

WHITE COUNTY PLANNING COMMISSION MINUTES
REGULAR SESSION

Monday, March 6th, 2023
6:00 pm

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

Those present were Larry Freeman, R.K. Ackerman, 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. Motion to approve the minutes of January 30th, 2023 and February 6th, 2023 made by Ms. Dixon and seconded by Mr. Ackerman. Motion was unanimous.

Request from Kaya Winery for Final Plat Approval for Kaya Winery Gated Community Phase II. Subdivision is located on Vineyard View Lane, Cleveland, GA, 30528. Tax map and parcel is 007-060. Total acreage is 2.01.

A representative, Ben Trail of 3898 War Hill Park Rod in Dawsonville, GA, was present. Mr. Barton gave a summary of the request, adding that Public Works and Environmental Health have signed off on the final plat. He said the plat is not recorded, but this is a final plan for rental cabins and will be followed by Phase III. Mr. Trail did not have anything to add.

Motion to approve the final plan made by Mr. Ackerman and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the representative to contact him regarding next steps.

Application of Jerry W. Thomas to request a variance from Section 802 for Second Dwelling. Property is located at 224 Trails End, Cleveland, GA, 30528. Tax map and parcel is 003-007. Total acreage is 6.12. The applicant, Jerry Thomas of 224 Trails End, was present. Mr. Barton gave a summary of the application. Mr. Thomas stated that he and his wife live in a 400 square foot cabin currently. He said they would like something bigger, so they plan to place a manufactured home on the property so they can have more living space.

Motion to approve the variance made by Mr. Ash and seconded by Mr. Yarbrough. Motion was unanimous. Mr. Barton advised the applicant to contact the Building Department for a building permit.

Application of Dennis Powell to request a variance from Section 601 Access. Property is located at 450 Smith Road, Cleveland, GA, 30528. Tax map and parcel is 065-050. Total acreage is 2.00. The applicant, Dennis Powell of 450 Smith Road, was present. Mr. Barton gave a summary of the application. Mr. Powell stated the request is to be able to live near family.

Motion to approve the variance made by Ms. Dixon and seconded by Mr. Ackerman. Motion was unanimous. Mr. Barton advised the applicant to contact Environmental Health for plat approval.

Application of Justin Holt to request a variance from Section 802 for a Second Dwelling. Property is located at 206 Sioux Way, Cleveland, GA, 30528. Tax map and parcel is 019-197. Total acreage is 5.22. The applicant, Justin Holt of 206 Sioux Way, was present. Mr. Barton gave a summary of the application. Mr. Holt stated the request is to help take care of family.

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Motion to approve the variance made by Mr. Yarbrough and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant to contact the Building department for a building permit.

Application of Larry Freeman to request a variance from Section 601 for Access. Properties is located 71 Hard Rock Road, GA, 30528. Tax map and parcels 089-041. Total acreage is 1.01.

Mr. Freeman recused himself due to being the applicant for the variance request.

The applicant, Larry Freeman of 987 River Road, was present. Mr. Barton gave a summary of the application. Mr. Freeman explained the he would like to split the property in order to possibly move a mobile home onto this tract that he needs moved from another property.

Motion to approve the variance made by Mr. Ackerman and seconded by Mr. Ash. Motion was unanimous. Mr. Barton advised the applicant to contact Environmental Health for plat approval.

Application of David Gordon to request variance for Section 14-133(g) RV Park Setback to build within the building setback. Property is located at 100 Terrace Circle, Cleveland, GA. 30528. Tax map and parcel is 004E-100.

The applicant, David Gordon of Lot 100 Terrace Circle, was present. Mr. Barton gave a summary of the application, stating the request is for a setback of one foot. Mr. Gordon explained that he adjoins the common area, so he obtained a letter from the property owner's association for approval. He provided the letter to Mr. Barton for the application file.

Motion to approve the variance made by Mr. Ackerman and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant to contact the Building Department for a building permit.

Application of Jimmy Daniel to request a variance from Section 804 Building Setback to building within a building setback. Property is located at 2034 Helen Hwy, GA, 30528. Tax and parcel is 046-035. Total acreage is 0.47.

The applicant, Jimmy Daniel of 1906 Highway 115 in Cleveland, was present. Mr. Barton gave a summary of the application, stating the request for a setback to match the existing building. Mr. Daniel stated that he plans to make an addition to the existing building and obtained a letter from the adjoining property owner for approval. He provided the letter to Mr. Barton for the application file.

Motion to approve the variance made by Mr. Freeman and seconded by Mr. Ash. Motion was unanimous. Mr. Barton advised the applicant to contact him for next steps.

Glenda Maher, Webster Lake Family Partnership, to request variance from Section 601 Access. Property is located on Webster Lake Road, Cleveland, GA. 30528. Tax and parcel 078-087. Total acreage is 30.00.

A presentative, Lynn Martin of 245 Stevens Drive in Cleveland, was present. Mr. Barton gave a summary of the application, adding that this would be the fifth lot divided from the property and it is now considered a common development and falls under subdivision regulations. Mr. Martin explained that his family inherited 400 acres that was divided between family members and has been sold in separate tracts over the years. He said this tract has full access to Webster Lake Road and does not feel the burden of road development should fall on them since previous lots had been approved for variances. When asked

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how much property would remain, Mr. Martin said 375 acres. Chairman Thomas explained a road would need to be developed at some point and Mr. Martin stated he understood since this would be the last tract that will have access to the county road. Mr. Barton explained that this plat would leave enough frontage for further development of the remaining acreage, but a road would need to be built if subdivided further.

Motion to approve the variance made by Mr. Ash and seconded by Mr. Ackerman. Motion was unanimous. Mr. Barton advised the applicant that he would contact him when the plat was ready for pickup.

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 stated that he did not have opposition at the public hearing but did have one person in support. He said he plans to self-manage the rental.

Motion to recommend approval to the Board of Commissioners made by Mr. Freeman and seconded by Mr. Yarbrough. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on March 27th.

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 did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Ms. Dixon and seconded by Mr. Ash. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on March 27th.

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, Tom Telford for Lot 1 Cherry Ridge Lane, was present. Mr. Barton gave a summary of the application. Mr. Telford stated that he received letters of support, including three in Cedar Creek Phase I and three or four in Cedar Creek Phase II. He said he has been in the rental cabin business for 22 years and manages 20-25 of the short-term rentals in Cedar Creek Phase II. Mr. Telford explained that he has received requests for a gathering space from his renters that would be in close proximity to the rental cabins. Mr. Ackerman cited the covenants regarding residential use for lots and Mr. Telford explained that they address short-term rentals, which is why he is not offering overnight stays. Mr. Barton explained that covenants are not considered for conditional use permits for event facilities in the White County Code of Ordinances.

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Motion to recommend denial to the Board of Commissioners, because the property is in the middle of R-1 Residential zoning, made by Mr. Ackerman and seconded by Mr. Ash. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on March 27th.

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 stated that she previously owned and managed two short-term rental on this street that is part of Lumpkin County, adding that she had all five-star reviews. She said her property is split between White County and Lumpkin County.

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 March 27th.

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 wanted to update his previous statement of no issues with animals getting off the property. He said there was an animal in the 1990s that escaped but the perimeter fencing has been updated since then to allow for primary and secondary enclosure. He said the use of the property would stay the same.

Motion to recommend approval to the Board of Commissioners made by Mr. Ackerman and seconded by Mr. Yarbrough. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on March 27th.

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, was present. Mr. Barton gave a summary of the application. Mr. Boykin did not have anything to add. When asked if there were other short-term rentals in the subdivision, he said not that he is aware of.

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 March 27th.

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 explained he would like to purchase this 3.74 acres of a 15+ acre tract to build a house.

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Motion to recommend approval to the Board of Commissioners made by Mr. Freeman and seconded by Mr. Ackerman. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on March 27th.

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, was present. Mr. Barton gave a summary of the application. Mr. Cain stated current owners plan to gift 4.20 acres to a family friend, which would leave over ten acres for the remaining tract.

Motion to recommend approval to the Board of Commissioners made by Mr. Yarbrough and seconded by Ms. Dixon. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on March 27th.

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 did not have anything to add.

Motion to recommend approval to the Board of Commissioners made by Mr. Ackerman and seconded by Mr. Ash. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on March 27th.

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 in Cleveland, was present. Mr. Barton gave a summary of the application. Mr. Wiley explained the reason he plans to access the property from Donald Alexander Road is because there is an existing driveway, as well as natural gas lines and terrain on Highway 254 that would make it difficult to put in a driveway. He said he believes the concerns would be alleviated after being in business for a few weeks.

A motion to recommend denial to the Board of Commissioners was made by Mr. Ackerman and seconded by Mr. Yarbrough. Mr. Ackerman's reason for the denial recommendation is the situation of the roads and it does not seem to be a fit in the neighborhood which is what most of the complaints were about. Motion was unanimous. Mr. Barton advised the applicant of the next meeting on March 27th.

Chairman Thomas asked if there was any citizen comment.

William Huff of 3605 Town Creek Road in Cleveland said he has attended more than 100 public hearings over the years and have been told that this board conducts a public hearing over all zoning hearings, but it

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was not stated at this meeting that it was a public hearing. Chairman Thomas explained that the public hearings were held last week for the applications voted on tonight.

Teresa Stansel of 2521 Adair Mill Road in Cleveland stated that she would like to address all short-term rentals in bulk and to object on record. She said the Planning Commission was delegated the duty to review and investigate each zoning change application and to ensure the requirement for health, safety, morality, and general welfare were completed and included in the recommendation to the Board of Commissioners for their approval, as stated in Section 1815 of the White County Code of Ordinances. She said the White County Commissioners, County Manager, Planning Director, Erosion and Soil Inspector, and Planning Commission fail and refuse to consider Section 1815 and she has not seen the verbiage referenced in any application or record.

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