

WHITE COUNTY PLANNING COMMISSION MINUTES
REGULAR SESSION

Tuesday, September 5th, 2023
6:00 pm

White County Board of Commissioners Building
1235 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. Motion to approve the minutes of July 31st, 2023 and August 7th, 2023 made by Ms. Dixon and seconded by Ms. Burke. Motion was unanimous.

Application of Peter Schmidt to request a variance from Section 802 Lot Width and Size for a second dwelling. Property is located at 520 Mount Pleasant Church Road, Cleveland, GA, 30528. Tax map and parcel is 017-177. Total acreage is 2.00.

The applicant, Peter Schmidt of 306 Carnation Place in Cleveland, was present. Mr. Barton gave a summary of the application. Mr. Schmidt explained that his brother moved into the storage building with the apartment on top two years ago and he was not aware of the variance or building permit requirements at the time. He said code enforcement notified him of non-compliance but that he is working on making it right. Mr. Barton explained that the dwelling would still need to meeting building code requirements.

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

Application of Royston Wilson and Debra Grizzle to request a variance from Section 802 Lot Width and Size for a third dwelling. Property is located at 1081 Kellum Valley Road, Cleveland, GA, 30528. Tax map and parcel is 015-014. Total acreage is 6.64.

The applicant, Royston Wilson of 1081 Kellum Valley Road, was present. Mr. Barton gave a summary of the application. Mr. Wilson explained that he wished to replace one of the existing mobile homes and move the existing to another part of the property for family. He said all dwellings are for family members.

Motion to approve the variance made by Ms. Burke and seconded by Mr. Ash. Motion was unanimous. Mr. Barton advised the applicant to contact the building department regarding a building permit.

Application of Rebecca Johnakin to request a variance from Section 601 Access. Property is located at 5282 Highway 129 S, Cleveland, GA, 30528. Tax map and parcel is 050C-010. Total acreage is 1.75.

The applicant, Rebecca Johnakin of 5282 Highway 129 South, was present. Mr. Barton gave a summary of the application, adding that Tract II is the property that needs the variance. Ms. Johnakin explained she has been letting a business use part of her property for ten years and would like to split it so they can continue their business without having to displace them by selling the entire tract. She said there is a home and the business on the tract, but the home is not being used due to a water line break in December and costly repairs. She said she already has health approval to split the property and there are two septic tanks.

Motion to approve the variance made by Ms. Dixon and seconded by Ms. Burke. Motion was unanimous. Mr. Barton advised the applicant to contact his office regarding plat approval.

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Application of Linda McFarland to request a variance from Section 14-133(K) for RV Park Square Footage for a total of 652 square feet. Property is located at 495 Hidden Valley Road, Cleveland, GA, 30528. Lot 193 in Paradise Valley Campground. Tax map and parcel is 005E-193.

A representative, David Pass for 495 Hidden Valley Drive, was present on behalf of the applicant. Mr. Barton gave a summary of the application. Mr. Pass confirmed the requested total square footage is 652 in order to add a storage shed.

Motion to approve the variance made by Ms. Burke and seconded by Mr. Yarbrough. Motion was unanimous. Mr. Barton advised the representative to contact the building department regarding a building permit.

Application of Donna Lindsey to request a variance from Section 14-133(K) for RV Park Square Footage for a total of 800 square feet. Property is located at 170 Yogi Bear Boulevard in Cleveland, GA, 30528. Lot 51 in Mountain Lakes. Tax map and parcel is 031F-057.

The applicant, Donna Lindsey of 170 Yogi Bear Boulevard, was present. Mr. Barton gave a summary of the application. Ms. Lindsey explained the request is for a renewal for the variance that was applied for two years ago, adding that she has to renew her building permit also. Said she has had difficulties finding a framer, as well as other issues she ran into during the construction process.

Motion to approve the variance made by Ms. Dixon and seconded by Ms. Burke. Motion was unanimous. Mr. Barton advised the applicant to contact the building department regarding the building permit.

Application of Danny Risener to request a variance from 14-133(K) for RV Park Square Footage for a total of 556 square feet. Property is located at 62 Rocky Lane in Cleveland, GA, 30528. Lot 157 in Mountain Lakes. Tax map and parcel is 031E-172.

A representative, Donna Lindsey of 170 Yogi Bear Boulevard, was present. Mr. Barton gave a summary of the application. Ms. Lindsey explained the request is to cover the porch.

Motion to approve the variance made by Mr. Ackerman and seconded by Ms. Burke. Motion was unanimous. Mr. Barton advised the representative to contact the building department regarding building permit.

Application of Richard and Bobbette Marks to request a variance from 14-133(G) for RV Park Setbacks for building lines and 14-133(K) for RV Park Square Footage for a total of 776 square feet. Property is located at 1053 Mountain Shadows Drive in Cleveland, GA, 30528. Lot 94 in Mountain Lakes. Tax map and parcel is 031F-100.

The applicant, Bobbette Marks of 1053 Mountain Shadows Drive, was present. Mr. Barton gave a summary of the application. Ms. Marks explained the request is for a total of 778 square feet and a setback of 3 feet. She said she has already received approval from the adjoining landowner.

Motion to approve variance contingent upon receiving a letter of approval from the adjoining landowner made by Ms. Dixon and seconded by Ms. Burke. Motion unanimous. Mr. Barton advised the applicant to contact the building department regarding a building permit after receiving the letter.

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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 for 173 McConnell Court, was present. Mr. Barton gave a summary of the application. Mr. Green did not have anything to add. Chairman Thomas asked Mr. Barton if the code requires letters from homeowners or property owners, to which Mr. Barton said landowners. Mr. Sell explained the code said homeowners but it has been the interpretation of staff that letters be received from landowners since those without homes should have a say, as well.

Motion to recommend approval to the Board of Commissioners made by Ms. Burke and was seconded by Mr. Ackerman. Motion carried with a 5-1 majority, with Ms. Dixon being in opposition. Mr. Barton advised the applicant of the next meeting on September 25th.

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 she submitted her hotel/motel taxes as proof of payment. She said she purchased the property in 2017 as a foreclosure.

Motion to recommend approval to the Board of Commissioners made by Mr. Ackerman and seconded by Ms. Burke. Motion carried with a 5-1 majority, with Ms. Dixon being in opposition. Mr. Barton advised the applicant of the next meeting on September 25th.

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 said he wanted to address the questions from last week and explained that one of the opposed said they had been in their home for forty years but it was only two. He said that people were told when signing the petition that a short-term rental is like a hotel, but this is only a 700 square foot cabin and not visible from the road. Additionally, he said the person that spoke in opposition as the closest neighbor is the sixth closest and that he owns the closest property. He stated this property is across the street from an existing short-term rental and he is unaware of other short-term rentals in Kellum Valley, but it is not part of a subdivision.

Motion to recommend approval to the Board of Commissioners based on criteria given by the Board of Commissioners to go by and not finding anything that would not permit a short-term rental being there was made by Ms. Burke and seconded by Mr. Freeman. Motion carried with a 4-2 majority, with Mr. Ackerman and Ms. Dixon in opposition. Mr. Barton advised the applicant of the next meeting on September 25th.

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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 home is a log cabin with a loft style second bedroom that was designed as a vacation home that they plan to rent when not using themselves. He said short-term rentals help the community by supporting local businesses. He said the closest opposition was a quarter of a mile away and the closest property owner, who would be impacted most, spoke in support of their application. When asked if the closest neighbor has any business interest in the property, Mr. Kitching said no. He said this home sits further back from the road than other properties in that area.

Motion to recommend denial to the Board of Commissioners made by Mr. Ackerman. Mr. Ackerman explained his reason for denial is that in order to access the property, you have to go 50 plus yards in the Springcrest subdivision, through the front of the gates and lighting that was paid for by people in Springcrest. He said he has a problem with the way it has been set up and a problem with neighbors in the area that are against it, but that he knows that it is not in subdivision but he has gone both ways and said Mr. Kitching has a right to go after this. He explained that he has a problem with the property not being a part of the subdivision, which is a problem from way back when, and that one individual outside of the subdivision uses all of that property on the way without a say from Springcrest Phases I, II, and III.

The motion was seconded by Ms. Burke based on the same reason. She said in Springcrest it states they cannot have short-term rental and to her, even though the deed does not state part of Springcrest, they are because they have to go through the entrance of that subdivision.

Motion carried with a 5-1 majority, with Mr. Freeman in opposition. Mr. Barton advised the applicant of the next meeting on September 25th.

There was no citizen comment.

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