

WHITE COUNTY PLANNING COMMISSION MINUTES
PUBLIC HEARING: LAND USE REGULATION

Monday, January 30th, 2023
6:00 pm

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

Those present were Larry Freeman, R.K. Ackerman, Charlie Thomas, 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 Christopher Jones to redistrict property located at 86 Acorn Trail, Cleveland, Georgia, 30528 from R-1 Residential Single Family to R-3 Residential Seasonal District. Tax map and parcel 060C-062. Total acreage is 0.45. Proposed use is to place in “Short Term Rental” program. Present use is R-1 Residential Single-Family District.

The applicant, Christopher Jones of 86 Acorn Trail, was present. Mr. Barton gave a summary of the application. Mr. Jones explained the proposed short-term rental would have a maximum occupancy of six people, parking for five to six vehicles, and the road is in good condition. He said he may self-manage but is undecided at this point. Mr. Jones stated he would be the emergency contact, but also has a local person that could be called. He said this property was not previously on the rental program.

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. Jones did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, February 6th.

Application of Jessica McClary to request a conditional use permit located at 3282 Highway 75 Alternate, Cleveland, Georgia, 30528. Tax map and parcel 030D-025. Total acreage is 3.62. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Jessica McClary of 196 Farnette Drive, was present. Mr. Barton gave a summary of the application. Ms. McClary explained the proposed short-term rental would have a maximum occupancy of four people with plenty of parking. She stated there are ten short-term rentals already in the subdivision and that she manages seven of the ten. Ms. McClary said she plans to manage this rental with her and her father listed as emergency contacts. She said this property was not previously on the rental program.

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. McClary did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, February 6th.

Application of Jessica McClary to request a conditional use permit located at 3284 Highway 75 Alternate, Cleveland, Georgia, 30528. Tax map and parcel 030D-025. Total acreage is 3.62. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Jessica McClary of 196 Farnette Drive, was present. Mr. Barton gave a summary of the application. Ms. McClary explained the proposed short-term rental would have a maximum occupancy of six people with plenty of parking, adding that this rental is on the same property as the previous

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application and is part of the same subdivision with multiple rentals. She stated this home was not previously on the rental program and plans to self-manage with her and her father listed as emergency contacts.

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. McClary did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, February 6th.

Application of Stuart Fincher to request a conditional use permit located at 284 Duncan Bridge Road, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 058C-102A. Total acreage is 1.37. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family. The applicant, Stuart Fincher of 284 Duncan Bridge Road, was present. Mr. Barton gave a summary of the application. Mr. Fincher explained the proposed short-term rental would have a maximum occupancy of four, approximately twelve parking spaces, and he plans to self-manage. He stated he would be the emergency contact and that this property was not previously on the rental program.

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. Fincher did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, February 6th.

Application of Stuart Fincher to request a conditional use permit located at 286 Duncan Bridge Road, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 058C-102A. Total acreage is 1.37. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family. The applicant, Stuart Fincher of 286 Duncan Bridge Road, was present. Mr. Barton gave a summary of the application. Mr. Fincher explained this home is on the same property as the previous application and the proposed short-term rental would share the same twelve parking spaces with a maximum occupancy of six people. He stated he has been remodeling the interior and should have the rental ready in a about six weeks. Mr. Fincher stated this home was not previously on the rental program.

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. Fincher did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, February 6th.

Application of Yonah Mountain Vineyard LLC to request a conditional use permit located at 250 Small Pond Drive, Cleveland, Georgia, 30528. Tax map and parcel 060D-042B. Total acreage is 0.98. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

A representative, Danny McIntosh with Yonah Mountain Vineyard LLC of 1717 Highway 255 S, was present. Mr. Barton gave a summary of the application. Mr. McIntosh explained the proposed short-term rental would have a maximum occupancy of eight to nine people with the intention of placing the parking on the backside of the property. He stated the purpose of the rental would be for the bride headquarters for

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weddings at the vineyard and they will close the gate that accesses Small Pond Drive so the customers will have to use the access from the vineyard's property adjacent to this property. Mr. McIntosh explained the vineyard's wedding staff would manage the rental, including rules that address noise, and said the property was not previously on the rental program. He said there is a neighbor directly next to the home.

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

Robert Cochran of 103 Asbury Meadow Court stated this was his father's home, who recently passed, and Mr. Cochran sold the property to the vineyard. He said he spoke in length with the vineyard before selling the home, including plans to build a road from the vineyard to access the backside of the property, extensive rules for no partying and noise, and how this would be the staging house for brides and grooms. Mr. Cochran explained that when he had stayed in the home previously, you can hear music from the vineyard but the traffic was not loud.

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

Kevin Carbonneau of 248 Small Pond Drive said he lives in the property directly beside this home and the easement to this property goes through the front of his property, not far from his home. He said he spoke with Danny and wants assurance from the Planning Commission that the road would be built to access from the backside to keep customers from using Small Pond Drive. Mr. Carbonneau expressed concerns of increased traffic and the possibility of future ownership uses.

Sara Dearing, on behalf of her parents Jean and Leon Simmons who own 200 Small Pond Drive, expressed their concerns of the liability with the pond and the use of the docks, noise, road condition of Small Pond Drive, and how there are no other short-term rentals in the neighborhood.

Linda Seabolt of 106 Small Pond Drive expressed concerns of the access through the adjoining property and proximity to that home, road condition with private road maintenance, and traffic. She said the vineyard owns over one hundred acres and adjoins Funny Farm Road, which could be an area for the short-term rental instead.

Norman Pool of 153 Small Pond Drive said he is not against, but wanted clarification about the road. He said he could see where it would be difficult to build a road to access the backside of the property because of a swell. Mr. Pool asked if a condition could be placed on the approval that the separate road be used for access and a deadline put in place to construct it.

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

Mr. McIntosh stated the vineyard invited the property owners to the vineyard last Wednesday to discuss their concerns, which the main concern was the road traffic. He said the vineyard chose this property because it adjoins the vineyard and could be accessed through the vineyard's property. Mr. McIntosh said they do not want customers to use Small Pond Drive, but would like for cleaning crews and maintenance workers to still be able to use it. He explained the vineyard offered to contribute to the cost of road maintenance and said they could take over the maintenance of the road since they have the correct

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equipment and experience to do so. When asked if they would be willing to have the access road behind the property placed as a condition upon approval, he said yes. Mr. McIntosh also explained they had discussed visual and noise buffer options with the adjoining neighbors that would buffer this property without impeding on the neighbors' views of the mountains.

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

Application of Yonah Mountain Vineyard LLC to request a conditional use permit located at 1717 Hwy 255 South, Cleveland, Georgia, 30528. Tax map and parcel 060D-062. Total acreage is 181.52. Proposed use is to place in "Short Term Rental" program. Present zoning is A-1 Agriculture Forestry District.

A representative, Danny McIntosh with Yonah Mountain Vineyard LLC of 1717 Highway 255 S, was present. Mr. Barton gave a summary of the application. Mr. McIntosh explained the proposed short-term rental would have a maximum occupancy of eight to nine people with adequate parking. He said this home was the previous home of the vineyard owners and the intent is for this to be the groom headquarters for weddings. He said the closest house is six to seven acres away.

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. McIntosh did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, February 6th.

Application of David Fain, on behalf of Ron and Margarett Wiley, to request a conditional use permit located at 1133 Signal Pole Road, Cleveland, Georgia, 30528. Tax map and parcel 065-126. Total acreage is 113. Proposed use is to place a Telecommunication Tower. Present zoning is A-1 Agriculture Forestry District.

The applicant, David Fain of 372 Black Road, was present. Mr. Barton gave a summary of the application. Mr. Fain explained the proposed tower would be a "drop and swap" for the existing 110-foot tower that is failing. He said the failing tower would be removed and the equipment, which is for AT&T and Sprint, would migrate to the new tower. Mr. Fain stated there is another 160-foot tower that is owned by Hall County but used by both Hall and White County. He explained the proposed tower would be 150-feet tall and said there is no structure located within the fall zone. He stated the closest home is about two thousand feet away.

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.

Emily Freeman of 457 Campground Road stated she owns the adjoining property and wanted to know what the required buffers/setbacks/fall zone is because the plan shows no buffer. She said the plan also stated that no boundary survey was completed and wanted to know how the property line was determined without a survey. She expressed concerns of the previous towers not following regulations and said the towers, at least the fencing, appear to be on her property. When she attended a previous Planning Commission meeting on July 12th, 2004 for the existing towers and expressed her property line concerns,

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she said she was told by a county representative that it would be her responsibility to pursue that through the process of law. Ms. Freeman also expressed concerns about the Mountain and Hillside Protection Ordinance and the cell tower regulations for mountain protection. She submitted her written comment to the board for review.

Robert Hulsey, address not provided, stated he is trying to help Ms. Freeman, his aunt, and that she is the only person affected by the new tower. He said the plan shows the tower would be placed on the property line and the existing buildings are inches from the line. He reiterated the mountain protection ordinance, adding that the tower must blend with the scenery and be camouflaged.

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

Mr. Fain stated that there has been an encroachment on Ms. Freeman's property because the fence is on her property. He said at the time the original survey was completed, it was difficult to survey a large tract on the side of a mountain to determine exact lines. Mr. Fain explained only the tops of the towers can be seen and it would be cost prohibitive to upgrade the existing tower. When asked if all antennas could go on one tower, Mr. Fain explained it would be up to the counties to move their antennas. Mr. Fain stated that a variance would be requested for a smaller setback.

Chairman Thomas asked Mr. Fain if there would be any compensation provided to Ms. Freeman for using her property over the years, to which Mr. Fain said he could not speak to that but a new, and more accurate, survey had been completed. Mr. Barton added that the existing towers may have been placed before the cell tower ordinance, but current regulations are that the buffer must be the height of the tower. When asked if the tower is collapsible, Mr. Fain said weather cannot be predicted and the proposed tower would be a three-legged self-supporting tower rather than a monopole or guide tower. Mr. Fain stated that he would be the owner of the tower, but the Wiley's own the fencing that is encroaching on Ms. Freeman's property.

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

Chairman Thomas asked if there was any citizen comment.

Robert Hulsey asked if the new tower would have to follow Mountain Protection regulations, to which Chairman Thomas said yes. Mr. Barton explained the regulation does require the tower to blend in with the surroundings and would be addressed during the application process.

There was no other citizen comment. Motion to adjourn made by Mr. Ackerman and seconded by Mr. Ash. Motion was unanimous.