right on Clarice Ln, property on left</u>	
Current Use/Zoning of Property: <u>R1</u>	Type of Road Surface: <u>asphalt</u>
Any prior redistricting requests for property: <input type="checkbox"/> If yes, provide redistricting application #: _____	

**SURROUNDING PROPERTY LAND USE CLASSIFICATION:**

North: R-1 South: R-1 East: R-1 West: R-1

REQUESTED ACTION AND DETAILS OF PROPOSED USE (check all that apply)	
Redistrict from district: <u>R1</u>	Redistrict to district: <u>R3</u>
Conditional Use - specify: _____	
Special Use - specify: _____	
Land Use Variance from Code Section: _____	
Proposed use if not listed above: <u>Short term rental</u>	
Is this property part of a subdivision? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If so, please list number of lots: _____	
Are there covenants? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is there an active homeowner's association? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Subdivision Name (if applicable): <u>High Crest Summit</u>	



Existing Utilities (check all that apply):  
 \_\_\_ County or City Water     Well     Septic    \_\_\_ Gas    \_\_\_ Electric    \_\_\_ Broadband

Proposed Utilities (check all that apply):  
 \_\_\_ County or City Water    \_\_\_ Well    \_\_\_ Septic    \_\_\_ Gas    \_\_\_ Electric    \_\_\_ Broadband

**COMMERCIAL AND INDUSTRIAL REDISTRICK INFORMATION**

Building Area: \_\_\_\_\_ No. of Parking Spaces: \_\_\_\_\_

**RESIDENTIAL REDISTRICK INFORMATION**

No. of Lots: \_\_\_\_\_ Minimum Lot Size in acres: \_\_\_\_\_ No. of Units: \_\_\_\_\_

Minimum Heated Floor Area (ft<sup>2</sup>): \_\_\_\_\_ Density/Acre: \_\_\_\_\_

Is an Amenity area proposed (specify if yes)?

Apartments     Condominiums     Townhomes     Single Family

Rental Cabins     Recreational Vehicle Park     Other- Specify: \_\_\_\_\_

**LIST OF ADJACENT PROPERTY OWNERS**

It is the responsibility of the Applicant to provide a list of adjacent property owners that has property bordering your property or who has property directly across the street from your property (additional sheet may be included, if necessary).

PARCEL	PROPERTY OWNER NAME	MAILING ADDRESS
1	069-608	Blake Percival Enterprises LLC P.O. Box 212 Wetumpka AL 36092
2	069-577	Tietjen Eric J. 6250 Holmes Blvd Unit 66, Holmes Beach FL 34217
3	I own the lots across the street.	
4	_____	_____
5	_____	_____
6	_____	_____
7	_____	_____

### APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners meeting agendas.

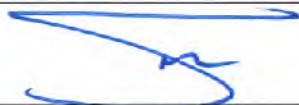
I understand that the Planning Department staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and Board of Commissioners to make an informed determination on my request. I understand that I may seek legal advice if I am not familiar with the land use requirements and procedures.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioners meetings and that I am required to be present or to be represented by someone able to present all facts and answer all questions. I understand that failure to appear at a meeting shall result in the postponement or denial of my application request. I further understand that it is my responsibility to be aware of relevant meeting dates and times regardless of notification from White County.

I hereby certify that I have read the above and that the above information, as well as the attached information, is true and correct.

Applicant Signature:



Date:

8/4/2023

### 2023 DEADLINES AND MEETING DATES

Submittal Date Planning Dept. Office 5:00 p.m. Deadline	Planning Commission Public Hearing 1239 Helen Hwy 6:00 p.m.	Planning Commission Regular Session 1239 Helen Hwy 6:00 p.m.	Board of Commissioners Work Session 1235 Helen Hwy 4:30 p.m.
Wednesday, January 4, 2023	Monday, January 30, 2023	Monday, February 6, 2023	Monday, February 27, 2023
Wednesday, February 1, 2023	Monday, February 27, 2023	Monday, March 6, 2023	Monday, March 27, 2023
Wednesday, March 1, 2023	Monday, March 27, 2023	Monday, April 3, 2023	Monday, April 24, 2023
Wednesday, March 29, 2023	Monday, April 24, 2023	Monday, May 1, 2023	TBA
Wednesday, May 3, 2023	TBA	Monday, June 5, 2023	Monday, June 26, 2023
Wednesday, May 31, 2023	Monday, June 26, 2023	Monday, July 3, 2023	Monday, July 31, 2023
Wednesday, June 14, 2023 *	Monday, July 31, 2023	Monday, August 7, 2023	Monday, August 28, 2023
Wednesday, July 12, 2023	Monday, August 28, 2023	TBA	Monday, September 25, 2023
Wednesday, August 9, 2023	Monday, September 25, 2023	Monday, October 2, 2023	Monday, October 30, 2023
Wednesday, September 13, 2023	Monday, October 30, 2023	Monday, November 6, 2023	Monday, November 27, 2023
Wednesday, October 11, 2023	Monday, November 27, 2023	Monday, December 4, 2023	TBA
Wednesday, November 8, 2023	TBA	TBA	Monday, January 29, 2024
Wednesday, December 13, 2023	Monday, January 29, 2024	Monday, February 5, 2024	Monday, February 26, 2024

\*NEW DEADLINE DATES EFFECTIVE IN ORDER TO MEET ZPL UPDATES AS OF JULY 2023

**NOTICE OF AGRICULTURAL DISTRICT ADJACENCY**

Future abutting developers in non-agricultural land use districts shall be provided with this "Notice of Agricultural Adjacency" prior to administrative action on either land use district, the issuance of a building or occupancy permit or approval of a subdivision of property. Prior to administrative action, the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing, adjacent to his/her use, which can produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent Agricultural District uses, the applicant agrees by executing this form to waive any objection to those effects and understands that his/her district change and/or permits or other approvals are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the Agricultural District constitute a nuisance against the local government and adjoining land owners whose property is located in an Agricultural District. This waiver shall be provided and made applicable for subsequent purchasers and owners or heirs of his/her property. This notice and acknowledgement shall be public record.

**Applicant Signature:**

**Date:**

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS  
(APPLICANTS AND REPRESENTATIVE(S) OF REQUESTED ACTION)**

Pursuant to O.C.G.A. Section 36-67 A-3.A, the disclosure of any campaign contributions aggregating \$250.00 or more to a local government official who will consider an application for re-classification or for a conditional use or special use permit is mandatory when an application or any representation of application for re-classification of district or for conditional use or special use permit has been made within two (2) years immediately preceding the filing of a request for reclassification or conditional use or special use permit by the same applicant and/or representative of said applicant. It shall be the duty of the applicant and/or any representatives of the applicant to file a disclosure with the governing authority of the respective local government to show the following:

Name of local official(s) to whom campaign contribution was made:

N/A

The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of this application for action for district re-classification, conditional use or special use permit.

Amount \$: N/A

Date:

Enumeration and description of each gift (when the total value of all gifts is \$250.00 or more) made to the local government official during the two (2) years immediately preceding the filing of this application. **Please attach additional sheets if needed.**

N/A

*Check box if no contributions made*

**Applicant Signature:**

**Date:**

**PROPERTY OWNER AUTHORIZATION**

To be completed by the property owner to certify ownership of subject property and to provide authorization for other person(s) to represent the owner on their behalf.

I/WE (print), Salvador G. Aceves,  
hereby swear that I/we own the property for which this land use change application is being made.

Property Address and/or Parcel ID: 069-607 (lot 27) 151 Clarice Ln.

**PROPERTY OWNER INFORMATION**

Saunder Nacoochee

Printed Name of Owner(s):

Salvador G. Aceves

Mailing Address:

4575 Webb Ridge Way #5744 Alpharetta GA 30005

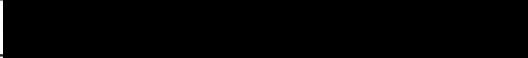
Phone Number:



Alternate Contact Number:



Email:



I/we hereby authorize the person named below to act as the applicant or agent in the pursuit of the requested action on this property. I/we understand that any action granted and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The person named below is authorized to make this application. The person named below is aware that no application or re-application affecting the same land shall be acted upon within six (6) months from the date of the last action by the White County Board of Commissioners.

Printed Name of applicant or agent(s):

Salvador G. Aceves

Signature of Owner(s):

Date Signed:

8/8/2023

**PROPERTY OWNER AUTHORIZATION DOCUMENT: NOTARY ACKNOWLEDGEMENT**

Sworn to (or affirmed) and subscribed before me this 8<sup>th</sup> day of August, 20 23 by Salvador G. Aceves (name of signer(s)). The named signer(s) is/are personally known by me or produced the identification type of Drivers License

{Seal} **Doreen Green**  
**NOTARY PUBLIC**  
**White County, GEORGIA**  
My Commission Expires 07/12/2025

(Signature of Notary)

Doreen Green

(Name of Notary Typed, Stamped, or Printed)

**SHORT TERM RENTAL CERTIFICATIONS**

To be completed and notarized for any application where the proposed use is short term rental.

I/WE (print), SAL G. ACEVES,  
hereby swear that I/we own/will own the property referenced below for which this land use change application is being made.

\*Property Address and/or Parcel ID: 069-607

**PROPERTY OWNER AUTHORIZATION ACKNOWLEDGEMENT OF GUESTS**

I acknowledge to keep the total number of guests to that number which can safely stay in the premises and may be subject to the State of Georgia's fire safety code regulations.

Signature of Owner/Future Owner(s): [Signature]

**PROPERTY OWNER AUTHORIZATION CERTIFIED BY OWNER OR THIRD PARTY INSPECTOR**

I attest by owner or third party inspector that short term rentals meet applicable International Building Code, International Fire Code regulations and NFPA 101 Life Safety codes.

Signature of Owner/Future Owner(s): [Signature]

**PROPERTY OWNER AUTHORIZATION CERTIFIED DEED RESTRICTION**

I certify that there are no deed restriction and/or covenants on the property that prohibits the use of the property as a short-term rental.

Signature of Owner/Future Owner(s): [Signature]

**PROPERTY OWNER AUTHORIZATION CERTIFIED SHORT-TERM RENTAL INSURANCE**

I certify that the owner/future owner has commercial or specific short-term rental insurance for the property. If insurance *has not been obtained* at time of application, I certify that owner/future owner will obtain prior to renting if application approval is granted.

Signature of Owner/Future Owner(s): [Signature]

**OFFICIAL CODE OF WHITE COUNTY APPENDIX C/ARTICLE VII – SHORT TERM RENTALS & BUSINESS LICENSES NOTIFICATION**

I certify that I have been informed of and provided a copy of Appendix C/Article VII - Short Term Rentals. I certify that I have also been informed that I will need to contact the White County Business Tax Office (706-865-2235) to obtain the proper business licensing, host licensing, and subsequent tax information prior to operation of my short-term rental.

Signature of Owner/Future Owner(s): [Signature]

**SHORT TERM RENTAL CERTIFICATIONS DOCUMENT: NOTARY ACKNOWLEDGEMENT**

Sworn to (or affirmed) and subscribed before me this 8<sup>th</sup> day of August, 2023 by Salvador G. Aceves (name of signer(s)). The named signer(s) is/are personally known by me or produced the identification type of Drivers License

{Seal} **Doreen Green**  
**NOTARY PUBLIC**  
**White County, GEORGIA**

My Commission Expires 07/12/2025

[Signature]  
(Signature of Notary)

Doreen Green  
(Name of Notary Typed, Stamped, or Printed)

**APPLICANT ACKNOWLEDGEMENT OF MEETING DATES**

I, Salvador G. Aceves (print name) have been advised that I or someone to represent me must be in attendance when my application is before the White County Planning Commission and the White County Board of Commissioners or it will be tabled. I also acknowledge that I have been made aware of the below dates upon submission of my application.

**Senior Center, 1239 Helen Hwy, Cleveland 6:00pm**

Public Hearing Date (Planning Commission): 9/25/23

Regular Meeting Date (Planning Commission): 10/2/23

**Administration Building, 1235 Helen Hwy, Cleveland 4:30pm**

Board of Commissioners Meeting Date: 10/30/23

*\*Meeting dates are subject to change*

Signature of Applicant or Authorized Agent

8/5/2023

Date

**OFFICE USE ONLY**

Copy given to applicant: 8/8/23 (date)

Staff Initials: rip

Flag (circle): Y N

\*\*\*\*\*

**WITHDRAWAL**

*Notice: This section only to be completed if application is being withdrawn.*

PART II - OFFICIAL CODE/APPENDIX C - LAND USE REGULATIONS/ARTICLE XVIII. AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS

*Section 1803. Withdrawal of amendment application.* Any petition for an amendment to these regulations, official land use district map, conditional use approval, variance or special use permit may be withdrawn, at the discretion of the person or agency initiating such request, at any time prior to final action by the board of commissioners upon written notice to the planning director. Any required fees shall be forfeited

I hereby withdraw application #:

**Applicant Signature:**

**Date:**

#3

Solterra Holdings LLC  
Salvador G. Aceves  
4575 Webb Bridge Way  
Alpharetta GA 30005

August 5, 2023

White County Planning Department  
Re: Land Use Application at High Crest Summit

To Whom It May Concern,

Our intention is to convert Lot 27, Parcel 069-607 from R1 to R3. This will allow us to build a well-appointed new cabin that would allow for short term rentals.

Sincerely,  
Sal G. Aceves  
Solterra Holdings LLC





**Public Health**  
Prevent. Promote. Protect.

# White County Environmental Health

Zachary Taylor, M.D., M.S., Health Director

1241 Helen Highway, Unit 210 • Cleveland, GA 30528

PH: 706-348-7698 • FAX: 706-348-1670 • [www.phdistrict2.org](http://www.phdistrict2.org)

Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union and White Counties

- |                                     |   |                          |  |
|-------------------------------------|---|--------------------------|--|
| <input checked="" type="checkbox"/> | <b>Evaluation Applied For</b>                 | <input type="checkbox"/> | <b>Appropriate Permit Applied For</b>                  |
| <input type="checkbox"/>            | <b>Appropriate Permit Issued to Applicant</b> | <input type="checkbox"/> | <b>Evaluation, Permit Not Applied For At This Time</b> |

DATE: 07/24/2023

APPLICANT NAME: SAL ACEVES

PROPERTY ADDRESS: LOT 27, LOT 30, & LOT 39 OF HIGHCREST SUMMIT  
CLEVELAND, GA 30528

White County Planning Department:

In reference to a request for a change of zoning/land use or a building permit, application may need to be made for an existing system evaluation to determine:

- that the permit on file is the correct permit for the property in question;
- that there is no evidence of system failure;
- that the septic system is appropriately sized for the current and proposed use;
- that there is adequate repair after the proposed addition;
- that there are no conditions that could adversely affect the functionality of the system.

Please note that this is NOT an all-inclusive list. Based upon the information submitted and/or the outcome of the evaluation, it may be determined that a septic system needs additional capacity or upgrade. If so, the appropriate permit will need to be obtained and the work completed before an approval can be given.

If, based upon information submitted, no septic systems exist on the property, this zoning/land use change and/or building permit request should not affect the property with respect to septic use.

White County Environmental Health  
District 2 Public Health

*By signing below, I certify all information submitted is accurate and true to the best of my knowledge.*



Applicant Signature



45

WATER  
WATER SHALL BE SUPPLIED PRIVATE WELL.

SEWERAGE  
SEWERAGE SHALL BE PROVIDED BY MUNICIPAL LOCAL SYSTEMS.

TRAIL, PLAY APPROVAL BY PLANNING COMMISSION  
TRAIL, PLAY APPROVAL BY PLANNING COMMISSION  
TRAIL, PLAY APPROVAL BY PLANNING COMMISSION

ROAD DECLARATIONS  
STREETS SHOWN ON THIS PLAN ARE CLASSIFIED AS EITHER - STREET, WHICH MAY NOT ALIEN OR - COMMON STREET, WHICH MAY NOT ALIEN.

APPROVAL OF STREETS BY PLANNING COMMISSION  
APPROVAL OF STREETS BY PLANNING COMMISSION  
APPROVAL OF STREETS BY PLANNING COMMISSION

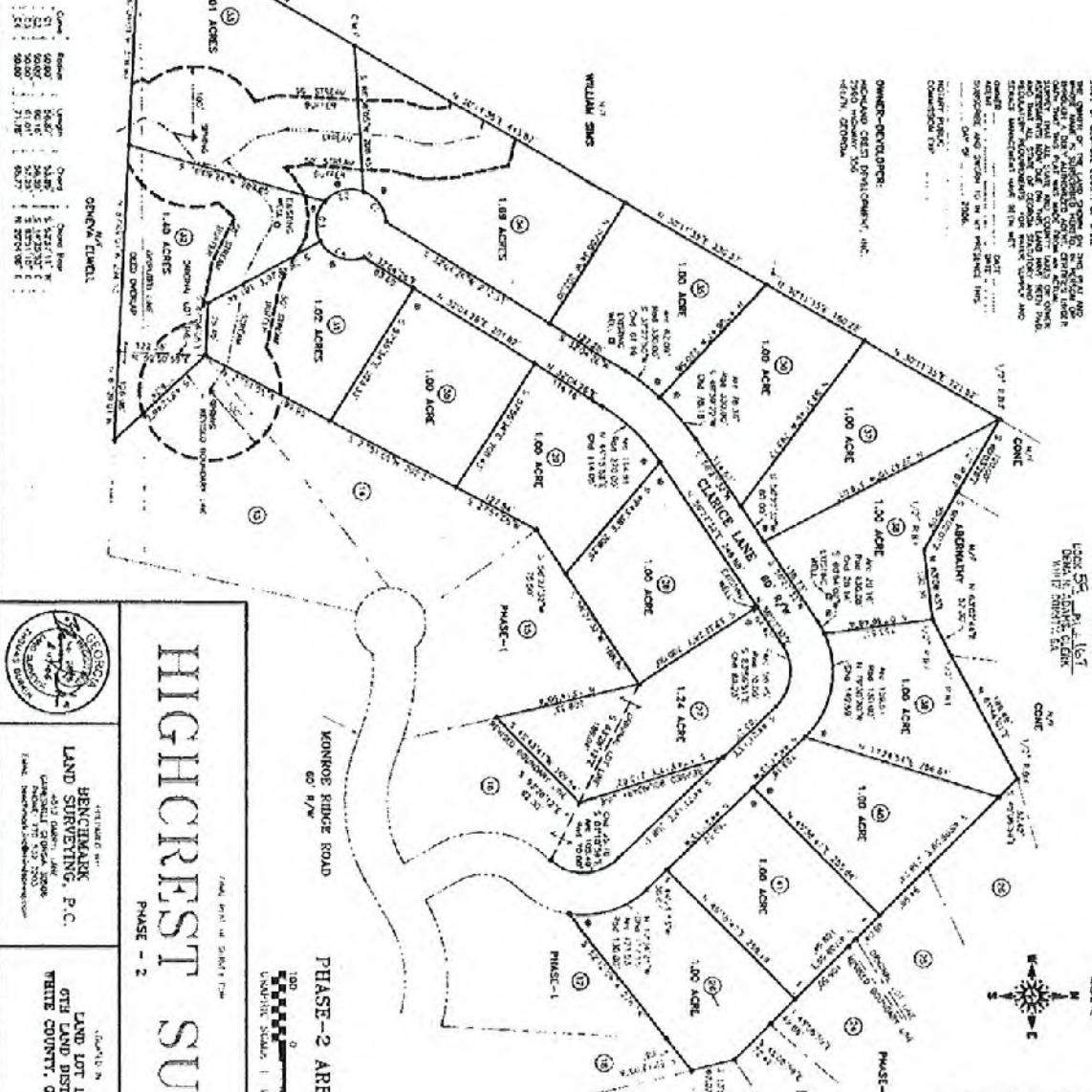
SUBDIVISION CERTIFICATION  
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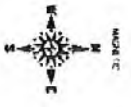
LEGEND:  
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OWNER'S CERTIFICATE  
OWNER'S CERTIFICATE  
OWNER'S CERTIFICATE

OWNER-DEVELOPER:  
OWNER-DEVELOPER:  
OWNER-DEVELOPER:



2025 MAY 14, PM 4:59  
LAND SURVEYING P.C.  
LAND SURVEYING P.C.



# HIGHCREST SUMMIT

PHASE - 2

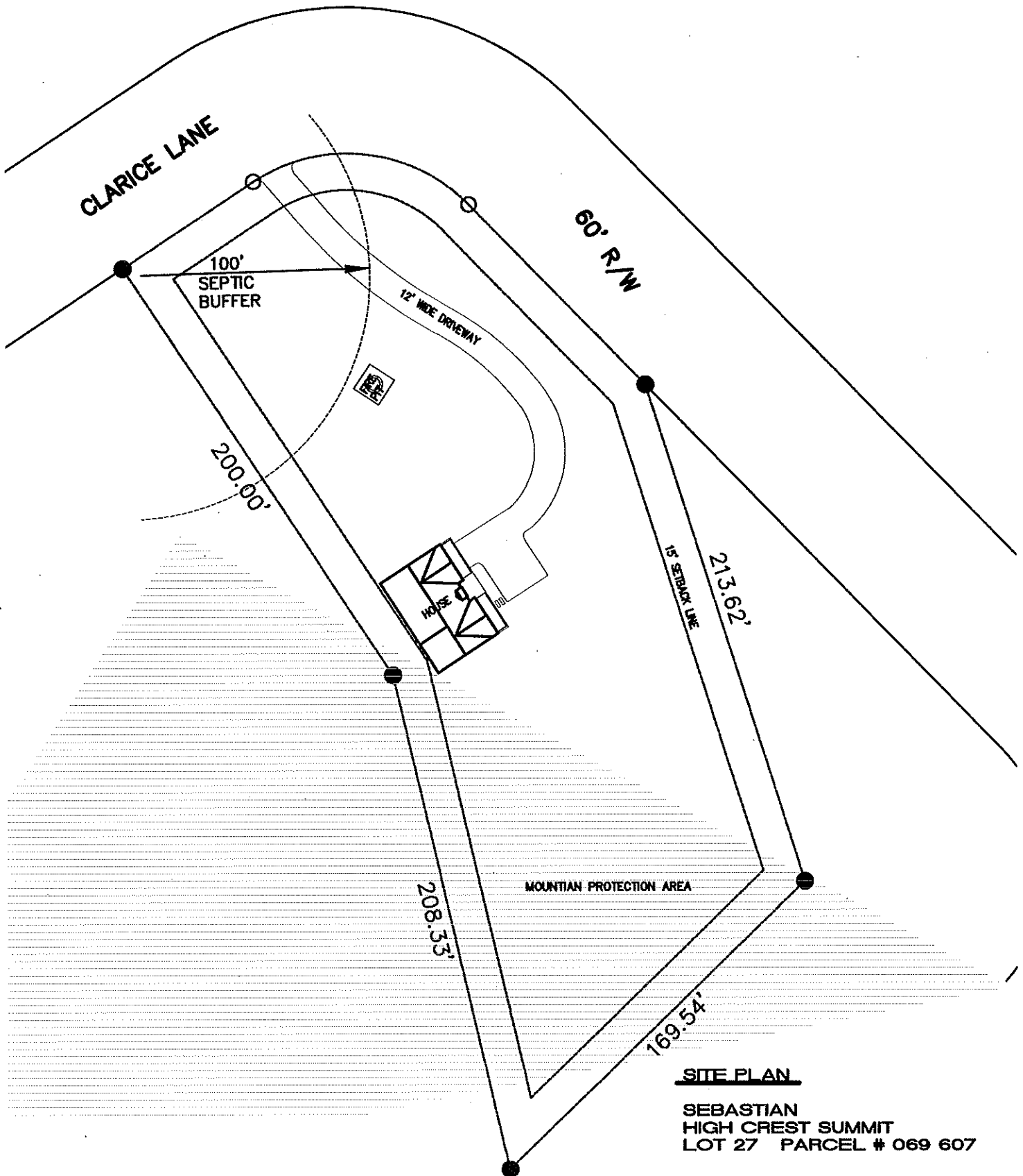
PHASE-2 AREA = 20.37 ACRES



LAND SURVEYING P.C.  
LAND SURVEYING P.C.

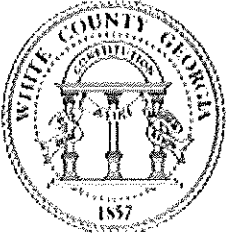
LAND LOT 15  
8TH LAND DISTRICT  
WHITE COUNTY, GEORGIA

SCALE: 1"=100'  
DATE: 05/14/2025  
DRAWN BY: [Name]  
CHECKED BY: [Name]



#7

Printed: 08/07/2023 19:56:41 PM



Official Tax Receipt  
White County, GA  
113 N. Brooks St.  
Cleveland, 30528  
--Online Receipt--

Phone: 706-865-2225

Trans No	Map Code	Property ID & District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2022-2882	069 607	LL15 LD6 LT27 HIGHCREST	\$517.25	\$0.00 Fees: \$0.00	\$0.00	\$517.25	\$0.00
<b>Totals:</b>			<b>\$517.25</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$517.25</b>	<b>\$0.00</b>

Paid Date: 11/10/2022

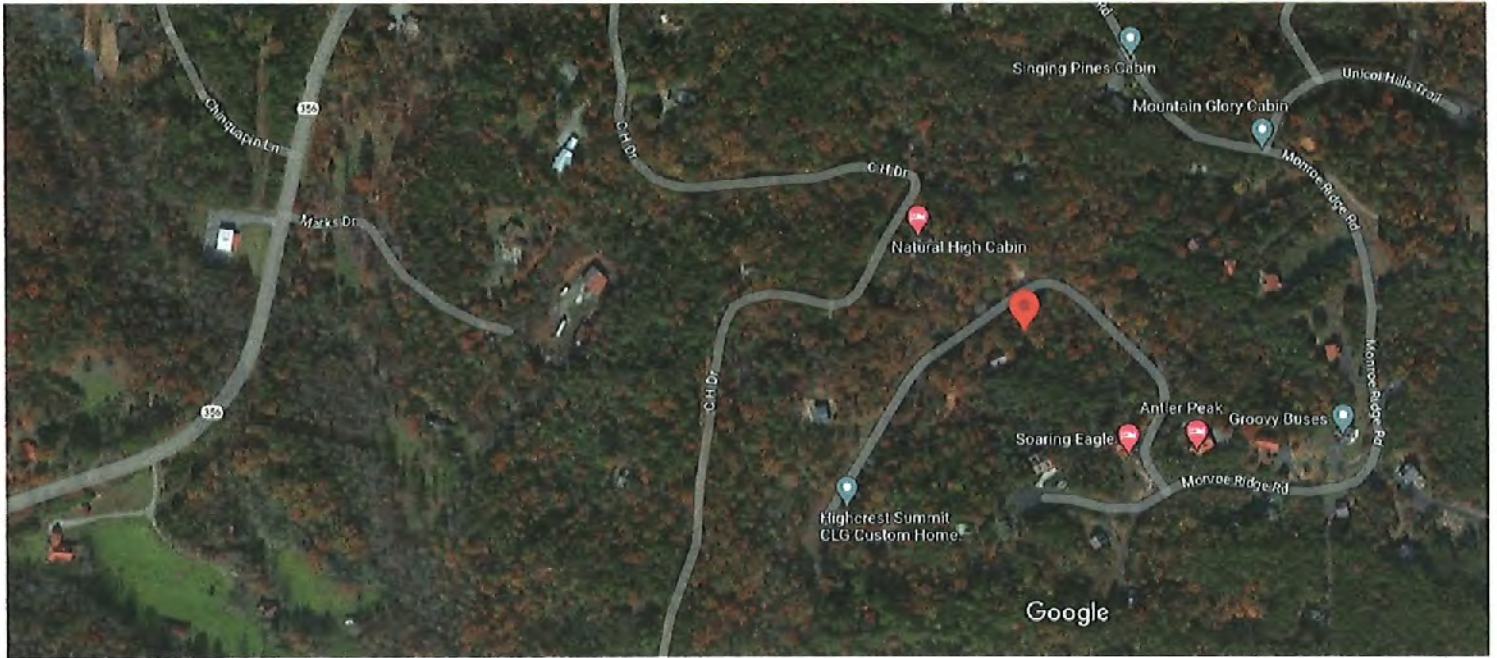
Charge Amount: \$517.25

CARLINO CHARLES F CARLINO ANNA  
BONET  
303 CLAIRCE LANE  
SAUTEE NACOOCHEE, GA 30528



Scan this code with your mobile phone to view this bill





Google Maps 151 Clarice Ln




Imagery ©2023 Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2023 200 ft



151 Clarice Ln

-   
Directions
-   
Save
-   
Nearby
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Send to phone
-   
Share

 151 Clarice Ln, Georgia 30571

 Confirm or fix this location  
The location shown is not precise

Photos

3 Photos

2007 DEC -3 PM 12:49

1228 PAGE 357-373  
CARR & GIBBS, CLERK  
CLARKESVILLE, GA

Cross Reference:  
Declaration of Protective Covenants,  
Conditions, and Restrictions for  
Highcrest Summit Subdivision,  
Phase One and Phase Two as  
recorded in Deed Book 1107, Page  
70, and amended in Deed Book  
1120, Page 317, White County,  
Georgia Records.

**Amended Declaration of Protective Covenants, Conditions and  
Restrictions for Highcrest Summit Subdivision, Phase One,  
Phase Two, and Phase Three**

**After Recording Return To:  
Carr & Gibbs, Attorneys at Law, PC  
P.O. Box 999  
Clarkesville, GA 30523**

**AMENDED  
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR HIGHCREST SUMMIT SUBDIVISION,  
PHASE ONE, PHASE TWO AND PHASE THREE**

**STATE OF GEORGIA  
COUNTY OF WHITE**

This Declaration of Protective Covenants, Conditions and Restrictions, made this 12<sup>th</sup> day of November, 2007, by Monroe Ridge Investments, LLC, Highland Crest Development, Inc. and Unicoi Trail, LLC (hereinafter referred to as "Declarants") and affecting ALL THAT TRACT or parcel of land described on the attached Exhibit A, hereinafter referred to as Highcrest Summit Subdivision, Phase One, Phase Two and the attached Exhibit B, hereinafter referred to as Highcrest Summit Subdivision, Phase Three.

**WITNESSETH**

WHEREAS, Declarants are the present Developers of certain real property in White County, Georgia, known as Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, which is more particularly described in Article I, hereof, and

WHEREAS, Declarants are desirous of promulgating Restrictive covenants for the purpose of enhancing and protecting the value, attractiveness, and desirability of the lots and home sites constructed in said subdivision; and

WHEREAS, Declarants now desire to subject the acreage, known as Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, to certain covenants, conditions and restrictions as set forth in this Declaration, and desire to retain the right to subject other lands to this Declaration in the future; and

WHEREAS, Declarants desire to form an unincorporated Association which shall have the power and responsibility to maintain and administer certain properties and facilities, and which, as a beneficiary of this Declaration and as agent of the Owners of properties now or hereafter made subject to this Declaration, shall have the power and responsibility to assessments and charges hereinafter created; and

WHEREAS, it is in the best interest, benefit and advantage of Declarants and to each and every person who shall hereafter purchase any of the realty subject to this Declaration, or use the roads and areas designated for access to Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, that the Covenants, Conditions and Restrictions set forth in this Declaration run with the land covered by this Declaration;

NOW THEREFORE, Declarants do hereby establish and declare the following Protective Covenants, Conditions and Restrictions to apply to the property described in Article I, and any other real property subsequently subjected to this Declaration by

Declarants and adjoining owners and developers by filing of record a Supplement Declaration or Declarations of the hereinafter described Covered Party of future properties which may be known and designated as Covered Properties.

## **ARTICLE I COVERED PROPERTY**

ALL THAT TRACT or parcel of land described on the attached Exhibit A, hereinafter referred to as Highcrest Summit Subdivision, Phase One, and Phase Two and on the attached Exhibit B, hereinafter referred to as Highcrest Summit Subdivision, Phase Three.

Declarants expressly reserve the right to revise said subdivision plan at any time as to any lots still owned by Declarants. No action may be taken by Declarants that is in violation of any provisions of this Declaration.

## **ARTICLE II OTHER PROPERTY**

1. Without further assent or permit, Declarants, for themselves, their heirs and assigns, hereby reserve the right, exercisable from time to time, to extend the scheme of this Declaration to other real property developed as a part of Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, by filing of record a supplemental Declaration in respect to the property to be then subjected to this Declaration.
2. Without further assent or permit, Declarants, for themselves, their heirs and assigns, hereby reserve the right, exercisable from time to time, to subject other real property developed as a part of Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, to other declarations of covenants and restrictions, which other declarations may provide for supplemental declarations thereto.

## **ARTICLE III PROPERTY OWNERS' ASSOCIATION**

1. There shall be a Property Owners' Association to be known as "Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, Property Owners' Association" which shall have the power and responsibility to maintain and administer the Covenants and Restrictions, and to act as agent of future owners of properties now or hereafter made subject to this Declaration. The Property Owners' Association (hereinafter referred to as the "Association") shall have the power and responsibility to administer and enforce the provisions of this Declaration and any future Amendments hereto, together with the Authority to assess, collect and disburse assessments and

charges herein created, and the Association shall have the powers and responsibility as set forth in this Declaration as may be amended from time to time hereafter.

2. Every person or entity holding record title to any of the covered property shall be a member of the Association. Persons or entities holding an interest as security for the performance of a Deed to Secure Debt, mortgage or other secured interest shall not be entitled to membership in the Association by virtue of said secured interest.
3. There shall be only one class of voting membership which shall consist of all members. The owner of each parcel of land in the covered property shall be entitled to one vote for each parcel owned. If there are multiple owners to a parcel of land, only one vote may be cast for the collective owners.
4. The Declarants, their transferees, executors, administrators and legal representatives shall manage the affairs of the Association prior to the first meeting of the members. The first meeting of the members shall be called by the Declarants at the time, date and place designated by the Declarants, as soon as practicable after 2/3 of subdivision lots described in Article I Covered Property have sold, with notice furnished to members at their last known addresses at least thirty (30) days prior to the said first meeting.
5. The Association shall, after the first meeting of all members, meet at least annually thereafter to conduct the affairs of the Association.
6. At the first annual meeting, the members shall elect three (3) directors, each of whom shall be a member of the Association. One director shall be elected for a term of one (1) year, one director shall be elected for a term of two (2) years, and one director shall be elected for a term of three (3) years. At subsequent annual meetings of the members of the Association, one director shall be elected to replace the director whose term expires at the meeting.
7. Any director may be removed from the Board, with or without cause, by a majority vote of the members of the Association. In the event of death, resignation or removal of a director, the director's successor shall be selected by the two remaining directors, and shall serve for the unexpired term of his predecessor.
8. No director shall receive compensation for any service he or she may render to the Association. However, any director may be reimbursed for his actual expenses incurred in the performance of his duties in carrying out and managing the affairs of the Association as may be delegated to him by the Board.
9. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the Board of Directors. The Directors may call meetings from time to time to establish policy and carry out the activities of the Association. Any two (2) directors may call a meeting of the Board of Directors upon three (3) days notice, orally or in writing, to the other directors.



10. A majority of the directors shall constitute a quorum for the transaction of business.
11. The three (3) directors elected at the first annual meeting of the members of the Association shall constitute the Board of Directors, and nominations for their election to the Board of Directors shall be made by a nominating committee appointed by the Board. Nominations may also be made from the floor at the annual meeting. One director shall be elected each year to fill the term of this predecessor. Election to the Board of Directors shall be by secret written ballot cast at the annual meeting. At such election members or their proxies may cast, in respect to the vacancy, as many votes as they are entitled to exercise under the provisions of this Declaration. The person receiving the largest number of votes shall be the elected director.
12. All annual meetings of the members of the Association shall be held in White County, Georgia, at the date, time and place provided in a Notice mailed to each member at least thirty (30) days prior to said annual meeting. Special meetings of the members of the Association may be called at any time by the Board of Directors, or upon written request of the members of the Association who are entitled to vote one-fourth (1/4) of the votes of the membership.
13. The Board of Directors may appoint among them or a third party, a secretary or person authorized to keep the records of the Association, mail notices of meetings and such other duties as may be delegated to said secretary by the Board of Directors.
14. A majority of the membership of the Association, either in person or by proxy, shall constitute a quorum at the annual meeting or any special called meetings as herein provided. All proxies shall be filed with the secretary at the said meeting of the members of the Association.
15. The Directors shall have the authority to open bank accounts for the business of the Association, and to determine who shall be authorized to sign checks for the Association, file liens or any other legal proceedings on behalf of the Association, enter into contracts for maintenance of roads, easements, common properties, if any, and such other duties as may be delegated from time to time. All matters relating to the collection and disbursement of funds of the Association and accounting of all monies shall be kept current by the Board of Directors in proper books of account. Further, the Board of Directors shall cause to be prepared a proposed annual budget and statement of income and expenditures to be presented to the membership at its regular annual meeting, and to deliver a copy of such accounting to each member.
16. There shall be an annual membership fee of Two Hundred Forty and No/100 Dollars (\$240.00) per parcel of land of covered property due and payable in July of each year and which shall be prorated per parcel at the time of the purchase of the lot. Until the Board of Directors is elected as hereinabove set out, the Declarants shall have the authority to amend the annual membership fee, set any special assessments, and file liens for failure to pay annual membership dues or assessments. All assessments shall be due and payable on the pro-rate basis based upon the number of members representing the parcel of property covered by this Declaration. At and subsequent to the first

annual meeting at which the Board of Directors shall be elected as hereinabove provided, the Board of Directors shall have the authority to levy at any time from time to time special assessments, provided that any such assessments shall be approved by a majority by the members who vote, in person or by proxy, at a meeting of the members at the annual meeting or any special meeting called for such purpose. The dues and assessments may be levied and used by the Board of Directors to further any purpose of the Association in the maintenance or improvements of the covered property, roads and easement system as depicted on the plat hereinabove referred to, or any subsequent revision or amendment thereto, or upon the addition of any properties subsequently added as covered properties in Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three.

17. A water tap fee of One Thousand Seven Hundred and No/100 Dollars (\$1,700.00) per parcel shall be paid to Alpine Helen Investments, LLC at such time as parcel shall tap onto the community water system. A monthly fee of Thirty-Five and No/100 Dollars (\$35.00) per parcel shall be due and payable to Alpine Helen Investments, LLC on the first of each month that said parcel is attached to the community water system. An additional fee of Thirty and No/100 Dollars (\$30.00) shall be due and payable to Alpine Helen Investments, LLC on the first of each month that said parcel is attached to the community water system upon the installation of a swimming pool.
18. A road impact fee of One Thousand Five Hundred and No/100 (\$1,500.00) per parcel shall be paid to Alpine Helen Investments, LLC upon the receipt of a building permit.
19. Each owner of any parcel of covered property which is now or hereafter made subject to this Declaration, by acceptance of a deed or other conveyance therefore, shall be deemed to be a member of the Association, and subject to pay to the Association the above referenced assessments so declared and said assessments shall become a lien against the property and enforceable as provided by Georgia Law.
20. The terms of this Article of the Declaration may be amended at any regular meeting of the members by a vote of three-fourths (3/4) majority of members, present in person or by proxy except that such amendments shall become effective only when set forth in a duly adopted and recorded amendment to this Declaration, and such amendment may be executed and filed for record by the Board of Directors of the Association, or their duly authorized agent or attorney.
21. Each lot which is now and hereafter made subject to this Declaration shall be exempt from the assessments, charges and liens created herein while owned by the Declarant. Any common properties and any other lot which may be designated for use as such by Declarants shall be exempt from assessments, charges and liens created herein.

**ARTICLE IV**  
**LOTS, ROADS AND COMMON AREAS**

1. All purchasers and person hereinafter claiming title to covered property under Declarants shall have: A non-exclusive right of ingress and egress over and upon the subdivision roads known as Monroe Ridge Road, Clarice Lane and Unicoi Hills Trail.
2. Declarants, their heirs and assigns, shall retain title to all subdivision roads, common properties, if any, within said covered property, and any other area subsequently covered properties. Declarants, for themselves, their heirs and assigns reserve the right to extend the roads within the covered property to serve such additional property not now or hereafter acquired.
3. Declarants, for themselves, their heirs and assigns, reserve a fifteen (15) foot easement within the right of way of said subdivision roads for the purpose of installing and maintaining all utility facilities and for water service and for such other purposes incidental to the development of Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, and such other adjoining properties as said Declarants, their heirs and assigns, may now own or hereinafter acquire.
4. Declarants reserve the right to determine in their sole discretion when and whether to convey said subdivision roads and common properties, if any, to the Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, Property Owners' Association, created in Article II, hereof or to dedicate said roads to the County. Any such conveyance to said Association shall be subject to:
  - a. The reservation by the Declarants, their heirs and assigns, of the unobstructed right of ingress and egress over and through the subdivision roads, known as Monroe Ridge Road, Clarice Lane and Unicoi Hills Trail, to reach other property now owned or which may hereafter be acquired by the Declarants, which said right of ingress and egress shall be a covenant running with the land and shall not be defeated for lack of use or maintenance;
  - b. The right of the Declarants, their heirs and assigns, to extend Monroe Ridge Road and/or Clarice Lane and/or Unicoi Hills Trail by connecting said road, or extensions of said road, with roads serving such additional property as the Declarants, their heirs and assigns, may now or hereafter acquire; and
  - c. An unobstructed easement within the right of way of Monroe Ridge Road, Clarice Lane and Unicoi Hills Trail, as shown on the plat of covered property, hereinabove referred to for the purpose of installing and maintaining utility facilities and water service and for such other adjoining properties as said Declarants, their heirs and assigns, now own and hereinafter acquire, which said easement shall be a covenant running with the land and shall not be defeated for lack of use or maintenance.
5. Upon such conveyance to the Association, if and when made, Declarants shall be relieved of their duties under this Article, and the Association shall assume

and perform such duties, and rights to reimbursement of cost, that Declarants now have hereunder. The Association shall be obligated to accept a conveyance of title to said subdivision roads, common properties, if any, subject to the reservations hereinabove set out, and to accept as well all rights, duties and obligations pertaining thereto, including maintenance therefore, at or after the first annual meeting of the Association as called by the Declarants.

6. For so long as the subdivision roads are private subdivision roads, all subdivision roads shall be maintained at the minimum width for such subdivision roads as required by White County road standards. All exposed earth on either side of the road shall be maintained and grassed, fertilized and cut as needed.
7. The Declarants, for so long as the subdivision roads are private subdivision roads, may set speed limits on all roads wholly within the subdivision.
8. The cost of taxes, and the maintaining, repairing and/or improving said subdivision roads shall be divided and shared among the property owners in proportion to the number of lots owned in the subdivision, one share for each lot, or as subsequently modified and changed by the Declarants' successors.
9. Each owner of any lot of covered property which is now or hereafter made subject to this Declaration, by acceptance of a deed or other conveyance therefore, shall be deemed to promise to pay to Declarants or their successors the proportional share of the road costs and taxes upon demand by Declarants. Each lot of the covered property is hereby made subject to a lien and a permanent charge in favor of Declarants for such share of the road costs, taxes and the cost of the maintenance of any common areas as may now exist or hereafter be obtained.

#### **ARTICLE V RESTRICTIVE COVENANTS**

1. No lot shall be further subdivided or its boundary lines changed without the written consent of Declarants, who reserve the right to re-plot any unsold lot, except that any lot containing 3.00 or more acres may be subdivided into two (2) lots one time but shall not thereafter be re-subdivided.
2. Distribution, electrical power lines, telephone lines, and other utility facilities or Systems on all lots shall be underground except with the prior written approval of Declarants. Easements are hereby reserved for the purpose of installing and maintaining utility facilities and for such other purposes incidental to the development of the property, together with such other and further easements for utilities in reasonable locations which Declarants may deem to be necessary or appropriate for the development of the property for the purposes herein described. All claims for damages, if any, arising out of the construction, maintenance, and repair of utilities or on account of temporary or other inconvenience caused thereby against Declarants, or any utility company or municipality, or any of its agents or servants are hereby waived by the Owners. Declarants do further reserve the right to change, lay

- out a new or discontinue any road, street, avenue or way on the property not necessary for ingress and egress to and from an Owner's lot, subject to the approval of the applicable governmental bodies, if required.
3. No lot shall be used to provide access to any adjoining land which is not a part of the property subject to these covenants, except for Declarants.
  4. House trailers, mobile homes, singlewides, doublewides or larger shall not be either temporarily or permanently placed upon or kept on any lot.
  5. The enclosed, heated ground floor living area, exclusive of basements, garages, carports, porches, terraces and bulk storage area of all houses shall not be less than 1000 square feet. Homes that have two stories shall have a minimum of 720 square feet of enclosed heated living space on the first or main floor, except lots two (2) through nine (9) inclusive, twenty-three (23) and twenty-four (24), which may be a minimum of 1000 square feet.
  6. All structures must be of wood construction, and exterior siding to be of wood finished in brown tones with the exceptions of roofing which shall be red or green metal, and all shall be finished on the outside.
  7. House construction must be completed within twelve (12) months after commencement of said construction.
  8. No metal buildings are allowed.
  9. Only one single family dwelling shall be allowed on each lot.
  10. All garages, carports or out building shall match the residence located on the lot in color, texture and design.
  11. No fence or similar improvement shall be constructed without the prior written approval of the Declarants or the Association.
  12. Window or through the wall air conditioners shall not be visible from the street or shall be screened so that air conditioners are not visible.
  13. No building shall be constructed within 15 feet of the front and rear of the property line nor within 15 feet of the side lot lines, except Lots 3, 7, 8, 9, 16 and 24, which may be constructed within 10 feet of property line.
  14. Noxious or offensive activity shall not be allowed upon any lot nor shall be done thereon which may be or may become an annoyance or nuisance for the neighborhood. No improper, offensive or unlawful use may be made of any lot, nor any part thereof, and all laws, zoning ordinances and regulation of all government bodies having jurisdiction shall be observed.
  15. The pursuit of hobbies or other activities, whether commercial or personal, including specifically the assembly and disassembly of motor vehicles and other mechanical devices which might tend to cause disorder, unsightly or unkempt conditions, shall not be pursued or undertaken on any part of any lot.
  16. All playground equipment, swing sets, swimming pools or recreational equipment shall be located in the rear of the lot or side of the lot not visible from the street.
  17. Absolutely no automobile repair shops of any type will be permitted.
  18. No commercial businesses or activity of any kind is permitted except for a home type business (i.e. administration, internet, managerial) which does not create a nuisance or result in traffic upon the roads of the subdivision.

19. Homes may be rented out either for vacation rental use or long term rentals but must not become a nuisance or offensive to the neighboring parties.
20. The noise from televisions, radios, musical instruments or motor vehicles should not be so loud as to cause disturbances to the other properties.
21. No swine, cattle, horses, goats, sheep or chicken shall be kept or maintained on any part of the property. Household pets shall be allowed so long as the number of such pets does not exceed three pets per species. All housing for pets shall be located in the rear of the lot or side of the lot not visible from the street.
22. Dogs and cats shall not be allowed to run loose and must be contained within their property boundaries and shall be kept indoors at night.
23. No property owner is allowed to plant trees, shrubs, etc. that will directly obstruct the mountain view of other property owners. Declarants' or the Association's decision will rule if plantings are in question.
24. Each lot shall be maintained and kept in a clean, neat and orderly fashion. Lots shall be landscaped within thirty (30) days of completion or occupancy of the residence. Grass and other landscaping shall be cut on a regular basis, so as to maintain a neat and orderly appearance.
25. Any and all ground cuts or bank cuts must be covered and stabilized by either grass, landscaping, stones or retaining wall for sediment control and to cover the red clay.
26. No part of said land shall be used or maintained as a dumping ground for rubbish, garbage or refuse. Trash, garbage and other waste shall be kept in sanitary containers in the rear of home.
27. All lots which have been sold or transferred may be maintained by the Declarants or by the Association in the event that the owner fails to do so. The expense of maintaining the lot may be charged as a lien by the Declarants or the Association in the same manner as a lien for failure to pay assessments.
28. Propane fuel tanks shall be kept to side or rear of lot and shall be screened with either landscaping or decorative lattice.
29. No campers or recreational vehicles, motorcycles or boats are to be left on the premises without current registrations. Campers or recreational vehicles cannot be used as temporary housing. If kept on premises, they must be parked on the rear or side of property and not in the front or on the road. No inoperable or wrecked vehicles shall be permitted on any lot.
30. Motorcycles, motor bikes, four wheelers, three wheelers, dune buggies, go carts, or any other type of motorized vehicles designed primarily for off road use shall not be permitted except for storage on the lot. The Declarants shall be permitted to use such motorized vehicles for transportation to job sites within the subdivision.
31. Tent camping is not permitted.
32. No commercial trucks of any type (semis, tractor trailers, box trucks, low boys, transport vehicles, buses larger than a pick up truck or flat beds, etc.) can be parked on any lot at any time or for any purpose, except during construction.

33. Any and all motor vehicles which are not in regular use must be stored in an enclosed garage. No inoperable vehicles or junk cars may be stored on any lot.
34. No signs are permitted on premises other than street address, name, for sale or rent signs. These signs are to be no larger than six (6) square feet.
35. Subdivision signs may exceed six (6) square feet.
36. No parking shall be allowed on subdivision roadways or easements.
37. No driveway may be more than thirty (30) feet wide at roadway edge.
38. All driveways must have proper water drainage and be finished with either asphalt, concrete or brick stone or sufficient gravel so puddling or mud does not show through.
39. All outdoor lighting shall be so shaded and directed such that the light there from is directed to fall only on the same premises where the light sources are located and shall not be obtrusive to the neighboring properties.

## **ARTICLE VI SALE OF LOTS**

Declarants may undertake the work of developing all of the lots within the subdivision; the completion of that work and the sale, rental or other disposition of residential units and other tracts is essential to the establishment and welfare of the subdivision of an ongoing community. In order that such work may be completed as soon as possible, nothing in this Declaration shall be understood or construed to: (1) prevent Declarants, or their employees, contractors or subcontractors, from doing on any part or parts of the subdivision owned or controlled by the Declarants whatever Declarants may determine may be reasonably necessary or advisable in connection with the completion of such work; (2) prevent Declarants, or their employees, contractors or subcontractors, from constructing and maintaining on any part or parts of the subdivision owned or controlled by Declarants such structures as may be reasonably necessary for the completion of such work and the disposition of lots and homes for sale, lease or otherwise; (3) prevent the Declarants, or their employees, contractors or subcontractors from conducting on any part or parts of the subdivision property owned or controlled by Declarants the business of completing such work and of disposing of lots and homes for sale, lease or otherwise; or (4) prevent Declarants, or their employees, contractors or subcontractors, from maintaining such sign or signs on any of the lots and homes owned or controlled by Declarants as may be necessary in connection with the sale, lease or other disposition of subdivision lots and homes.

## **ARTICLE VII EXERCISE AND TRANSFER OF RIGHTS**

All easements, benefits, rights and powers reserved to Declarants, or created in or exercisable by Declarants under any provisions of this Declaration, may be conveyed or assigned, either in whole or in part, by Declarants, their heirs, administrators and

executors, to third parties, including but not limited to the herein referenced Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, Property Owners' Association.

### **ARTICLE VIII ENFORCEMENT**

Enforcement of these Covenants, Conditions and Restrictions contained herein, or of any other provision hereof, shall be by an appropriate proceeding at law and in equity against any person or persons violating or attempting to violate any of said provisions hereof, either to restrain violation, to enforce personal liability, or to recover damages, or by any appropriate proceeding at law or in equity against the land, to enforce any lien or charge. The failure of Declarants, the Association, or any member to enforce any of said Covenants, Conditions and Restrictions or other provisions of this Declaration shall not be deemed a waiver of the right to do so thereafter.

### **ARTICLE IX SEVERABILITY**

Whenever possible, each provision of this Declaration shall be interpreted in such manner as to be effective and valid, but if any provision be held ineffective or invalid, such holding shall not affect the validity of any other provision, and to this end, the provisions of this Declaration are declared to be severable.



IN WITNESS WHEREOF, Declarants have executed this Declaration the day and year hereinabove written.

MONROE RIDGE INVESTMENTS, LLC

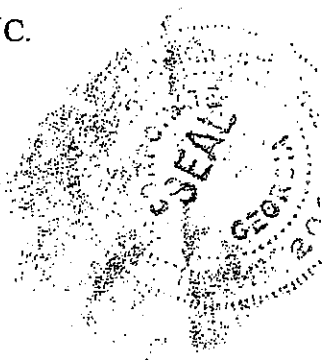
Leslie Gift WITNESS  
Leslie Colaco MEMBER

HIGHLAND CREST DEVELOPMENT, INC.

Leslie Gift WITNESS  
Leslie Colaco - PRES. PRESIDENT

UNICOI TRAIL, LLC

Leslie Gift WITNESS  
Leslie Colaco MEMBER



Acknowledged before me this 12th day of November 2007, by Leslie Colaco, Member, Monroe Ridge Investments, LLC, by Leslie Colaco, President, Highland Crest Development, Inc. and by Leslie Colaco, Member, Unicoi Trail, LLC.

Leslie Gift  
NOTARY PUBLIC

Personally Known

LESLIE GIFT  
Notary Public, State of Georgia  
Habersham County  
My Commission Expires  
April 11, 2010

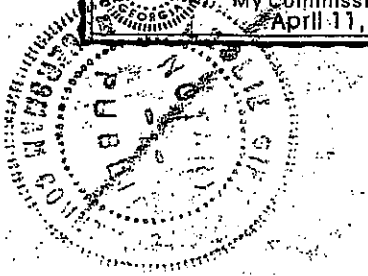


EXHIBIT A

All that tract or parcel of land lying and being in land lot 10 of the 6th land division of Wilkes County, Georgia, containing 12.85 acres, more or less, all in accordance with Plat of Survey dated March 22, 1930, prepared for James W. Carr, by Edna Wood, County Surveyor, Wilkes County, Georgia, recorded in Plat Book 492, page 117, Office of Clerk of Superior Court, Wilkes County, Georgia. Reference is hereby made to said Plat of Survey and the report thereof for a more complete description of said property.

Said tract is an unincorporated and non-exclusive right of ingress and egress over and along the right-of-way of the old Wilkes Road, an old public road, the course of which is shown as the "drive" leading in a westerly direction from the southerly right-of-way of the Abbeystead Road (Plat Book No. 211) and near said Wilkes Tract 2 and 3 of the Plat of Survey dated May 12, 1976, prepared for Edwin C. McCoy, Jr., by Robert Lovell, Georgia Registered Land Surveyor, recorded in Plat Book 26, page 16, said Clerk's Office, and according to the North-south point shown on said Tract 2 and Tract 3. Said right shall not be subject for lack of use or maintenance, but shall be a covenant running with the land.

Said tract is an unincorporated and non-exclusive right of ingress and egress over and through the 20-foot roadway described and conveyed in Warranty Deed dated September 23, 1934, executed by the Abbeystead and Wood Abbeystead to Allen B. Hutchinson, recorded in Plat Book 42, page 17, said Clerk's Office, which 20-foot roadway extends in a southerly direction from said public road known as the old Wilkes Road, and runs in a southerly direction to the intersection of said 20-foot roadway with the old Wilkes Ridge Road, the course of said 20-foot roadway being shown on the following Plat of Survey, to-wit:

1. In the connecting road connecting with the above described "drive" of which connecting road was in an easterly direction along and over the southerly side of said Tract 2 of said Plat of Survey dated May 12, 1976, which Plat of Survey is recorded in Plat Book 10, page 14, said Clerk's Office being the Plat of Survey dated May 12, 1976, prepared for Edwin C. McCoy, Jr., by Robert Lovell, Georgia Registered Land Surveyor, and

2. In the natural road or drive extending in a southerly direction from the Abbeystead road crossing over and along said Tract 2, and extending thence in a southerly direction over and along the southerly boundary of the 7.5 acre tract delineated on the Plat of Survey dated May 14, 1976, revised May 16, 1977, hereinafter referenced, which natural road or drive crosses and passes the top of the ridge, as shown on said Plat of Survey, which Plat of Survey is recorded in Plat Book 15, page 12, said Clerk's Office being the Plat of Survey dated May 14, 1976, revised May 16, 1977, prepared for Edwin C. McCoy, Jr., by Robert Lovell, Georgia Registered Land Surveyor, and according to the said road or drive's intersection with the southerly boundary of the above described 20-acre tract.

Said right of ingress and egress shall not be subject for lack of use or maintenance, but shall be a covenant running with the land.

Said tract is an unincorporated and non-exclusive right of ingress and egress over and along the Wilkes Ridge Road (Plat Book No. 211) the old Wilkes Ridge Road, extending in a southerly direction along and with said Wilkes Ridge Road from its intersection with the southerly boundary of the above described 20-acre tract and according to the Warranty Deed of the proposed 20-foot road mentioned above on the Plat of Survey dated February 11, 1978, prepared for George Robert Carr, Jr. and

Edna Katherine Williams, by Edna Wood, County Surveyor, Wilkes County, Georgia, recorded in Plat Book 422, page 112, said Clerk's Office. The width of said right of ingress and egress shall be twenty feet, the southerly boundary of which shall be the southerly side of said Wilkes Ridge Road as shown on the Plat of Survey dated March 1, 1930, prepared for the U.S. Civil Service Administration by Edna Wood, County Surveyor, Wilkes County, Georgia, recorded in Plat Book 23, page 111, said Clerk's Office, and the southerly boundary of which shall be a line parallel to and 20 feet from said southerly boundary. Said right shall not be subject for lack of use or maintenance, but shall be a covenant running with the land.

Said tract is an unincorporated and non-exclusive right of ingress and egress, together with an easement for above-ground and below-ground public utilities, via the proposed 20-foot road mentioned above on the Plat of Survey dated hereinafter mentioned and on the Plat of Survey dated February 11, 1978, prepared for George Robert Carr, Jr. and Edna Katherine Williams, by Edna Wood, County Surveyor, Wilkes County, Georgia, recorded in Plat Book 422, page 112, said Clerk's Office, said road easement extending from its intersection with the above-described Wilkes Ridge Road and crossing thence in a southerly direction to the southerly boundary of the 25.65-acre tract hereinafter described. Said right of ingress and egress shall extend laterally 10 feet on either side of the centerline of said proposed 20-foot road easement. Said right and easement shall not be subject for lack of use or maintenance, but shall be a covenant running with the land.

Said tract is an unincorporated and non-exclusive right of ingress and egress leading a southerly right-of-way extending from the southerly boundary of the above described 20-acre tract to the southerly boundary of said 20.85-acre tract.

SUBJECT TO existing easement for public utilities.  
SUBJECT TO the rights of others over and through said 20.85-acre tract via the old Wilkes Road shown on the Plat of Survey of said 20.85-acre tract filed hereinafter referenced as running over and along the southerly boundary of said 20.85-acre tract.

ALSO CONVEYED

ALL THAT TRACT or parcel of land lying and being in Land Lot 15 of the 6th Land District, White County, Georgia and being more particularly described as follows: Beginning at a point on the Original Land Lot Line between Land Lots 15 and 16 of the 6th Land District, said point being E. 89 degrees 27 minutes 43 seconds W. a distance of 766.21 feet from the Original Land Lot Corner between Land Lots 14, 15, 22, and 23 of the 6th Land District White County, Georgia; thence from said point of beginning S. 89 degrees 18 minutes 44 seconds W. for a distance of 421.12 feet thence N. 36 degrees 34 minutes 23 seconds E. for 38.32 feet; thence S. 34 degrees 46 minutes 11 seconds W. for a distance of 36.67 feet; thence N. 29 degrees 23 minutes 27 seconds W. for a distance of 1245.11 feet; thence N. 29 degrees 33 minutes 46 seconds E. for a distance of 2097.28 feet; thence S. 25 degrees 18 minutes 27 seconds E. for a distance of 133.33 feet; thence S. 45 degrees 39 minutes 43 seconds E. for a distance of 68.41 feet; thence S. 59 degrees 05 minutes 20 seconds E. for a distance of 59.26 feet; thence S. 37 degrees 31 minutes 16 seconds E. for a distance of 69.30 feet; thence S. 10 degrees 26 minutes 49 seconds E. for a distance of 82.92 feet; thence S. 11 degrees 01 minutes 17 seconds E. for a distance of 73.45 feet; thence S. 49 degrees 12 minutes 54 seconds E. for a distance of 127.11 feet; thence S. 72 degrees 06 minutes 48 seconds E. for a distance of 124.55 feet; thence S. 49 degrees 07 minutes 16 seconds E. for a distance of 64.35 feet; thence S. 30 degrees 13 minutes 36 seconds E. for a distance of 38.99 feet; thence S. 39 degrees 39 minutes 18 seconds E. for a distance of 67.21 feet; thence S. 75 degrees 01 minutes 02 seconds E. for a distance of 43.23 feet; thence S. 4 degrees 18 minutes 39 seconds W. for a distance of 1345.63 feet to the point of beginning. Said tract or parcel of land contains 41.31 acres.

ALSO CONVEYED:

ALL THAT TRACT or parcel of land lying and being in Land Lot 15 of the 6th Land District, White County, Georgia and being more particularly described as follows: Beginning at a point on the Original Land Lot Line between Land Lots 15 and 16 of the 6th Land District, said point being E. 89 degrees 27 minutes 43 seconds W. a distance of 766.21 feet from the Original Land Lot Corner between Land Lots 14, 15, 22, and 23 of the 6th Land District White County, Georgia; thence from said point of beginning W. 84 degrees 24 minutes 22 seconds W. a distance of 421.12 feet; thence N. 29 degrees 33 minutes 46 seconds E. for a distance of 2097.28 feet; thence S. 25 degrees 18 minutes 27 seconds E. for a distance of 133.33 feet; thence S. 45 degrees 39 minutes 43 seconds E. for a distance of 68.41 feet; thence S. 59 degrees 05 minutes 20 seconds E. for a distance of 59.26 feet; thence S. 37 degrees 31 minutes 16 seconds E. for a distance of 69.30 feet; thence S. 10 degrees 26 minutes 49 seconds E. for a distance of 82.92 feet; thence S. 11 degrees 01 minutes 17 seconds E. for a distance of 73.45 feet; thence S. 49 degrees 12 minutes 54 seconds E. for a distance of 127.11 feet; thence S. 72 degrees 06 minutes 48 seconds E. for a distance of 124.55 feet; thence S. 49 degrees 07 minutes 16 seconds E. for a distance of 64.35 feet; thence S. 30 degrees 13 minutes 36 seconds E. for a distance of 38.99 feet; thence S. 39 degrees 39 minutes 18 seconds E. for a distance of 67.21 feet; thence S. 75 degrees 01 minutes 02 seconds E. for a distance of 43.23 feet; thence S. 4 degrees 18 minutes 39 seconds W. for a distance of 1345.63 feet to the point of beginning. Said tract or parcel of land contains 41.31 acres.

LESS & EXCEPT

All that tract or parcel of land lying and being in Land Lot 15 of the 6th District of White County, Georgia containing 41.31 acres according to a plat of survey prepared by Richard H. Holm, Esq., Registered Surveyor, for James H. Cox, Sr. dated December 29, 1899 and recorded in Plat Book 50, page 170, Clerk's office, White County, Georgia. Said property is more particularly described as follows:

BEGINNING at an iron pin located on the south side of Monroe Ridge Road, said iron pin being located 8.3 miles from the intersection of the Albany Road with Monroe Ridge Road; said iron pin is also a point common to the property herein conveyed and the property now or formerly of Flint; thence along and with the westerly right-of-way of Monroe Ridge Road S 75° 18' 35" E 123.73 feet to a point; thence S 45° 35' 48" E 66.41 feet; thence S 50° 05' 20" E 90.26 feet; S 33° 22' 31" E 63.41 feet; thence N 10° 25' 31" E 92.19 feet to an iron pin; thence S 17° 07' 35" E 95.64 feet to a pointed tree; thence S 12° 07' 41" E 123.20 feet to an iron pin; thence S 12° 21' 05" W 127.94 feet to an iron pin; thence S 59° 25' 24" W 192.54 feet to an iron pin; thence N 03° 24' 18" E 190.67 feet to an iron pin; thence N 71° 47' 07" W 131.05 feet to a point in the center of a 38" red cypress; thence N 73° 47' 08" W 75.73 feet to an iron pin; thence S 77° 18' 57" W 245.15 feet to an iron pin; thence N 63° 11' 14" W 120.00 feet to an iron pin; thence N 27° 55' 45" E 38.00 feet to an iron pin; thence N 27° 35' 45" E 638.62 feet to the Point of Beginning. This conveyance is made subject to all existing easements for rights-of-way and utilities.

This conveyance is made subject to the reservation of a 30 foot road easement extending from Monroe Ridge Road to property of Central as delineated on the above referred to plat.

THE CONVEYANCE described tract of land is conveyed SUBJECT TO existing easements and rights-of-way for public roads and highways and public utilities, if any, extending into, through, over or across the above-described property.

LESS AND EXCEPT

ALL THAT TRACT or parcel of land lying and being in Land Lot 15 of the 6th Land District of White County, Georgia, containing 1.00 acres, more or less, according to a plat of survey dated December 19, 1999, prepared for Habitat for Humanity by Richard H. Holcomb, RLS, and recorded in Plat Book 47, Page 110, White County, Georgia deed records, said plat and the record thereof being incorporated herein by reference for a more particular description.

*WCC*

EXHIBIT B

ALL THAT TRACT or parcel of land lying and being in Land Lot 15 of the 6th Land District of White County, Georgia, and being more particularly described as follows: BEGINNING at a gap at the top of a ridge on the East original Land Lot Line of said Land Lot Number 15 and at the point where the old logging road intersects said original Land Lot Line; thence along and with said old logging road in a Westerly direction to an iron pin located on the Easterly side of Monroe Ridge Road, now known as Eschenbrenner Road, said iron pin being located 6 feet, more or less, southwesterly from a telephone pole; thence up and along the easterly side of Eschenbrenner Road in a northwesterly direction to a point where an old woods road intersects said Eschenbrenner Road; thence along and with said old woods road in a northeasterly direction to a point where an old abandoned field road intersects said old woods road; thence in an easterly direction to a point on the western edge of a pasture; thence across said pasture in a southeasterly direction to an electric pole at the south edge of said pasture; thence east to an iron pin; thence in a southeasterly direction to a point at a cattle crossing on a branch, said point being marked by a poplar tree; thence in a southeasterly direction to a point on the East line of said Land Lot Number 15; thence along and with said East original Land Lot Line South to the top of the ridge and beginning corner, containing 25.00 acres, more or less, more particularly described in Plat of Survey by Eddie Hood, White County Surveyor, dated March 1, 1990, for U.S. Small Business Administration which shows 16.26 acres.

ALSO CONVEYED is the right of ingress and egress running from Old Original Burton Road across other property now or formerly of Mrs. Gus Abernathy around the edge of pasture now or formerly of Mrs. Gus Abernathy to a pine tree at property herein described.

**WHITE COUNTY PLANNING DEPARTMENT  
STAFF COMMENT**

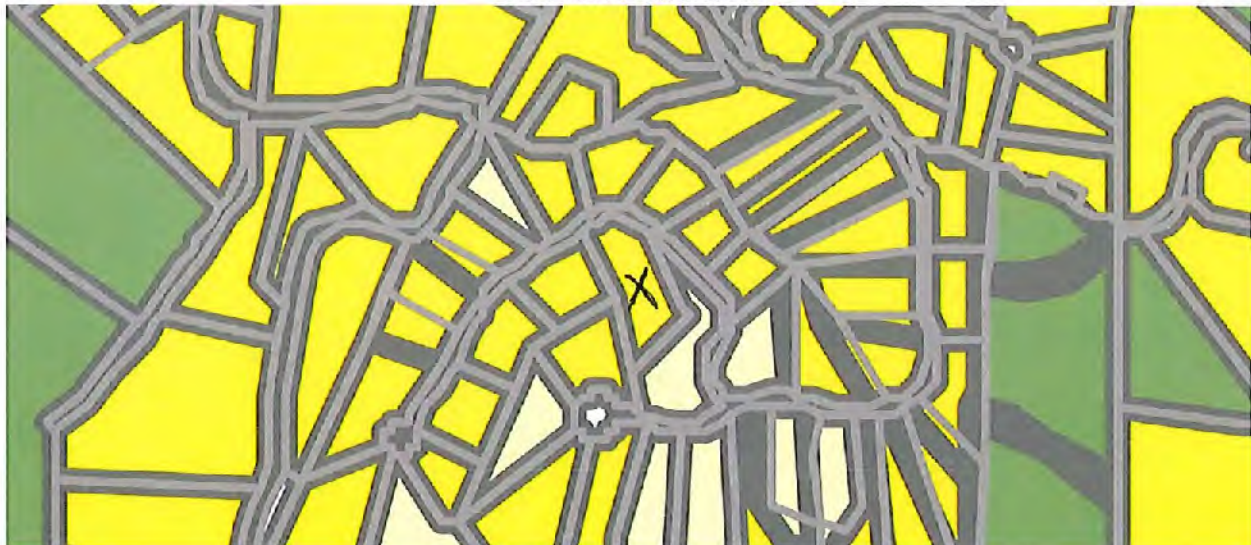
**SALVADOR ACEVES**

- PROPERTY IS LOCATED AT 151 CLARICE LN IN SAUTEE NACOOCHEE. IT IS IN THE R-1 RESIDENTIAL SINGLE FAMILY DISTRICT.
- APPLICATION REQUEST TO CONSIDER REDISTRICTING R-1 RESIDENTIAL SINGLE FAMILY DISTRICT TO R-3 RESIDENTIAL SEASONAL DISTRICT.
- PROPERTY ADJOINS TO THE NORTH AND WEST R-1 RESIDENTIAL SINGLE FAMILY DISTRICT; TO THE EAST AND SOUTH R-3 RESIDENTIAL SEASONAL DISTRICT.
- THE WHITE COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP INDICATES SINGLE FAMILY RESIDENTIAL.
- TOTAL ACREAGE IS 1.24.
- PROPERTY IS SUPPLIED BY WELL AND SEPTIC.

**EXISTING LAND USE**



**FUTURE LAND USE**



WHITE COUNTY PLANNING COMMISSION AGENDA  
REGULAR SESSION

**Application of Eduardo Rodriguez** to request a conditional use permit located at 1774 Joe Black Road, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 044D-019. Total acreage is 1.28. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant was not present. The application was tabled for the next Regular Meeting.

**Application of Juan Rodriguez Isacura and Valeria Carpico** to request a conditional use permit located at 54 McConnell Court, Helen, Georgia, 30545. Tax map and parcel 042B-004. Total acreage is 1.21. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

A representative, Alex Green of Blue Creek Cabin Rentals for 54 McConnell Court, was present. Mr. Barton gave a summary of the application. Mr. Green explained he will be managing the property. He stated the Board of Commissioners approved another property on McConnell Court last week. Mr. Green said this would be the second short-term rental, with the remainder being transient homes and half of the lots are undeveloped.

Motion to recommend approval to the Board of Commissioners made by Mr. Ackerman and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Donald and Susan Gwaltney** to request a conditional use permit located at 3588 Duncan Bridge Road, Cleveland, Georgia, 30528. Tax map and parcel 074-008B. Total acreage is 10.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicants, Donald and Susan Gwaltney of 242 Lacount Lane in Clarkesville, GA, was present. Mr. Barton gave a summary of the application. Ms. Gwaltney did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Ms. Dixon and seconded by Ms. Burke. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Jacob Gardner** to request a conditional use permit located at 2325 Highway 115 West, Cleveland, Georgia, 30528. Tax map and parcel 034B-029. Total acreage is 3.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Jacob Gardner of 2325 Highway 115 West, was present. Mr. Barton gave a summary of the application. Mr. Gardner did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Mr. Freeman and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 151 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-607. Total acreage is 1.24. Present zoning is R-1 Single Family Residential District. The applicant, Salvador Aceves for 151 Clarice Lane, was present. Mr. Barton gave a summary of the application. Mr. Aceves did not have anything to add.

WHITE COUNTY PLANNING COMMISSION AGENDA  
REGULAR SESSION

Motion to recommend approval to the Board of Commissioners made by Ms. Burke and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 269 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-610. Total acreage is 1.00. Present zoning is R-1 Single Family Residential District. The applicant, Salvador Aceves for 151 Clarice Lane, was present. Mr. Barton gave a summary of the application. Mr. Aceves did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Mr. Ackerman and seconded by Ms. Burke. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 150 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-619. Total acreage is 1.00. Present zoning is R-1 Single Family Residential District. The applicant, Salvador Aceves for 151 Clarice Lane, was present. Mr. Barton gave a summary of the application. Mr. Aceves did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Ms. Burke and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

There was no citizen comment.

Motion to adjourn made by Ms. Burke seconded by Ms. Dixon. Motion was unanimous.



WHITE COUNTY PLANNING COMMISSION AGENDA  
PUBLIC HEARING: LAND USE REGULATION

have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on October 2<sup>nd</sup>.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 151 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-607. Total acreage is 1.24. Present zoning is R-1 Single Family Residential District. The applicant, Salvador Aceves of 425 Crestwood Court in Alpharetta, GA and 272 Clarice Lane in Sautee Nacoochee, was present. Ms. Dodd gave a summary of the application and said there have been other R3 zonings approved in this subdivision. Mr. Aceves explained the proposed short-term rental has two bedrooms and two bathrooms and is located in Highcrest Summit that allows short-term rentals in the subdivision. He said it is a new development and he owns five lots, three of which are in the building process. He said 269 Clarice Lane has plenty of parking and 150 Clarice Lane has an easement road. For the development, Mr. Aceves stated there are 30-40 homes, eight of which are on Clarice Lane. He said there is one full time resident that he is aware of and he believes the rest are short-term rentals. When asked if there have been any issues with existing short-term rentals, he said not that he is aware of. Mr. Aceves stated he will use a local company for maintenance but plans to self-manage since he owns other short-term rentals in Birmingham that he self-manages, as well. He added that he is in discussions with one of the neighbors to help with the rental also.

Chairman Thomas asked if anyone would like to speak for the application.

Gilbert Sandate, co-owner of 272 Clarice Lane and father in law of the applicant, explained that there have been no issues or concerns from short-term rentals along or near Clarice Lane and does not anticipate problems, but he is also available and lives in Alpharetta.

Chairman Thomas asked if anyone would like to speak against the application, there was no response. Mr. Aceves did not have anything to add. Chairman Thomas closed the hearing.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 269 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-610. Total acreage is 1.00. Present zoning is R-1 Single Family Residential District. The applicant, Salvador Aceves of 425 Crestwood Court in Alpharetta, GA and 272 Clarice Lane in Sautee Nacoochee, was present. Mr. Aceves explained this home has two bedrooms and two bathrooms and the construction is 90% complete, with everything stated on the previous application applying to this one. He said his intention is to rezone three of his five lots to R-3. When asked if he knew about the R-1 conditional use permit for short-term rental, he said no and asked when he would need to decide. Mr. Sell explained the withdrawal process and the requirements for re-applying. Mr. Aceves said he would let Ms. Dodd know if he decides to go that route.

Chairman Thomas asked if anyone would like to speak for the application, there was no response. He asked if anyone would like to speak against the application, there was no response. Mr. Aceves did not have anything to add. Chairman Thomas closed the hearing.



# WHITE COUNTY

## *Board of Commissioners*

### Agenda Request Form

**Item Title:** Rezoning from R-1 to R-3 for STR for Sal Aceves 269 Clarice Lane, Sautee Nacoochee

**For Meeting Date:** 10/30/2023

**Work Session**  **Regular Meeting**  **Public Hearing**

**Category (Select One):** Land Use Application

**Submitted By:** John Sell

**Attachments:** Yes  **If yes, please list each file name below:**

1. Application #20219
2. Public Hearing minutes of 9/25/2023
3. Regular Meeting minutes of 10/2/2023

#### **Purpose:**

Consider the application of Salvador Aceves, on behalf of Solterra Holdings, LLC, to redistrict property located at 269 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-610. Total acreage is 1.00. Present zoning is R-1 Single Family Residential District.

#### **Background / Summary:**

- Applicant is requesting a conditional use permit for short term rental. The property is in Highcrest Summit subdivision and the covenants allow for short term rentals. Mr. Aceves explained that he owns 5 lots in Highcrest Summit, which has other R-3 zoned properties. He is currently building on three lots. The cabin is about 90% complete and will be 2 bedrooms and 2 baths and there is plenty of parking. He said there is one full-time resident among the 8 lots on Clarice Lane and the rest are short-term rentals. He plans to self-manage while using a local company for maintenance. No one spoke for or against the application. The Planning Commission recommended approval of the application and the motion passed by unanimous vote.

#### **Department Recommendation:**

Planning Commission recommended approval by unanimous vote.

**Options:**

- Uphold Planning Commission recommendation and approve the application
- Reverse Planning Commission recommendation and deny the application.
- Table the application for further review or to send back to Planning Commission

**Budget Information:** Applicable  Not Applicable

**Budgeted:** Yes  No

**Finance Director's Comments (if applicable):**

- 

**County Manager Comments:**

-

#2

# WHITE COUNTY CHANGE OF LAND USE DISTRICT APPLICATION

<b>OFFICE USE ONLY</b>	Land Use Application #: <u>20219</u>
Public Hearing Date: <u>9/25/2023</u>	Commission District: <u>4</u>
Fees Assessed: <u>\$250</u>	Paid via: <input type="checkbox"/> cash <input type="checkbox"/> credit card <input checked="" type="checkbox"/> check# <u>1003</u>

APPLICANT INFORMATION	
Status: <input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent <input type="checkbox"/> Lessee <input type="checkbox"/> Option to Purchase
Printed Name(s): <u>SOLTERNA HOLDINGS LLC (SALVADOR G. ACEVES)</u>	
Address: <u>4575 WEBB BRIDGE WAY #5744 ALPHARETTA GA 30005</u>	
Phone Number: [REDACTED]	Alternate Contact Number: [REDACTED]
Email: [REDACTED]	

**Owner Information (if different from Applicant/Agent):**

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

PROPERTY INFORMATION	
Parcel ID: <u>069-610 (LOT 30)</u>	Total acreage being changed: <u>1</u>
Address: <u>269 CLANCE LANE SOUTEE HALLCOCKEE 30571</u>	
Directions to Property: <u>NORTH ON 75</u>	
<u>RIGHT ON 356</u>	
<u>RIGHT ON G.W. ABERNATHY</u>	
<u>RIGHT ON MONROE RIDGE</u>	
<u>RIGHT ON CLANCE LANE, PROPERTY ON LEFT.</u>	
Current Use/Zoning of Property: <u>R1</u>	Type of Road Surface: <u>ASPHALT</u>
Any prior redistricting requests for property: <input type="checkbox"/> If yes, provide redistricting application #: _____	

**SURROUNDING PROPERTY LAND USE CLASSIFICATION:**

North: R1 South: R3 East: R3 West: R-1

REQUESTED ACTION AND DETAILS OF PROPOSED USE (check all that apply)	
Redistrict from district: <u>R1</u>	Redistrict to district: <u>R3</u>
Conditional Use - specify: _____	
Special Use - specify: _____	
Land Use Variance from Code Section: _____	
Proposed use if not listed above: <u>SHORT TERM RENTAL</u>	
Is this property part of a subdivision? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If so, please list number of lots: _____	
Are there covenants? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is there an active homeowner's association? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Subdivision Name (if applicable): <u>HIGH CREST SUMMIT</u>	

Existing Utilities (check all that apply):  
 County or City Water     Well     Septic     Gas     Electric     Broadband

Proposed Utilities (check all that apply):  
 County or City Water     Well     Septic     Gas     Electric     Broadband

**COMMERCIAL AND INDUSTRIAL REDISTRRICT INFORMATION**

Building Area: 2 Acre @                      No. of Parking Spaces:

**RESIDENTIAL REDISTRRICT INFORMATION**

No. of Lots:                      Minimum Lot Size in acres:                      No. of Units:

Minimum Heated Floor Area (ft<sup>2</sup>):                      Density/Acre:

Is an Amenity area proposed (specify if yes)?

Apartments     Condominiums     Townhomes     Single Family

Rental Cabins     Recreational Vehicle Park     Other- Specify:

**LIST OF ADJACENT PROPERTY OWNERS**

It is the responsibility of the Applicant to provide a list of adjacent property owners that has property bordering your property or who has property directly across the street from your property (additional sheet may be included, if necessary).

PARCEL	PROPERTY OWNER NAME	MAILING ADDRESS
1	<u>069-609 Charles &amp; Ana Bonet</u> Carlino	<u>707 Clarice Ln Santee Nacoochee</u> GA 30571
2	<u>069 611 Charles &amp; Ana Bonet</u> Carlino	<u>707 Clarice Ln Santee Nacoochee</u> GA 30571
3	<u>069 614 Gilbert &amp; Irene Sandak</u>	<u>5045 Harbour Ridge Dr.</u> Alpharetta GA 30005
4	_____	_____
5	_____	_____
6	_____	_____
7	_____	_____

**APPLICANT CERTIFICATION**

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners meeting agendas.

I understand that the Planning Department staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and Board of Commissioners to make an informed determination on my request. I understand that I may seek legal advice if I am not familiar with the land use requirements and procedures.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioners meetings and that I am required to be present or to be represented by someone able to present all facts and answer all questions. I understand that failure to appear at a meeting shall result in the postponement or denial of my application request. I further understand that it is my responsibility to be aware of relevant meeting dates and times regardless of notification from White County.

I hereby certify that I have read the above and that the above information, as well as the attached information, is true and correct.

Applicant Signature:



Date: 8/5/2023

**2023 DEADLINES AND MEETING DATES**

Submittal Date Planning Dept. Office 5:00 p.m. Deadline	Planning Commission Public Hearing 1239 Helen Hwy 6:00 p.m.	Planning Commission Regular Session 1239 Helen Hwy 6:00 p.m.	Board of Commissioners Work Session 1235 Helen Hwy 4:30 p.m.
Wednesday, January 4, 2023	Monday, January 30, 2023	Monday, February 6, 2023	Monday, February 27, 2023
Wednesday, February 1, 2023	Monday, February 27, 2023	Monday, March 6, 2023	Monday, March 27, 2023
Wednesday, March 1, 2023	Monday, March 27, 2023	Monday, April 3, 2023	Monday, April 24, 2023
Wednesday, March 29, 2023	Monday, April 24, 2023	Monday, May 1, 2023	TBA
Wednesday, May 3, 2023	TBA	Monday, June 5, 2023	Monday, June 26, 2023
Wednesday, May 31, 2023	Monday, June 26, 2023	Monday, July 3, 2023	Monday, July 31, 2023
Wednesday, June 14, 2023 *	Monday, July 31, 2023	Monday, August 7, 2023	Monday, August 28, 2023
Wednesday, July 12, 2023	Monday, August 28, 2023	TBA	Monday, September 25, 2023
Wednesday, August 9, 2023	Monday, September 25, 2023	Monday, October 2, 2023	Monday, October 30, 2023
Wednesday, September 13, 2023	Monday, October 30, 2023	Monday, November 6, 2023	Monday, November 27, 2023
Wednesday, October 11, 2023	Monday, November 27, 2023	Monday, December 4, 2023	TBA
Wednesday, November 8, 2023	TBA	TBA	Monday, January 29, 2024
Wednesday, December 13, 2023	Monday, January 29, 2024	Monday, February 5, 2024	Monday, February 26, 2024

\*NEW DEADLINE DATES EFFECTIVE IN ORDER TO MEET ZPL UPDATES AS OF JULY 2023

Revision 4.10.2023 4.3.2023 5.23.2023

**NOTICE OF AGRICULTURAL DISTRICT ADJACENCY**

Future abutting developers in non-agricultural land use districts shall be provided with this "Notice of Agricultural Adjacency" prior to administrative action on either land use district, the issuance of a building or occupancy permit or approval of a subdivision of property. Prior to administrative action, the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing, adjacent to his/her use, which can produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent Agricultural District uses, the applicant agrees by executing this form to waive any objection to those effects and understands that his/her district change and/or permits or other approvals are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the Agricultural District constitute a nuisance against the local government and adjoining land owners whose property is located in an Agricultural District. This waiver shall be provided and made applicable for subsequent purchasers and owners or heirs of his/her property. This notice and acknowledgement shall be public record.

**Applicant Signature:**

**Date:**

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS  
(APPLICANTS AND REPRESENTATIVE(S) OF REQUESTED ACTION)**

Pursuant to O.C.G.A. Section 36-67 A-3.A, the disclosure of any campaign contributions aggregating \$250.00 or more to a local government official who will consider an application for re-classification or for a conditional use or special use permit is mandatory when an application or any representation of application for re-classification of district or for conditional use or special use permit has been made within two (2) years immediately preceding the filing of a request for reclassification or conditional use or special use permit by the same applicant and/or representative of said applicant. It shall be the duty of the applicant and/or any representatives of the applicant to file a disclosure with the governing authority of the respective local government to show the following:

Name of local official(s) to whom campaign contribution was made:

N/A

The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of this application for action for district re-classification, conditional use or special use permit.

Amount \$:

N/A

Date:

Enumeration and description of each gift (when the total value of all gifts is \$250.00 or more) made to the local government official during the two (2) years immediately preceding the filing of this application. **Please attach additional sheets if needed.**

N/A

*Check box if no contributions made*

**Applicant Signature:**

**Date:**

**PROPERTY OWNER AUTHORIZATION**

*To be completed by the property owner to certify ownership of subject property and to provide authorization for other person(s) to represent the owner on their behalf.*

I/WE (print), SALVADOR G. ACEVES (SOLTEGA HOLDINGS LLC),  
 hereby swear that I/we own the property for which this land use change application is being made.

Property Address and/or Parcel ID: 069-610 - 269 CLARICE LANE SAITEE NACCOCHIE

**PROPERTY OWNER INFORMATION**

Printed Name of Owner(s):  
SALVADOR G. ACEVES

Mailing Address: 4575 WEBB BRIDGE WAY # 5744  
ALPHARETTA GA 30005


Phone Number: [REDACTED]

Alternate Contact Number: [REDACTED]

Email: [REDACTED]

I/we hereby authorize the person named below to act as the applicant or agent in the pursuit of the requested action on this property. I/we understand that any action granted and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The person named below is authorized to make this application. The person named below is aware that no application or re-application affecting the same land shall be acted upon within six (6) months from the date of the last action by the White County Board of Commissioners.

Printed Name of applicant or agent(s): SAL G. ACEVES

<b>Signature of Owner(s):</b>	<b>Date Signed:</b>
	<u>8/4/2023</u>

**PROPERTY OWNER AUTHORIZATION DOCUMENT: NOTARY ACKNOWLEDGEMENT**

Sworn to (or affirmed) and subscribed before me this 8<sup>th</sup> day of August, 2023 by Salvador G. Aceves (name of signer(s)). The named signer(s) is/are personally known by me or produced the identification type of Drivers License.

{Seal} Doreen Green  
(Signature of Notary)

**Doreen Green**  
**NOTARY PUBLIC**  
 White County, GEORGIA  
 My Commission Expires 07/12/2025

Doreen Green  
(Name of Notary Typed, Stamped, or Printed)



**SHORT TERM RENTAL CERTIFICATIONS**

To be completed and notarized for any application where the proposed use is short term rental.

I/WE (print), SAL G. ACEVES,  
hereby swear that I/we own/will own the property referenced below for which this land use change application is being made.

\*Property Address and/or Parcel ID: 069-610

**PROPERTY OWNER AUTHORIZATION ACKNOWLEDGEMENT OF GUESTS**

I acknowledge to keep the total number of guests to that number which can safely stay in the premises and may be subject to the State of Georgia's fire safety code regulations.

Signature of Owner/Future Owner(s): [Signature]

**PROPERTY OWNER AUTHORIZATION CERTIFIED BY OWNER OR THIRD PARTY INSPECTOR**

I attest by owner or third party inspector that short term rentals meet applicable International Building Code, International Fire Code regulations and NFPA 101 Life Safety codes.

Signature of Owner/Future Owner(s): [Signature]

**PROPERTY OWNER AUTHORIZATION CERTIFIED DEED RESTRICTION**

I certify that there are no deed restriction and/or covenants on the property that prohibits the use of the property as a short-term rental.

Signature of Owner/Future Owner(s): [Signature]

**PROPERTY OWNER AUTHORIZATION CERTIFIED SHORT-TERM RENTAL INSURANCE**

I certify that the owner/future owner has commercial or specific short-term rental insurance for the property. If insurance *has not been obtained* at time of application, I certify that owner/future owner will obtain prior to renting if application approval is granted.

Signature of Owner/Future Owner(s): [Signature]

**OFFICIAL CODE OF WHITE COUNTY APPENDIX C/ARTICLE VII – SHORT TERM RENTALS & BUSINESS LICENSES NOTIFICATION**

I certify that I have been informed of and provided a copy of Appendix C/Article VII - Short Term Rentals. I certify that I have also been informed that I will need to contact the White County Business Tax Office (706-865-2235) to obtain the proper business licensing, host licensing, and subsequent tax information prior to operation of my short-term rental.

Signature of Owner/Future Owner(s): [Signature]

**SHORT TERM RENTAL CERTIFICATIONS DOCUMENT: NOTARY ACKNOWLEDGEMENT**

Sworn to (or affirmed) and subscribed before me this 8<sup>th</sup> day of August, 2023 by Salvador G. Aceves (name of signer(s)). The named signer(s) is/are personally known by me or produced the identification type of Drivers License.

[Signature]  
(Signature of Notary)

{Seal}  
Doreen Green  
NOTARY PUBLIC  
White County, GEORGIA  
My Commission Expires 07/12/2025

Doreen Green  
(Name of Notary Typed, Stamped, or Printed)

**APPLICANT ACKNOWLEDGEMENT OF MEETING DATES**

I, SALVADOR G. ACEVES (print name) have been advised that I or someone to represent me must be in attendance when my application is before the White County Planning Commission and the White County Board of Commissioners or it will be tabled. I also acknowledge that I have been made aware of the below dates upon submission of my application.

**Senior Center, 1239 Helen Hwy, Cleveland 6:00pm**

Public Hearing Date (Planning Commission): 9/25/2023

Regular Meeting Date (Planning Commission): 10/02/2023

**Administration Building, 1235 Helen Hwy, Cleveland 4:30pm**

Board of Commissioners Meeting Date: 10/30/2023

*\*Meeting dates are subject to change*



Signature of Applicant or Authorized Agent

8/05/2023

Date

<b><u>OFFICE USE ONLY</u></b>	
Copy given to applicant:	<u>8/8/23</u> (date)
Staff Initials:	<u>KMP</u>
Flag (circle):	<u>(Y)</u> N

\*\*\*\*\*

<b>WITHDRAWAL</b>
<i>Notice: This section only to be completed if application is being withdrawn.</i>
PART II - OFFICIAL CODE/APPENDIX C - LAND USE REGULATIONS/ARTICLE XVIII. AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS
<i>Section 1803. Withdrawal of amendment application. Any petition for an amendment to these regulations, official land use district map, conditional use approval, variance or special use permit may be withdrawn, at the discretion of the person or agency initiating such request, at any time prior to final action by the board of commissioners upon written notice to the planning director. Any required fees shall be forfeited</i>
I hereby withdraw application #:
Applicant Signature: _____ Date: _____

#3  
Solterra Holdings LLC  
Salvador G. Aceves  
4575 Webb Bridge Way  
Alpharetta GA 30005

August 5, 2023

White County Planning Department  
Re: Land Use Application at High Crest Summit

To Whom It May Concern,

Our intention is to convert Lot 30, Parcel 069-610 from R1 to R3. This will allow us to build a well-appointed new cabin that would allow for short term rentals.

Sincerely,  
Sal G. Aceves  
Solterra Holdings LLC



#4



**Public Health**  
Prevent. Promote. Protect.

# White County Environmental Health

Zachary Taylor, M.D., M.S., Health Director  
1241 Helen Highway, Unit 210 • Cleveland, GA 30528  
PH: 706-348-7698 • FAX: 706-348-1670 • [www.phdistrict2.org](http://www.phdistrict2.org)

Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union and White Counties

- |                                     |  |                          |   |
|-------------------------------------|--|--------------------------|---|
| <input checked="" type="checkbox"/> | Evaluation Applied For                 | <input type="checkbox"/> | Appropriate Permit Applied For                  |
| <input type="checkbox"/>            | Appropriate Permit Issued to Applicant | <input type="checkbox"/> | Evaluation, Permit Not Applied For At This Time |

DATE: 07/24/2023

APPLICANT NAME: SAL ACEVES

PROPERTY ADDRESS: LOT 27, LOT 30, & LOT 39 OF HIGHCREST SUMMIT  
CLEVELAND, GA 30528

White County Planning Department:

In reference to a request for a change of zoning/land use or a building permit, application may need to be made for an existing system evaluation to determine:

- that the permit on file is the correct permit for the property in question;
- that there is no evidence of system failure;
- that the septic system is appropriately sized for the current and proposed use;
- that there is adequate repair after the proposed addition;
- that there are no conditions that could adversely affect the functionality of the system.

Please note that this is NOT an all-inclusive list. Based upon the information submitted and/or the outcome of the evaluation, it may be determined that a septic system needs additional capacity or upgrade. If so, the appropriate permit will need to be obtained and the work completed before an approval can be given.

If, based upon information submitted, no septic systems exist on the property, this zoning/land use change and/or building permit request should not affect the property with respect to septic use.

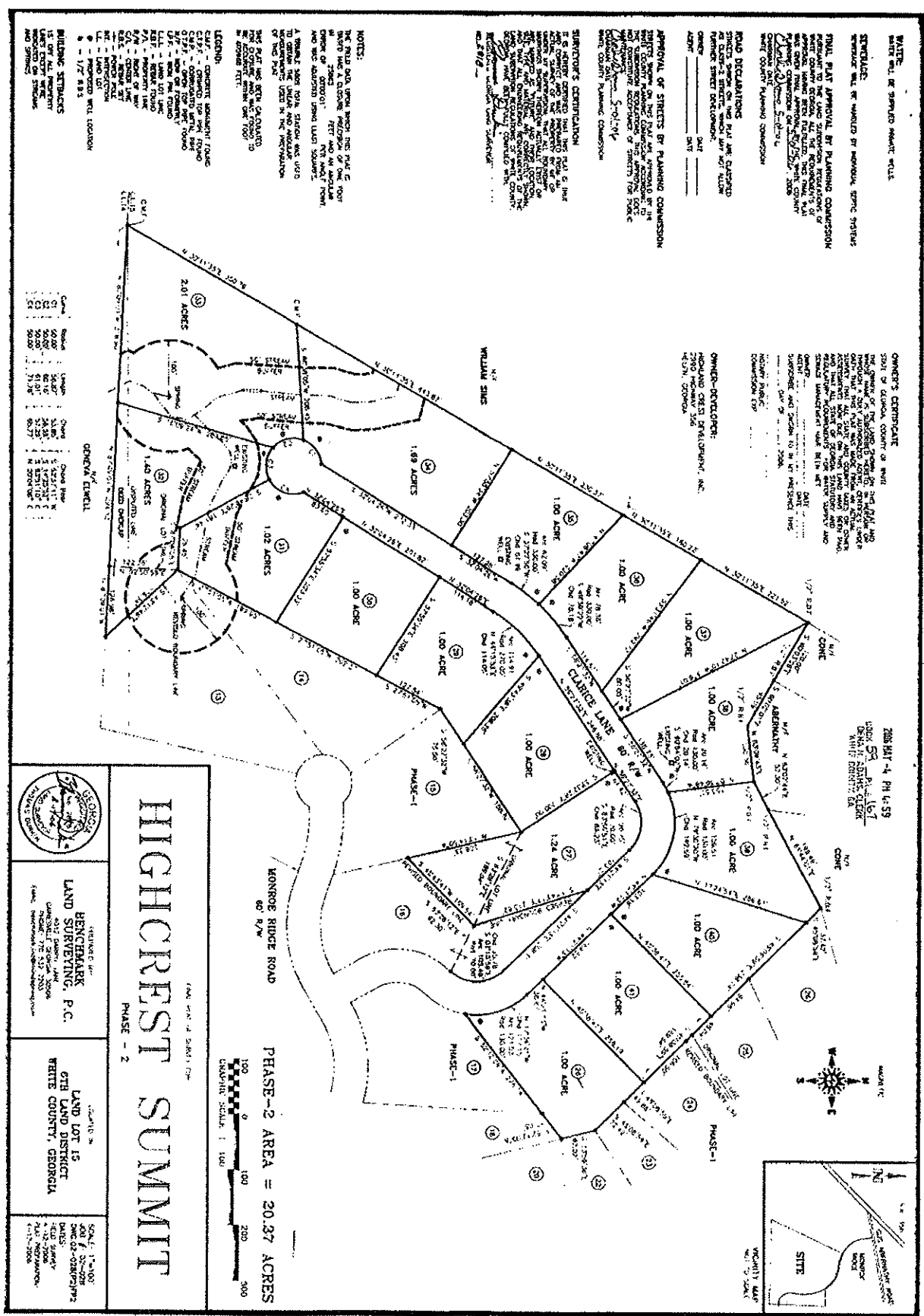
White County Environmental Health  
District 2 Public Health

*By signing below, I certify all information submitted is accurate and true to the best of my knowledge.*



Applicant Signature

HS



**OWNER'S CERTIFICATE**  
 I, the undersigned, certify that the above described property is owned by me and that the same is being offered for sale to the public as shown on the attached plat. My name is [Name] of [Address], [City, State].

**OWNER-DEVELOPER:**  
 HIGHLAND CREST REALTY, INC.  
 2900 WINDWAY ST.  
 WINDY HILLS, GEORGIA

**APPROVAL OF STREETS BY PLANNING COMMISSION**  
 The Commission on Planning and Zoning has reviewed the proposed streets shown on this plat and has determined that they conform to the Comprehensive Zoning Ordinance and the Comprehensive Street Ordinance of the County of DeKalb, Georgia.

**Road Declarations**  
 The undersigned hereby declares that the streets shown on this plat are intended as permanent streets and that the same shall be maintained and kept open as such streets.

**Surveyor's Certification**  
 I, the undersigned, certify that I am a duly licensed Professional Engineer and that I have prepared and supervised the preparation of the above described survey and that the same is true and correct.

**Notes:**  
 The Plat and maps upon which this Plat is based have a certain width of one foot shown as a center line. The width of the road and any additional strip shall be as shown on the Plat. The Plat and maps shall be used to determine the width and location of the road and any additional strip. The Plat and maps shall be used to determine the location and width of the road and any additional strip.

**Legend:**  
 C.U.P. - CONCRETE REINFORCED ROAD  
 S.C.P. - CONCRETE REINFORCED DRIVE  
 S.C.A. - CONCRETE REINFORCED ALLEY  
 S.C.P. - ASPHALT PAVEMENT ROAD  
 S.C.A. - ASPHALT PAVEMENT DRIVE  
 S.C.A. - ASPHALT PAVEMENT ALLEY  
 S.C.P. - GRAVEL DRIVE  
 S.C.A. - GRAVEL ALLEY  
 S.C.P. - GRAVEL DRIVE  
 S.C.A. - GRAVEL ALLEY  
 S.C.P. - GRAVEL DRIVE  
 S.C.A. - GRAVEL ALLEY

**Building Setbacks**  
 15' SETBACK FROM FRONT LOT LINE  
 5' SETBACK FROM SIDE LOT LINE  
 5' SETBACK FROM REAR LOT LINE  
 10' SETBACK FROM CORNER LOT LINE

Lot No.	Area (Acres)	Owner	Plat No.	Plat Date	Setback (Front)	Setback (Side)	Setback (Rear)	Setback (Corner)
1	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
2	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
3	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
4	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
5	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
6	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
7	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
8	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
9	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
10	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
11	1.02	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
12	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
13	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
14	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
15	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
16	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
17	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
18	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
19	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
20	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
21	2.01	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'
22	1.00	Highland Crest Realty, Inc.	1	10/1/77	15'	5'	5'	10'

208 HAR - 4, PH 4-59  
 1968 S4 - P.L. 16-1  
 DEKA N. ADAMS, CLERK  
 WINDY HILLS, GEORGIA

**PHASE-2 AREA = 20.37 ACRES**  
 80' 1/4" WIDE  
 KENROSE RIDGE ROAD

100 0 100 200 300  
 GRAPHIC SCALE: 1" = 100'

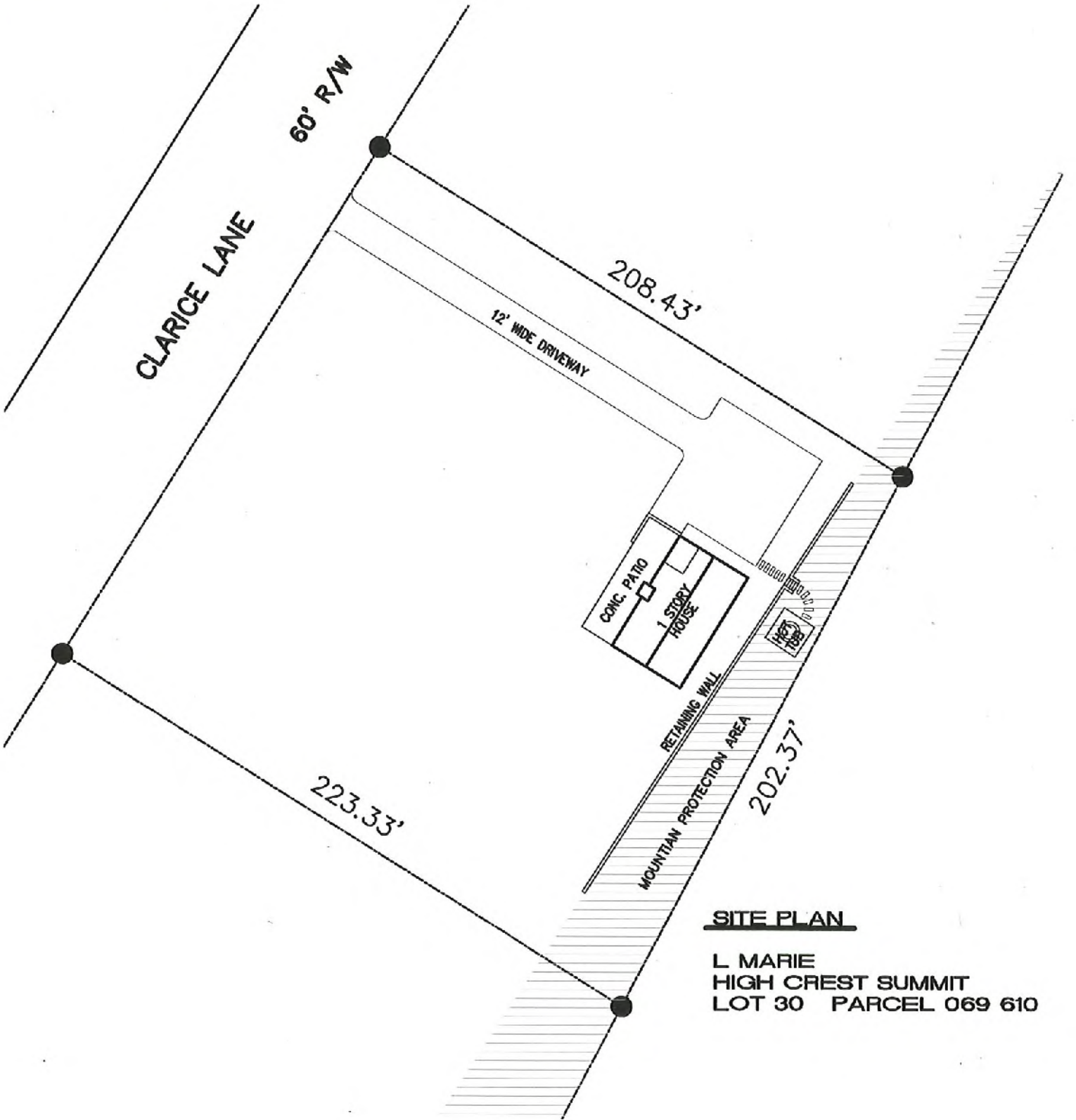
**HIGHCREST SUMMIT**  
 PHASE - 2

BENCHMARK  
 LAND SURVEYING, P.C.  
 4017 CAMDEN AVE. SUITE 200  
 MARIETTA, GEORGIA 30067  
 (404) 584-1234

LAND LOT IS  
 6TH LAND DISTRICT  
 BETHE COUNTY, GEORGIA

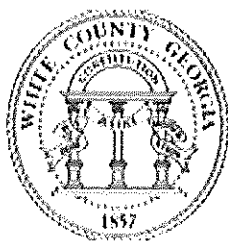
SCALE: 1"=100'  
 404 F. 32-107  
 DEKALB COUNTY, GEORGIA  
 DATES:  
 11-13-77  
 11-15-77  
 11-17-77

#6



**SITE PLAN**

L MARIE  
HIGH CREST SUMMIT  
LOT 30 PARCEL 069 610



Official Tax Receipt  
White County, GA  
113 N. Brooks St.  
Cleveland, 30528  
--Online Receipt--

Phone: 706-865-2225

Trans No	Map Code	Property ID & District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2022-2884	069 610	LL15 LD6 LT30 HIGHCREST	\$438.47	\$0.00 Fees: \$0.00	\$0.00	\$438.47	\$0.00
<b>Totals:</b>			<b>\$438.47</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$438.47</b>	<b>\$0.00</b>

Paid Date: 11/10/2022

Charge Amount: \$438.47

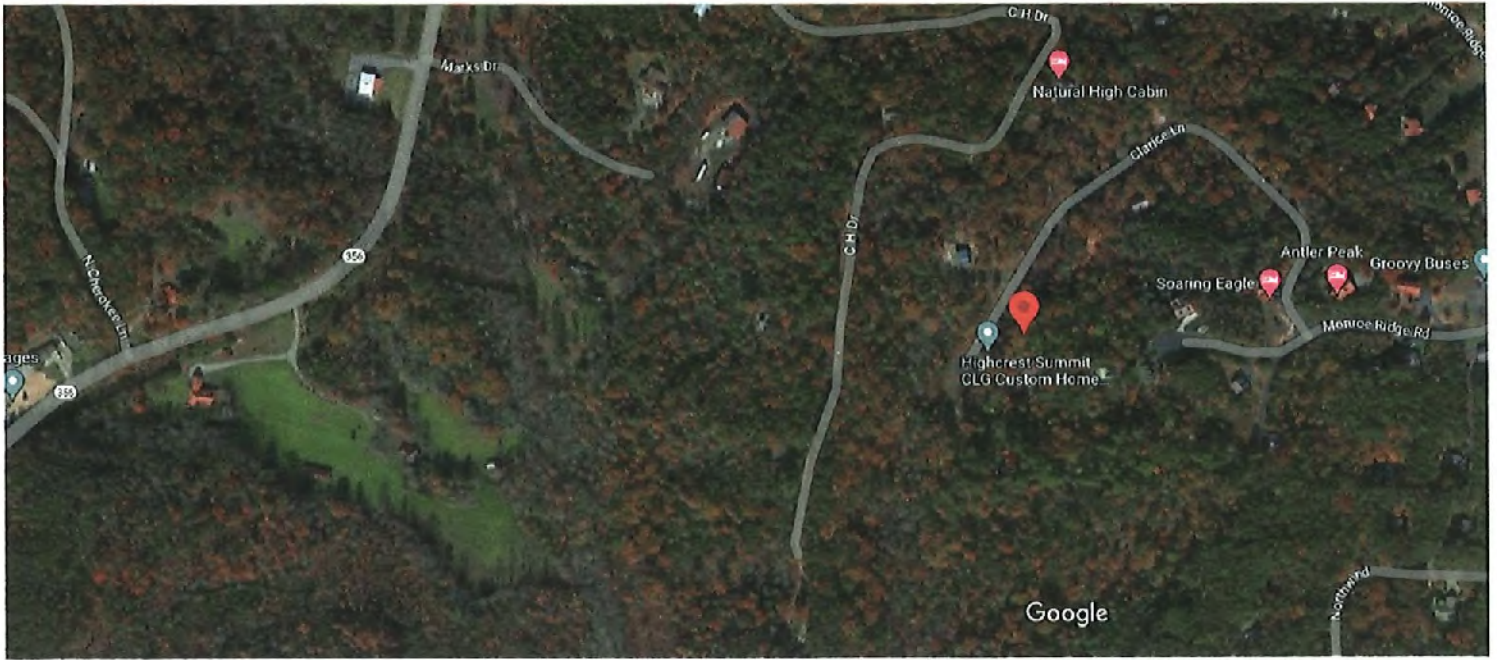
CARLINO CHARLES F CARLINO ANNA  
BONET  
303 CLAIRCE LANE  
SAUTEE NACOOCHEE, GA 30528



Scan this code with your mobile phone to view this bill

#8

Google Maps 269 Clarice Ln LOT 30





Imagery ©2023 Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2023 200 ft



### 269 Clarice Ln

-   
Directions
-   
Save
-   
Nearby
-   
Send to phone
-   
Share

 269 Clarice Ln, Georgia 30571

 Confirm or fix this location  
The location shown is not precise



2007 DEC -3 PM 12:49

1228 PAGE 357-373  
CARR & GIBBS, CLERK  
CLARKESVILLE, GA

Cross Reference:  
Declaration of Protective Covenants,  
Conditions, and Restrictions for  
Highcrest Summit Subdivision,  
Phase One and Phase Two as  
recorded in Deed Book 1107, Page  
70, and amended in Deed Book  
1120, Page 317, White County,  
Georgia Records.

**Amended Declaration of Protective Covenants, Conditions and  
Restrictions for Highcrest Summit Subdivision, Phase One,  
Phase Two, and Phase Three**

**After Recording Return To:  
Carr & Gibbs, Attorneys at Law, PC  
P.O. Box 999  
Clarkesville, GA 30523**

**AMENDED  
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR HIGHCREST SUMMIT SUBDIVISION,  
PHASE ONE, PHASE TWO AND PHASE THREE**

**STATE OF GEORGIA  
COUNTY OF WHITE**

This Declaration of Protective Covenants, Conditions and Restrictions, made this 12<sup>th</sup> day of November, 2007, by Monroe Ridge Investments, LLC, Highland Crest Development, Inc. and Unicoi Trail, LLC (hereinafter referred to as "Declarants") and affecting ALL THAT TRACT or parcel of land described on the attached Exhibit A, hereinafter referred to as Highcrest Summit Subdivision, Phase One, Phase Two and the attached Exhibit B, hereinafter referred to as Highcrest Summit Subdivision, Phase Three.

**WITNESSETH**

WHEREAS, Declarants are the present Developers of certain real property in White County, Georgia, known as Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, which is more particularly described in Article I, hereof, and

WHEREAS, Declarants are desirous of promulgating Restrictive covenants for the purpose of enhancing and protecting the value, attractiveness, and desirability of the lots and home sites constructed in said subdivision; and

WHEREAS, Declarants now desire to subject the acreage, known as Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, to certain covenants, conditions and restrictions as set forth in this Declaration, and desire to retain the right to subject other lands to this Declaration in the future; and

WHEREAS, Declarants desire to form an unincorporated Association which shall have the power and responsibility to maintain and administer certain properties and facilities, and which, as a beneficiary of this Declaration and as agent of the Owners of properties now or hereafter made subject to this Declaration, shall have the power and responsibility to assessments and charges hereinafter created; and

WHEREAS, it is in the best interest, benefit and advantage of Declarants and to each and every person who shall hereafter purchase any of the realty subject to this Declaration, or use the roads and areas designated for access to Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, that the Covenants, Conditions and Restrictions set forth in this Declaration run with the land covered by this Declaration;

NOW THEREFORE, Declarants do hereby establish and declare the following Protective Covenants, Conditions and Restrictions to apply to the property described in Article I, and any other real property subsequently subjected to this Declaration by

Declarants and adjoining owners and developers by filing of record a Supplement Declaration or Declarations of the hereinafter described Covered Party of future properties which may be known and designated as Covered Properties.

## **ARTICLE I COVERED PROPERTY**

ALL THAT TRACT or parcel of land described on the attached Exhibit A, hereinafter referred to as Highcrest Summit Subdivision, Phase One, and Phase Two and on the attached Exhibit B, hereinafter referred to as Highcrest Summit Subdivision, Phase Three.

Declarants expressly reserve the right to revise said subdivision plan at any time as to any lots still owned by Declarants. No action may be taken by Declarants that is in violation of any provisions of this Declaration.

## **ARTICLE II OTHER PROPERTY**

1. Without further assent or permit, Declarants, for themselves, their heirs and assigns, hereby reserve the right, exercisable from time to time, to extend the scheme of this Declaration to other real property developed as a part of Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, by filing of record a supplemental Declaration in respect to the property to be then subjected to this Declaration.
2. Without further assent or permit, Declarants, for themselves, their heirs and assigns, hereby reserve the right, exercisable from time to time, to subject other real property developed as a part of Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, to other declarations of covenants and restrictions, which other declarations may provide for supplemental declarations thereto.

## **ARTICLE III PROPERTY OWNERS' ASSOCIATION**

1. There shall be a Property Owners' Association to be known as "Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, Property Owners' Association" which shall have the power and responsibility to maintain and administer the Covenants and Restrictions, and to act as agent of future owners of properties now or hereafter made subject to this Declaration. The Property Owners' Association (hereinafter referred to as the "Association") shall have the power and responsibility to administer and enforce the provisions of this Declaration and any future Amendments hereto, together with the Authority to assess, collect and disburse assessments and

charges herein created, and the Association shall have the powers and responsibility as set forth in this Declaration as may be amended from time to time hereafter.

2. Every person or entity holding record title to any of the covered property shall be a member of the Association. Persons or entities holding an interest as security for the performance of a Deed to Secure Debt, mortgage or other secured interest shall not be entitled to membership in the Association by virtue of said secured interest.
3. There shall be only one class of voting membership which shall consist of all members. The owner of each parcel of land in the covered property shall be entitled to one vote for each parcel owned. If there are multiple owners to a parcel of land, only one vote may be cast for the collective owners.
4. The Declarants, their transferees, executors, administrators and legal representatives shall manage the affairs of the Association prior to the first meeting of the members. The first meeting of the members shall be called by the Declarants at the time, date and place designated by the Declarants, as soon as practicable after 2/3 of subdivision lots described in Article I Covered Property have sold, with notice furnished to members at their last known addresses at least thirty (30) days prior to the said first meeting.
5. The Association shall, after the first meeting of all members, meet at least annually thereafter to conduct the affairs of the Association.
6. At the first annual meeting, the members shall elect three (3) directors, each of whom shall be a member of the Association. One director shall be elected for a term of one (1) year, one director shall be elected for a term of two (2) years, and one director shall be elected for a term of three (3) years. At subsequent annual meetings of the members of the Association, one director shall be elected to replace the director whose term expires at the meeting.
7. Any director may be removed from the Board, with or without cause, by a majority vote of the members of the Association. In the event of death, resignation or removal of a director, the director's successor shall be selected by the two remaining directors, and shall serve for the unexpired term of his predecessor.
8. No director shall receive compensation for any service he or she may render to the Association. However, any director may be reimbursed for his actual expenses incurred in the performance of his duties in carrying out and managing the affairs of the Association as may be delegated to him by the Board.
9. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the Board of Directors. The Directors may call meetings from time to time to establish policy and carry out the activities of the Association. Any two (2) directors may call a meeting of the Board of Directors upon three (3) days notice, orally or in writing, to the other directors.

10. A majority of the directors shall constitute a quorum for the transaction of business.
11. The three (3) directors elected at the first annual meeting of the members of the Association shall constitute the Board of Directors, and nominations for their election to the Board of Directors shall be made by a nominating committee appointed by the Board. Nominations may also be made from the floor at the annual meeting. One director shall be elected each year to fill the term of this predecessor. Election to the Board of Directors shall be by secret written ballot cast at the annual meeting. At such election members or their proxies may cast, in respect to the vacancy, as many votes as they are entitled to exercise under the provisions of this Declaration. The person receiving the largest number of votes shall be the elected director.
12. All annual meetings of the members of the Association shall be held in White County, Georgia, at the date, time and place provided in a Notice mailed to each member at least thirty (30) days prior to said annual meeting. Special meetings of the members of the Association may be called at any time by the Board of Directors, or upon written request of the members of the Association who are entitled to vote one-fourth (1/4) of the votes of the membership.
13. The Board of Directors may appoint among them or a third party, a secretary or person authorized to keep the records of the Association, mail notices of meetings and such other duties as may be delegated to said secretary by the Board of Directors.
14. A majority of the membership of the Association, either in person or by proxy, shall constitute a quorum at the annual meeting or any special called meetings as herein provided. All proxies shall be filed with the secretary at the said meeting of the members of the Association.
15. The Directors shall have the authority to open bank accounts for the business of the Association, and to determine who shall be authorized to sign checks for the Association, file liens or any other legal proceedings on behalf of the Association, enter into contracts for maintenance of roads, easements, common properties, if any, and such other duties as may be delegated from time to time. All matters relating to the collection and disbursement of funds of the Association and accounting of all monies shall be kept current by the Board of Directors in proper books of account. Further, the Board of Directors shall cause to be prepared a proposed annual budget and statement of income and expenditures to be presented to the membership at its regular annual meeting, and to deliver a copy of such accounting to each member.
16. There shall be an annual membership fee of Two Hundred Forty and No/100 Dollars (\$240.00) per parcel of land of covered property due and payable in July of each year and which shall be prorated per parcel at the time of the purchase of the lot. Until the Board of Directors is elected as hereinabove set out, the Declarants shall have the authority to amend the annual membership fee, set any special assessments, and file liens for failure to pay annual membership dues or assessments. All assessments shall be due and payable on the pro-rate basis based upon the number of members representing the parcel of property covered by this Declaration. At and subsequent to the first

annual meeting at which the Board of Directors shall be elected as hereinabove provided, the Board of Directors shall have the authority to levy at any time from time to time special assessments, provided that any such assessments shall be approved by a majority by the members who vote, in person or by proxy, at a meeting of the members at the annual meeting or any special meeting called for such purpose. The dues and assessments may be levied and used by the Board of Directors to further any purpose of the Association in the maintenance or improvements of the covered property, roads and easement system as depicted on the plat hereinabove referred to, or any subsequent revision or amendment thereto, or upon the addition of any properties subsequently added as covered properties in Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three.

17. A water tap fee of One Thousand Seven Hundred and No/100 Dollars (\$1,700.00) per parcel shall be paid to Alpine Helen Investments, LLC at such time as parcel shall tap onto the community water system. A monthly fee of Thirty-Five and No/100 Dollars (\$35.00) per parcel shall be due and payable to Alpine Helen Investments, LLC on the first of each month that said parcel is attached to the community water system. An additional fee of Thirty and No/100 Dollars (\$30.00) shall be due and payable to Alpine Helen Investments, LLC on the first of each month that said parcel is attached to the community water system upon the installation of a swimming pool.
18. A road impact fee of One Thousand Five Hundred and No/100 (\$1,500.00) per parcel shall be paid to Alpine Helen Investments, LLC upon the receipt of a building permit.
19. Each owner of any parcel of covered property which is now or hereafter made subject to this Declaration, by acceptance of a deed or other conveyance therefore, shall be deemed to be a member of the Association, and subject to pay to the Association the above referenced assessments so declared and said assessments shall become a lien against the property and enforceable as provided by Georgia Law.
20. The terms of this Article of the Declaration may be amended at any regular meeting of the members by a vote of three-fourths (3/4) majority of members, present in person or by proxy except that such amendments shall become effective only when set forth in a duly adopted and recorded amendment to this Declaration, and such amendment may be executed and filed for record by the Board of Directors of the Association, or their duly authorized agent or attorney.
21. Each lot which is now and hereafter made subject to this Declaration shall be exempt from the assessments, charges and liens created herein while owned by the Declarant. Any common properties and any other lot which may be designated for use as such by Declarants shall be exempt from assessments, charges and liens created herein.

**ARTICLE IV**  
**LOTS, ROADS AND COMMON AREAS**

1. All purchasers and person hereinafter claiming title to covered property under Declarants shall have: A non-exclusive right of ingress and egress over and upon the subdivision roads known as Monroe Ridge Road, Clarice Lane and Unicoi Hills Trail.
2. Declarants, their heirs and assigns, shall retain title to all subdivision roads, common properties, if any, within said covered property, and any other area subsequently covered properties. Declarants, for themselves, their heirs and assigns reserve the right to extend the roads within the covered property to serve such additional property not now or hereafter acquired.
3. Declarants, for themselves, their heirs and assigns, reserve a fifteen (15) foot easement within the right of way of said subdivision roads for the purpose of installing and maintaining all utility facilities and for water service and for such other purposes incidental to the development of Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, and such other adjoining properties as said Declarants, their heirs and assigns, may now own or hereinafter acquire.
4. Declarants reserve the right to determine in their sole discretion when and whether to convey said subdivision roads and common properties, if any, to the Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, Property Owners' Association, created in Article II, hereof or to dedicate said roads to the County. Any such conveyance to said Association shall be subject to:
  - a. The reservation by the Declarants, their heirs and assigns, of the unobstructed right of ingress and egress over and through the subdivision roads, known as Monroe Ridge Road, Clarice Lane and Unicoi Hills Trail, to reach other property now owned or which may hereafter be acquired by the Declarants, which said right of ingress and egress shall be a covenant running with the land and shall not be defeated for lack of use or maintenance;
  - b. The right of the Declarants, their heirs and assigns, to extend Monroe Ridge Road and/or Clarice Lane and/or Unicoi Hills Trail by connecting said road, or extensions of said road, with roads serving such additional property as the Declarants, their heirs and assigns, may now or hereafter acquire; and
  - c. An unobstructed easement within the right of way of Monroe Ridge Road, Clarice Lane and Unicoi Hills Trail, as shown on the plat of covered property, hereinabove referred to for the purpose of installing and maintaining utility facilities and water service and for such other adjoining properties as said Declarants, their heirs and assigns, now own and hereinafter acquire, which said easement shall be a covenant running with the land and shall not be defeated for lack of use or maintenance.
5. Upon such conveyance to the Association, if and when made, Declarants shall be relieved of their duties under this Article, and the Association shall assume

and perform such duties, and rights to reimbursement of cost, that Declarants now have hereunder. The Association shall be obligated to accept a conveyance of title to said subdivision roads, common properties, if any, subject to the reservations hereinabove set out, and to accept as well all rights, duties and obligations pertaining thereto, including maintenance therefore, at or after the first annual meeting of the Association as called by the Declarants.

6. For so long as the subdivision roads are private subdivision roads, all subdivision roads shall be maintained at the minimum width for such subdivision roads as required by White County road standards. All exposed earth on either side of the road shall be maintained and grassed, fertilized and cut as needed.
7. The Declarants, for so long as the subdivision roads are private subdivision roads, may set speed limits on all roads wholly within the subdivision.
8. The cost of taxes, and the maintaining, repairing and/or improving said subdivision roads shall be divided and shared among the property owners in proportion to the number of lots owned in the subdivision, one share for each lot, or as subsequently modified and changed by the Declarants' successors.
9. Each owner of any lot of covered property which is now or hereafter made subject to this Declaration, by acceptance of a deed or other conveyance therefore, shall be deemed to promise to pay to Declarants or their successors the proportional share of the road costs and taxes upon demand by Declarants. Each lot of the covered property is hereby made subject to a lien and a permanent charge in favor of Declarants for such share of the road costs, taxes and the cost of the maintenance of any common areas as may now exist or hereafter be obtained.

#### **ARTICLE V RESTRICTIVE COVENANTS**

1. No lot shall be further subdivided or its boundary lines changed without the written consent of Declarants, who reserve the right to re-plot any unsold lot, except that any lot containing 3.00 or more acres may be subdivided into two (2) lots one time but shall not thereafter be re-subdivided.
2. Distribution, electrical power lines, telephone lines, and other utility facilities or Systems on all lots shall be underground except with the prior written approval of Declarants. Easements are hereby reserved for the purpose of installing and maintaining utility facilities and for such other purposes incidental to the development of the property, together with such other and further easements for utilities in reasonable locations which Declarants may deem to be necessary or appropriate for the development of the property for the purposes herein described. All claims for damages, if any, arising out of the construction, maintenance, and repair of utilities or on account of temporary or other inconvenience caused thereby against Declarants, or any utility company or municipality, or any of its agents or servants are hereby waived by the Owners. Declarants do further reserve the right to change, lay



- out a new or discontinue any road, street, avenue or way on the property not necessary for ingress and egress to and from an Owner's lot, subject to the approval of the applicable governmental bodies, if required.
3. No lot shall be used to provide access to any adjoining land which is not a part of the property subject to these covenants, except for Declarants.
  4. House trailers, mobile homes, singlewides, doublewides or larger shall not be either temporarily or permanently placed upon or kept on any lot.
  5. The enclosed, heated ground floor living area, exclusive of basements, garages, carports, porches, terraces and bulk storage area of all houses shall not be less than 1000 square feet. Homes that have two stories shall have a minimum of 720 square feet of enclosed heated living space on the first or main floor, except lots two (2) through nine (9) inclusive, twenty-three (23) and twenty-four (24), which may be a minimum of 1000 square feet.
  6. All structures must be of wood construction, and exterior siding to be of wood finished in brown tones with the exceptions of roofing which shall be red or green metal, and all shall be finished on the outside.
  7. House construction must be completed within twelve (12) months after commencement of said construction.
  8. No metal buildings are allowed.
  9. Only one single family dwelling shall be allowed on each lot.
  10. All garages, carports or out building shall match the residence located on the lot in color, texture and design.
  11. No fence or similar improvement shall be constructed without the prior written approval of the Declarants or the Association.
  12. Window or through the wall air conditioners shall not be visible from the street or shall be screened so that air conditioners are not visible.
  13. No building shall be constructed within 15 feet of the front and rear of the property line nor within 15 feet of the side lot lines, except Lots 3, 7, 8, 9, 16 and 24, which may be constructed within 10 feet of property line.
  14. Noxious or offensive activity shall not be allowed upon any lot nor shall be done thereon which may be or may become an annoyance or nuisance for the neighborhood. No improper, offensive or unlawful use may be made of any lot, nor any part thereof, and all laws, zoning ordinances and regulation of all government bodies having jurisdiction shall be observed.
  15. The pursuit of hobbies or other activities, whether commercial or personal, including specifically the assembly and disassembly of motor vehicles and other mechanical devices which might tend to cause disorder, unsightly or unkempt conditions, shall not be pursued or undertaken on any part of any lot.
  16. All playground equipment, swing sets, swimming pools or recreational equipment shall be located in the rear of the lot or side of the lot not visible from the street.
  17. Absolutely no automobile repair shops of any type will be permitted.
  18. No commercial businesses or activity of any kind is permitted except for a home type business (i.e. administration, internet, managerial) which does not create a nuisance or result in traffic upon the roads of the subdivision.

19. Homes may be rented out either for vacation rental use or long term rentals but must not become a nuisance or offensive to the neighboring parties.
20. The noise from televisions, radios, musical instruments or motor vehicles should not be so loud as to cause disturbances to the other properties.
21. No swine, cattle, horses, goats, sheep or chicken shall be kept or maintained on any part of the property. Household pets shall be allowed so long as the number of such pets does not exceed three pets per species. All housing for pets shall be located in the rear of the lot or side of the lot not visible from the street.
22. Dogs and cats shall not be allowed to run loose and must be contained within their property boundaries and shall be kept indoors at night.
23. No property owner is allowed to plant trees, shrubs, etc. that will directly obstruct the mountain view of other property owners. Declarants' or the Association's decision will rule if plantings are in question.
24. Each lot shall be maintained and kept in a clean, neat and orderly fashion. Lots shall be landscaped within thirty (30) days of completion or occupancy of the residence. Grass and other landscaping shall be cut on a regular basis, so as to maintain a neat and orderly appearance.
25. Any and all ground cuts or bank cuts must be covered and stabilized by either grass, landscaping, stones or retaining wall for sediment control and to cover the red clay.
26. No part of said land shall be used or maintained as a dumping ground for rubbish, garbage or refuse. Trash, garbage and other waste shall be kept in sanitary containers in the rear of home.
27. All lots which have been sold or transferred may be maintained by the Declarants or by the Association in the event that the owner fails to do so. The expense of maintaining the lot may be charged as a lien by the Declarants or the Association in the same manner as a lien for failure to pay assessments.
28. Propane fuel tanks shall be kept to side or rear of lot and shall be screened with either landscaping or decorative lattice.
29. No campers or recreational vehicles, motorcycles or boats are to be left on the premises without current registrations. Campers or recreational vehicles cannot be used as temporary housing. If kept on premises, they must be parked on the rear or side of property and not in the front or on the road. No inoperable or wrecked vehicles shall be permitted on any lot.
30. Motorcycles, motor bikes, four wheelers, three wheelers, dune buggies, go carts, or any other type of motorized vehicles designed primarily for off road use shall not be permitted except for storage on the lot. The Declarants shall be permitted to use such motorized vehicles for transportation to job sites within the subdivision.
31. Tent camping is not permitted.
32. No commercial trucks of any type (semis, tractor trailers, box trucks, low boys, transport vehicles, buses larger than a pick up truck or flat beds, etc.) can be parked on any lot at any time or for any purpose, except during construction.

33. Any and all motor vehicles which are not in regular use must be stored in an enclosed garage. No inoperable vehicles or junk cars may be stored on any lot.
34. No signs are permitted on premises other than street address, name, for sale or rent signs. These signs are to be no larger than six (6) square feet.
35. Subdivision signs may exceed six (6) square feet.
36. No parking shall be allowed on subdivision roadways or easements.
37. No driveway may be more than thirty (30) feet wide at roadway edge.
38. All driveways must have proper water drainage and be finished with either asphalt, concrete or brick stone or sufficient gravel so puddling or mud does not show through.
39. All outdoor lighting shall be so shaded and directed such that the light there from is directed to fall only on the same premises where the light sources are located and shall not be obtrusive to the neighboring properties.

## **ARTICLE VI SALE OF LOTS**

Declarants may undertake the work of developing all of the lots within the subdivision; the completion of that work and the sale, rental or other disposition of residential units and other tracts is essential to the establishment and welfare of the subdivision of an ongoing community. In order that such work may be completed as soon as possible, nothing in this Declaration shall be understood or construed to: (1) prevent Declarants, or their employees, contractors or subcontractors, from doing on any part or parts of the subdivision owned or controlled by the Declarants whatever Declarants may determine may be reasonably necessary or advisable in connection with the completion of such work; (2) prevent Declarants, or their employees, contractors or subcontractors, from constructing and maintaining on any part or parts of the subdivision owned or controlled by Declarants such structures as may be reasonably necessary for the completion of such work and the disposition of lots and homes for sale, lease or otherwise; (3) prevent the Declarants, or their employees, contractors or subcontractors from conducting on any part or parts of the subdivision property owned or controlled by Declarants the business of completing such work and of disposing of lots and homes for sale, lease or otherwise; or (4) prevent Declarants, or their employees, contractors or subcontractors, from maintaining such sign or signs on any of the lots and homes owned or controlled by Declarants as may be necessary in connection with the sale, lease or other disposition of subdivision lots and homes.

## **ARTICLE VII EXERCISE AND TRANSFER OF RIGHTS**

All easements, benefits, rights and powers reserved to Declarants, or created in or exercisable by Declarants under any provisions of this Declaration, may be conveyed or assigned, either in whole or in part, by Declarants, their heirs, administrators and

executors, to third parties, including but not limited to the herein referenced Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, Property Owners' Association.

#### **ARTICLE VIII ENFORCEMENT**

Enforcement of these Covenants, Conditions and Restrictions contained herein, or of any other provision hereof, shall be by an appropriate proceeding at law and in equity against any person or persons violating or attempting to violate any of said provisions hereof, either to restrain violation, to enforce personal liability, or to recover damages, or by any appropriate proceeding at law or in equity against the land, to enforce any lien or charge. The failure of Declarants, the Association, or any member to enforce any of said Covenants, Conditions and Restrictions or other provisions of this Declaration shall not be deemed a waiver of the right to do so thereafter.

#### **ARTICLE IX SEVERABILITY**

Whenever possible, each provision of this Declaration shall be interpreted in such manner as to be effective and valid, but if any provision be held ineffective or invalid, such holding shall not affect the validity of any other provision, and to this end, the provisions of this Declaration are declared to be severable.

IN WITNESS WHEREOF, Declarants have executed this Declaration the day and year hereinabove written.

MONROE RIDGE INVESTMENTS, LLC

Leslie Gift WITNESS  
Leslie Colaco MEMBER

HIGHLAND CREST DEVELOPMENT, INC.

Leslie Gift WITNESS  
Leslie Colaco - PRES. PRESIDENT

UNICOI TRAIL, LLC

Leslie Gift WITNESS  
Leslie Colaco MEMBER



Acknowledged before me this 12th day of November 2007, by Leslie Colaco, Member, Monroe Ridge Investments, LLC, by Leslie Colaco, President, Highland Crest Development, Inc. and by Leslie Colaco, Member, Unicoi Trail, LLC.

Leslie Gift  
NOTARY PUBLIC

Personally Known

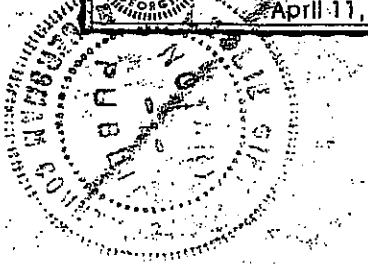
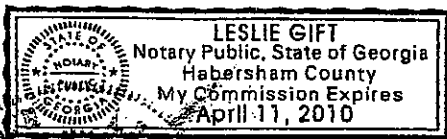


EXHIBIT A

All that tract or parcel of land lying and being in land lot 10 of the 6th land division of Wilkes County, Georgia, containing 12.85 acres, more or less, all in accordance with Plat of Survey dated March 22, 1930, prepared for James W. Carr, by Edna Wood, County Surveyor, Wilkes County, Georgia, recorded in Plat Book 492, page 117, Office of Clerk of Superior Court, Wilkes County, Georgia. Reference is hereby made to said Plat of Survey and the report thereof for a more complete description of said property.

Said tract is an unincorporated and non-exclusive right of ingress and egress over and along the right-of-way of the old Wilkes Road, an old public road, the course of which is shown as the "centerline" running in a westerly direction from the southerly right-of-way of the Abbeystead Road (Plat Book No. 211) and near said Wilkes Tract 2 and 3 of the Plat of Survey dated May 12, 1976, prepared for Edwin C. McCoy, Jr., by Robert Lovell, Georgia Registered Land Surveyor, recorded in Plat Book 26, page 16, said Clerk's Office, and according to the North-south point shown on said Tract 2 and Tract 3. Said right shall not be subject for Dept of use or maintenance, but shall be a covenant running with the land.

Said tract is an unincorporated and non-exclusive right of ingress and egress over and through the 20-foot roadway described and conveyed in Warranty Deed dated September 23, 1937, executed by the Abbeystead and Wood Abbeystead to Allen B. Hutchinson, recorded in Plat Book 42, page 17, said Clerk's Office, which 20-foot roadway extends in a southerly direction from said public road known as the old Wilkes Road, and runs in a southerly direction to the intersection of said 20-foot roadway with the old Wilkes Ridge Road, the course of said 20-foot roadway being shown on the following Plat of Survey, to-wit:

1. In the connecting road connecting with the above described "centerline" which connecting road runs in an easterly direction along and over the southerly side of said Tract 2 of said Plat of Survey dated May 12, 1976, which Plat of Survey is recorded in Plat Book 10, page 14, said Clerk's Office being the Plat of Survey dated May 12, 1976, prepared for Edwin C. McCoy, Jr., by Robert Lovell, Georgia Registered Land Surveyor, and

2. In the natural road or drive extending in an easterly direction from the Abbeystead road crossing over and along said Tract 2, and extending thence in a southerly direction over and along the southerly boundary of the 7.5 acre tract delineated on the Plat of Survey dated May 14, 1976, revised May 16, 1977, hereinafter referenced, which natural road or drive crosses and passes the top of the ridge, as shown on said Plat of Survey, which Plat of Survey is recorded in Plat Book 15, page 12, said Clerk's Office being the Plat of Survey dated May 14, 1976, revised May 16, 1977, prepared for Edwin C. McCoy, Jr., by Robert Lovell, Georgia Registered Land Surveyor, and according to the said road or drive's intersection with the southerly boundary of the above described 20-acre tract.

Said right of ingress and egress shall not be subject for lack of use or maintenance, but shall be a covenant running with the land.

Said tract is an unincorporated and non-exclusive right of ingress and egress over and along the Wilkes Ridge Road (Plat Book No. 211) the old Wilkes Ridge Road, extending in an easterly direction along and with said Wilkes Ridge Road from its intersection with the southerly boundary of the above described 20-acre tract and according to the Warranty Deed of the proposed 20-foot road mentioned above on the Plat of Survey dated February 11, 1978, prepared for George Robert Carr, Jr. and

Edna Katherine Williams, by Edna Wood, County Surveyor, Wilkes County, Georgia, recorded in Plat Book 422, page 112, said Clerk's Office. The width of said right of ingress and egress shall be twenty feet, the southerly boundary of which shall be the southerly side of said Wilkes Ridge Road as shown on the Plat of Survey dated March 1, 1930, prepared for the U.S. Civil Engineer Administration by Edna Wood, County Surveyor, Wilkes County, Georgia, recorded in Plat Book 23, page 111, said Clerk's Office, and the southerly boundary of which shall be a line parallel to and 20 feet from said southerly boundary. Said right shall not be subject for lack of use or maintenance, but shall be a covenant running with the land.

Said tract is an unincorporated and non-exclusive right of ingress and egress, together with an easement for above-ground and below-ground public utilities, via the proposed 20-foot road mentioned above on the Plat of Survey dated hereinafter mentioned and on the Plat of Survey dated February 11, 1978, prepared for George Robert Carr, Jr. and Edna Katherine Williams, by Edna Wood, County Surveyor, Wilkes County, Georgia, recorded in Plat Book 422, page 112, said Clerk's Office, said road easement extending from its intersection with the above-described Wilkes Ridge Road and crossing thence in a southerly direction to the southerly boundary of the 25.65-acre tract hereinafter described. Said right of ingress and egress shall extend laterally 10 feet on either side of the centerline of said proposed 20-foot road easement. Said right and easement shall not be subject for lack of use or maintenance, but shall be a covenant running with the land.

Said tract is an unincorporated and non-exclusive right of ingress and egress over and along the southerly right-of-way of said Gun Abbeystead Road to the southerly boundary of said 20.65-acre tract, and the boundaries described and conveyed rights of ingress and egress crossing a continuous right-of-way extending from the southerly boundary of the above described 20-acre tract to the southerly boundary of said 20.65-acre tract.

SUBJECT TO existing easement for public utilities.

SUBJECT TO the rights of others over and through said 20.65-acre tract via the old Wilkes Road shown on the Plat of Survey of said 20.65-acre tract filed hereinafter referenced as running over and along the southerly boundary of said 20.65-acre tract.

ALSO CONVEYED

ALL THAT TRACT or parcel of land lying and being in Land Lot 15 of the 6th Land District, White County, Georgia and being more particularly described as follows: Beginning at a point on the Original Land Lot Line between Land Lots 15 and 16 of the 6th Land District, said point being E. 89 degrees 27 minutes 43 seconds W. a distance of 766.21 feet from the Original Land Lot Corner between Land Lots 14, 15, 22, and 23 of the 6th Land District White County, Georgia; thence from said point of beginning S. 89 degrees 18 minutes 44 seconds W. for a distance of 421.12 feet thence N. 36 degrees 34 minutes 23 seconds E. for 38.32 feet; thence S. 34 degrees 46 minutes 11 seconds W. for a distance of 36.67 feet; thence N. 29 degrees 23 minutes 27 seconds W. for a distance of 1245.11 feet; thence N. 29 degrees 35 minutes 46 seconds E. for a distance of 2097.28 feet; thence S. 25 degrees 18 minutes 27 seconds E. for a distance of 133.33 feet; thence S. 45 degrees 39 minutes 43 seconds E. for a distance of 68.41 feet; thence S. 59 degrees 05 minutes 20 seconds E. for a distance of 59.26 feet; thence S. 37 degrees 31 minutes 16 seconds E. for a distance of 66.30 feet; thence S. 16 degrees 26 minutes 49 seconds E. for a distance of 82.92 feet; thence S. 12 degrees 01 minutes 17 seconds E. for a distance of 73.45 feet; thence S. 49 degrees 12 minutes 54 seconds E. for a distance of 127.11 feet; thence S. 72 degrees 06 minutes 48 seconds E. for a distance of 124.55 feet; thence S. 46 degrees 07 minutes 16 seconds E. for a distance of 64.35 feet; thence S. 30 degrees 13 minutes 36 seconds E. for a distance of 38.99 feet; thence S. 39 degrees 39 minutes 18 seconds E. for a distance of 67.21 feet; thence S. 75 degrees 01 minutes 02 seconds E. for a distance of 43.23 feet; thence S. 4 degrees 18 minutes 39 seconds W. for a distance of 1345.63 feet to the point of beginning. Said tract or parcel of land contains 41.31 acres.

ALSO CONVEYED:

ALL THAT TRACT or parcel of land lying and being in Land Lot 15 of the 6th Land District, White County, Georgia and being more particularly described as follows: Beginning at a point on the Original Land Lot Line between Land Lots 15 and 16 of the 6th Land District, said point being E. 89 degrees 27 minutes 43 seconds W. a distance of 766.21 feet from the Original Land Lot Corner between Land Lots 14, 15, 22, and 23 of the 6th Land District White County, Georgia; thence from said point of beginning W. 54 degrees 24 minutes 22 seconds W. a distance of 421.12 feet; thence N. 24 degrees 11 minutes 16 seconds E. for a distance of 38.32 feet; thence S. 34 degrees 46 minutes 11 seconds W. for a distance of 36.67 feet; thence N. 29 degrees 23 minutes 27 seconds W. for a distance of 1245.11 feet; thence N. 29 degrees 35 minutes 46 seconds E. for a distance of 2097.28 feet; thence S. 25 degrees 18 minutes 27 seconds E. for a distance of 133.33 feet; thence S. 45 degrees 39 minutes 43 seconds E. for a distance of 68.41 feet; thence S. 59 degrees 05 minutes 20 seconds E. for a distance of 59.26 feet; thence S. 37 degrees 31 minutes 16 seconds E. for a distance of 66.30 feet; thence S. 16 degrees 26 minutes 49 seconds E. for a distance of 82.92 feet; thence S. 12 degrees 01 minutes 17 seconds E. for a distance of 73.45 feet; thence S. 49 degrees 12 minutes 54 seconds E. for a distance of 127.11 feet; thence S. 72 degrees 06 minutes 48 seconds E. for a distance of 124.55 feet; thence S. 46 degrees 07 minutes 16 seconds E. for a distance of 64.35 feet; thence S. 30 degrees 13 minutes 36 seconds E. for a distance of 38.99 feet; thence S. 39 degrees 39 minutes 18 seconds E. for a distance of 67.21 feet; thence S. 75 degrees 01 minutes 02 seconds E. for a distance of 43.23 feet; thence S. 4 degrees 18 minutes 39 seconds W. for a distance of 1345.63 feet to the point of beginning. Said tract or parcel of land contains 41.31 acres.

LESS & EXCEPT

All that tract or parcel of land lying and being in Land Lot 15 of the 6th District of White County, Georgia containing 41.31 acres according to a plat of survey prepared by Richard H. Holm, Esq., Registered Surveyor, for James H. Cook, Sr. dated December 29, 1899 and recorded in Plat Book 50, page 170, Clerk's office, White County, Georgia. Said property is more particularly described as follows:

BEGINNING at an iron pin located on the south side of Monroe Ridge Road, said iron pin being located 8.3 miles from the intersection of the Albany Road with Monroe Ridge Road, said iron pin is also a point common to the property herein conveyed and the property now or formerly of Flint; thence along and with the westerly right-of-way of Monroe Ridge Road S 75° 18' 35" E 123.73 feet to a point; thence S 45° 35' 48" E 66.41 feet; thence S 50° 05' 20" E 90.26 feet; S 33° 22' 31" E 63.41 feet; thence N 10° 25' 31" E 92.19 feet to an iron pin; thence S 17° 07' 35" E 95.64 feet to a pointed tree; thence S 12° 07' 41" E 123.20 feet to an iron pin; thence S 12° 21' 05" W 127.94 feet to an iron pin; thence S 59° 25' 24" W 192.54 feet to an iron pin; thence N 03° 24' 18" E 190.67 feet to an iron pin; thence N 71° 47' 07" W 131.05 feet to a point in the center of a 38" red cypress; thence N 73° 47' 08" W 75.73 feet to an iron pin; thence S 77° 18' 57" W 245.15 feet to an iron pin; thence N 63° 11' 14" W 120.00 feet to an iron pin; thence N 27° 55' 45" E 38.00 feet to an iron pin; thence N 27° 55' 45" E 638.62 feet to the Point of Beginning. This conveyance is made subject to all existing easements for rights-of-way and utilities.

This conveyance is made subject to the reservation of a 30 foot road easement extending from Monroe Ridge Road to property of Central as delineated on the above referred to plat.

THE CONVEYANCE described tract of land is conveyed SUBJECT TO existing easements and rights-of-way for public roads and highways and public utilities, if any, extending into, through, over or across the above-described property.

LESS AND EXCEPT

ALL THAT TRACT or parcel of land lying and being in Land Lot 15 of the 6th Land District of White County, Georgia, containing 1.00 acres, more or less, according to a plat of survey dated December 19, 1999, prepared for Habitat for Humanity by Richard H. Holcomb, RLS, and recorded in Plat Book 47, Page 110, White County, Georgia deed records, said plat and the record thereof being incorporated herein by reference for a more particular description.

*WCC*



EXHIBIT B

ALL THAT TRACT or parcel of land lying and being in Land Lot 15 of the 6th Land District of White County, Georgia, and being more particularly described as follows: BEGINNING at a gap at the top of a ridge on the East original Land Lot Line of said Land Lot Number 15 and at the point where the old logging road intersects said original Land Lot Line; thence along and with said old logging road in a Westerly direction to an iron pin located on the Easterly side of Monroe Ridge Road, now known as Eschenbrenner Road, said iron pin being located 6 feet, more or less, southwesterly from a telephone pole; thence up and along the easterly side of Eschenbrenner Road in a northwesterly direction to a point where an old woods road intersects said Eschenbrenner Road; thence along and with said old woods road in a northeasterly direction to a point where an old abandoned field road intersects said old woods road; thence in an easterly direction to a point on the western edge of a pasture; thence across said pasture in a southeasterly direction to an electric pole at the south edge of said pasture; thence east to an iron pin; thence in a southeasterly direction to a point at a cattle crossing on a branch, said point being marked by a poplar tree; thence in a southeasterly direction to a point on the East line of said Land Lot Number 15; thence along and with said East original Land Lot Line South to the top of the ridge and beginning corner, containing 25.00 acres, more or less, more particularly described in Plat of Survey by Eddie Hood, White County Surveyor, dated March 1, 1990, for U.S. Small Business Administration which shows 16.26 acres.

ALSO CONVEYED is the right of ingress and egress running from Old Original Burton Road across other property now or formerly of Mrs. Gus Abernathy around the edge of pasture now or formerly of Mrs. Gus Abernathy to a pine tree at property herein described.

**WHITE COUNTY PLANNING DEPARTMENT  
STAFF COMMENT**

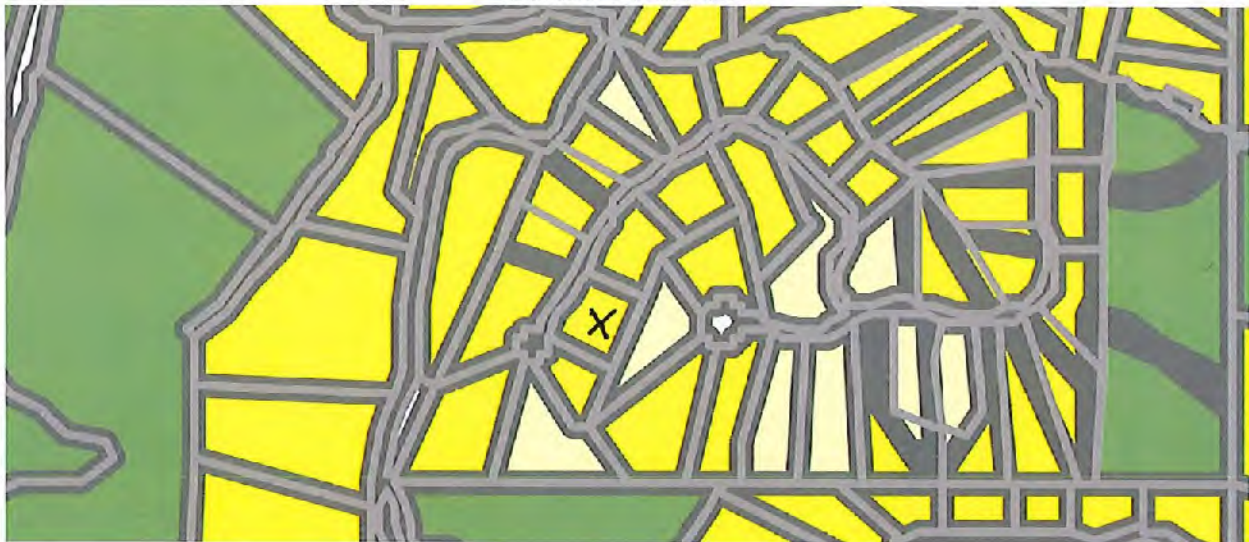
**SALVADOR ACEVES**

- PROPERTY IS LOCATED AT 269 CLARICE LN IN SAUTEE NACOOCHEE. IT IS IN THE R-1 RESIDENTIAL SINGLE FAMILY DISTRICT.
- APPLICATION REQUEST TO CONSIDER REDISTRICTING R-1 RESIDENTIAL SINGLE FAMILY DISTRICT TO R-3 RESIDENTIAL SEASONAL DISTRICT.
- PROPERTY ADJOINS TO THE NORTH, SOUTH, AND WEST R-1 RESIDENTIAL SINGLE FAMILY DISTRICT; TO THE EAST R-3 RESIDENTIAL SEASONAL DISTRICT.
- THE WHITE COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP INDICATES SINGLE FAMILY RESIDENTIAL.
- TOTAL ACREAGE IS 1.00.
- PROPERTY IS SUPPLIED BY WELL AND SEPTIC.

**EXISTING LAND USE**



**FUTURE LAND USE**



## Mercedes Dodd

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**From:** Niki Arntz [REDACTED]  
**Sent:** Monday, September 25, 2023 10:23 AM  
**To:** Mercedes Dodd  
**Subject:** Hearing this evening

### [ EXTERNAL SENDER - PROCEED CAUTIOUSLY ]

Good Morning I received a notice for the agenda items below, I own lot 26 On Clarice LN and am in support of this redistricting, this neighborhood was designed for short term rentals and it is listed as such in our HOA covenants and restrictions that we are a rental community and the community was designed for this purpose

Thank you  
Chris Barbaree and Nichole Arntz

6. Application of Salvador Aceves, on behalf of Solterra Holdings, LLC, to redistrict property located at 151 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in "Short Term Rental" program. Tax map and parcel 069-607. Total acreage is 1.24. Present zoning is R-1 Single Family Residential District.
7. application of Salvador Aceves, on behalf of Solterra Holdings, LLC, to redistrict property located at 269 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in "Short Term Rental" program. Tax map and parcel 069-610. Total acreage is 1.00. Present zoning is R-1 Single Family Residential District.
8. Application of Salvador Aceves, on behalf of Solterra Holdings, LLC, to redistrict property located at 150 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in "Short Term Rental" program. Tax map and parcel 069-619. Total acreage is 1.00. Present zoning is R-1 Single Family Residential District.

WHITE COUNTY PLANNING COMMISSION AGENDA  
REGULAR SESSION

Motion to recommend approval to the Board of Commissioners made by Ms. Burke and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 269 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-610. Total acreage is 1.00. Present zoning is R-1 Single Family Residential District. The applicant, Salvador Aceves for 151 Clarice Lane, was present. Mr. Barton gave a summary of the application. Mr. Aceves did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Mr. Ackerman and seconded by Ms. Burke. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 150 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-619. Total acreage is 1.00. Present zoning is R-1 Single Family Residential District. The applicant, Salvador Aceves for 151 Clarice Lane, was present. Mr. Barton gave a summary of the application. Mr. Aceves did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Ms. Burke and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

There was no citizen comment.

Motion to adjourn made by Ms. Burke seconded by Ms. Dixon. Motion was unanimous.

WHITE COUNTY PLANNING COMMISSION AGENDA  
PUBLIC HEARING: LAND USE REGULATION

have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on October 2<sup>nd</sup>.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 151 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-607. Total acreage is 1.24. Present zoning is R-1 Single Family Residential District. The applicant, Salvador Aceves of 425 Crestwood Court in Alpharetta, GA and 272 Clarice Lane in Sautee Nacoochee, was present. Ms. Dodd gave a summary of the application and said there have been other R3 zonings approved in this subdivision. Mr. Aceves explained the proposed short-term rental has two bedrooms and two bathrooms and is located in Highcrest Summit that allows short-term rentals in the subdivision. He said it is a new development and he owns five lots, three of which are in the building process. He said 269 Clarice Lane has plenty of parking and 150 Clarice Lane has an easement road. For the development, Mr. Aceves stated there are 30-40 homes, eight of which are on Clarice Lane. He said there is one full time resident that he is aware of and he believes the rest are short-term rentals. When asked if there have been any issues with existing short-term rentals, he said not that he is aware of. Mr. Aceves stated he will use a local company for maintenance but plans to self-manage since he owns other short-term rentals in Birmingham that he self-manages, as well. He added that he is in discussions with one of the neighbors to help with the rental also.

Chairman Thomas asked if anyone would like to speak for the application.

Gilbert Sandate, co-owner of 272 Clarice Lane and father in law of the applicant, explained that there have been no issues or concerns from short-term rentals along or near Clarice Lane and does not anticipate problems, but he is also available and lives in Alpharetta.

Chairman Thomas asked if anyone would like to speak against the application, there was no response. Mr. Aceves did not have anything to add. Chairman Thomas closed the hearing.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 269 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-610. Total acreage is 1.00. Present zoning is R-1 Single Family Residential District. The applicant, Salvador Aceves of 425 Crestwood Court in Alpharetta, GA and 272 Clarice Lane in Sautee Nacoochee, was present. Mr. Aceves explained this home has two bedrooms and two bathrooms and the construction is 90% complete, with everything stated on the previous application applying to this one. He said his intention is to rezone three of his five lots to R-3. When asked if he knew about the R-1 conditional use permit for short-term rental, he said no and asked when he would need to decide. Mr. Sell explained the withdrawal process and the requirements for re-applying. Mr. Aceves said he would let Ms. Dodd know if he decides to go that route.

Chairman Thomas asked if anyone would like to speak for the application, there was no response. He asked if anyone would like to speak against the application, there was no response. Mr. Aceves did not have anything to add. Chairman Thomas closed the hearing.



# WHITE COUNTY

## *Board of Commissioners*

### Agenda Request Form

**Item Title:** Rezoning from R-1 to R-3 for STR for Sal Aceves 150 Clarice Lane, Sautee Nacoochee

**For Meeting Date:** 10/30/2023

**Work Session**  **Regular Meeting**  **Public Hearing**

**Category (Select One):** Land Use Application

**Submitted By:** John Sell

**Attachments:** Yes  **If yes, please list each file name below:**

1. Application #20220
2. Public Hearing minutes of 9/25/2023
3. Regular Meeting minutes of 10/2/2023

#### **Purpose:**

Consider the application of Salvador Aceves, on behalf of Solterra Holdings, LLC, to redistrict property located at 150 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in "Short Term Rental" program. Tax map and parcel 069-619. Total acreage is 1.00. Present zoning is R-1 Single Family Residential District.

#### **Background / Summary:**

- Applicant is requesting a conditional use permit for short term rental. The property is in Highcrest Summit subdivision and the covenants allow for short term rentals. Mr. Aceves explained that he owns 5 lots in Highcrest Summit, which has other R-3 zoned properties. He is currently building on three lots. The cabin will be 2 bedrooms and 2 baths and there is plenty of parking. He said there is one full-time resident among the 8 lots on Clarice Lane and the rest are short-term rentals. He plans to self-manage while using a local company for maintenance. No one spoke for or against the application. The Planning Commission recommended approval of the application and the motion passed by unanimous vote.

#### **Department Recommendation:**

Planning Commission recommended approval by unanimous vote.

#### **Options:**

- Uphold Planning Commission recommendation and approve the application
- Reverse Planning Commission recommendation and deny the application.
- Table the application for further review or to send back to Planning Commission

**Budget Information:** Applicable  Not Applicable

**Budgeted:** Yes  No

**Finance Director's Comments (if applicable):**

- 

**County Manager Comments:**

-

#2

# WHITE COUNTY CHANGE OF LAND USE DISTRICT APPLICATION

<b>OFFICE USE ONLY</b>	Land Use Application #: <u>20220</u>
Public Hearing Date: <u>9/25/2023</u>	Commission District: <u>4</u>
Fees Assessed: <u>\$250</u>	Paid via: <input type="checkbox"/> cash <input type="checkbox"/> credit card <input checked="" type="checkbox"/> check# <u>1005</u>

APPLICANT INFORMATION	
Status: <input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent <input type="checkbox"/> Lessee <input type="checkbox"/> Option to Purchase
Printed Name(s): <u>Solterra Holdings LLC (Salvador G. Aceves)</u>	
Address: <u>4575 Webb Ridge Way #5744 Alpharetta GA 30005</u>	
Phone Number: [REDACTED]	Alternate Contact Number: [REDACTED]
Email: [REDACTED]	

**Owner Information (if different from Applicant/Agent):**

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

PROPERTY INFORMATION	
Parcel ID: <u>069-419 lot 29</u>	Total acreage being changed: <u>1</u>
Address: <u>150 Clarice Ln. Santee Nacoochee GA 30571</u>	
Directions to Property: <u>North on 75</u>	
<u>Right on 356</u>	
<u>Right on Gus Abernathy</u>	
<u>Right on Monroe Ridge</u>	
<u>Right on Clarice Ln, property on right</u>	
Current Use/Zoning of Property: <u>R1</u>	Type of Road Surface: <u>asphalt</u>
Any prior redistricting requests for property: <input type="checkbox"/> If yes, provide redistricting application #: _____	

**SURROUNDING PROPERTY LAND USE CLASSIFICATION:**

North: R1 South: R-1 East: R-1 West: R-1

REQUESTED ACTION AND DETAILS OF PROPOSED USE (check all that apply)	
Redistrict from district: <u>R1</u>	Redistrict to district: <u>R2</u>
Conditional Use - specify: _____	
Special Use - specify: _____	
Land Use Variance from Code Section: _____	
Proposed use if not listed above: <u>Short term rental</u>	
Is this property part of a subdivision? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If so, please list number of lots: _____	
Are there covenants? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is there an active homeowner's association? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Subdivision Name (if applicable): <u>High Crest Summit</u>	



Existing Utilities (check all that apply):  
 County or City Water     Well     Septic     Gas     Electric     Broadband

Proposed Utilities (check all that apply):  
 County or City Water     Well     Septic     Gas     Electric     Broadband

**COMMERCIAL AND INDUSTRIAL REDISTRICKT INFORMATION**

Building Area: ~~1 acre~~                      No. of Parking Spaces:

**RESIDENTIAL REDISTRICKT INFORMATION**

No. of Lots: 1    Minimum Lot Size in acres:                      No. of Units:

Minimum Heated Floor Area (ft<sup>2</sup>):                      Density/Acre:

Is an Amenity area proposed (specify if yes)?                      N/A

Apartments     Condominiums     Townhomes     Single Family

Rental Cabins     Recreational Vehicle Park     Other- Specify:

**LIST OF ADJACENT PROPERTY OWNERS**

It is the responsibility of the Applicant to provide a list of adjacent property owners that has property bordering your property or who has property directly across the street from your property (additional sheet may be included, if necessary).

PARCEL	PROPERTY OWNER NAME	MAILING ADDRESS
1	<u>069618 Park Place Rentals LLC</u>	<u>P.O. Box 907122 Gainesville, GA 32601</u>
2	<u>Adjacent (the right) down the lot next to, and across the street.</u>	
3	_____	_____
4	_____	_____
5	_____	_____
6	_____	_____
7	_____	_____

**APPLICANT CERTIFICATION**

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and Board of Commissioners meeting agendas.

I understand that the Planning Department staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and Board of Commissioners to make an informed determination on my request. I understand that I may seek legal advice if I am not familiar with the land use requirements and procedures.

I understand that my request will be acted upon at the Planning Commission and Board of Commissioners meetings and that I am required to be present or to be represented by someone able to present all facts and answer all questions. I understand that failure to appear at a meeting shall result in the postponement or denial of my application request. I further understand that it is my responsibility to be aware of relevant meeting dates and times regardless of notification from White County.

I hereby certify that I have read the above and that the above information, as well as the attached information, is true and correct.

Applicant Signature:  Date: 8/5/2023

**2023 DEADLINES AND MEETING DATES**

Submittal Date Planning Dept. Office 5:00 p.m. Deadline	Planning Commission Public Hearing 1239 Helen Hwy 6:00 p.m.	Planning Commission Regular Session 1239 Helen Hwy 6:00 p.m.	Board of Commissioners Work Session 1235 Helen Hwy 4:30 p.m.
Wednesday, January 4, 2023	Monday, January 30, 2023	Monday, February 6, 2023	Monday, February 27, 2023
Wednesday, February 1, 2023	Monday, February 27, 2023	Monday, March 6, 2023	Monday, March 27, 2023
Wednesday, March 1, 2023	Monday, March 27, 2023	Monday, April 3, 2023	Monday, April 24, 2023
Wednesday, March 29, 2023	Monday, April 24, 2023	Monday, May 1, 2023	TBA
Wednesday, May 3, 2023	TBA	Monday, June 5, 2023	Monday, June 26, 2023
Wednesday, May 31, 2023	Monday, June 26, 2023	Monday, July 3, 2023	Monday, July 31, 2023
Wednesday, June 14, 2023 *	Monday, July 31, 2023	Monday, August 7, 2023	Monday, August 28, 2023
Wednesday, July 12, 2023	Monday, August 28, 2023	TBA	Monday, September 25, 2023
Wednesday, August 9, 2023	Monday, September 25, 2023	Monday, October 2, 2023	Monday, October 30, 2023
Wednesday, September 13, 2023	Monday, October 30, 2023	Monday, November 6, 2023	Monday, November 27, 2023
Wednesday, October 11, 2023	Monday, November 27, 2023	Monday, December 4, 2023	TBA
Wednesday, November 8, 2023	TBA	TBA	Monday, January 29, 2024
Wednesday, December 13, 2023	Monday, January 29, 2024	Monday, February 5, 2024	Monday, February 26, 2024

\*NEW DEADLINE DATES EFFECTIVE IN ORDER TO MEET ZPL UPDATES AS OF JULY 2023

**NOTICE OF AGRICULTURAL DISTRICT ADJACENCY**

Future abutting developers in non-agricultural land use districts shall be provided with this "Notice of Agricultural Adjacency" prior to administrative action on either land use district, the issuance of a building or occupancy permit or approval of a subdivision of property. Prior to administrative action, the applicant shall be required to sign this waiver which indicates that the applicant understands that a use is ongoing, adjacent to his/her use, which can produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent Agricultural District uses, the applicant agrees by executing this form to waive any objection to those effects and understands that his/her district change and/or permits or other approvals are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the Agricultural District constitute a nuisance against the local government and adjoining land owners whose property is located in an Agricultural District. This waiver shall be provided and made applicable for subsequent purchasers and owners or heirs of his/her property. This notice and acknowledgement shall be public record.

**Applicant Signature:**

**Date:**

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS  
(APPLICANTS AND REPRESENTATIVE(S) OF REQUESTED ACTION)**

Pursuant to O.C.G.A. Section 36-67 A-3.A, the disclosure of any campaign contributions aggregating \$250.00 or more to a local government official who will consider an application for re-classification or for a conditional use or special use permit is mandatory when an application or any representation of application for re-classification of district or for conditional use or special use permit has been made within two (2) years immediately preceding the filing of a request for reclassification or conditional use or special use permit by the same applicant and/or representative of said applicant. It shall be the duty of the applicant and/or any representatives of the applicant to file a disclosure with the governing authority of the respective local government to show the following:

Name of local official(s) to whom campaign contribution was made:

N/A

The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of this application for action for district re-classification, conditional use or special use permit.

Amount \$:

N/A

Date:

Enumeration and description of each gift (when the total value of all gifts is \$250.00 or more) made to the local government official during the two (2) years immediately preceding the filing of this application. **Please attach additional sheets if needed.**

N/A

Check box if no contributions made


**Applicant Signature:**

**Date:**

**PROPERTY OWNER AUTHORIZATION**

To be completed by the property owner to certify ownership of subject property and to provide authorization for other person(s) to represent the owner on their behalf.

I/WE (print), Salvador G. Aceves,  
hereby swear that I/we own the property for which this land use change application is being made.

Property Address and/or Parcel ID: <u>069. 619 (lot 39) 150 Clarice Ln</u>	
<b>PROPERTY OWNER INFORMATION</b>	
Printed Name of Owner(s): <u>Salvador G. Aceves</u>	
Mailing Address: <u>4575 Webb Ridge Way #5744 Alpharetta GA 30005</u>	
Phone Number: [REDACTED]	
Alternate Contact Number: [REDACTED]	
Email: [REDACTED]	
I/we hereby authorize the person named below to act as the applicant or agent in the pursuit of the requested action on this property. I/we understand that any action granted and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The person named below is authorized to make this application. The person named below is aware that no application or re-application affecting the same land shall be acted upon within six (6) months from the date of the last action by the White County Board of Commissioners.	
Printed Name of applicant or agent(s): <u>Salvador G. Aceves</u>	
Signature of Owner(s):	Date Signed:
	<u>8/8/2023</u>

**PROPERTY OWNER AUTHORIZATION DOCUMENT: NOTARY ACKNOWLEDGEMENT**

Sworn to (or affirmed) and subscribed before me this 8<sup>th</sup> day of August, 2023 by Salvador G. Aceves (name of signer(s)). The named signer(s) is/are personally known by me or produced the identification type of Drivers License

{Seal}

*Doreen*

Doreen Green

(Signature of Notary)

Doreen Green

(Name of Notary Typed, Stamped, or Printed)

**Doreen Green**  
**NOTARY PUBLIC**  
White County, GEORGIA  
My Commission Expires 07/12/2025

**SHORT TERM RENTAL CERTIFICATIONS**

To be completed and notarized for any application where the proposed use is short term rental.

I/WE (print), SAL G. ACEVES,  
hereby swear that I/we own/will own the property referenced below for which this land use change application is being made.

\*Property Address and/or Parcel ID: 069-619

**PROPERTY OWNER AUTHORIZATION ACKNOWLEDGEMENT OF GUESTS**

I acknowledge to keep the total number of guests to that number which can safely stay in the premises and may be subject to the State of Georgia's fire safety code regulations.

Signature of Owner/Future Owner(s): [Signature]

**PROPERTY OWNER AUTHORIZATION CERTIFIED BY OWNER OR THIRD PARTY INSPECTOR**

I attest by owner or third party inspector that short term rentals meet applicable International Building Code, International Fire Code regulations and NFPA 101 Life Safety codes.

Signature of Owner/Future Owner(s): [Signature] CO

**PROPERTY OWNER AUTHORIZATION CERTIFIED DEED RESTRICTION**

I certify that there are no deed restriction and/or covenants on the property that prohibits the use of the property as a short-term rental.

Signature of Owner/Future Owner(s): Covenants

**PROPERTY OWNER AUTHORIZATION CERTIFIED SHORT-TERM RENTAL INSURANCE**

I certify that the owner/future owner has commercial or specific short-term rental insurance for the property. If insurance *has not been obtained* at time of application, I certify that owner/future owner will obtain prior to renting if application approval is granted.

Signature of Owner/Future Owner(s): [Signature]

**OFFICIAL CODE OF WHITE COUNTY APPENDIX C/ARTICLE VII – SHORT TERM RENTALS & BUSINESS LICENSES NOTIFICATION**

I certify that I have been informed of and provided a copy of Appendix C/Article VII - Short Term Rentals. I certify that I have also been informed that I will need to contact the White County Business Tax Office (706-865-2235) to obtain the proper business licensing, host licensing, and subsequent tax information prior to operation of my short-term rental.

Signature of Owner/Future Owner(s): [Signature]

**SHORT TERM RENTAL CERTIFICATIONS DOCUMENT: NOTARY ACKNOWLEDGEMENT**

Sworn to (or affirmed) and subscribed before me this 8<sup>th</sup> day of August, 20 23 by Salvador G Aceves (name of signer(s)). The named signer(s) is/are personally known by me or produced the identification type of Drivers License

{Seal} [Signature] (Signature of Notary)

**Doreen Green**  
**NOTARY PUBLIC**  
**White County, GEORGIA**  
**My Commission Expires 07/12/2025**

Doreen Green  
(Name of Notary Typed, Stamped, or Printed)

**APPLICANT ACKNOWLEDGEMENT OF MEETING DATES**

I, Salvador G. Accres (print name) have been advised that I or someone to represent me must be in attendance when my application is before the White County Planning Commission and the White County Board of Commissioners or it will be tabled. I also acknowledge that I have been made aware of the below dates upon submission of my application.

**Senior Center, 1239 Helen Hwy, Cleveland 6:00pm**

Public Hearing Date (Planning Commission): 9/25/23

Regular Meeting Date (Planning Commission): 10/2/23

**Administration Building, 1235 Helen Hwy, Cleveland 4:30pm**

Board of Commissioners Meeting Date: 10/30/23

*\*Meeting dates are subject to change*



Signature of Applicant or Authorized Agent

8/8/2023

Date

<b><u>OFFICE USE ONLY</u></b>
Copy given to applicant: <u>8/8/23</u> (date)
Staff Initials: <u>mp</u>
Flag (circle): <u>(Y)</u> N

\*\*\*\*\*

<b>WITHDRAWAL</b>
<i>Notice: This section only to be completed if application is being withdrawn.</i>
PART II - OFFICIAL CODE/APPENDIX C - LAND USE REGULATIONS/ARTICLE XVIII. AMENDMENT, APPLICATION AND PROCEDURAL REQUIREMENTS
<i>Section 1803. Withdrawal of amendment application. Any petition for an amendment to these regulations, official land use district map, conditional use approval, variance or special use permit may be withdrawn, at the discretion of the person or agency initiating such request, at any time prior to final action by the board of commissioners upon written notice to the planning director. Any required fees shall be forfeited</i>
I hereby withdraw application #:
Applicant Signature: _____ Date: _____

#3  
Solterra Holdings LLC  
Salvador G. Aceves  
4575 Webb Bridge Way  
Alpharetta GA 30005

August 5, 2023

White County Planning Department  
Re: Land Use Application at High Crest Summit

To Whom It May Concern,

Our intention is to convert Lot 39, Parcel 069-619 from R1 to R3. This will allow us to build a well-appointed new cabin that would allow for short term rentals.

Sincerely,  
Sal G. Aceves  
Solterra Holdings LLC



#4



**Public Health**  
Prevent. Promote. Protect.

# White County Environmental Health

Zachary Taylor, M.D., M.S., Health Director  
1241 Helen Highway, Unit 210 • Cleveland, GA 30528  
PH: 706-348-7698 • FAX: 706-348-1670 • [www.phdistrict2.org](http://www.phdistrict2.org)

Banks, Dawson, Forsyth, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union and White Counties

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Evaluation Applied For      | <input type="checkbox"/> Appropriate Permit Applied For                  |
| <input type="checkbox"/> Appropriate Permit Issued to Applicant | <input type="checkbox"/> Evaluation, Permit Not Applied For At This Time |

DATE: 07/24/2023

APPLICANT NAME: SAL ACEVES

PROPERTY ADDRESS: LOT 27, LOT 30, & LOT 39 OF HIGHCREST SUMMIT  
CLEVELAND, GA 30528

White County Planning Department:

In reference to a request for a change of zoning/land use or a building permit, application may need to be made for an existing system evaluation to determine:

- that the permit on file is the correct permit for the property in question;
- that there is no evidence of system failure;
- that the septic system is appropriately sized for the current and proposed use;
- that there is adequate repair after the proposed addition;
- that there are no conditions that could adversely affect the functionality of the system.

Please note that this is NOT an all-inclusive list. Based upon the information submitted and/or the outcome of the evaluation, it may be determined that a septic system needs additional capacity or upgrade. If so, the appropriate permit will need to be obtained and the work completed before an approval can be given.

If, based upon information submitted, no septic systems exist on the property, this zoning/land use change and/or building permit request should not affect the property with respect to septic use.

White County Environmental Health  
District 2 Public Health

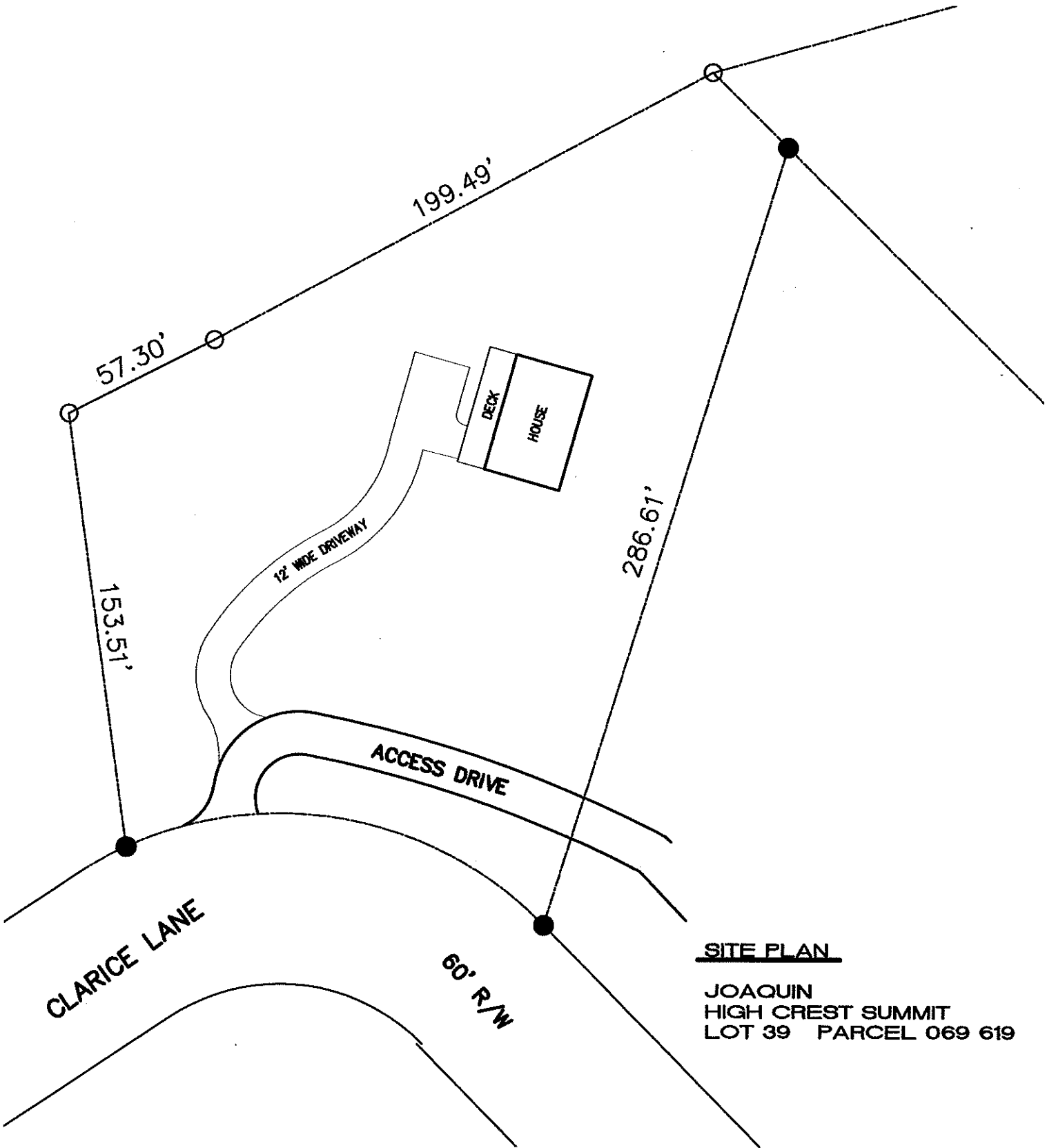
*By signing below, I certify all information submitted is accurate and true to the best of my knowledge.*



Applicant Signature







SITE PLAN

JOAQUIN  
HIGH CREST SUMMIT  
LOT 39 PARCEL 069 619

11-7



# Online Payments - Property Tax

Start Over

## White County, GA - Property Tax

Back

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### White County, GA

**Tax Commissioner**  
Cindy Cannon  
113 N. Brooks St.  
Cleveland, GA 30528  
**(706) 865-2225**

**GovtWindow Help**  
**(877) 575-7233**  
or Send Email  
or Read FAQ

\* = Required



- Overview & Pay
- Change Address
- View Receipt
- E-ALERTS
- Print Receipt
- Print Bill
- Email Bill

Printed: 08/07/2023 19:58:47 PM



**Official Tax Receipt**  
**White County, GA**  
**113 N. Brooks St.**  
**Cleveland, 30528**  
**--Online Receipt--**

Phone: 706-865-2225

Trans No	Map Code	Property ID & District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2022-2887	069 619	LL15 LD6 LT39 HIGHCREST	\$421.38	\$0.00 Fees: \$0.00	\$0.00	\$421.38	\$0.00
<b>Totals:</b>			<b>\$421.38</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$421.38</b>	<b>\$0.00</b>

**Paid Date:** 11/10/2022

**Charge Amount:** \$421.38

CARLINO CHARLES F CARLINO ANNA BONET  
303 CLAIRCE LANE  
SAUTEE NACOOCHEE, GA 30528



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Customer Service: 1-877-575-7233 | Terms & Conditions©  
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### 150 Clarice Ln

-   
Directions
-   
Save
-   
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-   
Send to phone
-   
Share

 150 Clarice Ln, Georgia 30571

 Confirm or fix this location  
The location shown is not precise

### Photos

3 Photos

2007 DEC -3 PM 12:49

1228 PAGE 357-373  
CARR & GIBBS, CLERK  
CLARKESVILLE, GA

Cross Reference:  
Declaration of Protective Covenants,  
Conditions, and Restrictions for  
Highcrest Summit Subdivision,  
Phase One and Phase Two as  
recorded in Deed Book 1107, Page  
70, and amended in Deed Book  
1120, Page 317, White County,  
Georgia Records.

**Amended Declaration of Protective Covenants, Conditions and  
Restrictions for Highcrest Summit Subdivision, Phase One,  
Phase Two, and Phase Three**

**After Recording Return To:  
Carr & Gibbs, Attorneys at Law, PC  
P.O. Box 999  
Clarkesville, GA 30523**

**AMENDED  
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR HIGHCREST SUMMIT SUBDIVISION,  
PHASE ONE, PHASE TWO AND PHASE THREE**

**STATE OF GEORGIA  
COUNTY OF WHITE**

This Declaration of Protective Covenants, Conditions and Restrictions, made this 12<sup>th</sup> day of November, 2007, by Monroe Ridge Investments, LLC, Highland Crest Development, Inc. and Unicoi Trail, LLC (hereinafter referred to as "Declarants") and affecting ALL THAT TRACT or parcel of land described on the attached Exhibit A, hereinafter referred to as Highcrest Summit Subdivision, Phase One, Phase Two and the attached Exhibit B, hereinafter referred to as Highcrest Summit Subdivision, Phase Three.

**WITNESSETH**

WHEREAS, Declarants are the present Developers of certain real property in White County, Georgia, known as Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, which is more particularly described in Article I, hereof, and

WHEREAS, Declarants are desirous of promulgating Restrictive covenants for the purpose of enhancing and protecting the value, attractiveness, and desirability of the lots and home sites constructed in said subdivision; and

WHEREAS, Declarants now desire to subject the acreage, known as Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, to certain covenants, conditions and restrictions as set forth in this Declaration, and desire to retain the right to subject other lands to this Declaration in the future; and

WHEREAS, Declarants desire to form an unincorporated Association which shall have the power and responsibility to maintain and administer certain properties and facilities, and which, as a beneficiary of this Declaration and as agent of the Owners of properties now or hereafter made subject to this Declaration, shall have the power and responsibility to assessments and charges hereinafter created; and

WHEREAS, it is in the best interest, benefit and advantage of Declarants and to each and every person who shall hereafter purchase any of the realty subject to this Declaration, or use the roads and areas designated for access to Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, that the Covenants, Conditions and Restrictions set forth in this Declaration run with the land covered by this Declaration;

NOW THEREFORE, Declarants do hereby establish and declare the following Protective Covenants, Conditions and Restrictions to apply to the property described in Article I, and any other real property subsequently subjected to this Declaration by

Declarants and adjoining owners and developers by filing of record a Supplement Declaration or Declarations of the hereinafter described Covered Party of future properties which may be known and designated as Covered Properties.

## **ARTICLE I COVERED PROPERTY**

ALL THAT TRACT or parcel of land described on the attached Exhibit A, hereinafter referred to as Highcrest Summit Subdivision, Phase One, and Phase Two and on the attached Exhibit B, hereinafter referred to as Highcrest Summit Subdivision, Phase Three.

Declarants expressly reserve the right to revise said subdivision plan at any time as to any lots still owned by Declarants. No action may be taken by Declarants that is in violation of any provisions of this Declaration.

## **ARTICLE II OTHER PROPERTY**

1. Without further assent or permit, Declarants, for themselves, their heirs and assigns, hereby reserve the right, exercisable from time to time, to extend the scheme of this Declaration to other real property developed as a part of Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, by filing of record a supplemental Declaration in respect to the property to be then subjected to this Declaration.
2. Without further assent or permit, Declarants, for themselves, their heirs and assigns, hereby reserve the right, exercisable from time to time, to subject other real property developed as a part of Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, to other declarations of covenants and restrictions, which other declarations may provide for supplemental declarations thereto.

## **ARTICLE III PROPERTY OWNERS' ASSOCIATION**

1. There shall be a Property Owners' Association to be known as "Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, Property Owners' Association" which shall have the power and responsibility to maintain and administer the Covenants and Restrictions, and to act as agent of future owners of properties now or hereafter made subject to this Declaration. The Property Owners' Association (hereinafter referred to as the "Association") shall have the power and responsibility to administer and enforce the provisions of this Declaration and any future Amendments hereto, together with the Authority to assess, collect and disburse assessments and

charges herein created, and the Association shall have the powers and responsibility as set forth in this Declaration as may be amended from time to time hereafter.

2. Every person or entity holding record title to any of the covered property shall be a member of the Association. Persons or entities holding an interest as security for the performance of a Deed to Secure Debt, mortgage or other secured interest shall not be entitled to membership in the Association by virtue of said secured interest.
3. There shall be only one class of voting membership which shall consist of all members. The owner of each parcel of land in the covered property shall be entitled to one vote for each parcel owned. If there are multiple owners to a parcel of land, only one vote may be cast for the collective owners.
4. The Declarants, their transferees, executors, administrators and legal representatives shall manage the affairs of the Association prior to the first meeting of the members. The first meeting of the members shall be called by the Declarants at the time, date and place designated by the Declarants, as soon as practicable after 2/3 of subdivision lots described in Article I Covered Property have sold, with notice furnished to members at their last known addresses at least thirty (30) days prior to the said first meeting.
5. The Association shall, after the first meeting of all members, meet at least annually thereafter to conduct the affairs of the Association.
6. At the first annual meeting, the members shall elect three (3) directors, each of whom shall be a member of the Association. One director shall be elected for a term of one (1) year, one director shall be elected for a term of two (2) years, and one director shall be elected for a term of three (3) years. At subsequent annual meetings of the members of the Association, one director shall be elected to replace the director whose term expires at the meeting.
7. Any director may be removed from the Board, with or without cause, by a majority vote of the members of the Association. In the event of death, resignation or removal of a director, the director's successor shall be selected by the two remaining directors, and shall serve for the unexpired term of his predecessor.
8. No director shall receive compensation for any service he or she may render to the Association. However, any director may be reimbursed for his actual expenses incurred in the performance of his duties in carrying out and managing the affairs of the Association as may be delegated to him by the Board.
9. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the Board of Directors. The Directors may call meetings from time to time to establish policy and carry out the activities of the Association. Any two (2) directors may call a meeting of the Board of Directors upon three (3) days notice, orally or in writing, to the other directors.



10. A majority of the directors shall constitute a quorum for the transaction of business.
11. The three (3) directors elected at the first annual meeting of the members of the Association shall constitute the Board of Directors, and nominations for their election to the Board of Directors shall be made by a nominating committee appointed by the Board. Nominations may also be made from the floor at the annual meeting. One director shall be elected each year to fill the term of this predecessor. Election to the Board of Directors shall be by secret written ballot cast at the annual meeting. At such election members or their proxies may cast, in respect to the vacancy, as many votes as they are entitled to exercise under the provisions of this Declaration. The person receiving the largest number of votes shall be the elected director.
12. All annual meetings of the members of the Association shall be held in White County, Georgia, at the date, time and place provided in a Notice mailed to each member at least thirty (30) days prior to said annual meeting. Special meetings of the members of the Association may be called at any time by the Board of Directors, or upon written request of the members of the Association who are entitled to vote one-fourth (1/4) of the votes of the membership.
13. The Board of Directors may appoint among them or a third party, a secretary or person authorized to keep the records of the Association, mail notices of meetings and such other duties as may be delegated to said secretary by the Board of Directors.
14. A majority of the membership of the Association, either in person or by proxy, shall constitute a quorum at the annual meeting or any special called meetings as herein provided. All proxies shall be filed with the secretary at the said meeting of the members of the Association.
15. The Directors shall have the authority to open bank accounts for the business of the Association, and to determine who shall be authorized to sign checks for the Association, file liens or any other legal proceedings on behalf of the Association, enter into contracts for maintenance of roads, easements, common properties, if any, and such other duties as may be delegated from time to time. All matters relating to the collection and disbursement of funds of the Association and accounting of all monies shall be kept current by the Board of Directors in proper books of account. Further, the Board of Directors shall cause to be prepared a proposed annual budget and statement of income and expenditures to be presented to the membership at its regular annual meeting, and to deliver a copy of such accounting to each member.
16. There shall be an annual membership fee of Two Hundred Forty and No/100 Dollars (\$240.00) per parcel of land of covered property due and payable in July of each year and which shall be prorated per parcel at the time of the purchase of the lot. Until the Board of Directors is elected as hereinabove set out, the Declarants shall have the authority to amend the annual membership fee, set any special assessments, and file liens for failure to pay annual membership dues or assessments. All assessments shall be due and payable on the pro-rate basis based upon the number of members representing the parcel of property covered by this Declaration. At and subsequent to the first

annual meeting at which the Board of Directors shall be elected as hereinabove provided, the Board of Directors shall have the authority to levy at any time from time to time special assessments, provided that any such assessments shall be approved by a majority by the members who vote, in person or by proxy, at a meeting of the members at the annual meeting or any special meeting called for such purpose. The dues and assessments may be levied and used by the Board of Directors to further any purpose of the Association in the maintenance or improvements of the covered property, roads and easement system as depicted on the plat hereinabove referred to, or any subsequent revision or amendment thereto, or upon the addition of any properties subsequently added as covered properties in Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three.

17. A water tap fee of One Thousand Seven Hundred and No/100 Dollars (\$1,700.00) per parcel shall be paid to Alpine Helen Investments, LLC at such time as parcel shall tap onto the community water system. A monthly fee of Thirty-Five and No/100 Dollars (\$35.00) per parcel shall be due and payable to Alpine Helen Investments, LLC on the first of each month that said parcel is attached to the community water system. An additional fee of Thirty and No/100 Dollars (\$30.00) shall be due and payable to Alpine Helen Investments, LLC on the first of each month that said parcel is attached to the community water system upon the installation of a swimming pool.
18. A road impact fee of One Thousand Five Hundred and No/100 (\$1,500.00) per parcel shall be paid to Alpine Helen Investments, LLC upon the receipt of a building permit.
19. Each owner of any parcel of covered property which is now or hereafter made subject to this Declaration, by acceptance of a deed or other conveyance therefore, shall be deemed to be a member of the Association, and subject to pay to the Association the above referenced assessments so declared and said assessments shall become a lien against the property and enforceable as provided by Georgia Law.
20. The terms of this Article of the Declaration may be amended at any regular meeting of the members by a vote of three-fourths (3/4) majority of members, present in person or by proxy except that such amendments shall become effective only when set forth in a duly adopted and recorded amendment to this Declaration, and such amendment may be executed and filed for record by the Board of Directors of the Association, or their duly authorized agent or attorney.
21. Each lot which is now and hereafter made subject to this Declaration shall be exempt from the assessments, charges and liens created herein while owned by the Declarant. Any common properties and any other lot which may be designated for use as such by Declarants shall be exempt from assessments, charges and liens created herein.

**ARTICLE IV**  
**LOTS, ROADS AND COMMON AREAS**

1. All purchasers and person hereinafter claiming title to covered property under Declarants shall have: A non-exclusive right of ingress and egress over and upon the subdivision roads known as Monroe Ridge Road, Clarice Lane and Unicoi Hills Trail.
2. Declarants, their heirs and assigns, shall retain title to all subdivision roads, common properties, if any, within said covered property, and any other area subsequently covered properties. Declarants, for themselves, their heirs and assigns reserve the right to extend the roads within the covered property to serve such additional property not now or hereafter acquired.
3. Declarants, for themselves, their heirs and assigns, reserve a fifteen (15) foot easement within the right of way of said subdivision roads for the purpose of installing and maintaining all utility facilities and for water service and for such other purposes incidental to the development of Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, and such other adjoining properties as said Declarants, their heirs and assigns, may now own or hereinafter acquire.
4. Declarants reserve the right to determine in their sole discretion when and whether to convey said subdivision roads and common properties, if any, to the Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, Property Owners' Association, created in Article II, hereof or to dedicate said roads to the County. Any such conveyance to said Association shall be subject to:
  - a. The reservation by the Declarants, their heirs and assigns, of the unobstructed right of ingress and egress over and through the subdivision roads, known as Monroe Ridge Road, Clarice Lane and Unicoi Hills Trail, to reach other property now owned or which may hereafter be acquired by the Declarants, which said right of ingress and egress shall be a covenant running with the land and shall not be defeated for lack of use or maintenance;
  - b. The right of the Declarants, their heirs and assigns, to extend Monroe Ridge Road and/or Clarice Lane and/or Unicoi Hills Trail by connecting said road, or extensions of said road, with roads serving such additional property as the Declarants, their heirs and assigns, may now or hereafter acquire; and
  - c. An unobstructed easement within the right of way of Monroe Ridge Road, Clarice Lane and Unicoi Hills Trail, as shown on the plat of covered property, hereinabove referred to for the purpose of installing and maintaining utility facilities and water service and for such other adjoining properties as said Declarants, their heirs and assigns, now own and hereinafter acquire, which said easement shall be a covenant running with the land and shall not be defeated for lack of use or maintenance.
5. Upon such conveyance to the Association, if and when made, Declarants shall be relieved of their duties under this Article, and the Association shall assume

and perform such duties, and rights to reimbursement of cost, that Declarants now have hereunder. The Association shall be obligated to accept a conveyance of title to said subdivision roads, common properties, if any, subject to the reservations hereinabove set out, and to accept as well all rights, duties and obligations pertaining thereto, including maintenance therefore, at or after the first annual meeting of the Association as called by the Declarants.

6. For so long as the subdivision roads are private subdivision roads, all subdivision roads shall be maintained at the minimum width for such subdivision roads as required by White County road standards. All exposed earth on either side of the road shall be maintained and grassed, fertilized and cut as needed.
7. The Declarants, for so long as the subdivision roads are private subdivision roads, may set speed limits on all roads wholly within the subdivision.
8. The cost of taxes, and the maintaining, repairing and/or improving said subdivision roads shall be divided and shared among the property owners in proportion to the number of lots owned in the subdivision, one share for each lot, or as subsequently modified and changed by the Declarants' successors.
9. Each owner of any lot of covered property which is now or hereafter made subject to this Declaration, by acceptance of a deed or other conveyance therefore, shall be deemed to promise to pay to Declarants or their successors the proportional share of the road costs and taxes upon demand by Declarants. Each lot of the covered property is hereby made subject to a lien and a permanent charge in favor of Declarants for such share of the road costs, taxes and the cost of the maintenance of any common areas as may now exist or hereafter be obtained.

#### **ARTICLE V RESTRICTIVE COVENANTS**

1. No lot shall be further subdivided or its boundary lines changed without the written consent of Declarants, who reserve the right to re-plot any unsold lot, except that any lot containing 3.00 or more acres may be subdivided into two (2) lots one time but shall not thereafter be re-subdivided.
2. Distribution, electrical power lines, telephone lines, and other utility facilities or Systems on all lots shall be underground except with the prior written approval of Declarants. Easements are hereby reserved for the purpose of installing and maintaining utility facilities and for such other purposes incidental to the development of the property, together with such other and further easements for utilities in reasonable locations which Declarants may deem to be necessary or appropriate for the development of the property for the purposes herein described. All claims for damages, if any, arising out of the construction, maintenance, and repair of utilities or on account of temporary or other inconvenience caused thereby against Declarants, or any utility company or municipality, or any of its agents or servants are hereby waived by the Owners. Declarants do further reserve the right to change, lay

- out a new or discontinue any road, street, avenue or way on the property not necessary for ingress and egress to and from an Owner's lot, subject to the approval of the applicable governmental bodies, if required.
3. No lot shall be used to provide access to any adjoining land which is not a part of the property subject to these covenants, except for Declarants.
  4. House trailers, mobile homes, singlewides, doublewides or larger shall not be either temporarily or permanently placed upon or kept on any lot.
  5. The enclosed, heated ground floor living area, exclusive of basements, garages, carports, porches, terraces and bulk storage area of all houses shall not be less than 1000 square feet. Homes that have two stories shall have a minimum of 720 square feet of enclosed heated living space on the first or main floor, except lots two (2) through nine (9) inclusive, twenty-three (23) and twenty-four (24), which may be a minimum of 1000 square feet.
  6. All structures must be of wood construction, and exterior siding to be of wood finished in brown tones with the exceptions of roofing which shall be red or green metal, and all shall be finished on the outside.
  7. House construction must be completed within twelve (12) months after commencement of said construction.
  8. No metal buildings are allowed.
  9. Only one single family dwelling shall be allowed on each lot.
  10. All garages, carports or out building shall match the residence located on the lot in color, texture and design.
  11. No fence or similar improvement shall be constructed without the prior written approval of the Declarants or the Association.
  12. Window or through the wall air conditioners shall not be visible from the street or shall be screened so that air conditioners are not visible.
  13. No building shall be constructed within 15 feet of the front and rear of the property line nor within 15 feet of the side lot lines, except Lots 3, 7, 8, 9, 16 and 24, which may be constructed within 10 feet of property line.
  14. Noxious or offensive activity shall not be allowed upon any lot nor shall be done thereon which may be or may become an annoyance or nuisance for the neighborhood. No improper, offensive or unlawful use may be made of any lot, nor any part thereof, and all laws, zoning ordinances and regulation of all government bodies having jurisdiction shall be observed.
  15. The pursuit of hobbies or other activities, whether commercial or personal, including specifically the assembly and disassembly of motor vehicles and other mechanical devices which might tend to cause disorder, unsightly or unkempt conditions, shall not be pursued or undertaken on any part of any lot.
  16. All playground equipment, swing sets, swimming pools or recreational equipment shall be located in the rear of the lot or side of the lot not visible from the street.
  17. Absolutely no automobile repair shops of any type will be permitted.
  18. No commercial businesses or activity of any kind is permitted except for a home type business (i.e. administration, internet, managerial) which does not create a nuisance or result in traffic upon the roads of the subdivision.

19. Homes may be rented out either for vacation rental use or long term rentals but must not become a nuisance or offensive to the neighboring parties.
20. The noise from televisions, radios, musical instruments or motor vehicles should not be so loud as to cause disturbances to the other properties.
21. No swine, cattle, horses, goats, sheep or chicken shall be kept or maintained on any part of the property. Household pets shall be allowed so long as the number of such pets does not exceed three pets per species. All housing for pets shall be located in the rear of the lot or side of the lot not visible from the street.
22. Dogs and cats shall not be allowed to run loose and must be contained within their property boundaries and shall be kept indoors at night.
23. No property owner is allowed to plant trees, shrubs, etc. that will directly obstruct the mountain view of other property owners. Declarants' or the Association's decision will rule if plantings are in question.
24. Each lot shall be maintained and kept in a clean, neat and orderly fashion. Lots shall be landscaped within thirty (30) days of completion or occupancy of the residence. Grass and other landscaping shall be cut on a regular basis, so as to maintain a neat and orderly appearance.
25. Any and all ground cuts or bank cuts must be covered and stabilized by either grass, landscaping, stones or retaining wall for sediment control and to cover the red clay.
26. No part of said land shall be used or maintained as a dumping ground for rubbish, garbage or refuse. Trash, garbage and other waste shall be kept in sanitary containers in the rear of home.
27. All lots which have been sold or transferred may be maintained by the Declarants or by the Association in the event that the owner fails to do so. The expense of maintaining the lot may be charged as a lien by the Declarants or the Association in the same manner as a lien for failure to pay assessments.
28. Propane fuel tanks shall be kept to side or rear of lot and shall be screened with either landscaping or decorative lattice.
29. No campers or recreational vehicles, motorcycles or boats are to be left on the premises without current registrations. Campers or recreational vehicles cannot be used as temporary housing. If kept on premises, they must be parked on the rear or side of property and not in the front or on the road. No inoperable or wrecked vehicles shall be permitted on any lot.
30. Motorcycles, motor bikes, four wheelers, three wheelers, dune buggies, go carts, or any other type of motorized vehicles designed primarily for off road use shall not be permitted except for storage on the lot. The Declarants shall be permitted to use such motorized vehicles for transportation to job sites within the subdivision.
31. Tent camping is not permitted.
32. No commercial trucks of any type (semis, tractor trailers, box trucks, low boys, transport vehicles, buses larger than a pick up truck or flat beds, etc.) can be parked on any lot at any time or for any purpose, except during construction.

33. Any and all motor vehicles which are not in regular use must be stored in an enclosed garage. No inoperable vehicles or junk cars may be stored on any lot.
34. No signs are permitted on premises other than street address, name, for sale or rent signs. These signs are to be no larger than six (6) square feet.
35. Subdivision signs may exceed six (6) square feet.
36. No parking shall be allowed on subdivision roadways or easements.
37. No driveway may be more than thirty (30) feet wide at roadway edge.
38. All driveways must have proper water drainage and be finished with either asphalt, concrete or brick stone or sufficient gravel so puddling or mud does not show through.
39. All outdoor lighting shall be so shaded and directed such that the light there from is directed to fall only on the same premises where the light sources are located and shall not be obtrusive to the neighboring properties.

## **ARTICLE VI SALE OF LOTS**

Declarants may undertake the work of developing all of the lots within the subdivision; the completion of that work and the sale, rental or other disposition of residential units and other tracts is essential to the establishment and welfare of the subdivision of an ongoing community. In order that such work may be completed as soon as possible, nothing in this Declaration shall be understood or construed to: (1) prevent Declarants, or their employees, contractors or subcontractors, from doing on any part or parts of the subdivision owned or controlled by the Declarants whatever Declarants may determine may be reasonably necessary or advisable in connection with the completion of such work; (2) prevent Declarants, or their employees, contractors or subcontractors, from constructing and maintaining on any part or parts of the subdivision owned or controlled by Declarants such structures as may be reasonably necessary for the completion of such work and the disposition of lots and homes for sale, lease or otherwise; (3) prevent the Declarants, or their employees, contractors or subcontractors from conducting on any part or parts of the subdivision property owned or controlled by Declarants the business of completing such work and of disposing of lots and homes for sale, lease or otherwise; or (4) prevent Declarants, or their employees, contractors or subcontractors, from maintaining such sign or signs on any of the lots and homes owned or controlled by Declarants as may be necessary in connection with the sale, lease or other disposition of subdivision lots and homes.

## **ARTICLE VII EXERCISE AND TRANSFER OF RIGHTS**

All easements, benefits, rights and powers reserved to Declarants, or created in or exercisable by Declarants under any provisions of this Declaration, may be conveyed or assigned, either in whole or in part, by Declarants, their heirs, administrators and

executors, to third parties, including but not limited to the herein referenced Highcrest Summit Subdivision, Phase One, Phase Two and Phase Three, Property Owners' Association.

### **ARTICLE VIII ENFORCEMENT**

Enforcement of these Covenants, Conditions and Restrictions contained herein, or of any other provision hereof, shall be by an appropriate proceeding at law and in equity against any person or persons violating or attempting to violate any of said provisions hereof, either to restrain violation, to enforce personal liability, or to recover damages, or by any appropriate proceeding at law or in equity against the land, to enforce any lien or charge. The failure of Declarants, the Association, or any member to enforce any of said Covenants, Conditions and Restrictions or other provisions of this Declaration shall not be deemed a waiver of the right to do so thereafter.

### **ARTICLE IX SEVERABILITY**

Whenever possible, each provision of this Declaration shall be interpreted in such manner as to be effective and valid, but if any provision be held ineffective or invalid, such holding shall not affect the validity of any other provision, and to this end, the provisions of this Declaration are declared to be severable.



IN WITNESS WHEREOF, Declarants have executed this Declaration the day and year hereinabove written.

MONROE RIDGE INVESTMENTS, LLC

Leslie Gift WITNESS  
Leslie Colaco MEMBER

HIGHLAND CREST DEVELOPMENT, INC.

Leslie Gift WITNESS  
Leslie Colaco - PRES. PRESIDENT

UNICOI TRAIL, LLC

Leslie Gift WITNESS  
Leslie Colaco MEMBER



Acknowledged before me this 12th day of November 2007, by Leslie Colaco, Member, Monroe Ridge Investments, LLC, by Leslie Colaco, President, Highland Crest Development, Inc. and by Leslie Colaco, Member, Unicoi Trail, LLC.

Leslie Gift  
NOTARY PUBLIC

Personally Known

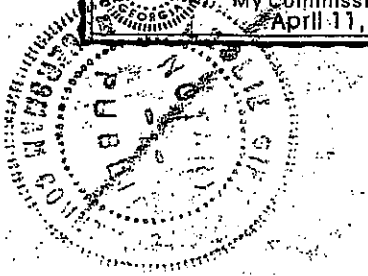
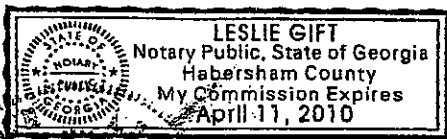


EXHIBIT A

All that tract or parcel of land lying and being in land lot 10 of the 6th land division of Wilkes County, Georgia, containing 12.85 acres, more or less, all in accordance with Plat of Survey dated March 22, 1930, prepared for James P. Carr, by Edna Wood, County Surveyor, Wilkes County, Georgia, recorded in Plat Book 492, page 117, Office of Clerk of Superior Court, Wilkes County, Georgia. Reference is hereby made to said Plat of Survey and the report thereof for a more complete description of said property.

Said tract is an unobstructed and non-exclusive right of ingress and egress over and along the right-of-way of the old Wilkes Road, an old public road, the course of which is shown as the "centerline" running in a westerly direction from the southerly right-of-way of the Abbeystead Road (Plat Book No. 211) and near said Wilkes Tract 2 and 3 of the Plat of Survey dated May 12, 1976, prepared for Edwin C. McCoy, Jr., by Robert Lovell, Georgia Registered Land Surveyor, recorded in Plat Book 26, page 16, said Clerk's Office, and according to the North-south point shown on said Tract 2 and Tract 3. Said right shall not be subject for lack of use or maintenance, but shall be a covenant running with the land.

Said tract is an unobstructed and non-exclusive right of ingress and egress over and through the 25-foot roadway described and conveyed in Warranty Deed dated September 23, 1934, executed by the Abbeystead and Wood Abbeystead to Allen B. Hutchinson, recorded in Plat Book 42, page 17, said Clerk's Office, which 25-foot roadway extends in a southerly direction from said public road known as the old Wilkes Road, and runs in a southerly direction to the intersection of said 25-foot roadway with the old Wilkes Ridge Road, the course of said 25-foot roadway being shown on the following Plat of Survey, to-wit:

1. In the connecting road connecting with the above described "centerline" which connecting road runs in a southerly direction along and over the southerly side of said Tract 3 of said Plat of Survey dated May 12, 1976, which Plat of Survey is recorded in Plat Book 10, page 14, said Clerk's Office being the Plat of Survey dated May 12, 1976, prepared for Edwin C. McCoy, Jr., by Robert Lovell, Georgia Registered Land Surveyor, and

2. In the method road or drive extending in a southerly direction from the Abbeystead road crossing over and along said Tract 2, and extending thence in a southerly direction over and along the southerly boundary of the 7.5 acre tract delineated on the Plat of Survey dated May 14, 1976, revised May 16, 1977, Registered Land Surveyor, which method road or drive crosses and passes the top of the ridge, as shown on said Plat of Survey, which Plat of Survey is recorded in Plat Book 15, page 12, said Clerk's Office being the Plat of Survey dated May 14, 1976, revised May 16, 1977, prepared for Edwin C. McCoy, Jr., by Robert Lovell, Georgia Registered Land Surveyor, and according to the said road or drive's intersection with the southerly boundary of the above described 25-acre tract.

Said right of ingress and egress shall not be subject for lack of use or maintenance, but shall be a covenant running with the land.

Said tract is an unobstructed and non-exclusive right of ingress and egress over the Wilkes Ridge Road (Plat Book No. 211) the old Wilkes Ridge Road, extending in a southerly direction along and with said Wilkes Ridge Road from its intersection with the southerly boundary of the above described 25-acre tract and across thence to the southerly boundary of the proposed 25-foot road extension shown on the Plat of Survey dated February 11, 1978, prepared for George Robert Carr, Jr., and

Edna Katherine Williams, by Edna Wood, County Surveyor, Wilkes County, Georgia, recorded in Plat Book 422, page 112, said Clerk's Office. The width of said right of ingress and egress shall be twenty feet, the southerly boundary of which shall be the southerly side of said Wilkes Ridge Road as shown on the Plat of Survey dated March 1, 1930, prepared for the U.S. Civil Service Administration by Edna Wood, County Surveyor, Wilkes County, Georgia, recorded in Plat Book 23, page 111, said Clerk's Office, and the southerly boundary of which shall be a line parallel to and 25 feet from said southerly boundary. Said right shall not be subject for lack of use or maintenance, but shall be a covenant running with the land.

Said tract is an unobstructed and non-exclusive right of ingress and egress, together with an easement for above-ground and below-ground public utilities, via the proposed 25-foot road extension shown on the Plat of Survey dated March 11, 1978, prepared for George Robert Carr, Jr., and Edna Katherine Williams, by Edna Wood, County Surveyor, Wilkes County, Georgia, recorded in Plat Book 422, page 112, said Clerk's Office, said road extension extending from its intersection with the above-described Wilkes Ridge Road and crossing thence in a southerly direction to the southerly boundary of the 25.65-acre tract delineated on said Plat. Said right of ingress and egress shall extend laterally 10 feet on either side of the centerline of said proposed 25-foot road extension. Said right and easement shall not be subject for lack of use or maintenance, but shall be a covenant running with the land.

Said tract is an unobstructed and non-exclusive right of ingress and egress over and along the southerly right-of-way of said Gun Abbeystead Road to the southerly boundary of said 20.65-acre tract, and the boundaries described and conveyed in Warranty Deed dated August 1, 1934, recorded in Plat Book 492, page 117, said Clerk's Office, and according to the North-south point shown on said Tract 2 and Tract 3 of the Plat of Survey dated May 12, 1976, prepared for Edwin C. McCoy, Jr., by Robert Lovell, Georgia Registered Land Surveyor, and according to the southerly boundary of the above described 25-acre tract to the southerly boundary of said 20.65-acre tract.

SUBJECT TO existing easements for public utilities.

SUBJECT TO the rights of others over and through said 25.65-acre tract via the old Wilkes Road shown on the Plat of Survey of said 25.65-acre tract filed in said Clerk's Office as aforesaid over and along the southerly boundary of said 25.65-acre tract.

ALSO CONVEYED

ALL THAT TRACT or parcel of land lying and being in Land Lot 15 of the 6th Land District, White County, Georgia and being more particularly described as follows: Beginning at a point on the Original Land Lot Line between Land Lots 15 and 16 of the 6th Land District, said point being E. 89 degrees 27 minutes 43 seconds W. a distance of 766.21 feet from the Original Land Lot Corner between Land Lots 14, 15, 22, and 23 of the 6th Land District White County, Georgia; thence from said point of beginning S. 89 degrees 18 minutes 44 seconds W. for a distance of 421.12 feet thence N. 36 degrees 34 minutes 23 seconds E. for 38.32 feet; thence S. 34 degrees 46 minutes 11 seconds W. for a distance of 36.67 feet; thence N. 29 degrees 23 minutes 27 seconds W. for a distance of 1245.11 feet; thence N. 29 degrees 33 minutes 46 seconds E. for a distance of 2097.28 feet; thence S. 25 degrees 18 minutes 27 seconds E. for a distance of 133.33 feet; thence S. 45 degrees 39 minutes 43 seconds E. for a distance of 68.41 feet; thence S. 50 degrees 05 minutes 20 seconds E. for a distance of 59.26 feet; thence N. 37 degrees 31 minutes 16 seconds E. for a distance of 66.30 feet; thence S. 10 degrees 26 minutes 49 seconds E. for a distance of 82.92 feet; thence S. 11 degrees 01 minutes 17 seconds E. for a distance of 73.45 feet; thence S. 40 degrees 12 minutes 54 seconds E. for a distance of 127.11 feet; thence S. 72 degrees 06 minutes 48 seconds E. for a distance of 124.55 feet; thence N. 46 degrees 07 minutes 16 seconds E. for a distance of 64.35 feet; thence S. 30 degrees 13 minutes 36 seconds E. for a distance of 38.99 feet; thence S. 39 degrees 39 minutes 18 seconds E. for a distance of 67.21 feet; thence S. 75 degrees 00 minutes 02 seconds E. for a distance of 43.23 feet; thence S. 4 degrees 18 minutes 39 seconds W. for a distance of 1345.63 feet to the point of beginning. Said tract or parcel of land contains 41.31 acres.

ALSO CONVEYED:

ALL THAT TRACT or parcel of land lying and being in Land Lot 15 of the 6th Land District, White County, Georgia and being more particularly described as follows: Beginning at a point on the Original Land Lot Line between Land Lots 15 and 16 of the 6th Land District, said point being E. 89 degrees 27 minutes 43 seconds W. a distance of 766.21 feet from the Original Land Lot Corner between Land Lots 14, 15, 22, and 23 of the 6th Land District White County, Georgia; thence from said point of beginning W. 54 degrees 24 minutes 22 seconds W. a distance of 421.12 feet; thence N. 24 degrees 11 minutes 11 seconds E. for a distance of 38.32 feet; thence S. 34 degrees 46 minutes 11 seconds W. for a distance of 36.67 feet; thence N. 29 degrees 23 minutes 27 seconds W. for a distance of 1245.11 feet; thence N. 29 degrees 33 minutes 46 seconds E. for a distance of 2097.28 feet; thence S. 25 degrees 18 minutes 27 seconds E. for a distance of 133.33 feet; thence S. 45 degrees 39 minutes 43 seconds E. for a distance of 68.41 feet; thence S. 50 degrees 05 minutes 20 seconds E. for a distance of 59.26 feet; thence N. 37 degrees 31 minutes 16 seconds E. for a distance of 66.30 feet; thence S. 10 degrees 26 minutes 49 seconds E. for a distance of 82.92 feet; thence S. 11 degrees 01 minutes 17 seconds E. for a distance of 73.45 feet; thence S. 40 degrees 12 minutes 54 seconds E. for a distance of 127.11 feet; thence S. 72 degrees 06 minutes 48 seconds E. for a distance of 124.55 feet; thence N. 46 degrees 07 minutes 16 seconds E. for a distance of 64.35 feet; thence S. 30 degrees 13 minutes 36 seconds E. for a distance of 38.99 feet; thence S. 39 degrees 39 minutes 18 seconds E. for a distance of 67.21 feet; thence S. 75 degrees 00 minutes 02 seconds E. for a distance of 43.23 feet; thence S. 4 degrees 18 minutes 39 seconds W. for a distance of 1345.63 feet to the point of beginning. Said tract or parcel of land contains 41.31 acres.

LESS & EXCEPT

All that tract or parcel of land lying and being in Land Lot 15 of the 6th District of White County, Georgia containing 41.31 acres according to a plat of survey prepared by Richard H. Holm, Esq., Registered Surveyor, for James H. Cox, Sr. dated December 29, 1899 and recorded in Plat Book 50, page 170, Clerk's office, White County, Georgia. Said property is more particularly described as follows:

BEGINNING at an iron pin located on the south side of Monroe Ridge Road, said iron pin being located 8.3 miles from the intersection of the Albany Road with Monroe Ridge Road, said iron pin is also a point common to the property herein conveyed and the property now or formerly of Flint; thence along and with the westerly right-of-way of Monroe Ridge Road S 75° 18' 35" E 123.73 feet to a point; thence S 45° 35' 45" E 66.41 feet; thence S 50° 05' 20" E 59.26 feet; S 37° 31' 16" E 66.30 feet; thence N 10° 26' 49" E 82.92 feet to an iron pin; thence S 17° 07' 35" E 95.64 feet to a pointed tree; thence S 12° 07' 41" E 123.20 feet to an iron pin; thence S 12° 21' 05" W 127.94 feet to an iron pin; thence S 50° 25' 24" W 192.54 feet to an iron pin; thence N 03° 24' 18" E 190.67 feet to an iron pin; thence N 71° 47' 07" W 137.05 feet to a point in the center of a 38" mud cement; thence N 73° 47' 06" W 75.73 feet to an iron pin; thence S 77° 18' 57" W 345.15 feet to an iron pin; thence N 63° 11' 14" W 120.00 feet to an iron pin; thence N 27° 55' 45" E 38.00 feet to an iron pin; thence N 27° 55' 45" E 638.62 feet to the Point of Beginning. This conveyance is made subject to all existing easements for rights-of-way and utilities.

This conveyance is made subject to the reservation of a 30 foot road easement extending from Monroe Ridge Road to property of Central as delineated on the above referred to plat.

THE CONVEYANCE described tract of land is conveyed SUBJECT TO existing easements and rights-of-way for public roads and highways and public utilities, if any, extending into, through, over or across the above-described property.

LESS AND EXCEPT

ALL THAT TRACT or parcel of land lying and being in Land Lot 15 of the 6th Land District of White County, Georgia, containing 1.00 acres, more or less, according to a plat of survey dated December 19, 1999, prepared for Habitat for Humanity by Richard H. Holcomb, RLS, and recorded in Plat Book 47, Page 110, White County, Georgia deed records, said plat and the record thereof being incorporated herein by reference for a more particular description.

*WCC*

EXHIBIT B

ALL THAT TRACT or parcel of land lying and being in Land Lot 15 of the 6th Land District of White County, Georgia, and being more particularly described as follows: BEGINNING at a gap at the top of a ridge on the East original Land Lot Line of said Land Lot Number 15 and at the point where the old logging road intersects said original Land Lot Line; thence along and with said old logging road in a Westerly direction to an iron pin located on the Easterly side of Monroe Ridge Road, now known as Eschenbrenner Road, said iron pin being located 6 feet, more or less, southwesterly from a telephone pole; thence up and along the easterly side of Eschenbrenner Road in a northwesterly direction to a point where an old woods road intersects said Eschenbrenner Road; thence along and with said old woods road in a northeasterly direction to a point where an old abandoned field road intersects said old woods road; thence in an easterly direction to a point on the western edge of a pasture; thence across said pasture in a southeasterly direction to an electric pole at the south edge of said pasture; thence east to an iron pin; thence in a southeasterly direction to a point at a cattle crossing on a branch, said point being marked by a poplar tree; thence in a southeasterly direction to a point on the East line of said Land Lot Number 15; thence along and with said East original Land Lot Line South to the top of the ridge and beginning corner, containing 25.00 acres, more or less, more particularly described in Plat of Survey by Eddie Hood, White County Surveyor, dated March 1, 1990, for U.S. Small Business Administration which shows 16.26 acres.

ALSO CONVEYED is the right of ingress and egress running from Old Original Burton Road across other property now or formerly of Mrs. Gus Abernathy around the edge of pasture now or formerly of Mrs. Gus Abernathy to a pine tree at property herein described.

**WHITE COUNTY PLANNING DEPARTMENT  
STAFF COMMENT**

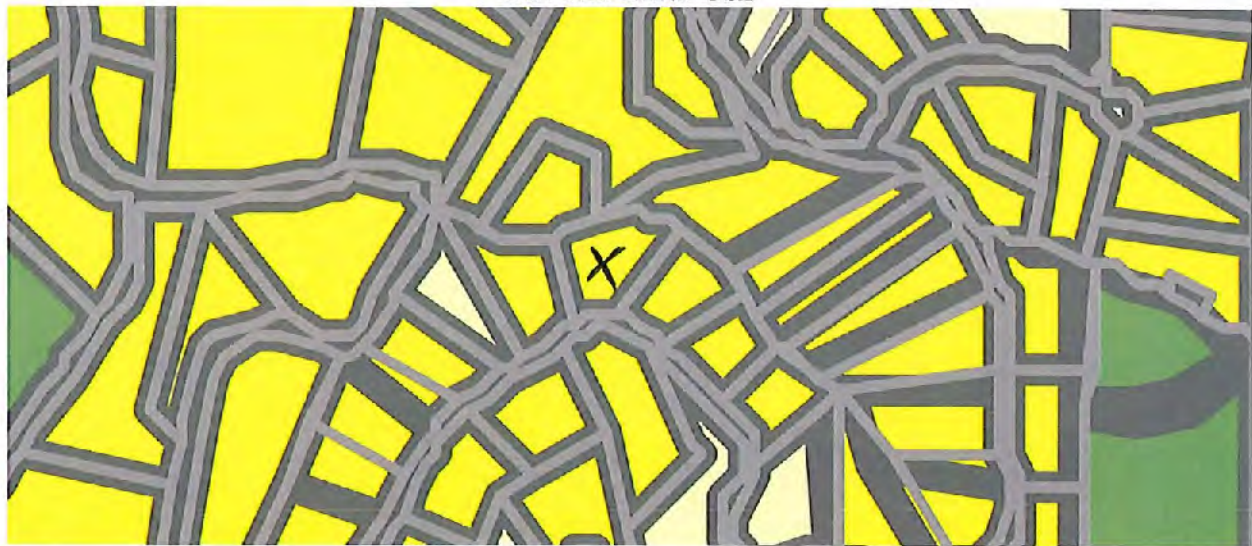
**SALVADOR ACEVES**

- PROPERTY IS LOCATED AT 150 CLARICE LN IN SAUTEE NACOOCHEE. IT IS IN THE R-1 RESIDENTIAL SINGLE FAMILY DISTRICT.
- APPLICATION REQUEST TO CONSIDER REDISTRICTING R-1 RESIDENTIAL SINGLE FAMILY DISTRICT TO R-3 RESIDENTIAL SEASONAL DISTRICT.
- PROPERTY ADJOINS TO THE NORTH, SOUTH, EAST, AND WEST R-1 RESIDENTIAL SINGLE FAMILY DISTRICT.
- THE WHITE COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP INDICATES SINGLE FAMILY RESIDENTIAL.
- TOTAL ACREAGE IS 1.00.
- PROPERTY IS SUPPLIED BY WELL AND SEPTIC.

**EXISTING LAND USE**



**FUTURE LAND USE**



WHITE COUNTY PLANNING COMMISSION AGENDA  
REGULAR SESSION

Motion to recommend approval to the Board of Commissioners made by Ms. Burke and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 269 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-610. Total acreage is 1.00. Present zoning is R-1 Single Family Residential District. The applicant, Salvador Aceves for 151 Clarice Lane, was present. Mr. Barton gave a summary of the application. Mr. Aceves did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Mr. Ackerman and seconded by Ms. Burke. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 150 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-619. Total acreage is 1.00. Present zoning is R-1 Single Family Residential District. The applicant, Salvador Aceves for 151 Clarice Lane, was present. Mr. Barton gave a summary of the application. Mr. Aceves did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Ms. Burke and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on October 30<sup>th</sup>.

There was no citizen comment.

Motion to adjourn made by Ms. Burke seconded by Ms. Dixon. Motion was unanimous.

WHITE COUNTY PLANNING COMMISSION AGENDA  
PUBLIC HEARING: LAND USE REGULATION

**Application of Salvador Aceves, on behalf of Solterra Holdings, LLC**, to redistrict property located at 150 Clarice Lane, Sautee Nacoochee, Georgia, 30571 from R-1 Single Family Residential District to R-3 Residential Seasonal District. Proposed use is to place in “Short Term Rental” program. Tax map and parcel 069-619. Total acreage is 1.00. Present zoning is R-1 Single Family Residential District. The applicant, Salvador Aceves of 425 Crestwood Court in Alpharetta, GA and 272 Clarice Lane in Sautee Nacoochee, was present. Mr. Aceves said this property is the same as the other applications.

Chairman Thomas asked if anyone would like to speak for the application, there was no response. He asked if anyone would like to speak against the application, there was no response. Mr. Aceves did not have anything to add. Chairman Thomas closed the hearing. Ms. Dodd advised the applicant of the next meeting on October 2<sup>nd</sup>.

Motion to adjourn made by Ms. Burke and seconded by Ms. Dixon. Motion was unanimous.

DRAFT





# WHITE COUNTY

## *Board of Commissioners*

**Item Title:** Sheriff's Office Vehicle Surplus

**For Meeting Date:** Click or tap to enter a date.

**Work Session**  **Regular Meeting**  **Public Hearing**

**Category (Select One):** Other

**Submitted By:** Sheriff Rick Kelley

**Attachments:** Yes  **If yes, please list each file name below:**

1. Vehicle List
2. \_\_\_\_\_
3. \_\_\_\_\_

---

**Purpose:**

Surplus 10 Sheriff's Office vehicles

**Background / Summary:**

- 

**Department Recommendation:**

Proceeds from sale to be used for the purchase of equipment for new vehicles.

**Options:**

- 

**Budget Information:** Applicable  Not Applicable

**Budgeted:** Yes  No

**Finance Director's Comments (if applicable):**

- 

**County Manager Comments:**

- Recommend the surplus of the vehicles.
- Proceeds should be returned to the general fund as recommended by our auditors in the auditor management points letter. In short, the practice of returning surplus funds directly to a department, rather than to the General Fund Revenue, is considered an audit deficiency and should be discontinued.
- Funding of greater than \$85,000 for the vehicle equipment was approved by the BOC last month, so surplus revenue is not needed for the purchase of the equipment.
- Surplus vehicles should be decommissioned (remove lights, emblems and sirens) by the SO or public works so they are not restricted sales.
- Public works should manage the sale of the vehicles through GovDeals.



# OFFICE OF SHERIFF WHITE COUNTY, GEORGIA

**Sheriff Rick Kelley**  
1210 Hulsey Road  
Cleveland, Georgia 30528

**ADMINISTRATION**  
706-865-6370  
706-865-6977 (FAX)

**DETENTION CENTER**  
706-865-5177  
706-865-3037 (FAX)

## White County Sheriff's Office Vehicle Surplus Request

The White County Sheriff's Office is requesting to surplus the below listed vehicles:

	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN</u>	<u>Mileage</u>
1)	2014	Dodge	Charger	6400	152,788
2)	2013	Dodge	Charger	0626	? (parts)
3)	2011	Dodge	Charger	2348	123,500
4)	2013	Ford	Taurus	2453	243,541
5)	2013	Ford	Taurus	2681	178,399
6)	2013	Ford	Taurus	2682	251,196
7)	2013	Ford	Taurus	3303	? (parts)
8)	2013	Ford	Taurus	1970	? (parts)
9)	2016	Ford	Explorer	9148	154,941
10)	2013	Ford	Explorer	0892	144,119

Sheriff Rick Kelley  
10/3/23

**WHITE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2023-16**

**TO DECLARE CERTAIN PROPERTY OWNED BY WHITE COUNTY TO BE SURPLUS PROPERTY; TO PROVIDE FOR THE DISPOSAL OF SAID PROPERTY BY ON-LINE AUCTION THROUGH GOVDEALS; TO PROVIDE FOR ADVERTISING OF SAID DISPOSITION OF SAID PROPERTY; AND TO AUTHORIZE A REPRESENTATIVE OF WHITE COUNTY TO EXECUTE ANY TITLE TRANSFERS AND BILLS OF SALE ON THE PROPERTY**

**WHEREAS**, the Board of Commissioners of White County have determined that certain County-owned property is surplus; and

**WHEREAS**, the Board of Commissioners of White County desires to dispose of said property through the government on-line auction and to give public notice of said disposition;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of White County, Georgia, and it is hereby resolved by the authority of the same as follows:

-1-

The Board of Commissioners of White County hereby declares that the property described in Exhibit "A" attached hereto and incorporated herein by reference is surplus and shall be disposed of by the county by government on-line auction to the highest responsible bidder for each item – with proceeds of sale returning to the department of origin. All surplus personal property will be sold "as is" and must be removed from the county property by the successful bidder within ten (10) days from the award of the bid, except as otherwise provided in Exhibit "A."

-2-

The Board of Commissioners of White County reserves the right to refuse any and all bids on said property.

-3-

The County Manager is hereby authorized to execute any title transfers and bills of sale to the successful bidders on the personal property.

**ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**WHITE COUNTY BOARD OF COMMISSIONERS**

**ATTEST:**

\_\_\_\_\_  
Travis C. Turner, Chairman

\_\_\_\_\_  
Shanda Murphy, County Clerk

## EXHIBIT A

### White County Sheriff's Office Vehicle Surplus Request

The White County Sheriff's Office is requesting to surplus the below listed vehicles:

	<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN</u>	<u>Mileage</u>
1.	2014	Dodge	Charger	6400	152,788
2.	2013	Dodge	Charger	0626	? (parts)
3.	2011	Dodge	Charger	2348	123,500
4.	2013	Ford	Taurus	2453	243,541
5.	2013	Ford	Taurus	2681	178,399
6.	2013	Ford	Taurus	2682	251,196
7.	2013	Ford	Taurus	3303	? (parts)
8.	2013	Ford	Taurus	1970	? (parts)
9.	2016	Ford	Explorer	9148	154,941
10.	2013	Ford	Explorer	0892	144,119



### Agenda Request Form

**Item Title:** Edward Byrne Memorial Justice Assistance Grant

**For Meeting Date:** 10/30/2023

**Work Session**  **Regular Meeting**  **Public Hearing**

**Category (Select One):** Grant App / Acceptance

**Submitted By:** SAC Hillsman

**Attachments: Yes** If yes, please list each file name below:

1. Abstract
  - 1.
  - 2.
- 

**Purpose:**

Permission to apply a \$500,000 grant **from the Edward** Byrne Memorial Justice Assistance Grant

**Background / Summary:**

- The Appalachian RDEO has been receiving this Edward Byrne Memorial Justice Assistance Grant since 1988.

**Department Recommendation:**

The ARDEO uses these funds to assist in payment of salary for the agents attached to the ARDEO.

**Options:**

-

**Budget Information: Applicable    Not Applicable**

**Budgeted: Yes    No**

**Finance Director's Comments (if applicable):**

**County Manager Comments:**

## **Abstract**

The Georgia Bureau of Investigation's (OBI) Appalachian Regional Drug Enforcement Office (ARDEO) is a one-of-a-kind work unit that combines assets from the GBI, Department of Public Safety and the Georgia National Guard along with assets from local law enforcement authorities to create one of the State of Georgia's largest State and Local Drug Task Force. ARDEO's local government sponsor is White County. The purpose for this grant request is Law Enforcement. The goal of the ARDEO Unit is to provide a comprehensive effort to eliminate the utilization and influence of illegal narcotics, criminal street gangs and to reduce the incidents of drug related violent crime in a thirty County area of Georgia. The Appalachian Regional Drug Enforcement Office is comprised of the Georgia Bureau of Investigation, Department of Public Safety, Georgia National Guard along with the White County Sheriffs Office, Lumpkin County Sheriff's Office, Banks County Sheriff's Office, Habersham County Sheriffs Office, Stephens County Sheriffs Office, Rabun County Sheriffs Office, Franklin County Sheriff's Office, Jackson County Sheriffs Office, Fannin County Sheriff's Office, Gilmer County Sheriff's Office, Cleveland Police Department, Toccoa Police Department, Enotah Judicial Circuit's District Attorney's Office, Northern Judicial Circuit, the Mountain Judicial Circuit's District Attorney's Office, and the Appalachian Judicial Circuit's District Attorney's Office. The ARDEO Unit essentially functions as a hybrid of a traditional GBI Regional Drug Enforcement Office and a Multi-Jurisdictional Drug Task Force. The ARDEO Unit is funded in part through the Byrne-Jag grants. Additional funding is provided through each member Law Enforcement Agency, the Georgia Bureau of Investigation, and the Department of Public Safety. The Appalachian Regional Drug Enforcement Office is requesting the maximum allowable grant award of \$500,000.





# WHITE COUNTY

## *Board of Commissioners*

**Item Title:** YP Sports Complex Batting Cage Concrete Pads

**For Meeting Date:** 10/30/2023

**Work Session**  **Regular Meeting**  **Public Hearing**

**Category (Select One):** SPLOST Request

**Submitted By:** Kim McEntire

**Attachments:** Yes  If yes, please list each file name below:

1. Bid results
2. Batting cages as of now
- 3.

---

**Purpose:**

This was a CIP project outlined in the FY24 Budget. The purpose of this request is to add much-needed concrete pads for the YP Sports Complex batting cages. They are currently unusable after rain. These batting cages are used by both recreation teams and travel tournament teams.

**Background / Summary:**

- The batting cages are in desperate need of concrete flooring. They are completely inoperable after rain.

**Department Recommendation:**

I recommend adding concrete pads for the YP Sports Complex batting cages for the benefit of both recreation teams as well as travel tournament teams.

**Options:**

- Accept the quote of \$12,600 from 828 Construction to be funded from SPLOST 2020.
- Reject the project.

**Budget Information:** Applicable  Not Applicable

**Budgeted:** Yes  No

**Finance Director's Comments (if applicable):**

- 

**County Manager Comments:**

-

Installation of Batting Cage Pads & Turf Invitation to Bid

September 2023

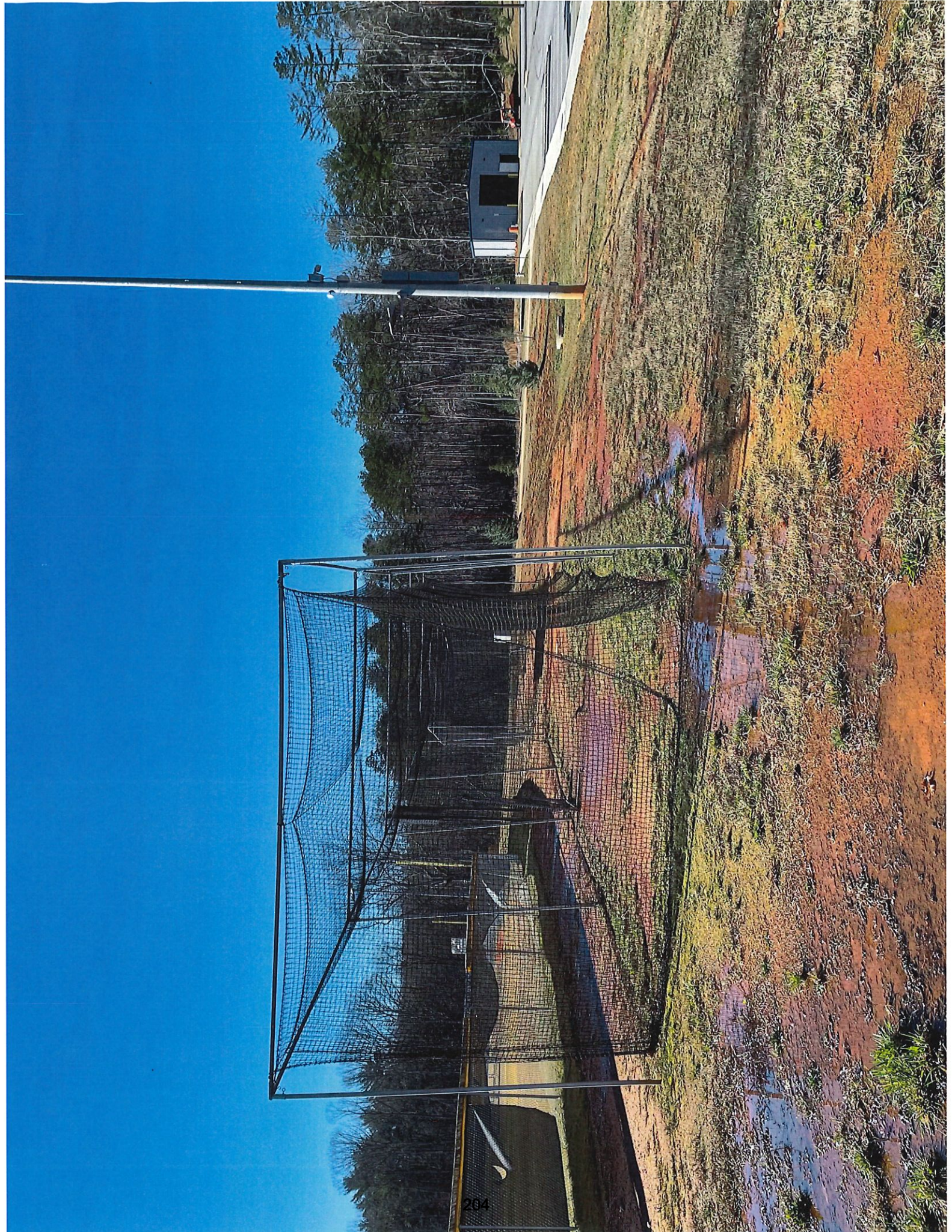
Project #: 2023-PR08152023BCT  
Vendor:

	INSTRUCTIONS	TOOK
Appendix A - Bidder's Certification	✓	✓
Appendix B - E-Verify Affidavit	✓	✓
Appendix C - Pricing Form	✓	✓
Appendix D - Completed W-9	✓	✓
Certificate / Proof of Insurance	✓	✓
Brochures and Warranty Information	✓	✓
<b>Bid Totals:</b>	<b>\$57,846.00</b>	<b>\$58,243.00</b>
	WITHIN 30 DAYS OF CONTACT	LOWERS FROM NTP

Rejected

Rejected

828 Construction quote of \$12,600





# 828 Construction Services LLC

849 Oliver rd Martin, Ga  
7066584567  
828constructionservices@gmail.com

ESTIMATE  
EST0057

DATE  
04/17/2023

TOTAL  
USD \$12,600.00

TO

**Kim mcentire**

KMcEntire@whitecounty.net

DESCRIPTION	RATE	QTY	AMOUNT
62x18 batting cage x 2	\$12,600.00	1	\$12,600.00
TOTAL			USD \$12,600.00



# WHITE COUNTY

## *Board of Commissioners*

**Item Title:** YP Picnic Tables and Park Benches

**For Meeting Date:** 10/30/2023

**Work Session**  **Regular Meeting**  **Public Hearing**

**Category (Select One):** SPLOST Request

**Submitted By:** Kim McEntire

**Attachments:** Yes  **If yes, please list each file name below:**

1. Bid results
2. Product information
- 3.

---

**Purpose:**

This was a CIP project outlined in the FY24 Budget. The purpose of this request is to replace picnic tables at YP Sports Complex that are over 20 years old. There are currently no park benches at the Sports Complex. These additions add to the beauty of the park and help draw additional travel tournaments. They will also last many years to come for our citizens.

**Background / Summary:**

- YP Sports Complex is a hub of activity for around 10 months out of the year. It is important that we keep up with other Sports Complexes in terms of amenities.

**Department Recommendation:**

I recommend replacing the old picnic tables and adding benches as much needed park amenities.

**Options:**

- Accept the low bid of \$13,811.95 from Global Industries to add 10 new commercial picnic tables and 10 new commercial park benches to be funded from SPLOST 2020.
- Reject the project.

**Budget Information:** Applicable  Not Applicable

**Budgeted:** Yes  No

**Finance Director's Comments (if applicable):**

- 

**County Manager Comments:**

-

Picnic Tables and Park Benches Invitation to Bid

September 2023

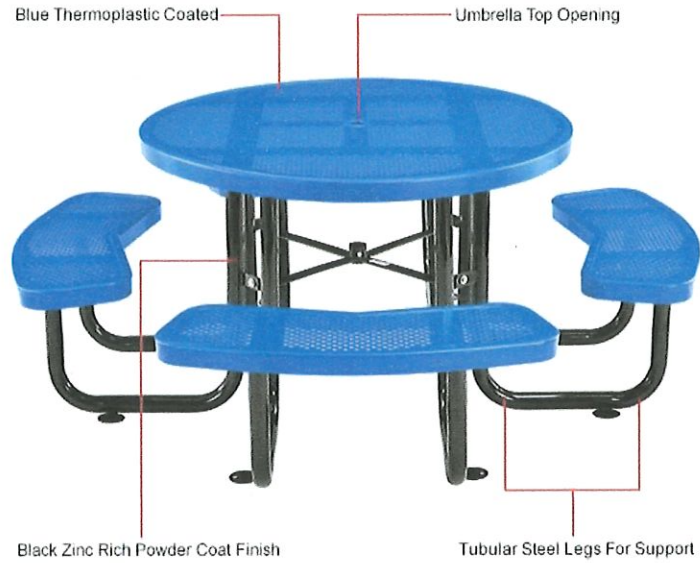
Project #: 2023-PR08152023SPORTS  
Vendor:

	KOKKAT	HASKAY RECREATION	BSN SPORTS	GLOBAL INDUSTRIAL	INFINITE CONCEPTS	CLASS PRODUCTS
Appendix A - Bidder's Certification	✓	✓	✓	✓	✓	✓
Appendix B - E-Verify Affidavit	✓	✓	✓	✓	✓	✓
Appendix C - Pricing Form	✓	✓	✓	✓	✓	✓
Appendix D - Completed W-9	✓	✓	✓	✓	✓	✓
Signed Addendum #1	✓	✓	NO	✓	✓	NO
Brochures and Warranty Information	✓	✓	✓	✓	✓	✓
<b>Bid Totals:</b>	\$25,191.00 7 weeks	\$20,946.25	\$21,913.40 4 weeks	\$13,811.95 IN STOCK	\$20,923.50 8 weeks	\$20,254.22 8-10 weeks

Project #: 2023-PR08152023SPORTS  
Vendor:

	HONG INTREAN	R.S. THOMAS MANUFACTURING	GROUP-17	PLAY WORK	PREMIUM PARK PRODUCTS	KAY PARK RECREATION
Appendix A - Bidder's Certification	✓	✓	✓	✓	✓	✓
Appendix B - E-Verify Affidavit	✓	✓	✓	✓	✓	✓
Appendix C - Pricing Form	✓	✓	✓	✓	✓	✓
Appendix D - Completed W-9	✓	✓	✓	✓	✓	✓
Signed Addendum #1	NO	✓	✓	NO	NO	NO
Brochures and Warranty Information	✓	✓	✓	✓	✓	✓
<b>Bid Totals:</b>	\$21,198.20 15-30 days ARD	\$18,710.00 45 Days ARD	\$22,450.00 3-4 week ARD	\$24,784.74 1-2 week ARD	\$21,350.00 8-12 weeks	\$22,776.90 4 weeks Prod.





Virtually No Maintenance,  
Easy to Clean and Graffiti Resistant

Thermoplastic Coated



2" Thick Table Top and Benches

Virtually No Maintenance, Easy to Clean and Graffiti-Resistant



Rounded Corners for Safety



# WHITE COUNTY

## *Board of Commissioners*

**Item Title:** YP Sports Complex Shade Structure

**For Meeting Date:** 10/30/2023

**Work Session**  **Regular Meeting**  **Public Hearing**

**Category (Select One):** SPLOST Request

**Submitted By:** Kim McEntire

**Attachments:** Yes  If yes, please list each file name below:

1. Bid results
2. Product information
- 3.

---

### **Purpose:**

This was a CIP project outlined in the FY24 Budget. The purpose of this request is to add much-needed shade structures over the bleachers at each field at YP Sports complex, as well as a highly-requested shade at the seating area at the playground.

### **Background / Summary:**

- Parents, grandparents, and spectators have been requesting shade structures at YP Sports Complex for several years. There are currently no shaded areas around the ball fields or seating areas at the playground.

### **Department Recommendation:**

I recommend adding shade structures at YP Sports Complex in order to make parents, grandparents, and spectators happier with the complex. This will also have the added benefit of being a draw to those seeking to rent our facilities for travel tournaments. I recommend accepting the middle bid as I have worked with this company multiple times in the past. I was unable to reach references for the lowest bidder.

### **Options:**

- Accept the middle bid of \$110,297 from Bliss Products to be funded from SPLOST 2020.
- Reject the project.

**Budget Information:** Applicable  Not Applicable

**Budgeted:** Yes  No

**Finance Director's Comments (if applicable):**

- 

**County Manager Comments:**

-

# Yonah Preserve Sports Complex Shade Structures & Installation RFP Score Sheet

**September 2023**

Project #: 2023-RFP-PR08232023SHADE  
Vendor:

*Bliss Products*

*Shade America*

*KorKat / Lanier Plans*

Comments

Transmittal Letter	Yes	Yes	Yes	
Qualifications Information	Yes	Yes	Yes	
Appendix A - Bidder's Certification	Yes	Yes	Yes	
Appendix B - E-Verify Affidavit	Yes	Yes	Yes	
Appendix C - Signed Contract	Yes	Yes	Yes	
Appendix D - Completed W-9	Yes	Yes	Yes	
Evidence of Insurance	Yes	Yes	Yes	
Samples, Brochures and Warranty Information	In Pricing?	Yes	Yes	
Completed Pricing Proposal	Yes	Yes	Yes	

	Maximum Points			
Company Background	10	9.75	8	9.75
References	10	8.75	9.25	7.25
Relevant Work/Qualifications	15	14	13.25	14.75
Overall Design/Approach	25	23.5	19.25	24
Quality of Equipment	20	7.5	17	19.75
Warranty	20	7	9	19.75
<b>Total Points:</b>	<b>100</b>	<b>70.5</b>	<b>75.75</b>	<b>95.25</b>

**Pricing Proposal Totals: \$110,297.00 \$79,610.00 \$132,241.00**



Bliss Products and Services, Inc  
 6831 S. Sweetwater Rd.  
 Lithia Springs, GA 30122  
 (800) 248-2547  
 (770) 920-1915 Fax

Quote # **68880**

Sales Rep: Adam Schmansky  
 adam@blissproducts.com  
 C: (248) 882-0567

**White County Board of Commissioners**

**Date** 9/19/2023

**Project** Yonah Preserve Sports Complex Shade Structures

**Bill To**

White County Board of Commissioners  
 1235 Helen Highway  
 Cleveland, Georgia 30528  
 T: (706) 865-2235  
 F: (706) 865-1324

**Ship To**

White County Board of Commissioners  
 White County Board of Commissioners  
 1235 Helen Highway  
 Cleveland, Georgia

**Contact**

Jodi Ligon  
 Finance Director  
 Fax: (706) 865-1324

**Approximate Ship Date**

**Ship Via**

**Terms**  
 Net 30

Vendor	Part #	Description	Qty	Unit Price	Extended Price
INS		Install 8' x 16' T-Post Hip Shade (10' entry) Install 20' x 20' Two Post Cantaliever Shade (8' entry)	1	\$55,395.00	\$55,395.00
MOD	T-Post Hip	T-Post Hip Shade Structure 8' x 16' with 10' Eave Height	8	\$4,488.00	\$35,904.00
MOD	Full Canti	Full Cantilever Hip Shade Structure 20' x 20' with 8' Eave Height	1	\$11,508.00	\$11,508.00
MOD		Signed/Sealed Engineering Drawings	1	\$2,990.00	\$2,990.00

	<b>Sub Total</b>	\$105,797.00
	<b>Freight</b>	4,500.00
<b>Taxable Subtotal</b>	\$110,297.00	<b>Tax</b> 0.00

Financing as low as **\$2,558.89** / month may be available pending credit approval.

**Grand Total** \$110,297.00

- Due to volatility in raw material pricing, this quote is only valid for 30 days unless otherwise noted.
- Due to instability in material procurement and manufacturing, verbal or written lead times are subject to change.

Sales tax exempt certificate will be required for exemption. All orders are subject to approval and acceptance by the manufacturer. Deposits may be required. Add 3% to total for charge card transactions. Manufacturing lead times will not begin without an actual shipping address, color and mount selection, approved purchase order or fully executed contract. Customer will need to coordinate with freight carrier if unloading or inside delivery is required. Damaged or missing parts must be noted on the bill of lading at the time of delivery. A finance charge of 1.5% per month will be added to all invoices past due. Return items are subject to manufacturer's policies and may result in freight and restocking fees.

Signed quote will not be accepted for orders over \$500.

**Install Conditions - Unless otherwise noted:**

- Site should be clear, level and allow continuous access for delivery, materials and equipment. A space must be provided for the staging and secure storage of equipment within a reasonable distance to the jobsite. A water source within 100' of the job site may be required.
- Installation price based on a single mobilization and unrestricted work hours. We can accommodate special requests but they may result in additional labor costs.

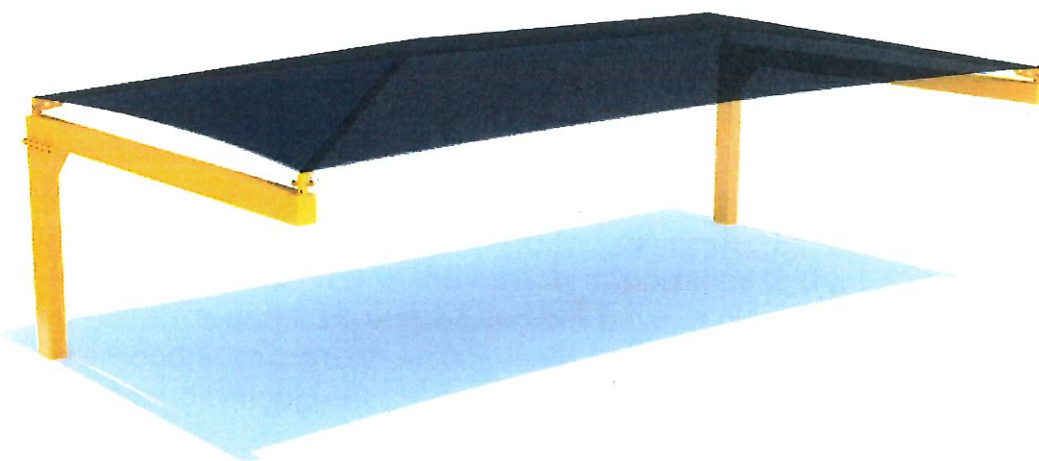
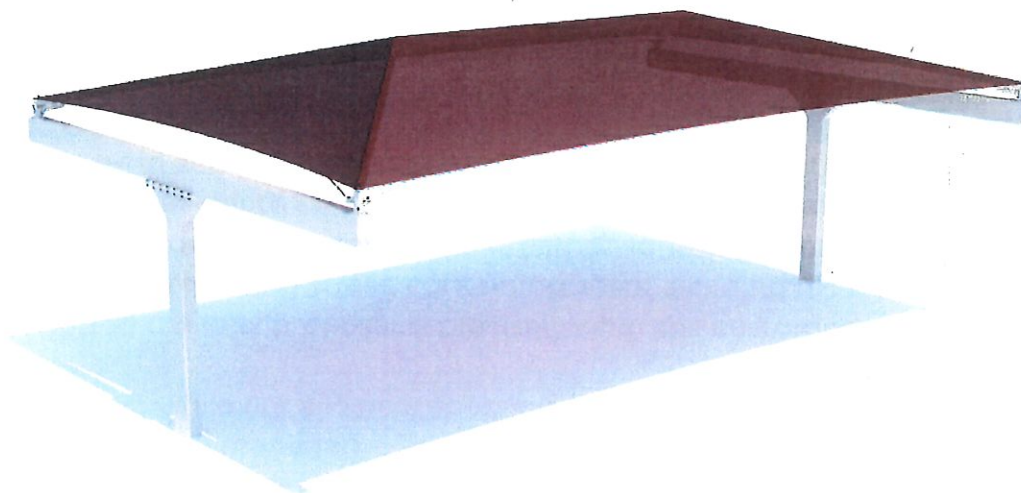
- Installation requiring footers are based on normal soil conditions. Rock, coral, asphalt, foundations, pipes, underground utilities, poor soil conditions, and poor drainage may incur additional charges.
- Bliss will call for public locates but the customer is responsible for locating and identifying all private utilities. We are not responsible for damage to unmarked lines.
- If permitting is required, customer is responsible for providing site survey. Equipment delivery and installation times will not begin until permitting is approved. Permitting fees and engineering drawings not included.
- Bliss will smooth jobsite but full site restoration (such as sod) is not included. Bliss will take every care with trees, curbs, sidewalks, fences and other site obstructions but will not be responsible for damage caused by normal installation processes.
- Removal of trash and spoils is not included. Customer responsible for providing dumpster for debris and/or an area within reasonable distance to spread spoils.
- Bliss will not be held responsible for delays due to weather.
- Customer accepts all responsibility for requests that are not in compliance with ASTM, CPSC or local building codes.

Complete Terms and Conditions can be found at <https://blissproducts.com/terms-conditions/>



# Proposed Shade Structures

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# WHITE COUNTY

## *Board of Commissioners*

**Item Title:**

Consider Approval of SGC Proposal for Testing and Inspection - YP Recreation Facility

**For Meeting Date:** 10/30/2023

**Work Session**  **Regular Meeting**  **Public Hearing**

**Category (Select One):** Other

**Submitted By:** Derick Canupp

**Attachments:** Yes  **If yes, please list each file name below:**

1. SGC Proposal
2. \_\_\_\_\_
3. \_\_\_\_\_

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**Purpose:**

The purpose of this agenda item is to consider approving a proposal for project inspection and materials testing services related to the construction of the new YP Recreation Facility.

**Background / Summary:**

- Several construction tasks will require various inspections and testing services
- SGC has provided a proposal for these required services
- Services include: Compaction/Proctor testing, Proofrolling, Footing Testing & Floor Slab Evaluation, Inspecting reinforcing steel, concrete testing, bolt and weld evaluations.
- The proposal is based on an estimated amount of effort for testing and inspection
- Overall estimated budget for this proposal is \$35,570
- Proposed funding to be from 2020 SPLOST or GF Contingency, if available.

**Department Recommendation:**

Staff recommend approval of proposal as submitted

**Options:**

- Approve Proposal
- Deny Proposal
- Commission Defined Alternative

**Budget Information:** Applicable  Not Applicable

**Budgeted:** Yes  No

**Finance Director's Comments (if applicable):**

- This project was not included in the FY2024 SPLOST Capital Improvement Plan. Contingency funds are available to cover this project from the General Fund.

**County Manager Comments:**

- Ideally, there would have been an allowance for third party testing in the YP Gym project package but there was not. There is no SPLOST budget anticipated for this item. Low voltage wiring, security cameras and controls, and FF&E will also need to be funded for the YP Gym project. Contingency is the only remaining funding option unless the SPLOST CIP is amended.



2660 White Sulphur Road ♦ Gainesville, Georgia 30501  
770.536.5220 phone ♦ office@southerngeotech.com

Geotechnical Engineering ♦ Special Inspections ♦ CMT ♦ Environmental Services

# MEMO

**To:** Mr. Billy Pittard

**From:** Mr. Rodney Clark

**Date:** October 12, 2023

**Re:** White County Recreation and Technology Center CMT and Special Inspections Proposal  
SGC Proposal GP-2701

---

Southern Geotechnical Consultants (SGC), LLC appreciates the opportunity to submit our proposal for providing construction materials testing services and Special Inspection services for the referenced project. This proposal briefly describes our understanding of the project, outlines the scope of services requested, and presents corresponding fee information.

## PROJECT INFORMATION

The project involves the site development, construction of the new White County Recreation and Technology Center at Yonah Preserve located in Cleveland, Georgia.

## SCOPE OF SERVICES

We note that in putting together the anticipated scope of services for construction, we have relied on our past experience. Assumptions were made that each work task will occur during regular business hours and will not exceed two to three hours per site visit.

### Site Grading/Earthwork

- Provide a representative during any undercutting within the building footprint and to observe undercutting of any existing fill required after reaching planned subgrade elevation.
- Provide a representative to observe proofrolling of the exposed subsoil prior to beginning fill placement to check for stability of the exposed subgrade and provide recommendations as needed for mitigation.
- Conduct laboratory standard Proctor tests (ASTM D-698) to determine the moisture/density relationship of representative soil samples.

- Have a field technician present as needed to conduct in-place field density tests to document the percent compaction achieved by the contractor and provide recommendations for earthwork activities as needed.

#### Foundation Testing

- Provide a representative to evaluate all shallow foundation excavations, and/or grade beams for compliance with the project plans including a check that the footing dimensions match that as shown on the project plans. Also, use a dynamic cone penetrometer (DCP) to check the consistency of the bearing soils for consistency with those encountered in our borings.

#### Floor Slab Evaluations

- Provide a representative to evaluate slab areas prior to concrete placement. Evaluation will include random probing of soil subgrade and if possible, observing a proofroll of the area.

#### Reinforcing Steel

- Provide a representative to observe placement of reinforcing steel in foundations and other structural members.
- Document that the size, spacing, support and layout of reinforcing steel conform to project drawings.

#### Concrete

- Provide a field technician to observe the concrete placement.
- Take samples and perform tests on plastic concrete in the field, including slump, air content, temperature, and other tests required by the project specifications.
- Make four, 4-inch by 8-inch concrete cylinder specimens per set for compressive strength testing.
- Cure, test, and report concrete cylinder test specimens as required by the specifications.

#### Bolt & Weld Evaluations

- Provide a certified welding inspector to visually evaluate the bolt torque and welded connections per specifications. Also, we will provide all non-destructive evaluations of moment weld connections as the specifications dictate.

### **COST BASIS**

We propose that the fees for our services be determined on a unit rate basis in accordance with the attached Fee Schedules. We have prepared an attached budget estimate for your use.

## **RESPONSIBILITIES**

Our personnel will be experienced in the types of testing being performed and will perform the tests in accordance with project specifications and applicable standards of the industry in the Atlanta area. We do not have the authority to direct the contractor in the performance of their work or to authorize changes in the construction contract. We will bring to your attention any test results that indicate noncompliance, but the contractor is ultimately responsible for performing the work in accordance with the construction documents. Much of the testing is performed on a periodic and random basis and is not a guarantee of the overall work product. SGC accepts no responsibility for job-site safety, which is the sole responsibility of the contractor.

## **ACKNOWLEDGMENT**

Thank you again for the opportunity to submit this proposal. Please contact us if you wish to discuss any aspect of this proposal or if we can be of assistance to you in any capacity.

**SCHEDULE A**  
**UNIT RATE FEE SUMMARY**

Soil Density Testing, per hour	\$ 60.00
Site Concrete Testing, per hour	\$ 50.00
Visual Weld, Bolt Torque Evaluation, per hour	\$ 92.00
Ultrasonic Weld Evaluation, per hour	\$ 110.00
Footing, Subgrade Evaluation, per hour	\$ 70.00
Reinforcing Steel Evaluation, per hour	\$ 70.00
Standard Proctor Compaction Test, per sample	\$ 250.00
Base Course Proctor Compaction Test, per sample	\$ 350.00
NPDES Services, per month	\$ 950.00
Concrete Cylinder Compression Test, per set*	\$ 150.00
Masonry Grout Prism Compression Test, per set	\$ 185.00
Mortar Cube Compression Test, per set	\$ 165.00
Project Manager, per hour	\$ 145.00
Senior Project Manager, per hour	\$ 210.00
Mileage	\$ N/A

Expenses and reimbursable items will be charged at actual cost plus 25 percent.

Hourly personnel rates apply to job activities such as review of drawings, specifications and test results; consultation with project personnel; mobilization; travel time portal to portal; demobilization; and report preparation. An overtime multiplier of 1.5 will be applied to all work outside the hours of 8:00 AM to 5:00 PM, more than 8 hours in one day, Saturdays, Sundays and holidays.

\*Surcharge of \$2.00 per cylinder if made by others

**FEE ESTIMATE FOR CONSTRUCTION MATERIALS TESTING  
AND SPECIAL INSPECTIONS  
WHITE COUNTY RECREATION AND TECHNOLOGY CENTER  
CLEVELAND, GEORGIA  
SGC PROPOSAL NO. GP-2701**

**SITE GRADING/EARTHWORK\***

**Site Observations and Fill Compaction Testing (Part-time Service)\***

Estimate      16      Trips @      \$325.00 /Per Trip      \$5,200.00

**Proctors**

Estimate      3      Proctors @      \$250.00 /Per Test      \$750.00

**SITE GRADING/EARTHWORK SUBTOTAL:**      **\$5,950.00**

**SUBGRADE & OTHER ENGINEERING EVALUATIONS\***

Estimate      3      Trips @      \$400.00 /Per Trip      \$1,200.00

**SLAB ON GRADE EVALUATIONS SUBTOTAL:**      **\$1,200.00**

**BUILDING FOUNDATIONS/REINFORCING STEEL EVALUATIONS\***

Estimate      16      Trips @      \$400.00 /Per Trip      \$6,400.00

**BUILDING FOUNDATIONS/REINFORCING STEEL EVALUATIONS SUBTOTAL:**      **\$6,400.00**

0

**SLAB ON GRADE SUBGRADE EVALUATIONS\***

Estimate      2      Trips @      \$400.00 /Per Trip      \$800.00

**SLAB ON GRADE EVALUATIONS SUBTOTAL:**      **\$800.00**

**CONCRETE TESTING SERVICES \***

**Footings\***

Estimate      12      Trips @      \$325.00 /Per Trip      \$3,900.00

**Slabs\***

Estimate      2      Trips @      \$880.00 /Per Trip      \$1,760.00

**Walls\***

Estimate      1      Trip @      \$325.00 /Per Trip      \$325.00



**FEE ESTIMATE FOR CONSTRUCTION MATERIALS TESTING  
AND SPECIAL INSPECTIONS  
WHITE COUNTY RECREATION AND TECHNOLOGY CENTER  
CLEVELAND, GEORGIA  
SGC PROPOSAL NO. GP-2701**

**Cylinder Testing**

Estimate      48      Sets @      \$150.00 /Per Set      \$7,200.00

**Cylinder Pick-Up\***

Estimate      16      Trips @      \$175.00 /Per Trip      \$2,800.00

**CONCRETE TESTING SERVICES SUBTOTAL:**      **\$15,985.00**

**MASONRY TESTING SERVICES \***

**Masonry Inspections\***

Estimate      3      Trips @      \$325.00 /Per Trip      \$975.00

**Grout Prism Testing (walls and/or baseplates)**

Estimate      6      Sets @      \$195.00 /Per Set      \$1,170.00

**Cylinder Pick-Up\***

Estimate      6      Trips @      \$175.00 /Per Trip      \$1,050.00

**MASONRY TESTING SERVICES SUBTOTAL:**      **\$3,195.00**

**STRUCTURAL STEEL EVALUATIONS**

**Visual Bolt Torque and Weld Evaluations\***

Estimate      3      Trips @      \$680.00 /Per Trip      \$2,040.00

**STRUCTURAL STEEL EVALUATIONS SUBTOTAL:**      **\$2,040.00**

**TESTING BUDGET TOTAL:**      **\$35,570.00**

\*Note: Assumes work performed during Monday - Friday between the hours of 8:00 am and 5:00 pm. For any work outside that time or scope will be billed at 1.5 times the applicable unit rate.

**EXHIBIT A**

**PROPOSAL ACCEPTANCE**

Description of Services Construction Materials Testing and Special Inspection Services  
Project Name White County Recreation and Technology Center  
Project Location Cleveland, Georgia  
Proposal Date October 12, 2023 / GP-2701 Consultant SGC, LLC

**FOR PAYMENT OF CHARGES:**

Charge Invoice to the Account of:

Firm \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone Number \_\_\_\_\_  
Attention: \_\_\_\_\_ Title \_\_\_\_\_  
Email: \_\_\_\_\_

**FOR APPROVAL OF CHARGES:**

If the invoice is to be mailed for approval to someone other than the account charges, please indicate where to mail the invoice in the space below.

Firm \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone Number \_\_\_\_\_  
Attention: \_\_\_\_\_ Title \_\_\_\_\_  
Email: \_\_\_\_\_

**PROPERTY OWNER IDENTIFICATION (If Other Than Above):**

Firm \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone Number \_\_\_\_\_  
Attention: \_\_\_\_\_ Title \_\_\_\_\_  
Email: \_\_\_\_\_

**PROPOSAL ACCEPTANCE:**

The Terms and Conditions of this Proposal, including the Terms on this page and the proposal contents are:

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Print or type individual, firm or corporate name

\_\_\_\_\_  
Signature of authorized representative

## EXHIBIT B

### STANDARD TERMS AND CONDITIONS OF CONTRACT FOR PROFESSIONAL SERVICES:

The Client and Southern Geotechnical Consultants, LLC (hereinafter referred to as Southern Geotechnical Consultants) (collectively, the Client and Southern Geotechnical Consultants shall be referred to as the "parties") agree that services covered by this Agreement shall be performed in accordance with the following Standard Terms and Conditions:

1. **Standard of Care.** Southern Geotechnical Consultants will perform the services with the degree of skill and care ordinarily exercised by qualified professionals performing the same type of services at the same time under similar conditions in the same or similar locality. Southern Geotechnical Consultants makes no warranty, express or implied, as to its professional services rendered under this Agreement and specifically excludes any implied warranty that the services contracted for in this Agreement are suitable for the Client's project. Client shall promptly notify Southern Geotechnical Consultants with reasonable specificity of any deficiencies or suspected deficiencies in the services of which Client becomes aware, so that Southern Geotechnical Consultants may take measures to minimize the consequences of such a deficiency. Failure to notify Southern Geotechnical Consultants shall relieve Southern Geotechnical Consultants of the cost of remedying the deficiencies above the sum such remedy would have cost had prompt notification been given. Client acknowledges that the services entail risk of personal injury and property damage (including cross-contamination) that cannot be avoided, even with the exercise of due care. Client also acknowledges that environmental and geotechnical conditions can vary from those encountered at the times and locations of explorations and data collection, and that the limitation on available data may result in some level of uncertainty with respect to the interpretation of these conditions, despite due professional care. Southern Geotechnical Consultants therefore cannot guaranty specific results such as the identification of all contamination or other geotechnical or environmental conditions or problems nor their resolution.

2. **Payment.** The Client agrees to pay Southern Geotechnical Consultants for work completed. Southern Geotechnical Consultants will invoice the Client periodically. Payments to Southern Geotechnical Consultants are due upon receipt of the invoice. Interest will accrue at the rate of 1.5 % per month from the date of the invoice on all payments not made within 30 days of the date of the invoice. If you dispute any portion of an invoice, you will notify Southern Geotechnical Consultants in writing with specificity within 10 days and pay the undisputed portion of the Invoice. Non payment of any invoice within 10 days of the date of the invoice authorizes Southern Geotechnical Consultants to immediately stop work on the Client's project and to withhold all documentation on the project from the Client, without incurring any liability for damages to Client or others. If any unpaid amounts have to be collected by or through litigation or the services of an attorney, the Client shall be liable for the reasonable attorney's fees and expenses of litigation incurred by Southern Geotechnical Consultants. If Client disputes any part of an invoice, Client will notify Southern Geotechnical Consultants in writing within 10 days of receipt of the invoice and shall pay the undisputed portion at the same time. Payments to Southern Geotechnical Consultants can be in the form of cash, check or credit/debit card. Credit card payments are \$2.95 per transaction under \$107 – all other transactions are 2.75% of the total transaction (Visa, MasterCard, American Express, Discover and JCB). Debit card payments are a flat fee of \$3.95 (Visa Debit and MasterCard Debit).

3. **Additional Charges.** Only those services specifically listed within this proposal are included. Any future phases or additional services will require additional fees.

Southern Geotechnical Consultants services and compensation under this Agreement have been agreed to in anticipation of the orderly and continuous progress of the project through completion. Delays caused by acts or conditions outside the control of Southern

Geotechnical Consultants may cause an increase in the project cost. An unanticipated number of meetings between Client and Southern Geotechnical Consultants may cause an increase in Southern Geotechnical Consultants' costs and will be billed to the Client at the hourly rate charged by Southern Geotechnical Consultants.

Unforeseen, adverse field conditions may require an increase in the project schedule and fees charged to Client. Adverse field conditions include, but are not limited to, items such as limited access, extremely dense vegetation, subsurface conditions, storm damaged property, swampy conditions, existing utilities, irate property owners, restricted hours of operation or other field conditions beyond Southern Geotechnical Consultants' control. Southern Geotechnical Consultants will immediately inform the Client in writing when such conditions are encountered. Client and Southern Geotechnical Consultants will agree in writing to any changes in scope and fee before proceeding with the project.

The Client shall be responsible for all governmental fees associated with the work performed under this contract and any other fees not specifically covered by the terms of this contract. The Client shall reimburse Southern Geotechnical Consultants for responding to any subpoena or governmental inquiry or audit related to this Agreement at Southern Geotechnical Consultants' standard rates then in effect.

4. **Confidentiality.** Client agrees that the technical methods, design details, techniques and pricing data contained in any material submitted by Southern Geotechnical Consultants pertaining to Client's project or this Agreement shall be considered confidential and proprietary, and shall not be released or otherwise made available to any third party without the express written consent of Southern Geotechnical Consultants.

5. **Independent Contractor.** Southern Geotechnical Consultants is an independent contractor and not an agent for or employee of Client and Southern Geotechnical Consultants is not empowered under the Agreement to make any binding commitments or contracts on Client's behalf nor to supervise any part of Client's project or other contractor's work for any purpose whatsoever.

6. **Disputes.** Any legal action between Client and Southern Geotechnical Consultants arising out of this Agreement or the performance of the services shall be brought in a court of competent jurisdiction in Hall County, Georgia, regardless of who initiates the legal action. The parties agree that any legal action filed by either party shall be sent to mediation. If Southern Geotechnical Consultants is the prevailing party in any lawsuit decided by a judge or jury, Southern Geotechnical Consultants shall also be entitled to judgment for its reasonable expenses of litigation, including attorney's fees. Client agrees to indemnify, hold harmless and defend Southern Geotechnical Consultants from any third party action arising out of or related to this Agreement and to services provided by Southern Geotechnical Consultants.

7. **Limitation of Liability.** In recognition of the relative risks and benefits of the project to both the Client and Southern Geotechnical Consultants, the Client agrees that the liability of Southern Geotechnical Consultants under this Agreement shall be limited to fifty thousand dollars or the total fee for services rendered on this project, whichever is less. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law. Southern Geotechnical Consultants shall not be liable for errors or omissions which are not disclosed to Southern Geotechnical Consultants, in writing, within one (1) year of the date of this Agreement. Southern Geotechnical Consultants assumes no liability for damage to others who are not a party to this Agreement and Client agrees to indemnify, hold harmless and defend Southern Geotechnical Consultants from any third party action related to this Agreement and services provided by Southern Geotechnical Consultants.

Southern Geotechnical Consultants shall not be liable for damages resulting from the actions or inactions of governmental agencies. Southern Geotechnical Consultants shall act as an advisor only in all governmental relations.

The Client shall be responsible for disclosing any information and providing any necessary documents related to the property or project necessary to Southern Geotechnical Consultants' performance under this Agreement. Any delays, errors or damages caused by Client's failure to timely provide documents and accurate information is the sole responsibility of Client.

Notwithstanding any other provision of this Agreement, Southern Geotechnical Consultants, its officers, directors, partners, employees, contractors or consultants shall not be liable for any incidental, indirect or consequential damages arising out of or connected in any way to the project or to this Agreement. This waiver of consequential damages shall include, but is not limited to, loss of use, loss of profit, loss of business, loss of income, loss of reputation or any other consequential damages that Client may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Client shall require similar waivers of consequential damages protecting all the entities or persons named herein in all contracts and subcontracts with others involved in this project.

8. Client's Responsibilities. Client will designate to Southern Geotechnical Consultants in writing a person to act as Client's representative who is authorized to receive notices, transmit information and make decisions regarding the project. Except as otherwise agreed, Client will secure the approvals, permits, licenses and consents necessary for performance of the services. Client will provide Southern Geotechnical Consultants with all documents and other information that are pertinent to the services and are reasonably available to Client, including information related to hazardous materials or other environmental or geotechnical conditions at the site. Before Southern Geotechnical Consultants performs any subsurface activities, Client will provide it with all plans and other information available to Client concerning underground services, conduits, pipes, tanks and other facilities and obstructions at the site. Unless otherwise indicated in writing, Southern Geotechnical Consultants will be entitled to rely upon the accuracy and completeness of the documents and information provided by the Client.

9. Termination. Either party may terminate this Agreement at any time by giving written notice to the other. Termination shall be effective when received by the party being terminated. Southern Geotechnical Consultants may terminate this Agreement at anytime without prior notice due to nonpayment by Client. If this Agreement is terminated, Southern Geotechnical Consultants shall be compensated for work actually performed and expenses incurred up to the date of termination. Southern Geotechnical Consultants shall not be liable for any consequential damages, including but not limited to, loss of use and loss of profit, incurred by the Client because of the termination of this Agreement or any subsequent resumption of the project.

10. Reuse of Documents. All documents (including electronic and computer formats) prepared by or furnished by Southern Geotechnical Consultants pursuant to this Agreement are the copyrighted property of Southern Geotechnical Consultants. Designs, reports, data and other work product delivered to Client are for Client's use only, for the limited purposes disclosed to Southern Geotechnical Consultants. They are not intended or represented to be suitable for reuse by Client or others for any purpose other than that specifically agreed to in this Agreement. Any reuse of documents prepared by Southern Geotechnical Consultants without the specific written consent of Southern Geotechnical Consultants is prohibited. If consent to reuse the documents is granted by Southern Geotechnical Consultants, such reuse shall be at user's sole risk and without liability or legal exposure to Southern Geotechnical Consultants and Client agrees to indemnify and defend Southern Geotechnical Consultants against any liabilities resulting therefrom. Any improper use shall entitle Southern Geotechnical Consultants to further compensation at rates then charged by Southern

Geotechnical Consultants. The parties agree that any breach of this paragraph by the Client or others may result in irreparable harm to Southern Geotechnical Consultants and that it is impossible to measure in money the damages that will accrue to Southern Geotechnical Consultants as the result of such a breach. Therefore, the terms and provisions of this paragraph may be specifically enforced by Southern Geotechnical Consultants in equity, and the Client hereby waives the claim or defense that a remedy at law is adequate for a breach of any of the terms and provisions of this paragraph. Any technology, methodology or technical information learned or developed by Southern Geotechnical Consultants shall remain its property.

11. Record Retention. Southern Geotechnical Consultants will retain records for a maximum of three (3) years from completion of project or termination of Southern Geotechnical Consultants duties.

12. Waiver. If one party waives enforcement of any term or provision of this agreement at any time, that waiver will be effective only for the specific instance and specific purpose for which the waiver was given. If either party fails to exercise or delays exercising any of its rights or remedies under this Agreement, that party retains the right to enforce that term or provision at a later time, without further notice to the other party.

13. Assignments. The provisions of this Agreement are binding upon and will inure to the benefit of the heirs, personal representatives, successors, and assigns of the parties. Neither Southern Geotechnical Consultants nor the Client shall assign or transfer its interest in this Agreement without written consent of the other.

14. Modification to Agreement. This Agreement represents the entire agreement between the Client and Southern Geotechnical Consultants and supersedes all prior negotiations, representations or agreements, either written or oral, for this project. No supplement, modification, or amendment of this Agreement will be binding unless executed in writing by all parties. These Standard Terms and Conditions shall govern over any inconsistent terms in the Agreement. Unless specifically excluded, all terms and conditions of the original contract shall apply to any modification or addendum. All additional work shall be charged to the Client at the standard hourly rates charged by Southern Geotechnical Consultants, unless priced differently in the modification.

15. Severability. If any provision of this Agreement shall be determined to be invalid or unenforceable in whole or part, the remaining provisions hereof shall remain in full force and effect, and be binding upon the parties hereto. The parties agree to reform and modify this Agreement to replace any such invalid or unenforceable provision with a valid and enforceable provision that comes as close as possible to the intention of the stricken provision. These terms and conditions of this Agreement shall survive the completion of the services under this Agreement or and the termination of this Agreement for any cause.

16. Governing Law. This Agreement shall be governed in all respects by the laws of the State of Georgia.

17. Notices. All notices must be in writing. A notice may be delivered to a party at the address that follows a party's signature or to a new address that a party designates in writing. A notice may be delivered: (A) In person, (B) By certified mail, (C) By overnight courier, (D) By fax.

18. Counterparts. The parties may sign several identical counterparts of this Agreement. Any fully signed counterpart shall be treated as an original.

19. All limitations of liability, indemnifications, warranties and representations contained in this Agreement shall survive the completion or termination of this Agreement.



# WHITE COUNTY

## *Board of Commissioners*

**Item Title:** FY2023 Final Budget Amendments

**For Meeting Date:** 10/30/2023

**Work Session**  **Regular Meeting**  **Public Hearing**

**Category (Select One):** Resolution

**Submitted By:** Jodi Ligon

**Attachments:** Yes  **If yes, please list each file name below:**

1. FY2023 Final Budget Amendments
2. \_\_\_\_\_
- 3.

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**Purpose:**

To approve the final budget amendments for fiscal year 2023.

**Background / Summary:**

- The FY2023 audit has been completed and will be presented to the Board in November.
- Financial Policy states that "county administration will present budget amendments to the Board of County Commissioners in the form of a resolution".
- These are final budget amendments that were completed to finalize the audit and amend line items.

**Department Recommendation:**

Staff recommends approval of final budget amendments

**Options:**

- Board approve amendments
- Board denies amendments

**Budget Information:** Applicable  Not Applicable

**Budgeted:** Yes  No

**Finance Director's Comments (if applicable):**

- Finance staff recommends approval of the budget amendments so the audit process can proceed and reporting requirements take place.

**County Manager Comments:**

- recommend approval of the budget amendments so the audit process can proceed and reporting requirements take place.

Final Budget Amendment - Fiscal year ended June 30, 2023

Department	Amended Budget	Actual	Final Budget	Final Amendment	Variance
<b>General Fund</b>					
Taxes	19,771,037	20,562,649	19,927,367	156,330	635,282
<b>Revenues / Other Financing Sources</b>	<b>19,771,037</b>	<b>20,562,649</b>	<b>19,927,367</b>	<b>156,330</b>	<b>635,282</b>
Park and Recreation	1,429,670	1,585,991	1,586,000	156,330	9
<b>Expenditures / Other Financing Uses</b>	<b>1,429,670</b>	<b>1,585,991</b>	<b>1,586,000</b>	<b>156,330</b>	<b>9</b>
<b>General Fund Total</b>	<b>18,341,367</b>	<b>18,976,658</b>	<b>18,341,367</b>	<b>-</b>	<b>635,273</b>
<b>Hotel/Motel Tax Fund</b>					
Taxes	2,374,000	2,042,338	2,564,000	190,000	(521,662)
<b>Revenues / Other Financing Sources</b>	<b>2,374,000</b>	<b>2,042,338</b>	<b>2,564,000</b>	<b>190,000</b>	<b>(521,662)</b>
Culture and Recreation	-	189,698	190,000	190,000	302
<b>Expenditures / Other Financing Uses</b>	<b>-</b>	<b>189,698</b>	<b>190,000</b>	<b>190,000</b>	<b>302</b>
<b>Hotel/Motel Tax Fund Total</b>	<b>2,374,000</b>	<b>1,852,640</b>	<b>2,374,000</b>	<b>-</b>	<b>(521,964)</b>
<b>Opioid Settlement Fund</b>					
Fines, fees and forfeitures	-	119,082	3,000	3,000	116,082
<b>Revenues / Other Financing Sources</b>	<b>-</b>	<b>119,082</b>	<b>3,000</b>	<b>3,000</b>	<b>116,082</b>
Public Safety	-	2,375	3,000	3,000	625
<b>Expenditures / Other Financing Uses</b>	<b>-</b>	<b>2,375</b>	<b>3,000</b>	<b>3,000</b>	<b>625</b>
<b>Opioid Settlement Fund Total</b>	<b>-</b>	<b>116,707</b>	<b>-</b>	<b>-</b>	<b>115,457</b>
<b>Grants Fund</b>					
Intergovernmental	25,500	112,835	26,500	1,000	86,335
<b>Revenues / Other Financing Sources</b>	<b>25,500</b>	<b>112,835</b>	<b>26,500</b>	<b>1,000</b>	<b>86,335</b>
Public Works	12,000	12,716	13,000	1,000	284
<b>Expenditures / Other Financing Uses</b>	<b>12,000</b>	<b>12,716</b>	<b>13,000</b>	<b>1,000</b>	<b>284</b>
<b>Grants Fund Total</b>	<b>13,500</b>	<b>100,119</b>	<b>13,500</b>	<b>-</b>	<b>86,051</b>

**WHITE COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NO. 2023-17**

**A RESOLUTION**

**WHEREAS**, there is a need to amend White County's Budget for the Fiscal Year 2022/2023 with the attached year-end budget amendments;

**NOW, THEREFORE**, the Budget of White County is hereby amended to allow the changes as set out on the attached.

**RESOLVED**, this 30<sup>th</sup> day of October, 2023.

**WHITE COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Travis C. Turner, Chairman

\_\_\_\_\_  
Terry D. Goodger, District 1

\_\_\_\_\_  
Lyn Holcomb, District 2

\_\_\_\_\_  
Edwin Nix, District 3

\_\_\_\_\_  
Craig Bryant, District 4

Attest:

\_\_\_\_\_  
Shanda Murphy, County Clerk



Final Budget Amendment - Fiscal year ended June 30, 2023

Department	Amended Budget	Actual	Final Budget	Final Amendment	Variance
<b>General Fund</b>					
Taxes	19,771,037	20,562,649	19,927,367	156,330	635,282
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<b>Hotel/Motel Tax Fund Total</b>	<b>2,374,000</b>	<b>1,852,640</b>	<b>2,374,000</b>	<b>-</b>	<b>(521,964)</b>
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Fines, fees and forfeitures	-	119,082	3,000	3,000	116,082
<b>Revenues / Other Financing Sources</b>	<b>-</b>	<b>119,082</b>	<b>3,000</b>	<b>3,000</b>	<b>116,082</b>
Public Safety	-	2,375	3,000	3,000	625
<b>Expenditures / Other Financing Uses</b>	<b>-</b>	<b>2,375</b>	<b>3,000</b>	<b>3,000</b>	<b>625</b>
<b>Opioid Settlement Fund Total</b>	<b>-</b>	<b>116,707</b>	<b>-</b>	<b>-</b>	<b>115,457</b>
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Intergovernmental	25,500	112,835	26,500	1,000	86,335
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