

WHITE COUNTY PLANNING COMMISSION MINUTES
PUBLIC HEARING: LAND USE REGULATION

Tuesday, November 28th, 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, Linda Dixon, and John Yarbrough. Staff members present were John Sell, Harry Barton, Tammy Carter, and Mercedes Dodd.

Vice Chairman Yarbrough called the meeting to order. Mr. Ackerman gave the invocation. No changes made to the agenda. Mr. Barton explained the public hearing procedures.

Application of SBC Properties LLC (Shawn Hammond) to request a conditional use permit located at 83 Elrod Road, Helen, Georgia, 30545. Tax map and parcel 042B-088. Total acreage is ±1.260. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Shawn Hammond of 83 Elrod Road, was present. Mr. Barton gave a summary of the application. Ms. Hammond explained the short-term rental has a maximum occupancy of 14 people and parking for six vehicles. She said this was her childhood home and began renting to help mitigate costs, but she was notified by the county she was not in compliance and has been trying to meet host license requirements. She said she self-manages the home and has been renting it for about ten years without any complaints and her local contact is the neighbor.

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

Application of Quentin Carr, on behalf of Neal and Sally Berry, to request a conditional use permit located at 176 Laurel Ridge Road, Cleveland, Georgia, 30528. Tax map and parcel 073C-067C. Total acreage is 2.50. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

A representative, Spencer Carr with the Carr Law Group of 471 South Main Street in Cleveland, was present on behalf of the applicant. Mr. Barton gave a summary of the application. Mr. Carr explained the short-term rental has an approved maximum occupancy of eight but is limited to six with parking for four vehicles. He explained the deed allows one rental cabin per property and it has been rented for approximately two and a half years with no complaints reported. He said the owners, who live within an hour of the property, manage the rental. Mr. Carr outlined rental policies, such as minimum age requirements and quiet hours. He stated the property is part of Gadalu sub-division, not Laurel Ridge, but the owners pay \$1500 a year for road access and \$200 a year for road maintenance voluntarily to the Laurel Ridge homeowners association. When asked if there was an agreement for parking across the street, he said not that he was aware of and that the applicant only reported the four spots.

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

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Application of Jennifer Whaley to request a conditional use permit located at 233 Ralph Vandiver Road, Sautee Nacoochee, Georgia, 30571. Tax map and parcel 055-085. Total acreage is 8.30. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family. The applicant, Jennifer Whaley of 233 Ralph Vandiver Road, was present. Mr. Barton gave a summary of the application. Ms. Whaley explained the short-term rental has a maximum occupancy of five people with plenty of parking. She said she has owned the property since 2021 and has been renting for the last twelve months and received notification from the county to become compliant. She said all of the neighbors do short-term rental and she has had no complaints. She stated she does not live close and wants to share the property when they are not staying there to offset expenses. When asked if it was a private road, her husband said it is county maintained.

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

Application of Stephanie Werowinski, on behalf of Robert Gresham Trustee, to request a conditional use permit located at 5483 Highway 255 South, Cleveland, Georgia, 30528. Tax map and parcel 087-051. Total acreage is 2.39. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family. The applicant nor a representative was present. The hearing was not opened.

Application of Steven and Kathy Schmidt, on behalf of Ukani Group Inc., to request to redistrict property located at 43 Thornblade Trail, Cleveland, Georgia, 30528 from C-1 Community Commercial District to R-1 Single Family District and a conditional use permit. Tax map and parcel 017-094B. Total acreage is 1.33. Proposed use is to place in “Short Term Rental” program. Present zoning is C-1 Community Commercial District.

The applicant, Kathy Schmidt of 5050 Highway 129 N, was present. Mr. Barton gave a summary of the application. Ms. Schmidt explained the short-term rental has a maximum occupancy of eight people with parking for at least twelve vehicles, though they will not have that many. She stated she received a variance last month to access the property through the vineyard. She said she manages the rental and has owned it for a little over a year, adding that it was purchased after purchasing the winery. When asked if the home had been rented previously, she said it had a few times for visitors at the vineyard.

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

Application of Jeremy and Nora Warner to request a conditional use permit located at 0 Deer Trail, Cleveland, Georgia, 30528. Tax map and parcel 022-024. Total acreage is 1.85. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family. The applicant, Jeremy Warner of 195 Deer Trail, was present. Mr. Barton gave a summary of the application. Mr. Warner explained the short-term rental has a maximum occupancy of four people with parking for two vehicles, though there is usually only one vehicle. He said he had been renting for two years when he was notified by the county to become compliant, adding that the tax revenue has been

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remitted. He stated the subdivision is loosely what he would consider a subdivision due to considerations such as large parcel sizes and distance between homes. He said his wife manages the property and they live 150 feet away on their total of six acres, with the closest neighbor located 200 yards away, and he or his wife are always there to respond to neighbors and watch over the rental. In the time they have been renting, Mr. Warner detailed they have hosted a total of 52 guests and 94 nights, which would provide a 13% occupancy rate and allows them to block dates for family or friends to visit. He explained the renters do not have parties, are there for weekend trips, are usually gone during the day, and none have complained. He stated it should not be right of any person and government to infringe upon rights of property owners, adding that this process has been frustrating for a small business that brings in just over \$8 thousand a year. When asked if he had any complaints from neighbors, he said there was one regarding a drone flying over a neighboring property and it was handled quickly when the neighbor shot it down. He said the property is on a county maintained dirt road and the covenants do not reference short-term rental, but limit poultry and pig houses.

Vice Chairman Yarbrough 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.

Lisa Elliot of 107 Piney Lane expressed concerns of speeding, renters not obeying rules, noise, not complying with the neighborhood, strangers, and wanting to preserve the neighborhood feel. She said she moved from an area near Lake Oconee that had an extreme problem with short-term rentals and said that while this is in the country, it is a neighborhood.

Austin Talley of 97 Deer Trail, expressed concerns of the impact to his family farm and liability of people wanting to pet his horses. He said he was the neighbor that had the issue with the drone and has had previous issues with people driving fast on the road, renters smoking drugs and the questions from his daughter after the incident, and having to put up a wire fence to keep people from petting his animals. He said he has no issues with the owners, but they would like to keep the neighborhood quiet.

Eleanor Trinowski of 542 Luther Palmer Road expressed concerns of the precedent set if approved, covenants not being considered, and boundary lines of the subdivision not being met for the majority letters required. She said she chose a dead end road to blend, not change things, and for the covenants. She questioned the validity of the letters due to the presence of covenants and stating the covenants were referenced in the owner's deed for this property.

Robert Elliot of 107 Piney Lane expressed concerns based on living in a gated community in Eatonton that was impacted by short-term rentals, including the mindset renters get that rules do not apply when on vacation, speeding, a party that involved law enforcement, and the disruption to the quiet community that consisted of mostly seniors. He said you can have rules, but you cannot stop people from bringing their culture with them and the vast majority of the people in the neighborhood want to maintain what they have.

Chris Tanksley of 1000 Luther Palmer Road said he moved away from the hustle and bustle of metro Atlanta and likes that the neighborhood has large lots and they all know each other. He said he does not think short-term rental is a good idea and would set a precedent that could change everything.

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Vice Chairman Yarbrough asked Mr. Warner if he had anything to add.

Mr. Warner said everyone has opinions and that he moved there to get away from the hustle and bustle in Flowery Branch also. He said he is not disputing that it is a neighborhood, they have relationships with each other and he loves where they live. He said he believes in freedom above all things and not above convenience. He explained that he could have a business on the property but there is a concern when it brings in other people, further explaining that he could have a long-term rental but prefers short-term to keep things simple. He reiterated that he has only rented to 52 people in two years and four months. He said he cannot control what other people do, but he can control what his family does and try to control those who come onto his property. He said he feels that his freedom is being eroded.

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

Application of Mike and Heather Shramek to request a conditional use permit located at 2734 Town Creek Road, Cleveland, Georgia, 30528. Tax map and parcel 020-095A. Total acreage is 2.70. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family. The applicant, Mike Shramek of 2734 Town Creek Road, was present. Mr. Barton gave a summary of the application. Mr. Shramek explained the proposed short-term rental would have a maximum occupancy of three couples and two children with parking for ten vehicles, though they do not plan on that many. He said he received more letters than what was required and no one was opposed that he spoke to. He stated the property is accessed by a main road with nothing attached and is lined by woods. He stated the property has not been rented short-term, but he would like to rent it to supplement income so they can move to their other property ten minutes away. He said he has owned the property for ten years and has not yet decided on management, but may go with a rental company.

Vice Chairman Yarbrough 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.

James Rafac of 208 Whiskey Still Drive, vice president of the homeowner’s association, expressed concerns on behalf of the association that were presented to him regarding what the property would be, parties, noise, disruption, and people running up the road. He said he is the closest neighbor and has no personal grievances against the owner.

Vice Chairman Yarbrough asked Mr. Shramek if he had anything to add.

Mr. Shramek said he believes there are personal matters involved with the opposition, but he does not believe the renters would be any louder than they are. He said he does not believe the board has anything to worry about and neither do the neighbors.

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

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Application of Colin Morris to request a conditional use permit located at 538 Highway 356, Helen, Georgia, 30545. Tax map and parcel 042B-045. Total acreage is 10.523. Proposed use is to place in “Short Term Rental” program. Present zoning is R-1 Residential Single Family.

The applicant, Colin Morris of 538 Highway 356, was present. Mr. Barton gave a summary of the application. Mr. Morris explained the proposed short-term rental would have a maximum occupancy of six to eight people and plenty of parking on the ten acres. He stated he just built the home, which received a Certificate of Occupancy in August, to retire to but would like to rent it out until then when they are not using it. He said his wife would manage the rental and he would be the local contact since he commutes from his other home to Lake Burton for his construction work. When asked if the home has been rented short-term, he said not yet.

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

A member of the audience asked what happens with the application that was not represented. Vice Chairman Yarbrough said the application defaulted and they would need to reapply to go through the application process. Mr. Sell explained they would not be able to reapply until after January 30th of 2024 when the moratorium is lifted. He said the application would be re-advertised, but if the property is rented short-term in the meantime, a complaint can be made to Code Enforcement.

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