

Board of Commissioners Voting Meeting Comments - December 14, 2023 - Submission #86326

Date Submitted: 12/11/2023

Comments completed in the form below will be submitted into the record for the December 14, 2023 Voting Meeting of the Hall County Board of Commissioners.

First Name*

Scott

Last Name*

Lippman

Address1*

3500 Montvale Dr.

Address2

City*

Gainesville

State*

Ga

Zip*

30506

Item for Comment*

3321 Montvale Drive

Select from the list below which item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

December 11, 2023

To: Commissioner Billy Powell

Cc: Commissioner Richard Higgins, Commissioner Kathy Cooper, Commissioner Gregg Poole, Commissioner Jeff Stowe

From: Lanier Northwest Subdivision

Re: Conditional Use Permit application at 3321 Montvale Dr. - Approval would undermine the attractiveness, tone and property values in Lanier Northwest.

The residents of Lanier Northwest (LNW) oppose the Conditional Use Permit (CUP) at 3321 Montvale. We are concerned that it may compromise the attractiveness, tone and value of properties in the neighborhood. Our reasoning is based on what appears to be two applicants - the neighbor Zach Milne, who is very likable and enjoys a hilltop residence with this family, and the "Seems to be Developer", Zachary Lewis Boyd Milne, whose approach to subdivision development is a hobby, not a profession. This has created occasions in which his business dealings with the county and the neighborhood have demonstrated to be somewhat deceitful and untrue. Feel free to see the Examples 1 and 2 below.

When someone approaches a profession as a hobby and 'does' different than they 'say' it's a red flag warning to tread carefully. We aren't proud of pointing this out about Zach. It seems unneighborly - but there is too much at stake. It's crucial for the Board to have sufficient insight for informed decisions. While we support Zach's property development, it must be done professionally and not pose a threat to others.

We recently discovered Lanier Northwest Subdivision Covenants are in force. While this provides some level of security, covenants are only truly helpful when cooperation and professionalism are not in question. They provide little protection or recourse if someone is determined to do things their own way. Of course, legal action is always an alternative but that is very unneighborly.

Based on the examples below, we feel the applicant will continue to operate from the position: "It's easier to ask for forgiveness than permission". While effective in tackling bureaucratic obstacles, sometimes it's just wrong, particularly if it violates the law, the trust of others, and poses a potential risk to the neighborhood.

We respectfully ask you to vote "No" on this application.

If the Board chooses to approve the application, we ask the following conditions be imposed for the purpose of maintaining LNW attractiveness, tone and property values. This includes all of the six (6) conditions recommended by Planning and Zoning, plus the following:

Provide detailed site drawings and plans of the structures he plans to build on tracts 2,3 and 4 to LNW Architectural Control Committee (ACC) for written approval prior to obtaining building permit from Hall County. Justification - Stated in LNW covenants.

Provide detailed site drawings and plans for the 5.42 acre tract "1" for written approval by LNW ACC prior to obtaining building permits from Hall County. Justification - Stated in LNW covenants.

This CUP (Tracts 1,2 3,4) and any future CUP, rezoning, or subdividing of tracts remain part of Lanier Northwest Subdivision and are subject to its covenants, conditions and restriction. Justification: 3321 Montvale Dr. is a 7.8 acre tract. Over time it has been divided, consolidated and now, divided again. If approved, tract 1 now becomes 5.42 acres, which could be subdivided further. This condition ensures any future subdividing follows Lanier Northwest covenants.

Owner, including family, partnership, LLC or other entity shall not operate more than two (2) short term rental properties in Lanier Northwest. Justification - Applicant already agreed to this condition with neighbors of LNW. Note: Understanding it is unfair for one property owner to be treated differently than another, LNW is working to update its restrictive covenants and would propose the same restriction on ALL property owners.

Agree to not cut trees on the lots across the street simply to open up the view of the lake and mountains for tracts 2, 3 and 4 without talking to your neighbors. Justification - Lacking an ordinance, clear cutting is allowed. Given the extremely steep nature of this land, clear cutting would accelerate erosion, increase sedimentation into the lake, disturb wildlife more, and undermine the roadway on Montvale Dr. creating a driving hazard.

These conditions provide a framework for Zach's hobby/development that fosters respect for the neighborhood. They acknowledge Lanier Northwest's concerns while providing a means of recourse should anything veer off course. Together they will encourage cooperation and help guarantee protections for everyone, including our neighbor Zach Milne and his family.

Thanking you in advance for your consideration.

Respectfully submitted,

Lanier Northwest

Example 1.

11/07/2022, Permit # 01657, Addition PERMIT REAPPLIED FOR. EM 12-13-2022 EM ADDITION- HOME OFFICE, STORAGE BATHROOM AND DECK. This is not a home office or storage. It is a "Tiny House" being illegally rented on a daily basis.

Please write your comments in the box above.

LNW and Hall County Marshall's office informed applicant that the structure was not permitted for Short Term Vacation Rentals (STVR). The applicant continued renting, stating he had stopped advertising but could not cancel future bookings without incurring fines from Airbnb amounting to "tens of thousands of dollars".

File Upload

Follow-up Communication

Choose File No file chosen

if you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like a Hall County staff member to follow up with you? If so, please leave your email address or phone number in the box above. Otherwise, leave this box blank.

Suggesting cancellation fees could reach "tens of thousands of dollars" (with the rate of around \$125.00 per night) appears to be misleading.

Applicant also stated a "deal" was made with the Marshall's office, to finish out his future booking but not advertise any more. We don't believe The Marshall's Office makes "deals".

The violation has been reported again. We suspect the Marshall is assuming the applicants Short Term Rental permit (approved for his primary residence), as applying to the "tiny house".
12/08/2022, Permit # 02027, Occupancy, SHORT TERM RENTAL. 2 PERSONS PER BEDROOM PLUS 3 ADDITIONAL PERSONS, 7 PERSONS MAX. EM BEDS 2
This permit is the applicants "residence", a two bedroom home in which he lives with his wife and three young children.

Example 2.

LNW opposed the proposed CUP with the Planning and Zoning Commission. Concerns revolved around home size minimums, architectural style and the opportunity for 3 -4 additional Short Term Vacation Rentals (STVR), similar to the "tiny house" already being rented.

Considering the 3 additional lots owned by the applicant (admittedly, not part of this CUP but immediately across the street on Montvale Dr.), there exists an opportunity for 6-7 STVR clustered together at the front of our neighborhood. This has the potential to adversely affect LNW property values.

The Planning and Zoning Commission delayed a vote and encouraged both parties to sit down and work things out, then come back to the Commission on 11/6/23. We did.

LNW representatives met with the applicant, both in a small group and later on a video conference with more neighbors. On 11/3/23 we shared the outcome of that meeting with the Planning and Zoning Commission.

Should the Planning Commission deem it appropriate to allow the subdividing of Mr., Milne lots the following conditions were agreed to by Mr. Milne and the neighbors as we ask that conditions be placed on the rezoning:

Any structures proposed for the new lots should be consistent with (or exceed) the architectural integrity and style of its existing homes.

Home size - 1500 square foot minimum. The same requirement that all neighbors have complied with its past years.

No multi lot property owner including Owner/Partnerships/LLCs can operate more than two daily rentals. This was proposed by Mr. Milne based on the agreement that a cluster of daily rentals properties would reduce the property values of the whole subdivision.

These conditions were agreed to by Mr. Milne and the residents in a meeting on Thursday night November 2.

On 11/6/23, in front of the Planning and Zoning, Mr. Milne shared his narrative. Architectural integrity and home size was addressed, however, much to our surprise and disappointment he said NOTHING about item 3, multiple STVR. Again, we are left feeling misled.