

WHITE COUNTY PLANNING COMMISSION MINUTES
PUBLIC HEARING: LAND USE REGULATION

Monday, August 29th, 2022
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 made to the agenda.

Application of Dennis Elmore, on behalf of Megbelgus LLC, to request a conditional use permit at Monroe Ridge Road in Sautee Nacoochee, Georgia, 30571. Tax map and parcel 069-635. Total acreage is 1.02. Proposed use is to place in “Short Term Rental” program. Present use is R-1 Residential Single Family District.

The applicant was not present. The application was not heard and was tabled to the following month.

Application of Larry and Gloria McKinzie to redistrict property located 25 Piedmont Drive in Cleveland, Georgia, 30528 from A-1 Agriculture Forestry District to R-1 Single Family Residential District. Tax map and parcel 078-106C. Total acreage is 1.00. Present use is agricultural.

The landowners, Larry and Gloria McKinzie of 25 Piedmont Drive, were present. Mr. Barton gave a summary of the application. Ms. McKinzie stated the purpose is to split one acre to sell.

Chairman Thomas asked if anyone would like to speak for this application, there was no response. He asked if anyone would like to speak against this application, there was no response. Ms. McKinzie did not have anything else to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Tuesday, September 6th.

Application of Brandon Little to request a conditional use permit 222 Whisperwood Way in Cleveland, Georgia, 30528. Tax map and parcel 075-084. Total acreage is 1.88. Proposed use is to place in “Short Term Rental” program. Present use is residential single family.

The landowner, Brandon Little of 222 Whisperwood Way, was present. Mr. Barton gave a summary of the application. Mr. Little stated the maximum occupancy would be six people with multiple parking on three driveways. He stated the property was not previously a short term rental. He explained the road is private and there is an unofficial road maintenance agreement, adding that the road was recently regraded and is in good condition. When asked if there are any other short term rentals on the road, he said no.

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

Marcia Burroughs of 225 Whisperwood Way stated it is a dirt road and that there is a homeowner’s association with an active president, vice president, and secretary, but she was unsure if covenants were on file. She added that there is a road maintenance agreement that pays yearly and expressed her concern of traffic due to the narrow road that is not in good condition.

Chairman Thomas asked if covenants has been presented to the Planning Department and Mr. Barton said no. Jessica Little, real estate agent and Mr. Little’s wife of 222 Whisperwood Way, stated that they were told there were no covenants at purchase.

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Chairman Thomas asked if there was anyone that would like to speak against the application.

Jerry Lee of 190 Whisperwood Way expressed concerns with parties based on previous owners, narrow gravel road, unattended fires since a firetruck could not access the property due to the width of the road, and that the owners are not local. He said he would request that there be no loud parties after 11 pm and no unattended fires allowed. Mr. Lee stated he did not believe there were any covenants.

Chairman Thomas asked Mr. Little if he had anything to add.

Mr. Little stated that he used to be a firefighter and understands the fire concerns. He said the property will be self-managed and they only live about forty five minutes away. He added that the previous owners are still local and are willing to help them. Mr. Little explained that he was unaware of previous parties but would like to address safety concerns.

Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Tuesday, September 6th.

Application of Jerry and Beth Harper to redistrict property located at 80 Windchase Lane in Sautee Nacoochee, Georgia, 30571 from R-2 Residential Multi-Family District to R-1 Residential Single Family District and to request a conditional use permit. Tax map and parcel 069-007B. Total acreage is 1.00. Proposed use is to place in "Short Term Rental" program. Present use is residential single family. A representative, Shane Harper of 401 Post Circle Road in Cleveland, was present. Mr. Barton gave a summary of the application. Mr. Harper stated the property belongs to his father, who retired to South Georgia, and the main purpose would be for family visits. He explained they are unsure if they plan to sell or do short-term rental at this time, but wanted to go through the process now. He stated the maximum occupancy would be six people with a two-car garage and a cul-de-sac at the top. He said the closest neighbor is 100 yards away and that there is another short-term rental that was previously approved located at 80 Windchase Lane. When asked about the current R-2 zoning, he said it has always been that way.

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

Thomas Pattat of 51 Six Springs Lane expressed concerns of noise, traffic on Six Springs trying to get to Windchase Lane, renters walking off the rental property, and what is left behind from renters. He stated he can hear the current rental and they had to put up a gate to keep renters from trying to access Windchase Lane via a creek, based on directions provided from one of the rental companies. Mr. Pattat stated he is the only one of four homes on Six Springs Lane that is a full time resident.

Mr. Harper did not have anything else to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Tuesday, September 6th.

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Application of Jennifer Kyle, on behalf of Willis Stallings, to request a conditional use permit at 334 N Fern Cove in Sautee Nacoochee, Georgia, 30571. Tax map and parcel 068-171. Total acreage is 1.13. Proposed use is to place in “Short Term Rental” program. Present use is residential single family. The applicant, Jennifer Kyle of 5191 Laurel Ridge Road and real estate agent to owner, was present. Mr. Barton gave a summary of the application. Ms. Kyle stated the maximum occupancy would be eight with parking for four vehicles. She said the home was not previously a short-term rental and has been owned by Mr. Stallings since he built it. She said he plans to use a rental management company based out of Atlanta. She explained the road is in good condition and there is no formal road maintenance agreement, though neighbors do pitch in.

Chairman Thomas asked if anyone would like to speak for this application, there was no response. He asked if anyone would like to speak against this application, there was no response. Ms. Kyle did not have anything else to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Tuesday, September 6th.

Application of Erica Clement to request a conditional use permit at 557 Yonah Mountain Road in Cleveland, Georgia, 30528. Tax map and parcel 059-079. Total acreage is 1.39. Proposed use is to place in “Short Term Rental” program. Present use is residential single family. The landowner, Erica Clement of 557 Yonah Mountain Road, was present. Mr. Barton gave a summary of the application. Ms. Clement stated the maximum occupancy would be four with parking for up to eight in a large open gravel area. She said the home was previously a short-term rental in 2017 but were unable to be grandfathered in due to the previous owners being full time residents once the rental regulations changed. Ms. Clement explained that guests would utilize the gate code for access and that her property is part of Yonah Peak Subdivision that currently has multiple short-term rentals, including on each side of her property. She said her primary residence is in Cumming, GA and that she would be the emergency contact, but will have a local housekeeper and lawn maintenance.

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

Max Henderly of 406 Yonah Mountain Road stated this is a private community that has some short-term rentals grandfathered in. He said the homeowner’s association had a meeting in 2019 that decided no more short-term rentals. He expressed concerns of noise, traffic, cleaning crews and garbage trucks, dog noises from dogs being left in rentals while the renters are away, increases in bear sightings due to trash, and renters speeding. Mr. Henderly stated a study was conducted that indicated seventy-five cars went through the gate on the weekends that were not residents.

Jamie Serrano of 603 Yonah Mountain Road stated she owns the short-term rental next door and liked having the previous owner there full time to help keep an eye on her rental. She expressed concerns with traffic increases, parties, and emergency vehicles being able to access the property. Ms. Serrano stated her rental is managed by a local management company and is selective with her renters since she only keeps hers active for tax purposes.

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Millie Sullivan of 406 Yonah Mountain Road expressed concerns of environmental impacts and road erosion, adding that renters use the road more than full time residents. She said the gate code was given to seventy-five nonresidents and this puts more wear and tear on the gate code mechanism. She said there are large amounts of dust on the road, trash left by renters, speeding, and that the keeper of the private road is Yonah Mountain Heights.

Chairman Thomas asked Ms. Clement if she had anything to add.

Ms. Clement said she understands the noise and road concerns. She stated that the last homeowner's association meeting gave power to each subdivision to determine their allowance of short-term rentals. Ms. Clement explained there are multiple short-term rentals in her subdivision, adding that she has not seen bears or had noise issues in the significant amount of time she has spent there.

Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Tuesday, September 6th.

Application of Jeff Edrington to request a conditional use permit at 1173 River Road in Cleveland, Georgia, 30528. Tax map and parcel 089-030. Total acreage to be changed for Lot 2 is 1.049. Proposed use is to place in "Short Term Rental" program. Present use is vacant.

The landowner, Jeff Edrington of 1173 River Road was present. Mr. Barton gave a summary of the application, adding that Mr. Edrington owns all four lots in the subdivision. Mr. Edrington stated the maximum occupancy would be four with adequate parking and the property is on a private road. He said he owns a short-term rental that has been a rental for seven years that he self-manages. He stated the road is paved until his road, which is gravel, and he is at the end of the dead end road. Mr. Edrington explained that he lives on lot one full time.

Chairman Thomas asked if anyone would like to speak for this application, there was no response. He asked if anyone would like to speak against this application, there was no response. Mr. Edrington did not have anything else to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Tuesday, September 6th.

Application of Jeff Edrington to request a conditional use permit at 1173 River Road in Cleveland, Georgia, 30528. Tax map and parcel 089-030. Total acreage to be changed for Lot 3 is 1.167. Proposed use is to place in "Short Term Rental" program. Present use is vacant.

The landowner, Jeff Edrington of 1173 River Road was present. Mr. Barton gave a summary of the application. Mr. Edrington stated this will be the same size home as the other lot with a planned unfinished basement.

Chairman Thomas asked if anyone would like to speak for this application

Michael Yarbrough of 118 Doe Run in Sautee Nacoochee asked for clarification on whether this was three homes on one lot or three lots since they are listed with the same address. Mr. Barton stated it is three separate lots and they would be assigned 911 addresses after building permit issuance.

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Chairman Thomas asked if anyone would like to speak for this application, there was no response. He asked if anyone would like to speak against this application, there was no response. Mr. Edrington did not have anything else to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Tuesday, September 6th.

Application of Jeff Edrington to request a conditional use permit at 1173 River Road in Cleveland, Georgia, 30528. Tax map and parcel 089-030. Total acreage to be changed for Lot 4 is 1.698. Proposed use is to place in “Short Term Rental” program. Present use is residential single family.

The landowner, Jeff Edrington of 1173 River Road was present. Mr. Barton gave a summary of the application. Mr. Edrington stated this house is currently under construction, with a recently assigned 911 address of 1170 River Road. He explained it was originally built for his mother to live in, but they are no longer moving forward with that plan and now he would like to rent it short-term. He said the maximum occupancy will be eight with parking for up to twelve vehicles. He said he has owned the subdivision for two and a half years.

Chairman Thomas asked if anyone would like to speak for this application, there was no response. He asked if anyone would like to speak against this application, there was no response. Mr. Edrington did not have anything else to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Tuesday, September 6th.

Application of Don and Marta Turley to request a conditional use permit at 61 Meadow Brook Lane in Sautee Nacoochee, Georgia, 30571. Tax map and parcel 071-132. Total acreage is 4.70. Proposed use is to place in “Short Term Rental” program. Present use is residential single family.

The landowner, Don Turley of 61 Meadow Brook Lane, was present. Mr. Barton gave a summary of the application. Mr. Turley explained the house has been in his family since the late 80s and he has owned it since 2017. He explained the home had been rented on and off for 30 years by word of mouth, but has not been rented since he has owned it. He said his mother lived in the guesthouse but recently passed away and that he lives in the larger house. Mr. Turley stated the maximum occupancy would be four to six with a large turnaround to support adequate parking. He said the home will be managed by a local management company.

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

Adrian Locklear of 8 Sweet Birch Drive in Cleveland stated he is the CFO and spokesperson for Cabin Rentals of Helen and confirmed that this property will be under their management. He explained the rental policies and said the company would be the 24-hour contact.

Chairman Thomas asked if anyone would like to speak against this application, there was no response. Mr. Turley did not have anything else to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Tuesday, September 6th.

Application of Robert F. Repke Jr., on behalf of Rhoda M. Repke Estate, to request a conditional use permit at 744 Skylake Road in Sautee Nacoochee, Georgia, 30571. Tax map and parcel 069-442. Total

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acreage is 2.74. Proposed use is to place in “Short Term Rental” program. Present use is residential single family.

The landowner, Robert Repke of 4167 Cumberland Pointe in Gainesville, GA, was present. Mr. Barton gave a summary of the application. Mr. Repke explained this was his family’s home and both parents have since passed away, leaving five children to inherit the property. He said renting the home out short-term would provide the needed income generation to allow the siblings to keep the home. Mr. Repke explained that the maximum occupancy would be eight to ten with plenty of parking on an asphalt driveway. He said the property would be managed by a local management company that would have policies such as no pets and no fire pits overnight. He stated the closest neighbor is about 200 yards away.

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

Michael Yarbrough of 118 Doe Run in Sautee Nachoochee stated that he is not against the application and believes the applicant has the right to do so, but he wanted to express concerns with issues of renters at Sky Lake Subdivision. He said this property is not part of the subdivision, but they do have issues of other rentals nearby parking at the lake and noise. When asked if any problems have been cause by this home, he said no it was rentals on Sky Lane Drive and Milton Way attempting to access the pool facility.

Bill Dellard of 441 Northwind in Sautee Nacoochee said he would like to express the same concerns for Sky Lake. He said he would like the applicant and the board members to be aware of the previous issues, noting that the Sky Lake facilities are for residents only. He asked that the applicant inform his renters that the property of Sky Lake is not available to renters.

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

Mr. Repke stated his property is across the street from Sky Lake and he just wants to be able to keep the home in his family. He said he understands the concerns but Sky Lake will not be an option for renters and he will let the renters know not to go over there. He added that the management company rates their renters and he wants to be a good neighbor.

Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Tuesday, September 6th.

There was no citizen comment.

Motion to adjourn made by Ms. Dixon and seconded by Mr. Yarbrough. Motion was unanimous.