

WHITE COUNTY PLANNING COMMISSION MINUTES  
PUBLIC HEARING: LAND USE REGULATION

Monday, August 28<sup>th</sup>, 2023  
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. Mr. Barton explained the public hearing procedures.

**Application of Steven and Viktoriya Croskey** to request a conditional use permit located at 173 McConnell Court, Helen, Georgia, 30545. Tax map and parcel 042B-013. Total acreage is 1.19. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family. The applicant nor a representative were present at the time the hearing was called and was moved to the end of the agenda.

**Application of Kylee Kopacka** to request a conditional use permit located at 1545 Pless Road, Cleveland, Georgia, 30528. Tax map and parcel 075-369. Total acreage is 2.31. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family. The applicant, Kylee Kopacka of 1545 Pless Road, was present. Mr. Barton gave a summary of the application. Ms. Kopacka explained the short-term rental is a four bed, three bathroom home that has a maximum occupancy of eight people and four parking spaces. She said she purchased the property in 2017 and began renting in 2018 after she was told she did not need additional permits, but has been paying hotel/motel taxes since then. When asked if she had any complaints since she has been renting, she said not that she is aware of. Ms. Kopacka explained she self-manages the rental with her mother, along with a local contact that can visit the property if Ms. Kopacka is unable to. She said the closest neighbor is across the 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, there was no response. Ms. Kopacka did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on September 5<sup>th</sup> in the Board of Commissioners building.

**Application of Brady Betterton** to request a conditional use permit located at 1980 Kellum Valley Road, Cleveland, Georgia, 30528. Tax map and parcel 015-017. Total acreage is 1.65. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family. The applicant, Brady Betterton of 1116 Kellum Valley Road, was present. Mr. Barton gave a summary of the application. Mr. Betterton explained the proposed short-term term rental is a two bedroom, one bathroom home that has a maximum occupancy of four people. He said the property is currently a long-term rental and he owns the house next door that is about 350-400 feet away, adding that the house across the street is a short-term rental and the other side is national forest. Mr. Betterton stated that he has experience with long-term rentals and plans to self-manage while possibly utilizing a company for advertising and marketing. He explained that he has signatures of people throughout the county to show support and said that he is vested in the community.

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

Gerald Betterton of 2022 Toll Gate Road said he lives across from the existing nightly rental, explaining he is in favor of the application because there has never been any issues with the existing one and it is less

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traffic than someone living there full time. He said there are signs in the neighborhood against it but he believes the “Bible tells us who our neighbor is”.

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

Trish Betterton of 1810 Kellum Valley provided a community petition to board members and expressed concerns about hotel uses, the inability to vet renters, the alteration to Kellum Valley if approved, the family and retirement based residents and impact to them, and what would happen if this property is sold to someone from out of state. She explained that the community has created an anti-short term task force and asked the board to respect the heritage of the valley.

JoAnn Winkler of 1316 Harkins Road said she is against anything that brings in rentals and wants to preserve Kellum Valley for residential families that have been there for years.

Steve Gruber of 224 Valley View Drive said they do need a turnstile of people going in and out of the valley. He expressed concerns of the impact of short-term rentals on tax revenue, disruptive visitors, property values, competition for the hotel industry and “hotelization”, and the reduction of affordable housing supply. He provided documentation of his research findings to the board.

Brenda Willis of 885 Kellum Valley Road said the valley is a historical area and that the people that live there are family. She said everyone has to go by the same rules and expressed concerns about partying, inability to vet renters, and an incident with children on a side-by-side speeding on the roads. She said she believes that Bear Paw Properties is not a short-term rental and only houses workers.

Shane Strickland of 844 Chestatee Drive said he is against the Spring Crest Drive application because of community. He said he has managed short-term rentals before and does not believe it is the right neighborhood for it.

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

Mr. Betterton said in reference to the opposition about following rules that he is unaware of any rules he may be breaking and asked for clarification. He said that most people have stayed in AirBnB’s and that when he stayed at the Toll Gate house, there were local children riding side-by-sides so it is not just the rentals. He confirmed that Bear Paw Properties is part of the short-term rental program on AirBnB.

Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on September 5<sup>th</sup> in the Board of Commissioners building.

**Application of Kevin and Amy Kitching** to request a conditional use permit located at 85 Spring Crest Road, Cleveland, Georgia, 30528. Tax map and parcel 030D-061A. Total acreage is 4.66. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicants, Kevin and Amy Kitching of 85 Spring Crest Road, were present. Mr. Barton gave a summary of the application. Mr. Kitching explained the proposed short-term rental is a two bedroom, two-bathroom home with a maximum occupancy of four people and two vehicles. He said he believed the home was built as a vacation home due to small closets and the second bedroom loft, but he believes the property was used as a personal vacation home. Mr. Kitching stated that they plan to retire there and stay throughout the year, so it is more than just making money. He explained that he has lived near short-term rentals and sees that the owners tend to take more pride in the property than landlords with long-term rentals do. When asked if the property is accessed through Spring Crest subdivision, he said yes. Mr. Kitching stated he plans to self-manage with the help of a company for services such as cleaning and trash, as well as his realtor that would be the main local contact that could be onsite in less than two

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hours. He said their job is to make sure guests feel at home and they created a guide and binder for activities nearby. He said the closest neighbor is approximately 200-250 feet away.

Mrs. Kitching expressed her appreciation for the invocation at the start of the meeting and for acknowledging first responders since she is a veteran and worked in law enforcement. She said community is important and that is what drew them to this property.

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

James Larsh of 95 Spring Crest Road said he supports the application but wanted to know if the permit would stay with the property, to which Mr. Barton explained that new owners would need to apply for a business license. Mr. Larsh explained that if issues arise with the short-term rental, he can call the police but he has no say if there is a long-term rental so it is in his best interest that the property get approved. He said he knows the owners will take care of the property and keep it safe, adding that the subdivision has rules against short-term rentals that would protect the rest of the road.

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

Mark Holiday of 203 Spring Crest Road said he is on the homeowner's association board for Phase I of Spring Crest and explained they recently had their annual meeting where they gathered signatures. He presented the documentation to the board. He expressed concerns of the impact to the peace and quiet of White County, the noise, and that not all short-term rental owners do a good job with their properties, and self-management while out of state. He said he knows he can utilize local law enforcement and that there are short-term rental regulations in place, but it is a laborious process to follow.

Billy Johnson of 133 Slayton Gap Trail said he understands that a short-term rental variance is forever, that it goes with the land, and does not need to go back through this process and only the owner can relinquish that. Mr. Johnson said there are places fit for short-term rentals and does not think that full time residents should have the burden of monitoring renters. He expressed concerns of not knowing the renters and stated that the home is not located in the middle of the property but is next to another home. He said he has a list of signatures of those opposed and provided the documentation to the board.

Pamela Oakley of 381 Meadow Crest Drive said the property is not part of the subdivision but enjoys amenities that the subdivision paid for, such as lighting and the entrance signs. She expressed concerns of short-term rentals discouraging others from purchasing homes in this community, impact to property values, noise, trash, number of vehicles and parking, recreational vehicles, and quality of living. She said the Board of Commissioners have considered hundreds of short-term rentals over the years and have previously said they "did not feel the proposed use fit the characteristic of the neighborhood" as a reason for denial.

Mark Neilson of 124 Prospect Trail said that when he previously opposed a short-term rental in the area there were thirty short-term rentals within walking distance of his front door and now there are forty. He expressed concerns of littering, impact on the lives of residents, the requirement of calling 911 for issues, perceptions of renters about the area and wanting to shoot firearms, and the amount of short-term rentals in the area.

Chairman Thomas asked the Kitching's if they had anything else to add.

Mrs. Kitching said a new permit would need to be applied for with a new owner, to which Chairman Thomas clarified that the conditional use permit would stay with the property but any new owners would need to apply for a business license. She explained that most short-term rentals are self-managed, but they do have a local company that provides assistance. Additionally, she said they would require renters to sign rental agreement through DocuSign, which is not required through Airbnb, but is an extra step they wanted to take to help vet renters and to state county regulations. She said they will be able to have people removed easier from a short-term rental than a long-term rental and said in her seventeen years in

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law enforcement, she never responded to a short-term rental but always had calls for long-term. Mr. and Mrs. Kitching stated that cameras will be on the property and their target renters are adults with a minimum age to rent being twenty-five. They plan to stay at the home part of the year, which would not be possible with a long-term rental, and they would be able to keep the property pristine and showcase it for short-term but would not have control over the maintenance for a long-term rental. Mrs. Kitching said they chose this property because it is not part of a subdivision and not in a party town so they and their renters could enjoy nature.

Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on September 5<sup>th</sup> in the Board of Commissioners building.

**Application of Steven and Viktoriya Croskey** to request a conditional use permit located at 173 McConnell Court, Helen, Georgia, 30545. Tax map and parcel 042B-013. Total acreage is 1.19. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family. A representative, Alex Green of Blue Creek Rentals, was present on behalf of the applicant. Mr. Barton gave a summary of the application. Mr. Green explained the short-term rental would have a maximum occupancy of six people and two vehicles. He said the home was rented for about six months before the owner found out he was in violation, then stopped renting and paid the back taxes. He said the home was not previously on the rental program but was used for a personal vacation home and there are no other short-term rentals in this neighborhood, but there is an application for one on the docket for next month. He explained he would manage the property and lives local in Sautee, adding that they vet their renters, require ID’s, enforce rules, and will have cameras on the property. When asked about the letters received from property owners, Mr. Green detailed there are seven signatures and two live there full time with the next-door neighbor being a full time resident and signer. He said there are nine developed homes and eleven lots that are primarily accessed by Poplar Stump 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, there was no response. Mr. Green did not have anything to add. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on September 5<sup>th</sup> in the Board of Commissioners building.

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