

WHITE COUNTY PLANNING COMMISSION MINUTES
PUBLIC HEARING: LAND USE REGULATION

Monday, November 27th, 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 John Sell, Harry Barton, Tammy Carter, 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 Jonathan Curelar to request a conditional use permit located at 7682 Highway 75 Alternate, Helen, Georgia, 30545. Tax map and parcel 042B-101. Total acreage is 1.04. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family. The applicant, Jonathan Curelar of 7582 HWY 75 Alternate, was present. Mr. Barton gave a summary of the application. Mr. Curelar explained the proposed short-term rental would have a maximum occupancy of four to six people with parking for two to four vehicles on a shared driveway. He said he purchased the home two months ago and was not previously a short-term rental to his knowledge. He stated he would visit with his family while the cabin is not rented and the closest residence is two hundred feet away. Mr. Curelar said he would use a local rental management company.

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

Adrian Locklear of 104B Fireside Road in Cleveland confirmed Cabin Rentals of Helen would manage the property. He outlined rental policies and maintenance, adding that he and the company would be the emergency contacts.

Chairman Thomas asked if anyone would like to speak against the application, there was no response. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on December 4th.

Application of Ella McCusker to request a conditional use permit located at 223 The Pines Road, Cleveland, Georgia, 30528. Tax map and parcel 050-006. Total acreage is 4.73. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family. The applicant, Ella McCusker of 221 The Pines Road, was present. Mr. Barton gave a summary of the application. Ms. McCusker explained she owns about nine acres total and the proposed rental is close to her home. She explained the proposed short-term rental would have a maximum occupancy of three to six people with plenty of parking. She said the property is accessed through The Pines subdivision and is located in the cul-de-sac. She explained she would prefer short-term rental to long-term due to safety concerns for her and her three teenagers that live with her, as well as more control over property maintenance. Ms. McCusker said she has owned the property for eleven years and her husband lived in the home prior to his passing. She said she would like to rent the home for additional income. She stated she plans to self-manage and is not aware of other short-term rentals nearby.

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

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Jan Stinnett of 166 Edna Drive in Cleveland said her property is adjacent to the applicant. She said she has had no problems with the property and feels that if Ms. McCusker wants to do short-term rental, then she is all for it.

Sean McCusker of 3502 Gainesville Road in Gainesville, GA, said he is Ms. McCusker's son. He explained that the property is at the end of The Pines Road and twenty cars could be parked there without interfering with the road or visible from the road. He said she lives next door and would be able to make sure no one is there that should not be.

Chairman Thomas asked if anyone would like to speak against the application, there was no response. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on December 4th.

Application of James Hatcher, on behalf of Edward Hatcher, to request a conditional use permit located at 99 Windy Acres Road, Cleveland, Georgia, 30528. Tax map and parcel 045B-023. Total acreage is 2.34. Proposed use is to place in "Short Term Rental" program. Present zoning is R-1 Residential Single Family.

The applicant, Jadie Hatcher of 565 Joe Black Road in Sautee Nacoochee, was present. Mr. Barton gave a summary of the application. Mr. Hatcher explained the proposed short-term rental would have a maximum occupancy of six adults with plenty of parking. He said he believed this was one of the first short-term rentals in White County and used to be a bed and breakfast, as well as his family's home. He explained there are three stories, each with a separate entrance, bathroom, and kitchen. Mr. Hatcher said the property would likely be rented long-term for eight to nine months a year for temporary workers and short-term for the remainder of the year. He said the property is accessed by Windy Acres and the lot was subdivided years ago into five lots. When asked the current use, he said single-family but it is currently vacant. He said his wife and daughters would manage the property and the units would be limited to couples only, unless a family would like to rent the entire home.

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.

Donald Almand of 23 Towering Oaks Drive said this is the adjacent neighbor and expressed concerns about the commercial application of the property, sharing a property line, his close proximity to the home of roughly 75 feet, and that Towering Oaks is a quiet community.

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

Mr. Hatcher said they were disappointed when the subdivision was developed behind them, but that is what happens with growth. He said short-term rentals build tax base and alleviates tax burdens on property owners, but agreed the concerns are valid. He said he believes this home is more than 75 feet from the property line.

Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on December 4th.

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Application of Theresa Wilson to request a conditional use permit located at 729 Monroe Ridge Road, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 069-570. Total acreage is 1.06. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family. The applicant was not present at the time the hearing was initially called, so the item was moved to the end of the agenda.

Application of Charles Carlino and Anna Bonet-Carlino to request a conditional use permit located at 235 Clarice Lane, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 069-609. Total acreage is 1.00. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Charles Carlino for 235 Clarice Lane, was present. Mr. Barton gave a summary of the application. Mr. Carlino explained the proposed short-term rental would have a maximum occupancy of six people with parking for at least three vehicles. He said he purchased the 22-acre development about four years ago and has been building and designing the homes. He said this home is currently under construction. He explained Highcrest Summit is a rental community that allows short-term rentals in the covenants, it is a quiet community, there is no crime, and everyone is on board with short-term rentals based on a recent homeowner’s association vote to keep allowing them. He said he built another home, located two lots down at 303 Clarice Lane, four years ago and it is the same size. He said neither home was previously a short-term rental.

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. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on December 4th.

Application of Charles Carlino and Anna Bonet-Carlino to request a conditional use permit located at 303 Clarice Lane, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 069-611. Total acreage is 1.02. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Charles Carlino of 303 Clarice Lane, was present. Mr. Barton gave a summary of the application. Mr. Carlino said this home is also a three bedroom with three bathrooms that would have the same maximum occupancy of six people and adequate parking.

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. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on December 4th.

Application of Mary Ellen Rand to request a conditional use permit located at 2400 Lynch Mountain Road, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 083-008A. Total acreage is 24.667. Proposed use is to place in “Short Term Rental” program. Present zoning is A-1 Agricultural Forestry District.

A representative, Eric Seleene of 1073 Echota Road in Clarkesville, GA, was present. Mr. Barton gave a summary of the application. Mr. Seleene explained the proposed short-term rental would have a maximum occupancy of eight people with parking for six to ten vehicles. Mr. Seleene explained that Ms. Rand built the home in 2010 as a retirement home and would like to rent it to supplement income. He said

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he would manage, clean, and repair the property with the help from another cleaner. He stated he would be the emergency contact and lives ten minutes away. When asked how close the nearest home was, he said between one-quarter and one-half of a mile away. He said Ms. Rand's siblings own the surrounding properties.

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. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on December 4th.

Application of The Rental-Mart LLC (Dana and David Mullins) to request a conditional use permit located at 7680 Highway 75 Alternate, Helen, Georgia, 30545. Tax map and parcel 042A-032A. Total acreage is 1.44. Proposed use is to place in "Short Term Rental" program. Present zoning is R-1 Residential Single Family.

The applicant, Dana Mullins of 959 Kings Road in Midway, GA, was present. Mr. Barton gave a summary of the application. Ms. Mullins explained the short-term rental has a maximum occupancy of six people. She said the first application on this agenda is the neighboring property and they own an adjacent vacant lot, as well. She said they have owned the home since 2020 and have been renting it for three years, but retrieved documentation of the taxes paid through online platforms after notified by the county that she was not in compliance. She explained that she has been in the vacation rental business for fourteen years and owns seven rentals of her own, while also managing for others. She said she has strict house rules and has never had any complaints from neighbors. She said there are two homes side-by-side, but the other home is currently applying for short-term rental as well. Ms. Mullins said she does not have other rentals in White County, but has local resources and a local emergency contact. She said there are no covenants or restrictions on the property that she is aware of.

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. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on December 4th.

Application of KAI WO LLC (Xin Lin) to request a conditional use permit located at 585 Caldwell Drive, Cleveland, Georgia, 30528. Tax map and parcel 049-093. Total acreage is 22.93. Proposed use is to place in "Short Term Rental" program. Present zoning is A-1 Agricultural Forestry District.

The applicant, Xin Lin of 585 Caldwell Drive, was present. Mr. Barton gave a summary of the application. Ms. Lin said the proposed short-term rental has four bedrooms with parking for ten vehicles. She said she purchased the home last December as a second home for her family and friends, but has been renting it out short-term when they are not staying there and was notified by the county that she was not in compliance. She said she has not received any complaints since she has been renting and has been paying hotel/motel taxes. She said she lives one hour away in Alpharetta and has a neighbor that helps with cleaning and a local emergency contact.

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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Joshua Perkins of 124 Caldwell Drive expressed concerns of increased traffic on the privately maintained dirt road, strangers, security, preserving the quietness of the area, and apprehensiveness to new things happening that could cause adverse effects on his property based on issues with the wedding venue built next to him, including fireworks. He said there is not an official road maintenance agreement, but some neighbors pitch in to put gravel down.

Craig Olsen of 402 Caldwell expressed concerns of the privately maintained dirt road that was previously compromised during construction of new structures, animal and child safety, preserving the quietness and peacefulness of the area, the definition of short-term and what the rental could bring in, such as drugs and alcohol. He said law enforcement has been called to the road two times concerning trespassers and drugs (not related to the application.).

Kathy Mulpaw of 540 Caldwell Drive explained previous encounters of non-residents driving up to her gate and going on her property to pet her animals, adding that property owners own to the middle of the private road so non-residents are trespassing. She said she feels an obligation to protect the conservation area and the waterways and she does not want renters.

Marlon Caldwell of 128 Caldwell Drive provided a history of the parcel splits and development of Caldwell Drive and explained that the residents live there as a group. He expressed concerns of security and the owner not being able to control who stays there, such as sex offenders, the current traffic amount and condition of the road, and the owner living in metro-Atlanta leaving the home unsecured.

Niles Corey of 409 Caldwell Drive said he was a signer for the letters of approval required for the application. He explained he did not know the owner had already been renting the property and it was his understanding that she was living there with her son to join her later on. He said the neighbors take care of the road together and after speaking with the neighbors, he realized there could be events and weddings brought in that he was concerned could get out of hand and they were not sure what their rights were. He stated he would like to rescind his signature on the letter.

Breelee Perkins of 124 Caldwell Drive said Ms. Lin mentioned she had a neighbor as local contact. Ms. Perkins wanted to know who that would be because none of the neighbors has agreed to that.

Chairman Thomas asked Ms. Lin if she had anything to add.

Ms. Lin said she told the neighbors her son is graduating high school in a year and that is why she wants the rental. She said her local contact is the Chinese restaurant person and on her paperwork, to which Mr. Sell explained the board does not have her host license information as part of the application. Ms. Lin said she has another neighbor, Andriell, who lives in the neighborhood that will help her also. She explained the area is very quiet, safe, and seldom has traffic. She said the previous owners told her to pay \$500 a year toward road maintenance, but she did not know how to pay or who collects the money. She agreed to contribute the \$500 annually.

Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on December 4th.

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Application of Johnny and Charli Fain to request to redistrict property located at 44 Twilight Dell Road, Sautee Nacoochee, Georgia, 30571 from C-1 Community Commercial District to R-3 Residential Season District. Tax map and parcel 055-030. Total acreage is 0.86. Proposed use is to place in “Short Term Rental” program. Present zoning is C-1 Community Commercial District.

The applicants, Charli and Johnny Fain of 490 Mauldin Road in Sautee Nacoochee, were present. Mr. Barton gave a summary of the application. Ms. Fain explained the short-term rental has a two-adult and two-child maximum occupancy with parking for two vehicles. She said they have been renting the home short-term and received a letter from the county, but she has been remitting the hotel/motel taxes. Mr. Fain said they have owned the property for eight to ten years. Ms. Fain explained the property is surrounded by short-term rentals and is next to Tanglewood. She said there is only one full-time resident in the subdivision. Ms. Fain said she self-manages the rental and has had no complaints.

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. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on December 4th.

Application of Theresa Wilson to request a conditional use permit located at 729 Monroe Ridge Road, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 069-570. Total acreage is 1.06. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Theresa Wilson of 3827 Savannah Square in Atlanta, GA, was present. Mr. Barton gave a summary of the application. Ms. Wilson explained she purchased the home in 2018 and has been renovating it until this spring when she began renting it short-term. She said there are many short-term rentals in the subdivision and that the prior use was a weekend home. Ms. Wilson said she uses a management company, who is her emergency contact, and has not had any complaints since she has been renting.

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. Chairman Thomas closed the hearing. Mr. Barton advised the applicant of the next meeting on December 4th.

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