

WHITE COUNTY PLANNING COMMISSION MINUTES  
PUBLIC HEARING: LAND USE REGULATION

Monday, February 27<sup>th</sup>, 2023  
6:00 pm

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

Board members 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. Chairman Thomas outlined the public hearing procedures and discussed the implementation of a two-strike policy for not following meeting etiquette. No changes made to the agenda.

**Application of Nathan Shack** to request a conditional use permit located at 6787 Highway 115 West, Cleveland, Georgia, 30528. Tax map and parcel 022-085. Total acreage is 1.83. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Nathan Shack of 446 County Line Church Road in Cleveland, was present. Mr. Barton gave a summary of the application. Mr. Shack explained the proposed use would be a short-term rental with a maximum occupancy of eight people and parking for four vehicles. He said he plans to self-manage the rental, he lives ten minutes away and would be the emergency contact, and the nearest neighbor is several hundred feet away. When asked if the home was previous in the short-term rental program, he said no.

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

Susan Linck of 6743 Highway 115 West said she is the closest neighbor and supports this application because while it may be zoned residential, the area is more commercial with businesses nearby. She said this would fit the area.

Chairman Thomas asked if anyone would like to speak against the application, there was no response. Mr. Shack did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, March 6<sup>th</sup>.

**Application of John Telford** to request a conditional use permit located on Cherry Ridge Lane, Cleveland, Georgia, 30528. Lot 1 Cedar Creek. Tax map and parcel 078-173A. Total acreage is 4.81. Proposed use is event facility. Present zoning is R-1 Residential Single Family.

The applicant, John Telford for Lot 1 Cherry Ridge Lane, was present. Mr. Barton gave a summary of the application. Mr. Telford explained the proposed use would be an event facility with a maximum occupancy of 125 and parking for 60 vehicles, primarily for out of state guests at his cabins to gather with family. He said he has been the property manager for Cedar Creek Cabins since 2006 and his renters have requested an event facility due to the small cabin sizes. Mr. Telford stated that he would like to offer weddings and corporate events, but there would not be any living quarters and the events would end by 10 p.m.. He said he will self-manage and he or his office manager would be the main contacts. Mr. Telford stated the nearest home would be 75 to 100 feet away and he does not believe there is a road maintenance agreement.

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.

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Ron Jones of 243 Old Cherokee Road expressed concerns about the proximity of the event facility to his home, which would be 74 feet from his back deck to the entrance of the facility. He also expressed concerns about the effect on the comfort, quietness, and safeness of the area, adding that there are 10 event centers within 12 miles of the neighborhood, three within 2.4 miles, and one within 1.1 mile.

Maggie Jones of 243 Old Cherokee Road expressed concerns about their quality of life, the small lot size and ability to meet the required buffers, fireworks, fire pits, drinking, the width of the road for emergency vehicle access, and the increase in traffic. She stated that covenants were put in place in July of 2005 that prohibited commercial use and all lots were to be for residential single-family use.

Marlena Pool of 267 Cherry Ridge Lane said she lives next door and purchased the property in good faith with covenants and zoning in place. She expressed concerns of traffic increases with catering vans or commercial sized vehicles on the small road, noise pollution, people drinking, and being at the mercy of the event center in order to enjoy her home. Ms. Pool stated it is not right to let a business venture outweigh the community.

Jack Coffman of 115 Old Cherokee Road expressed concerns of the one lane gravel road that accesses multiple lots and runs behind his home. He also expressed concerns of an event center on a small tract in this residential area due to wedding receptions and reunions that cause a lot of noise and traffic that would take away from the community.

Adele Wigley of 1133 Ricky West Road expressed concerns of already loud noise due to weekend rentals, traffic, trash, road maintenance, fireworks, and existing gunfire becoming worse. She asked the board to consider the peace of the area.

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

Mr. Telford stated this would not be an overnight event center and would not tolerate gunfire or loud parties, adding that he had not been contacted about issues from the community. He stated that Phase II of Cedar Creek has R-3 zoning with short-term rentals. He said he has extensive measures in place to make sure the community is not disrupted and said that he filled in potholes on Old Cherokee Road. He said the purpose of the facility would be for families to get together because the current cabins do not provide a place for them to meet.

Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, March 6<sup>th</sup>.

**Application of Tara Slatinsky** to request a conditional use permit located at 876 Ascension Trail, Cleveland, Georgia, 30528. Tax map and parcel 005-001. Total acreage is 8.95. Proposed use is to place in "Short Term Rental" program. Present zoning is R-1 Residential Single Family.

The applicant, Tara Slatinsky of 876 Ascension Trail, was present. Mr. Barton gave a summary of the application. Ms. Slatinsky explained the proposed short-term rental would have a maximum occupancy of 10 people with plenty of parking on the 10 acre lot. She said she previous owned and managed two short-term rentals on this road on the Lumpkin County side. She added that the road is part asphalt/part gravel,

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the closest residence is one-tenth of a mile away, and this property is on the Lumpkin County line. She said she lives in Cumming, GA and would be the emergency contact but also has a local cleaning person that lives ten minutes away that co-hosts with her. She said she plans to self-manage through AirBnb.

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. Slatinsky did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, March 6<sup>th</sup>.

**Application of Thomas and Hope Bennett** to redistrict property located at 200 Elm Road, Cleveland, Georgia, 30528 from R-1 Residential Single Family to A-1 Agricultural Forestry District. Tax map and parcel 006-091. Total acreage is 18.91. Present zoning is R-1 Residential Single-Family District. The applicant, Thomas Bennett of 2754 Paradise Valley Road in Cleveland, was present. Mr. Barton gave a summary of the application. Mr. Bennett explained the request for the rezone is to be more in line with the current operations of North Georgia Wildlife Park. He said there are currently no plans to extend aside from some storage buildings or barns at this time. When asked if there have been issues with animals getting out, he said there are primary and secondary containments in order to prevent the animals from leaving the property and has plans to enclose about twenty acres more.

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. Mr. Barton advised the applicant of the next meeting on Monday, March 6<sup>th</sup>.

**Application of Ryan Boykin** to request a conditional use permit located at 336 Wauka Ridge Road, Clermont, Georgia, 30527. Tax map and parcel 023-032. Total acreage is 4.70. Proposed use is to place in "Short Term Rental" program. Present zoning is R-1 Residential Single Family. The applicant, Ryan Boykin of 336 Wauka Ridge Road, was present. Mr. Barton gave a summary of the application. Mr. Boykin explained the proposed short-term rental would have plenty of parking with a turn around on the property, it is 400 feet from the closest neighbor, and that he plans to use Vacasa Management Company that will have rules against noise and partying. He said he would be the main contact person, but he does have a local maintenance person that lives 15 to 20 minutes away. Mr. Boykin stated he received 25 letters from property owners out of the 39 lots, with 7 being from the 12 or 13 existing homes. He said there is no homeowner's association and he is unsure if there is a road maintenance agreement or if the covenants are active. When asked if there are other short-term rentals in the subdivision, he said he was unaware of others.

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.

Dianne Kosmala expressed concerns of the integrity of the subdivision, condition of the road and it being one lane, and the covenants. She explained the covenants expired and there is no homeowner's association due to too many absentee landowners. Ms. Kosmala said the road is not currently in good condition with only three people working to maintain it.

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Jim Velcheck of 967 Wauka Ridge Road expressed concerns regarding the current bad road conditions and road maintenance, trespassers, trash in the road, and character of the neighborhood. He stated that the signatures received were from landowners that live out of state or do not care about the neighborhood, with only four landowners caring about the neighborhood. He said he was unaware the covenants expired when he purchased the property and moved to the neighborhood for peace and quiet.

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

Mr. Boykin said he was not aware of road maintenance and has no problem contributing. He said the road is in fairly good condition, but his property is toward the front of the subdivision and his renters are not likely to go up further so there should not be an issue with trespassing. Mr. Boykin said there are not any short-term rentals currently, so the issues brought up were done by locals.

Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, March 6<sup>th</sup>.

**Application of Vic Laster, on behalf of William Cawthon**, to redistrict property located on Orion Way, Cleveland, Georgia, 30528 from A-1 Agricultural Forestry District to R-1 Residential Single Family. Tax map and parcel 078-067. Total acreage is 3.74. Present zoning is A-1 Agricultural Forestry District. The applicant, Vic Laster of Dahlonega, Georgia, was present. Mr. Barton gave a summary of the application. Mr. Laster said he plans to divide property from the larger tract so he can purchase the property and build a house. He said he is undecided if he will live in the house and is just trying to acquire the land right now.

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.

Eric Veyon of 72 Driftwood Drive expressed concerns of the house being built for rentals, multi-family, or a mobile home on a road with limited access. He said he wants to protect property values, be sure the property cannot be further subdivided, and that the home is built a certain way such as no "spec" homes.

Kirk Blank of 178 Orion Way explained he is fine with one house, but has concerns about mobile homes and multi-family since they maintain the road themselves. He stated that mobile homes hurt values and asked for no "spec" house.

Kimberly Martin of 473 Orion Way stated the road is a small, not county maintained road and wants to be sure there will not be a lot of traffic. She also stated she would like to keep quality homes in the area.

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

Mr. Laster stated that he is planned on building only one home around 1600-1700 square feet, probably on a basement, that would be custom built and nice. He said is a builder and is unsure of the full plans,

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but will most likely sell the home. He said he doubts he would build for short-term rental, but understands that he would need to go back in front of the Planning Commission if he chose to do so.

Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, March 6<sup>th</sup>.

**Application of Roger London and Darin Cain, on behalf of James and Annie Glen,** to redistrict property located on Bottom Road, Sautee Nacoochee, Georgia, 30571 from A-1 Agricultural Forestry District to R-1 Residential Single Family. Tax map and parcel 071-016. Total acreage is 4.20. Present zoning is A-1 Agricultural Forestry District.

The applicant, Darin Cain of 167 E Jarrard Street in Cleveland, was present. Mr. Barton gave a summary of the application. Mr. Cain explained the landowner is gifting the 4.20 acres to a family friend who has intentions to use it for recreation and beehives only since it is in a flood plain and has been used as such for years. He said the remaining 10 acres are to be sold and will remain in A-1 zoning, which may be built on but would require an engineer study to do so. Mr. Cain stated he does not see the new owner of the 4.20-acre tract building on it.

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.

JoAnn Sweeney of 320 Sal Mountain River Road said she is not against the beehive, but it would be dangerous having residential zoning there because of the flood plain in regard to things like septic and electrical. She asked if there was a way to ensure that no infrastructure could be built on the property.

Pam Tibbetts of 675 Teresa Drive asked for clarification on the reason for R-1 zoning. Mr. Barton explained the property would need to be rezoned from A-1 to R-1 due to the acreage being less than 10 acres. Ms. Tibbetts expressed concerns of the safety of homes with flooding, concrete and rocks being added to prevent flooding, and what else may entail during the construction of a home. She asked if there was a choice other than R-1 for the recreational use and how many homes could potentially be built, to which Mr. Barton explained the permitted uses of R-1 and said that the one acre requirement could mean four lots or homes. She also expressed concerns of the impact to the quiet and peaceful area if homes are built and increase in traffic.

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

Mr. Cain explained that the property could not be divided further without a variance due to the 60 foot road frontage requirement and was unsure if septic could be placed in the flood plain or if the property is buildable. He said there is not enough acreage to keep in A-1 because the total acreage would not allow for two-ten acre tracts and reiterated the proposed use of the property is for beehives.

Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, March 6<sup>th</sup>.

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**Application of Meghan and Montana Saine** to redistrict property located on Cabin Creek Drive, Cleveland, Georgia, 30528 from C-2 Highway Business District to R-1 Residential Single Family. Tax map and parcel 046-014A. Total acreage is 1.78. Present zoning is C-2 Highway Business District. The applicant, Montana Saine of 109 Cabin Creek Drive, was present. Mr. Barton gave a summary of the application. Mr. Saine explained the proposed use is to build a house for him to live in.

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. Saine did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, March 6<sup>th</sup>.

**Application of Jacob Daniel Wiley** to redistrict property located at 0 Donald Alexander Road, Cleveland, Georgia, 30528 from R-1 Residential Single Family to C-2 Highway Business District. Tax map and parcel 051-133. Total acreage is 3.98. Present zoning is R-1 Residential Single-Family District. The applicant, Jacob Wiley of 615 Cooley Woods Road in Cleveland, was present. Mr. Barton gave a summary of the application. Mr. Wiley explained the proposed use is for his business of roll-off containers for construction and demolition. He said he has been operating since 2006 in Clermont and wants to relocate his business. Mr. Wiley stated his hours of operation are roughly 7:00am to 4:30-5:00pm and that traffic count can vary since trucks can come back one or twice. He said the trucks are emptied for the most part, but may sit overnight if they do not make it to the dump before closing hours. He added that they do not haul trash, only construction debris, and said the closest neighbor is about 100 feet.

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.

Micheal Gioiosa of 199 Crane Trail asked where the ingress/egress would be, what is the pipe that was laid down and covered, would he be allowed to cut through Donald Alexander Road, and if there are any screening or buffer requirements. He expressed concerns of paints, thinners, and things of the like that are classified as construction debris and the impact to wells, as well as the safety of children that live in the area. He said if the access is off Donald Alexander, then he is against the application.

Greg McKenna of 84 Donald Alexander Road said he is not against it but would like to request restrictions such as: hours of operation to restrict the loud sounds late at night, screening/fencing, and access for the purpose of road maintenance.

Brenda Christopher of 15 Donald Alexander Road said Donald Alexander Road is a cut through with dangerous intersections at both ends. She expressed concerns of blind spots and children or pets that may be in the road, the upkeep of the property, and what businesses may come in with future ownership if he sells the property. She requested the access be off Highway 254 instead of Donald Alexander Road.

Steve Speer of 6713 Highway 254 expressed concerns with regard to children and retirees in the area, the lot already having been cleared, the width of Donald Alexander with no shoulders that would make it

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difficult for large trucks and dumpsters to navigate, and how C-2 Highway Business zoning could be approved when Donald Alexander is not a highway.

Chairman Thomas asked if Mr. Wiley had anything to add.

Mr. Wiley stated this was family property purchased from his grandfather who is the adjoining neighbor and has no issues with the project. He said his business takes containers into subdivisions with children and animals, adding that his current business location is next to a subdivision and that he has not had any issues. Mr. Wiley explained that Donald Alexander being a small road means the trucks will not be able to get to fast speeds and that children should not be playing in roads. When asked if he has obtained the needed permits for grading from the county, he said yes. When asked where the equipment will be located on the property, he stated the building will run parallel with Donald Alexander Road and will have all parking for the trucks, dumpsters, and employee vehicles behind the building. He said he did not have intentions to screen the property since he will clean up the property line but will have chain link fencing and plans to access from Donald Alexander Road.

Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, March 6<sup>th</sup>.

**Application of Lynn Childress, on behalf of Christy Hamilton**, to request a conditional use permit located at 41 Kaceys Lane, Helen, Georgia, 30545. Tax map and parcel H04E-014. Total acreage is .50. Proposed use is to place in "Short Term Rental" program. Present zoning is R-1 Residential Single Family.

The applicant, Lynn Childress of 41 Kaceys Lane, was present. Mr. Barton gave a summary of the application. Ms. Childress explained the proposed short-term rental would have a maximum occupancy of four to six people with parking for two vehicles plus hers. She said she lives in the downstairs and the apartment upstairs would be rented. She said her daughter owns the home, but she would oversee the rental since she resides on the property.

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. Childress expressed her appreciation to the board. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on Monday, March 6<sup>th</sup>.

Chairman Thomas asked if there was any citizen comment.

Chris Dorsey of 164 Mill Lane in Cleveland said he wants to know who to go to with questions pertaining to county policy and feels that he has been given the run around on who to ask with a year and a half of emails to different members of the county. Chairman Thomas stated particular policy questions would go to the respective departments that handle the policies and Mr. Dorsey asked about short-term rentals. Mr. Dorsey cited Section 1815 of the White County Code of Ordinances "It shall be the duty of the applicant to carry the burden of proof that the proposed zoning map amendment promotes the public health, safety, morality or general welfare" and said it has not been in consideration with the applications by the board members. He said short-term rentals have caused a problem with the Sheriff's department trying to find

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deputies since they have to drive from out of county. He asked the board if they have an oath of office, to which Chairman Thomas said they are an appointed board by the Board of Commissioners, and Mr. Dorsey referenced the Commissioners handbook.

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