

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

Valdosta City Hall Annex Multi-Purpose Room
300 North Lee Street, Valdosta, Georgia

April 7, 2015

2:30 p.m.

MEMBERS PRESENT

Paul Alvarado
Nancy Hobby
Dr. Willie Houseal

John "Mac" McCall
Gretchen Quarterman
Allan Strickland

MEMBERS ABSENT

Laverne Gaskins
Satrina Plyler

STAFF PRESENT

Ted Bilak
Carmella Braswell
Mike Martin
Tracy Tolley

VISITORS PRESENT

Dr. Michael Clark
Steve Galor
Keith Kendrick

Jim Kilgore
Tim Jones
Jeff Lovell

John Reed, Jr.
Burke Sherwood
Sarah Varnedoe

Agenda Item # 1: CALL TO ORDER

The meeting was called to order by Chairman Strickland at 2:30pm and it was determined that a quorum of members was present. Chairman Strickland thanked everyone for coming and reviewed the meeting procedures with those in attendance today.

LOWNDES COUNTY CASES

Agenda Item # 2: VAR-2015-04 --- Webb Road Baseball Field (Webb Road, Hahira)

Mrs. Braswell stated that the applicant Stephen Drew was applying for a variance to the minimum setback requirements for an Outdoor Recreation facility; a baseball field, for private use. The property consists of about 200 acres and is located on Webb Road North, Hahira, northwest of the City limits. The property is zoned E-A (Estate Agriculture). Outdoor Recreation uses (miniature golf, stables, marinas, sports fields, etc.) are permitted uses within the E-A zoning district with supplemental standards, which, in most cases provide more restrictive setback distances, noise restrictions, etc. beyond what the zoning district requires. In this instance, the applicant has constructed a baseball field as the primary use and is required to meet the supplemental standards for Outdoor Recreation. One of the standards is a minimum building setback requirement of 100 feet from property lines. The baseball field and accessory structures have been constructed, and two buildings do not meet the minimum 100-foot setback. These two structures sit 31 feet from the property line, and a variance of 69 feet is being requested. The property owner obtained a land disturbance permit—which depicted no buildings. The contractor obtained a private well and septic tank permit from the Board of Health. The buildings (dugouts, bathroom facility, etc.) were being constructed without approved plans, and a "Stop Work Order" was issued by the Inspections Department. Once it was determined that the baseball field would be treated as the primary use, plans were submitted.

Staff is concerned about the potential intensity and level of use of the baseball field, given that the surrounding area is agricultural in nature. While a baseball field is allowable in E-R zoning, the supplemental standards exist to mitigate any potential adverse effects. Also, the owner is requesting relief to the number of parking spaces required for an outdoor recreation facility through another process. The request is still under review at this time.

The TRC discussed this request thoroughly. The discussion centered on the potential adverse effects of lighting, noise, and buffering, as well as the fact that the use would be compliant if the property owners had already constructed their home, and whether the request was self-imposed as the subject property is sufficient enough in size to meet the required supplemental standard building setbacks. The recommendation from the TRC was for approval with a vote of 6-1, in favor of the Variance with conditions to address lighting and a vegetative buffer

parallel to the right-of-way of Webb Road North. The two conditions are as follows — (1) that no stadium type lighting shall be allowed on the property, and (2) there shall be a landscaped buffer constructed along a portion of the eastern property line. The buffer shall begin near the bathroom and extend northwest along the property line to the end of the outfield. The buffer shall be at least 10 feet wide and planted with *Elaeagnus*. Breaks in the buffer for pedestrian or vehicular access are allowed. Other standards that are not explicitly stated with this condition shall comply with the General Landscape Standards set forth in Section 4.07.00 of the ULDC.

Mrs. Hobby asked if the setbacks would be less restrictive if there was a residence on the property. Mrs. Braswell stated that yes, the field would be viewed as an accessory structure. Mrs. Hobby asked if it was going to be for private use by the property owner only, why did there need to be breaks for vehicular/pedestrian use? Mrs. Braswell stated that, as a primary use of the property, they were going to review it under commercial standards, therefore requesting breaks for vehicular/pedestrian use, and for paved parking. Mrs. Braswell stated that they were asking for relief for parking numbers. Mrs. Hobby asked if that would be heard by ZBOA. Mrs. Braswell stated that the request for relief from parking numbers would be reviewed by the County Manager. Mrs. Hobby asked how many parking spaces they were required to have. Mrs. Braswell stated they were required to have about 250, based on the size of the field but were asking for relief to have from 2 to 5 parking spaces.

Mrs. Quarterman asked if the field and its buildings were, for instance, 100 feet from the property line, would ZBOA be hearing the request, and would there be any required buffering? Mrs. Braswell stated no, that the entity would meet the setbacks, and there would be no requirements for buffering. Chairman Strickland asked if the setbacks were measured from the centerline of right of way, or from the property line. Mrs. Braswell stated they were measured from the property line. Mrs. Quarterman asked what would happen to the baseball field when the Drews do not own it anymore. Mrs. Braswell stated that the zoning did allow for operation of a baseball field, and if the variance was granted, it would run with the property. Mrs. Hobby asked if it became a public field, and the owners (or whoever owned the property at the time) wanted stadium lighting, and ZBOA had placed a condition that no stadium lighting may exist for the field, then would they have to come back to ZBOA to have the condition removed? Mrs. Braswell stated that was true because the condition would go with the property.

Mr. McCall asked if there was a house on the property, and would there be anything that would push the field from an accessory use to a commercial use? Mrs. Braswell stated that it might be difficult to prove commercial use. Mrs. Braswell stated that if there were more games than residential, then there would have to be a call made as to where that line was. Mr. McCall asked if it could qualify as an accessory use. Mrs. Braswell stated it would meet the setbacks and criteria for an accessory use if there was a residence on the property.

Mrs. Quarterman asked if a mobile home could be utilized for the residence. Mrs. Braswell stated yes, it could. Mrs. Quarterman stated that she would recommend a native plant, like wax myrtles, native hollies or rhododendrons, rather than an invasive species. She stated she would like to see wax myrtles; when they are trimmed they act as a mosquito repellent. Mrs. Braswell stated that specific species were at the discretion of the board, if they so choose.

Dr. Houseal asked about liability concerns — if the facility was considered public or private. Mrs. Braswell stated that according to the owners, it would be considered a private facility. Mrs. Quarterman asked if Lovell Engineering was the engineering company for the project. Mrs. Braswell stated yes, they were.

There being no further discussion from the Board, Chairman Strickland asked if anyone would like to speak in support of the application.

Mr. Jeff Lovell, Lovell Engineering, 3998 Inter Perimeter Road, spoke on behalf of the applicant. He stated he didn't have a lot of information in addition to what Mrs. Braswell said, and that it probably would not be a problem to plant wax myrtles. Mr. Lovell stated that the Drews did intend to build a residence there, but Steven Drew was traded to another baseball team, and that is why no residence had yet been built. Chairman Strickland asked if the Drews intend to sponsor teams and have them play at this facility. Mr. Lovell stated that rumors were going around, but to his knowledge that was not the Drews' intent, but rather they wanted this to be Stephen's personal training field. Mr. Lovell stated that Mr. Keith Kendrick did some work laying out the field, and at that point, Lovell Engineering was utilized to design items for the land disturbance permit. They didn't do a site plan nor actually design the project. Mrs. Hobby asked if Mr. Lovell knew where the house was going to be. Neither Mr. Lovell nor Mr. Kendrick knew where the house was going to be placed. Mrs. Hobby asked why the baseball field was placed near the front of the property, which consists of about 200 acres. Mr. Lovell stated he was not sure. Mrs.

Hobby stated that there was a wonderful pine tree buffer that stops before one got to the baseball field, and she wondered why it didn't continue. Mr. Lovell stated he was not sure.

Chairman Strickland asked if there was anyone else to speak on behalf of the application. There being no one else, Chairman Strickland asked if there was anyone present who wished to speak in opposition to the request.

Mr. Steve Galor, 8182 Old Valdosta Road, spoke in opposition and stated his home is across from the entrance of this property. He stated that for the past 13 months, he has experienced complete disregard to the neighborly facet of construction. He has not met Mr. Drew or any of his representatives, and no one has come to talk to him about tearing up his lawn. He also had concerns about the traditional aspects of the area. He said he attends the Methodist church around the corner, and they will not change the doors of the church, because they want things to stay the same. He has heard rumors of a private membership club, as well as potential for the children of Hahira to play ball on this field. He does have concerns about increased traffic and the impact of that traffic on his yard – which has already been damaged by the construction equipment parking in his yard for the past 13 months. Chairman Strickland asked why they were in his yard. Mr. Galor stated that the trucks would swing over into his yard in order to pull into the field's entrance, as well as utilize his yard for parking spaces for trucks and so forth. Chairman Strickland asked if the trucks were in Mr. Galor's yard, or on right-of-way. Mr. Galor stated the traffic was in the right-of-way. Chairman Strickland asked Mrs. Braswell if there was anything that could be done in this situation. Mrs. Braswell stated there was a noise ordinance that may be involved. Chairman Strickland recommended that Mr. Galor talk to the County Commission or the County Manager about his concerns. Mrs. Braswell stated that a baseball field, either public or private, was permitted in this zoning district by right.

Mr. Galor expressed concerns about the lights in the field, and that the lights would be shining directly on his property. Chairman Strickland stated he didn't notice any lighting fixtures on the property. Mr. Galor stated that the poles that were installed were for lighting.

Mr. Keith Kendrick, 472 Hall Road Tifton GA, stated the poles were for netting. Mr. Galor stated he would like different levels of landscaping to be installed, some to be mature. Chairman Strickland stated there were regulations for landscaping, and that those regulations would be followed. Mr. Galor stated that another concern was traffic. He had concerns about noise and a lot of traffic coming in and out of the field's entrance. Mrs. Braswell stated that if it was a noise issue, the County could enforce it under the noise ordinance. Mrs. Braswell stated that the county had quiet time from about 10pm to about 7am. Mrs. Quarterman asked, if the facility leaned more towards a commercial facility, if a traffic study would be done. Mrs. Braswell stated that no, it would not unless it became a problem. Mrs. Quarterman stated that Mr. Galor could ask the County Engineer to do a traffic study if traffic posed a problem. Mr. Galor also asked that the County look at the signage at the entrance as he believed it to be unsightly. He wanted to make sure that rules were followed and permits were obtained if needed. He was upset because nobody came over to his house to explain what was going on across the street. Chairman Strickland stated that they had no jurisdiction to mandate conversations such as what Mr. Galor wanted. Mrs. Hobby asked if Mr. Galor had called the County to find out what was being built, or if there were any permits. Mr. Galor stated he did not, that the rumors sufficed and he did not believe they were going to be on the corner or as close to the road as the project ended up being.

Mr. Burke Sherwood, 502 North Ashley Street, spoke on behalf of Kilgore Farms. Mr. Sherwood verified that more than 200 parking spaces were required and Mrs. Braswell stated this was correct. Mr. Sherwood stated that he was concerned of the potential of the facility being converted to public use. Mr. Sherwood asked Mr. Lovell if the reason he was brought in for the LDP was because the applicants had already started work. Mr. Lovell stated that was in the staff report. Mr. Sherwood stated he believed the applicants had already started work without permits and now the only permit issued was the LDP. Mr. Sherwood asked if permits had been issued for well and septic. Mr. Lovell suggested that Mr. Sherwood call the Board of Health, because they issued well and septic permits. Dr. Houseal stated that this conversation was out of order, and Mr. Sherwood needed to address the board. Mr. Sherwood apologized, and asked if the applicant had pulled permits from the Board of Health. Chairman Strickland said he was not knowledgeable, but ZBOA had no jurisdiction over that area of development. Mr. Sherwood asked what would happen if the applicant did not build a house, but wanted to make the ball field commercial. Mrs. Braswell stated that the applicant could, as long as the applicant could meet the supplemental standards. Mr. Sherwood stated he had concerns because the area around was agricultural in nature, and that permits were not issued in advance. Chairman Strickland stated that the applicant has put in the baseball field, and is asking for forgiveness, and should be aware of the need to ask questions of appropriate staff if any future development was anticipated.

There being no one else to speak in opposition, Chairman Strickland asked if anyone had contacted the County Zoning Office regarding this request. Mrs. Braswell stated that some had called to offer support, but the majority had called to express opposition and that there were a few questions.

Chairman Strickland asked for verification that the applicant could put in the ball field, with or without a house, as long as he got the needed permits and met the supplemental standards. Mrs. Braswell stated that was correct. Mrs. Hobby asked if Mr. Drew had a local residence in the community. Mrs. Braswell stated she was not sure. Mrs. Hobby asked if Mr. Drew did not have a local residence, and there was not one on the property, where would he sleep at night?

Mr. Keith Kendrick stated he could address those concerns and that he was the one who was contracted to build the field, but that the field was already etched-out prior to his arrival. He stated that he was told the field would be an off-season training facility for Mr. Drew. Chairman Strickland asked if it was designed as a major league baseball field. Mr. Kendrick stated that it was. Mrs. Hobby asked if he knew when Mr. Drew intended to build a house. Mr. Kendrick stated he was not sure. Mrs. Hobby asked why Mr. Drew chose that location on the property to build the field. Mr. Kendrick stated he was not sure why that specific area was chosen. Mr. Kendrick further stated he was contracted to do the field, and the dugouts came afterwards.

Mr. Lovell addressed the Board again and stated that by right in E-A zoning, Mr. Drew can have the field. If they met the conditions, they could have lights, etc. without any entity requiring additional conditions beyond the ULDC. Mr. Lovell stated he saw this variance request as an opportunity to protect adjacent landowners by not allowing loudspeakers, etc.

Mr. John Reed, 8580 Salem Church Road, Hahira, stated he is the manager of Lakewood Farms, which owns property to the north of the subject property. Mr. Reed stated that Mrs. Hobby had asked Mr. Galor if he had called the County to ask if any permits had been issued. Mr. Reed stated he drove the area every day and he hadn't called, either, because he had assumed that the proper process took place and any necessary permits were obtained. Mr. Reed asked what would happen if the variance was not granted. Chairman Strickland stated that there were two options: (1) the applicant may opt to file a court challenge if he felt the Board had erred in their decision, or (2) the facility could be rebuilt according to code, therefore negating the need for a variance.

Mr. McCall asked if the variance was denied, and the applicant built a house on the property, what would happen then. Mrs. Braswell stated that the applicant wouldn't have to do anything, as the field would be in compliance. Mr. McCall asked if the buildings had to be issued a CO for the property, and if anything could be done to stop them from utilizing the property until the proper permits had been issued. Mrs. Braswell stated she was unsure if a CO had to be issued. Mr. Ted Bilak, Plans Examiner, stated that code enforcement could become involved if the buildings were utilized without using proper protocol. Mrs. Braswell stated that a stop work order had been issued, until the variance request could be addressed.

Mrs. Quarterman asked if the Board could place a time limit on the approval of the variance, if the variance was to be approved. Mrs. Braswell stated that time limits usually were imposed on Conditional Uses rather than variances. Mrs. Hobby stated that the best way to protect the integrity of the area would be to approve the variance with conditions, because the applicant could build under the regulations and put in lights, loudspeakers, etc. Mr. Reed asked if Mr. Drew placed a residence on the property, if the variance would be a moot point. Mrs. Braswell explained that the supplemental standards were applicable only if the outdoor recreational facility was the primary use. If a house was on the parcel, the baseball field would be an accessory use, and the supplemental standards would not apply.

There being no further discussion, Chairman Strickland stated that the Board could table, approve, or deny the variance. The Board indicated they were ready to make a determination.

Mrs. Quarterman made a motion to approve the request, citing criteria "j", subject to the following conditions: (1) no stadium lighting shall be allowed on the property, (2) no loudspeakers shall be allowed on the property, and (3) there shall be a 15 feet wide landscaped buffer constructed along the eastern property line that shall not include invasive species but shall include native species such as wax myrtle, rhododendrons, or Leyland cypress. Mrs. Hobby seconded the motion and it was called and carried by the majority (4-1 vote). Dr. Houseal voted against the motion.

Agenda Item # 3: VAR-2015-05 --- Michael Clark (Jumping Gully Road)

Mrs. Braswell stated that Dr. Michael Clark is requesting a Variance to Sections 6.03.03 (D) and 4.04.02 (F) of the ULDC as they relate to the County's water system connection requirements. The subject property consists of 249 acres and is located on Madison Highway and Jumping Gully Road, in an E-A (Estate Agriculture) zoning district. The ULDC requires that all development shall be connected to a public water system when the County's water system is within a 1,000 feet radius of the parent tract of the new subdivision and/or development, as well as that all subdivisions shall be required to connect to a public water system when the County's water system is within 1,000 feet radius of the parent tract of a lot created by a new subdivision. The applicant is proposing to subdivide 20 acres from the parent tract as a part of his pursuit for a long term refinance arrangement of his newly constructed residence. Because a portion of the parent tract falls within 1,000 feet of the County's water system, the proposed tract is required to connect. According to the applicant, the newly created tract is located a substantial distance from the water line along Jumping Gully Road. Therefore, the applicant is seeking a variance so he may subdivide and develop the property using an individual private well. The subject property is undeveloped except for the new residence, and is located in an Agriculture/Forestry character area as depicted on the Future Development Map of the Comprehensive Plan. The Greater Lowndes Comprehensive Plan supports the use of existing infrastructure. Staff had to balance the support of the Comprehensive Plan as it relates to the use of existing infrastructure and balancing the needs of the community. In this instance, the Future Development Map supports agriculture development, and the development of large estate type lots (5+ acres) as reflected by the current zoning and the current development plan. According to the applicant, he has no plans to develop the subject property for commercial or residential purposes. When a subdivision is development driven (such as a multi-lot subdivision) staff encourages the use of existing water and sewer services where appropriate. For these reasons, staff recommends approval of the request as presented.

Mr. McCall asked about the intent of the 1,000 feet requirement — whether it was 1,000 feet of pipe distance or does the property itself have to be within 1,000 feet of the closest water line. Mrs. Braswell stated that his property (the parent tract) was within 1,000 feet of the closest waterline and that when Dr. Clark subdivides, that triggers either connection or a variance request. Mr. McCall asked if the regulation based on the idea of 1,000 feet of pipe was a reasonable amount of pipe to require an owner, developer, or other party to run. Chairman Strickland said that in the past, developers/owners would subdivide the parent tract piece-by-piece and would be on well and septic because those individual pieces were not within 1,000 feet of water or sewer, which is not the intent of the ordinance. The intent is to require more intensive development (subdivisions) to connect to water and sewer. Mrs. Braswell stated that, in some cases, it was not development driven and that individual owners had the option to seek relief through variance. Mrs. Braswell stated that if the applicant wanted to further subdivide, he would still either have to connect to water or seek a variance.

Chairman Strickland asked if there was anyone present who wished to speak in favor of this request.

Mr. Tim Jones, 2705 Winding Way, Valdosta, spoke on behalf of the applicant and stated that he is seeking a secondary mortgage, and most companies who provide secondary mortgages do so for 20 acres or less. The applicant desires to live on the property. Chairman Strickland asked how Dr. Clark would access the property. Mr. Jones stated that Dr. Clark would access the property from Madison Highway. Mrs. Quarterman asked if Dr. Clark could rejoin the parcels together once the mortgage is paid off. Mrs. Braswell stated yes he could. Chairman Strickland asked Dr. Clark what his intent is for the rest of the property. Dr. Clark stated that he intends for it to be a dove field, grow a garden, and maybe place cows on the property. Mr. McCall asked if the variance would run with the property. Chairman Strickland stated that it would.

There being no further questions, Chairman Strickland asked if there was anyone present who wished to speak in opposition to this request. There was no response. Chairman Strickland then asked if anyone had contacted the County Zoning office regarding this request. Mrs. Braswell stated there was a call in support of the application.

Dr. Houseal made a motion to approve the request as presented, citing criteria "d." Mrs. Hobby seconded the motion and it was called and carried unanimously (5-0 vote).

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CITY OF VALDOSTA CASES

Agenda Item # 4: APP-2015-01--- Williams Electric Service & Signs (1616 Norman Drive)

Ms. Tolley stated this case was tabled from the March 2015 regularly scheduled meeting and that the applicant has since withdrawn the request because they were able to reconfigure the parking lot, including the sign, to have the minimum number of parking spaces, therefore are no longer requiring a variance. No action was taken.

OTHER BUSINESS

Agenda Item #5 : Approval of Minutes: March 3, 2015

Chairman Strickland asked if anyone had any issues/corrections with the March 2015 minutes. There were no suggested changes. Mr. McCall made a motion to approve the minutes as presented. Mrs. Quarterman seconded the motion and it was called and carried unanimously (5-0 vote).

In other business, Ms. Tolley stated she had drafted a letter for the Chairman to show the Board's support of Mrs. Gaskins' reappointment to ZBOA as requested at the March meeting, and presented the letter for Board consideration. Chairman Strickland asked if anyone had anything they would like to add. There being no response, Chairman Strickland opened the floor for a motion. Dr. Houseal made a motion for the Chairman to sign the letter. Mrs. Hobby seconded the motion and it was called and carried unanimously (5-0 vote).

Agenda Item # 6: Adjournment

There being no further business, the meeting adjourned at 3:47pm.

/s/ Allan Strickland _____
Allan Strickland, Chairman

5-5-2015 _____
Date