

AGENDA

Short-term Rental Board CALLED MEETING March 18, 2024

1. Call to order

- a. A called meeting of the Short Term Rental Board was held on Monday, March 18, 2024 in Room 201 of the Community Center in Blairsville, Ga. It began at 5:04 and was presided over by Patrick Woodall, Chairman, with Laura Jenkins (Short Term Code Enforcement Officer) as Secretary.

2. In attendance

- a. Voting members: Patrick Woodall, Laura Jenkins, Karen Sweenie, Martin Pilote, AnaLuisa Salvatti, David Dyer, Susan Phillips. A quorum was present.
- b. Guests in attendance: Atty William Mercer
- c. Members not in attendance: none
- d. Recognition of visitors: there were 3 visitors, we did not get their names

3. Called Purpose

- a. Variance process – the purpose of this meeting was to gain an understanding of the variance process and provide feedback on the variance application. It is anticipated that at least one variance application will be submitted prior to the regular business meeting scheduled for April 8, 2024.
- b. The committee who wrote the ordinance included the variance process in the spirit of allowing owners to hold an occasional special event, such as a family wedding, that requires varying their contract with the county.

The following points were made regarding the variance process and application:

- The application covers everything, except a provisional acceptance.
- Only owners who are licensed can apply for a variance.
- Mr. Mercer asked for feedback regarding the application:

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, or the facilities are required to contact the County Clerk at 706-439-6000 promptly to allow Union County to make reasonable accommodations for those persons.

- Mr. Woodall asked if the Registered Agent needed to be added to the application, and it was determined it's not necessary.
- Mr. Mercer clarified the part of the ordinance that states: "Any variance permit will not negate other ordinance sections such as violations of the amplified sound ordinance." This isn't referring to other sections of THIS ORDINANCE, it's referring to other sections of COUNTY LAW, such as the amplified sound ordinance. The board can't vary OTHER ORDINANCES over which we have no authority.
- Application must be submitted 10 days prior to the next meeting, and 45 days prior to the dates requested.
- Mrs. Salvatti asked how we will manage parking for a special event that requires parking for 20 cars. Mr. Mercer responded that the APPLICANT must come up with mitigating factors.
- If the applicant doesn't include mitigating factors in the application (such as renting port-a-potties), the board can deny the application, or can grant PROVISIONAL approvals based on whatever factors the board deem necessary. Another board meeting is NOT NECESSARY if we give PROVISIONAL APPROVAL; the owner will simply provide the short-term enforcement officer (SEO) with those additional items asked for by the board (such as a receipt from the port-a-pottie rental business), and SEO can then APPROVE the Variance Application and notify the board of such action.
- The SEO does not "pre-screen" applications. Chief Dyer recommended that the application be shared with all board members 10 days prior to the next board meeting in order for all board members to have time to review the application.
- The board has the following options with regard to applications:
 - Application is approved as submitted
 - Application is provisionally approved, awaiting submission of mitigating factors by the owner. Provisional approval does not require another board meeting, SEO can make that decision upon mitigating factors being provided by the owner.
 - Application is denied.

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- The board may not always have enough information to approve the application as submitted. It's not up to the board to get that information, it's up to the owner to do that. The owner must satisfy the board that ALL issues have been mitigated. The board can deny for any and all good reasons, such as many neighbors attending the variance meeting stating their opposition to the application/event.
- If the STR is in a subdivision with an HOA, deed restrictions or covenants, the board will not ask for them at the meeting. Those items do not supersede county law. The STR board has NO CULPABILITY if a variance application is approved that negates the HOA, deed restrictions or covenants that the owner agreed to when they purchased their house. The HOA can sue them to stop the event from happening.
- The STR owner must ensure that the approved variance permit goes to all neighbors whose homes are within 100 feet of the property line of the STR seeking the variance. The owner must also submit a copy of the approved variance permit to the sheriff's office.
- The variance meeting is a public forum, we cannot ask visitors to leave the room while we discuss/deliberate the case.
- The mitigating factors asked for should not already be included in the ordinance. It's not up to the board to generate the mitigating factors, but it IS the board's duty to ask questions regarding problems that will be inherent with granting the variance (i.e., trash, parking, occupancy).
- Board members can look up the property on qPublic, or even drive by the property to inform ourselves on the lay of the land.
- During the 10 days prior to the meeting, the board cannot discuss the application as a group, even over email, because that constitutes a quorum. As part of their due diligence, board members can send SEO their questions, and can drive to the property and look at the layout.
- Mrs. Sweeney asked what would happen if a neighbor protests AFTER the board has approved the application. There are no provisions in the ordinance for this situation, and no recourse for the neighbor. That's why it's important for the board to ask

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- pertinent questions during the meeting, and ensure that all mitigating factors have been put in place for the event.
- Neighbors can file a complaint with SEO during or after the event. Depending on the situation, if that same STR owner applies for another variance, those post-event complaints can be taken into consideration.
 - If the STR owner doesn't comply with the approved variance plan, the variance permit can be cancelled/revoked immediately, and the owner can be ticketed/cited immediately.
 - Mrs. Salvatti asked about a provisional permit. The board doesn't grant a provisional PERMIT, but a provisional APPROVAL can be granted. If the mitigating factors that the board asks for are not provided by the STR owner to SEO no later than 7 days prior to the event, a variance permit is NOT GRANTED. A provisional approval simply means that more information is needed.
 - Chief Dyer asked if it is necessary for board members or SEO to drive to the property on the day of the event to ensure that the permit is being followed. Mr. Mercer responded that board members may go out there (but not on the property), but board members shouldn't speak to anyone, even if they see violations of the variance permit. The board member would notify SEO. It is recommended that SEO drive out to the STR on the day of the event to check mitigation and permit compliance.
 - After approval, Secretary Jenkins will notify the sheriff's office that a variance permit has been approved. If the STR owner does not give a copy of the approved permit to the sheriff's office prior to the event, the permit is immediately revoked/cancelled.
 - Mr. Woodall asked who the governing authority is on occupancy with respect to septic tank capacity. The answer is the Georgia Dept. of Public Health, and the owner can override that part of the ordinance with proper mitigating factors in place, such as port-a-potties. The owner must show receipts where they have rented port-a-potties. A verbal promise is not sufficient, they must submit proof that they have reserved them.
 - Fireworks – all citizens must get a separate permit for those already, as that is a separate ordinance.
 - Fire extinguishers can be required depending on the situation.

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- The board has leeway to ask the STR owner for any mitigating factors that may be necessary.

4. Adjourn – meeting adjourned at 5:57.

Laura Jenkins

Signed, Laura Jenkins, Secretary

3/24/24

Date