

WHITE COUNTY PLANNING COMMISSION MINUTES
PUBLIC HEARING: LAND USE REGULATION

Tuesday, December 27th, 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. Chairman Thomas outlined the public hearing procedures.

Application of Elena Pongratz to request a conditional use permit located at 170 Deer Valley Estates in Sautee Nacoochee, Georgia, 30571. Tax map and parcel 055D-035. Total acreage is 0.71. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Elena Pongratz of 14750 Glencreek Way in Milton, GA was present. Mr. Barton gave a summary of the application. Mr. Sell explained that Ms. Pongratz had already applied for a rezone to R-3 previously at this property, but withdrew the application at the request of the Board of Commissioners. Ms. Pongratz explained the proposed short-term rental would have a maximum occupancy of six with adequate parking. She said she plans to self-manage and will have a local contact.

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. Pongratz did not have anything to add. Chairman Thomas closed the hearing.

Application of Russ Garmon, on behalf of Angelina Fricke, to request a conditional use permit located at 712 Whippoorwill Lane in Sautee Nacoochee, Georgia, 30571. Tax map and parcel 044-007A. Total acreage is 1.22. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Russ Garmon on behalf of 712 Whippoorwill Lane, was present. Mr. Barton gave a summary of the application. Mr. Garmon explained the proposed short-term rental would have a maximum occupancy of five and more than enough parking. He said he owns the vacant lot next door and is under contract with this property. He stated he has long-term rental experience and is unsure at this time if he would self-manage or use a management company.

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. Garmon did not have anything to add. Chairman Thomas closed the hearing.

Application of Lamar Turner to redistrict property located at 5322 Highway 129 North in Cleveland, Georgia, 30528 from C-1 Community Commercial District to R-1 Single Family Residential District. Tax map and parcel 017-092. Total acreage is 7.50. Present zoning is C-1 Community Commercial District. The applicant, Lamar Turner of 5322 Highway 129 North, was present. Mr. Barton gave a summary of the application. Mr. Turner stated that he would like to build another home on the property for him to live in and was not aware the property was zoned commercial.

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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. Turner did not have anything to add. Chairman Thomas closed the hearing.

Application of James Bennett to request a conditional use permit located at 29 Loma Linda Drive in Cleveland, Georgia, 30528. Tax map and parcel 074-180. Total acreage is 1.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, James Bennett of 564 Grindle Bridge Road in Dahlonega, GA, was present. Mr. Barton gave a summary of the application. Mr. Bennett explained the proposed short-term rental would have a maximum occupancy of ten and parking for at least ten vehicles. He said there is at least one other short-term rental nearby but this property was not used for short-term rental previously. He said he plans to use a rental management company.

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. Bennett did not have anything to add. Chairman Thomas closed the hearing.

Application of Rudy Martinez to request a conditional use permit located at 881 Mule Branch Road in Helen, Georgia, 30545. Tax map and parcel 053-036. Total acreage is 1.02. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Rudy Martinez of 881 Mule Branch Road, was present. Mr. Barton gave a summary of the application. Mr. Martinez explained the proposed short-term rental would have a maximum occupancy of seven and parking for three to four vehicles. He said he would be the emergency contact and will self-manage the rental. Mr. Martinez stated that he was previously renting the property but stopped reservations once he was notified by county code enforcement that he needed to go through the land use process. He detailed changes to his rental contract based on previous complaints to require four-wheel drive vehicles, no guns allowed, and instituting quiet hours from 11pm-7am. Mr. Martinez said he was unaware of any road maintenance agreement on the private road.

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.

Dennis Farmer of 55 Easy Run Road expressed concerns and experiences of loud noises, gunshots, road damage and stuck vehicles, trash, and the use of four wheelers and side by sides. He said gunfire was not a problem before this property was rented. Mr. Farmer explained Mule Branch Road is a four-wheel drive only road and that he does the road maintenance on Easy Run and Backpacker Road.

Hannah Richardson of 1000 Mule Brand Road expressed concerns and experiences of theft, fires, property and road damage, gunshots after dark, loud parties, trespassing by people and four wheelers, renters leaving the gate open, littering, unattended vehicles, and the difficulty of fire and rescue vehicles to get up the road. She said the property owners maintain the road. She said she had contacted Mr. Martinez through AirBnb regarding her concerns and said she has since purchased a gate to keep trespassers off her property.

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Steven Susman of 1215 Mule Branch stated he was in opposition of the short-term rental. He read letters of opposition on behalf of two of his neighbors, Joseph C. James of PO Box 2881 in Statesboro, GA, and Fran McGivern of 50 Mule Branch Road, which were unable to attend. Mr. Susman provided the letters to Mr. Barton and the letters were made part of the application file.

Juanita Farmer of 55 Easy Run Road explained that four-wheel drive is required to make it up the road. She expressed concerns and experiences of trespassers, road damage, safety of the neighborhood, and fires. She said emergency vehicles are unable to access the properties.

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

Mr. Martinez stated he could add a rule about bonfires and no four wheelers or side by sides; however, he has already posted a sign for no gunfire. To enforce the rental rules, he explained he has a camera that points to the driveway and will be able to see if the vehicles are four-wheel drive. When asked about the neighbors' concerns of gunfire, he said there has been gunfire but he believed it was recreational and unsure if it was one of his renters.

Chairman Thomas closed the hearing.

Application of Douglas Whittington to request a conditional use permit located at 980 Ridge Road in Helen, Georgia, 30571. Tax map and parcel H03A-001. Total acreage is 1.00. Proposed use is to place in "Short Term Rental" program. Present zoning is R-1 Residential Single Family.

The applicant, Douglas Whittington of 980 Ridge Road, was present. Mr. Barton gave a summary of the application. Mr. Whittington explained the proposed short-term rental would have a maximum occupancy of ten and the property used to be four apartments that has since been converted into a single family home. He said the property is equipped with live cameras and that most of Ridge Road is short-term rentals. Mr. Whittington stated he plans to self-manage for the first few months then hire a management company.

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. Whittington did not have anything to add. Chairman Thomas closed the hearing.

Chairman Thomas asked if there was any citizen comment.

Robin Wiseman of 800 Mule Branch Road expressed concerns of the application for 881 Mule Branch road of trespassers, gunfire, vehicles parked in the middle of the road and having to be towed by neighbors, the safety of the road in inclement weather, and the lack of accessibility for emergency vehicles.

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