

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

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

May 5, 2015

2:30 p.m.

MEMBERS PRESENT

Paul Alvarado
Laverne Gaskins
Nancy Hobby
Dr. Willie Houseal

John "Mac" McCall
Satrina Plyler
Gretchen Quarterman
Allan Strickland

MEMBERS ABSENT

--none--

STAFF PRESENT

Ted Bilak
Carmella Braswell
Matt Martin
Tracy Tolley

VISITORS PRESENT

Franklin Bailey
Marlene Basson
Stevie Basson

Bart Holt
Scott Plyler
Rodney Tenery

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-2015-07 --- Franklin Bailey on behalf of N.L. Bassford, Jr. (4150 Ginger Trail, 4144 Ginger Trail, 4325 Wisteria Lane, 4401 Wisteria Lane, 4400 Wisteria Lane, 4401 Summer Hill, 4331 Autumn Ridge, 4320 Sumer Hill, and 4327 Autumn Ridge, Valdosta)

Chairman Strickland announced the case. Mrs. Plyler stated she needed to recuse herself from discussion and decision-making on this case.

Mrs. Braswell stated that the applicant is requesting a variance to the minimum setback requirements—the secondary front yard—for corner lots for several lots in the Northlake Subdivision, Section IX—specifically 4150 Ginger Trail, 4144 Ginger Trail, 4325 Wisteria Lane, 4401 Wisteria Lane, 4400 Wisteria Lane, 4401 Summer Hill, 4331 Autumn Ridge, 4320 Sumer Hill, and 4327 Autumn Ridge, Valdosta. The subject properties are about 6500 square feet and are zoned P-D (Planned Development). In 2006, ZBOA granted a rear yard variance to 144 lots within Section IX of this subdivision, to include the subject properties. The approval was conditioned as follows—the proposed homes shall be constructed with a double carport and that the front and side yard setbacks comply as depicted on the recorded survey plat. Since that approval, several homes within this section have been constructed with the exception of the corner lots. According to the applicant, the required corner lots setbacks, especially along the street side, make it difficult to construct a home that is similar in style and size to the existing homes within the subdivision. Developers of these lots indicate their inability to find floor plans to fit the setbacks AND include double carports. They desire to construct homes on these corner lots that are similar in size, design, and are consistent in character with the existing homes. Therefore, the applicant is requesting a 6-foot variance to the secondary front yards to allow for a 17 feet building setback instead of the required 23 feet building setback. After some discussion, staff reviewed the request and determined that the proposed variance would not cause substantial detriment to the public good or impair the purpose and intent of the ULDC. Staff wanted to build upon the previously granted variance condition regarding the compliance of the primary front yard setback as depicted on the recorded survey plat--30 feet. The TRC recommends approval of the requested variance to those specific corner lots with the condition that the minimum primary front yard setback remains as the recorded survey plat depicts, citing criteria "d" and "g" of the standards.

Chairman Strickland clarified the request—that the front and rear yards would stay as they were, but only the secondary front yard was proposed to change with this request. Mrs. Braswell stated that was correct. Mrs. Hobby stated that her understanding was that the houses had 2500 square feet under roof, and asked if that was influenced by the restricted covenants. Mrs. Braswell stated that the 2500 square feet was not a part of the original conditions, and did not know whether it was required by the covenants. Mrs. Hobby asked if there was anything to bind the developers to build 2,500 square foot houses. Mrs. Braswell stated that the County could not enforce a 2500 square foot requirement. Mrs. Hobby stated she was concerned that smaller houses would be built. Chairman Strickland asked what the minimum house size was. Mrs. Braswell stated there was no minimum house size. Mrs. Quarterman asked if they had to have a two car garage. Mrs. Braswell stated that was a condition of the variance granted in 2006. Mrs. Braswell stated that there was one house in the subdivision, not one of the subject properties, that may not meet the required secondary front setback, but the house was already completed.

Given that there was no more discussion, Chairman Strickland asked if there was anyone to speak in favor of the application. Franklin Bailey, 1091 Ridge Road, Valdosta, spoke on behalf of the application. Mr. Bailey stated that even with the relief granted in 2006, any houses built on those lots would be approximately 35 feet wide due to the existing setbacks. The proposed variances would accommodate about a 42-foot wide house and about 1,550 to 1,600 heated square feet and he had two house plans that fell into those square footage ranges.

Being that there was no one else to speak in support, Chairman Strickland asked if there was anyone who wished to speak in opposition. Being that there was no one to speak in opposition, the Board had further discussion. Mrs. Hobby asked if Mr. Bailey was bound to a certain minimum square footage. Mr. Bailey stated he was bound to a minimum of 1300 heated square feet, which was not including a garage. Mrs. Hobby asked what he was bound to do, square footage wise, under roof. Mr. Bailey stated there were no square footage requirements for under roof. Mrs. Hobby asked how big the houses were that he intended to build. Mr. Bailey stated that they intended to build between 1500 and 1700 heated square feet on each lot. Mr. Bailey stated that with the garages at about 450 feet, and with the addition of a porch, that would get the houses up to about 2000 square feet. Mrs. Hobby asked how many square feet that the two house plans he had included. Mr. Bailey stated they were approximately 1550 square feet. Chairman Strickland asked if the proposed floor plans/houses would be comparable to the existing houses in the subdivision. Mr. Bailey stated they were comparable. Mr. Bailey stated that the houses' driveway would come off the side streets with the "front" of the garage, with windows, would face the main street. Chairman Strickland stated that, if memory served him correctly, that the condition pertaining to the garage/carports was to help alleviate congestion and assist in a neater appearance for the subdivision. Mr. Alvarado asked if the covenants for Section IX were still active, or whether they had expired. Mr. Bailey stated he was not aware. Mr. Scott Plyler, 4227 Oak Forest Drive, Valdosta, stated the covenants were still active.

There being no more discussion, Chairman Strickland asked if anyone had contacted Mrs. Braswell's office. Mrs. Braswell stated there were several calls, but most thought the request pertained to multi-family development, and Mrs. Braswell told the citizens that only single family dwellings were permitted.

There being no further discussion, Chairman Strickland called for a motion. Mrs. Hobby made a motion to approve the request as presented for a six foot variance to the secondary front setback with the conditions that staff recommended, that the rear yard and front yard setbacks would be per the recorded plat and that the two car garage would be required, citing criteria "d" and "g." Mr. McCall seconded the motion. The motion passed with a vote of 6 to 0.

Agenda Item # 3: VAR-2015-08 --- Rodney Tenery, Jr. on behalf of Marlene Basson (5195 Highway 84 East, Naylor)

Mrs. Plyler resumed her seat with the Board.

Mrs. Braswell stated that this request is for a variance to the provisions for Family Ties land division. The subject property consists of 2 acres and is located at 5195 US Highway 84 East in Naylor and is zoned E-A. Section 4.04.04 in the ULDC provides standards for subdividing property for blood ties family members. In this case, the applicant wants to subdivide the subject property into two one acres lots. However, two of the standards for family ties divisions would not be met, leading to the request for variance. Neither of the proposed lots would meet the minimum lot width requirement of 210 feet, and the parent tract would not meet the minimum lot area requirement of 5 acres. Therefore, a variance is being requested to the minimum lot width and the minimum lot area required

for the parent tract. (Currently, the parent tract is considered legal nonconforming as it does not currently meet the 5 acre requirement.) The applicant wants to deed an acre to her son so that the property is solely in his name. Staff did discuss the option of rezoning the property to R-1, which has a minimum lot size of 1 acre. Staff does have concerns about the variance option, those concerns relating to the potential of setting a precedent and that the perception of this process being a “back door” procedure for subdividing the property, as well as the limitations that smaller properties are given for developments. On the other hand, some staff was of the opinion that the proposed subdivision would not be out of character or scale with the existing development patterns. Ultimately, the TRC recommended approval of the request with a vote of 5-2, citing criteria “d.”

There being no questions, Chairman Strickland asked if there was anyone to speak in favor of the application. Rodney Tenery, 107 E. North Street, Valdosta, spoke on behalf of the application. Mr. Tenery stated that the houses, wells, and septic tanks were already in place on the property.

There being no questions for Mr. Tenery, Chairman Strickland asked if anyone would like to speak in opposition or if anyone had questions. There being no one, Chairman Strickland asked Mrs. Braswell if anyone had contacted her office. Mrs. Braswell stated there was no contact.

There being no further discussion, Chairman Strickland called for a motion. Dr. Houseal made a motion to approve, citing criteria “d.” Mrs. Hobby seconded the motion. The motion passed with a 7-0 vote.

CITY OF VALDOSTA CASES

Agenda Item # 4: APP-2015-02--- Fairway Outdoor Advertising (801 W Hill Avenue)

Ms. Tolley stated that Fairway Outdoor Advertising was requesting a variance from LDR Section 230-9(D)(4) as it pertains to the height of a freestanding sign. The subject property is zoned C-H and is located at 801 W Hill Avenue. The applicant wants to replace a sign face and the face’s related structure (the pole still stands) that was removed to prevent damage from the overpass project. The applicant is proposing a smaller sign face, but a taller structure, which is what triggered the variance request. (The request was reviewed by the Valdosta Historic Preservation Commission on May 4, 2015, and was approved at a maximum height of 50 feet from grade to top of the sign face.) The original sign was 40 feet tall, from grade to top of the face, with a 378 square foot face. The sign is allowed to be placed back as it was—40 feet tall, with a 378 square foot face, but the applicant wants a taller sign (60 feet from grade to top of sign face) but a smaller sign face, proposed at 250 square feet. Given that freestanding signs in C-H zoning are allowed to be no more than 24 feet tall from ground to top of head, the applicant is requesting a 36-foot height variance. The sign is also nonconforming in square footage, but because they are decreasing the nonconformity from 378 feet to a proposed 250 square feet, no variance is needed. Staff utilized a bucket truck to get a better idea of height in relationship to the overpass. Staff set the bucket at 45 feet, 50 feet, and 60 feet, and drove the immediate area to see what the different heights looked like. Staff understood the desire for visibility but wanted to balance the desire for visibility with the overall character and nature of the immediate area in the sense that signage in the Historic District is generally conservative in terms of height and size. After reviewing the different heights, 45 feet seemed to lack some visibility from the eastbound lanes of the overpass while 60 feet seemed to be too tall; 50 feet seemed to be the optimum scenario and best compromise. After evaluating the application, staff found it to be consistent with the Variance Review Criteria and recommends approval for a freestanding sign with a maximum height of 50 feet from grade to the top of the sign and a cap of 250 square feet for the copy area of the sign.

Mr. Matt Martin stated that DOT took some additional right-of-way when working on the Hill Avenue overpass project. Mr. Martin stated that this sign was affected, but not purchased by DOT. DOT requested removal of the face due to the potential of damaging the sign face during construction. Staff was unsure of the height of the overpass, and was unsure how the height of the overpass would affect the visibility of the signage. Mr. Martin said the question was, “How high was high enough?” when it came to making a recommendation. Staff thought that 45 feet would be tall enough, but when driving east on the overpass, realized that there were some visibility issues. Sixty feet (60’) seemed to be too tall, and 50 feet was a blend of visibility but not being too tall for the immediate area.

Mrs. Hobby asked if the top of the guard fence on the bridge obscured the view of the bucket. Mr. Martin stated that at 45 feet, the bucket was taller than the fence. Mr. Martin stated that the top of the pole was almost level with the top of the overpass wall, and was measured at 30 feet high. Mr. Martin stated that there is an utility pole

close to the property, and while staff didn't measure it, the utility pole was estimated to be about 55 feet in height based on the view from the bucket. Mrs. Hobby asked how tall the sign face was. Mr. Martin stated the sign face (panel) was about 10 feet tall. Mrs. Hobby expressed concerns about the readability/visibility of the sign through the fencing along the edges of the overpass. Mr. Martin stated that the top of the sign would be visible, and that the bottom portion may be partially obscured from a small portion of the overpass eastbound side, but would be plainly visible from all other angles.

Chairman Strickland asked if the sign would be classified as a billboard. Mr. Martin stated that any freestanding sign larger than 300 square feet in copy area was classified as a billboard – such as sign at its former size of 378 square feet, but the new square footage size of less than 300 square feet would mean it would no longer be classified as a billboard. Chairman Strickland asked if this would be considered an off-premise sign through advertising. Mr. Martin stated that the City does not regulate signage based on on-premise or off-premise advertising, and that this sign could advertise any message.

Mr. Alvarado asked what Fairway could put up now, without a variance. Mr. Martin stated they could go back to the 40-foot tall sign with 378 square feet. Mr. Alvarado asked if staff was concerned about aesthetics. Mr. Martin said yes. Mr. Alvarado asked why DOT didn't buy the sign structure. Mr. Martin stated it was because DOT didn't need the portion of land where the sign is located - for the project. Mrs. Quarterman verified that there was a point, at 50 feet, that going from west to east, where the signage would be completely visible. Mr. Martin stated that was true. Mrs. Quarterman asked how many faces the sign would have. Mr. Martin verified it was a single tiered sign..

There being no further discussion, Chairman Strickland asked if there was anyone present who would like to speak in favor of this request. Mr. Bart Holt with Fairway Outdoors, 369 Enterprise Drive, spoke on behalf of the application and said he was available to answer questions. Mrs. Hobby asked why they had asked for a height of 60'. Mr. Holt stated that at either 50 feet or even at 60 feet, there was a section of the overpass that visibility of the sign to motorists was lost for a moment, and he was unsure that they could otherwise get the sign high enough and still balance the aesthetics of the Historic District. Mrs. Hobby asked at what distance people usually read signs of this size. Mr. Holt stated anywhere from 300 to 600 feet away. Mr. Martin said the other variable was the size of the copy area and the text font, as they could influence readability from different distances. Mrs. Plyler asked if ZBOA approved the variance per staff's recommendation, could the sign ever revert back to its former height and size. Mr. Martin stated that under those circumstances, once the variance was approved, permits were issued, and the face panels were installed, the former sign would lose its nonconforming status and therefore could not revert back to its old size and height. Mr. Holt stated the reasons they were proposing a smaller face panel were because of the changes in right-of-way, and to make sure engineering of the existing pole would work with a taller sign. Mr. Alvarado asked if they intended to utilize a digital face. Mr. Holt stated no, that they intended to utilize a static face.

Chairman Strickland asked if there was anyone else to speak in favor. Seeing none, he asked if there was anyone present who wished to speak in opposition to this request. There was no response. Chairman Strickland then asked staff if anyone had contacted the office concerning this request. Ms. Tolley stated there was one phone call from someone inquiring what the public hearing sign meant. There being no further discussion, Chairman Strickland called for a motion.

Mrs. Quarterman made a motion to find consistent with the Variance Review criteria and approve the request, subject to two conditions: (1) the sign shall be no taller than 50 feet from base to top of the face, and (2) the sign area shall be no larger than 250 square feet. Mrs. Plyler seconded the motion and it was called and carried by the majority (6-1 vote). Mr. Alvarado voted against the motion.

OTHER BUSINESS

Agenda Item #5: Approval of Minutes: April 7, 2015

Chairman Strickland asked if anyone had any issues/corrections with the April 7, 2015 draft minutes. There were no suggested changes. Mr. Alvarado made a motion to approve the minutes as presented. Mr. McCall seconded the motion and it was called and carried unanimously (7-0 vote).

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Chairman Strickland stated he had viewed a listing of those people who had applied for vacant board seats, and Mrs. Gaskins' name was not one of those listed. Mrs. Gaskins stated that she had not reapplied, but appreciated the experience of serving on ZBOA.

Agenda Item # 6: Adjournment

There being no further business, the meeting adjourned at 3:20pm.

_____/s/ Allan Strickland
Allan Strickland, Chairman

_____/ 6-2-2015
Date