

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

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

September 1, 2015

2:30 p.m.

MEMBERS PRESENT

Paul Alvarado
Nancy Hobby
John Hogan III
Dr. Willie Houseal

John "Mac" McCall
Satrina Plyler
Gretchen Quarterman
Allan Strickland

MEMBERS ABSENT

STAFF PRESENT

Ted Bilak
Carmella Braswell
James Horton
Matt Martin
Mike Martin
Tracy Tolley
Dereck Willis

VISITORS PRESENT

Betty Batts
Charles Bennett
Jimmy Bennett
Hilda Brown
Eileen Carter
Josh Carter
Jimmy Cone

Midge Cook
Mike Cooper
Margaret Ellis
Norman Green
Alphonso Hardnett
Sarah Howard
William Howard
Pernell Jones
Phyllis Lowe

Betty McElwain
Bob Mederios
Pat Mederios
J. Elveta Miller
Bernie Napier
Ben Norton
Maggie Roberts
Steve Roberts
Charlie Satterwhite

Elaine Satterwhite
Eugene Stone
Mary Swandell
Paul Swandell
Laura Wood

Agenda Item # 1: CALL TO ORDER

The meeting was called to order by Chairman Strickland at 2:30 pm 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 CASE

Agenda Item # 2: VAR-2015-12—Eugene Stone (Clay Road and Old Statenville Road, Valdosta)

Chairman Strickland announced the case.

Mrs. Braswell stated that the applicant, Eugene Stone, DBA Southview Cemetery, is undergoing plan review for the establishment of a cemetery. The property is zoned E-A (Estate Agriculture), consists of 12.5 acres, and located on the east side of Clay road, the portion that lies between Howell Road and Old Statenville Road. The applicant purchased the property several years ago, and the property contained two buildings for which no permit can be found. The buildings are located along the northern property line of the subject property. The smaller building is proposed to be removed/relocated, and the applicant has plans to utilize the larger building for storage purposes. The building measures fifteen feet from the property line, whereas the side yard setback requirement is twenty feet. The applicant is requesting a variance for five feet. Staff recommended for approval of the variance request, citing criteria "h."

Chairman Strickland asked if anyone had questions for staff. Mrs. Plyler asked if the applicant relocated one of the buildings, would setbacks apply? Mrs. Braswell stated they would. Dr. Houseal asked if any buffering would be required for the project. Mrs. Braswell stated yes, buffering would be required for the cemetery along three sides.

There being no further questions for staff, Chairman Strickland asked if anyone would like to speak on behalf of the application. Mr. Eugene Stone, 103 N St Augustine Road, stated that he had no problems with staff's recommendation.

There being no one else to speak in support of the application, Chairman Strickland asked for those to speak in opposition of the application. No one spoke.

Chairman Strickland asked if anyone else had questions. There being no further questions or discussion, Chairman Strickland called for a motion. Mrs. Quarterman made a motion to approve the request as presented for a five ft. side yard variance, citing criteria "d." Dr. Houseal seconded the motion. The motion was approved with a vote of 7 to 0.

CITY OF VALDOSTA CASES

Agenda Item # 3: APP-2015-04—Charles Bennett (2891 Green Meadow Drive, Valdosta)

Chairman Strickland announced the case. Chairman Strickland stated that the Board had received a letter from Mr. Bennett's attorney, Rob Plumb, asking the Board to consider tabling the request for a month due to Mr. Plumb's need, as the Remerton Court Judge, to be present at Remerton City Court. Chairman Strickland stated that they could either table the case, or hear the case, depending on the wishes of the Board. Mrs. Hobby asked when Mr. Plumb contacted staff. Ms. Tolley stated that Mr. Plumb had called at about 10:00 that morning, with the letter arriving later that morning. Mrs. Quarterman asked if staff could present the case, and the Board could make a decision regarding whether to table or not after. Chairman Strickland stated that that was an option also. Mrs. Quarterman stated she would like for the case to be presented.

Ms. Tolley stated that Mr. Charles Bennett was asking for a front yard setback for his residence, located at 2891 Green Meadow Drive in a R-15 zoning district. The parcel contains a single family residence and consists of about 0.49 acres. Mr. Bennett pulled a permit for a porch addition to be 11 feet by 34 feet, and listed the value of construction as \$10,000. The porch, as built, was 37 feet by 34 feet and encroaches into the front yard setback by 12 feet. (When Mr. Bennett pulled the permit, the front yard setback was 35 feet. In April, that front yard setback was amended to 30 feet. The front porch is 18 feet from the front parcel line, therefore extending into the 30 ft. setback by 12 feet.) Upon further inspection, a significant amount of interior remodeling was under way—of approximately \$100,000 in value. Building permits were issued to the applicant to complete the remodeling work pending applicable final inspections and the outcome of the required public hearings. During the review, staff determined that an accessory dwelling unit was being created as a result of the interior remodeling and would require approval of a Conditional Use Permit (CUP). The CUP request has been submitted and will be considered by City Council on October 8. While there are several issues related to this property, the front yard setback request is the only one under ZBOA's purview. After reviewing the case for the variance request, staff found no hardship and recommended denial.

Chairman Strickland asked the Board if they had any questions. Mrs. Quarterman asked how far the front of the house was from the ROW. Mr. Matt Martin stated it was about 55 feet from the ROW. Chairman Strickland stated that the Board understood that there was more work performed than the permit reflected, but ZBOA could only consider the front yard setback variance for the covered porch. Chairman Strickland asked if a retaining wall and landscaping could be within the setbacks. Ms. Tolley stated yes. Chairman Strickland verified that the issue was the covered porch's extension into the front yard setback; Ms. Tolley stated that was true.

Chairman Strickland asked if the Board had any questions for staff. Mrs. Plyler asked, if the Board made a decision today without representation from Mr. Bennett, could Mr. Bennett appeal that decision? Chairman Strickland stated that if the Board made a decision, and Mr. Bennett did not agree with the decision, it could be appealed to Circuit Court. Ms. Tolley stated she had told Mr. Plumb that the Board may decide to table the request, or they may decide to take action. Mrs. Plyler was concerned whether Mr. Bennett, if denied, could come back with the same request. Chairman Strickland stated he could not come back for a year with the same request, that any request had to be different enough to be considered a new request if submitted within a year's time.

There being no further discussion, Chairman Strickland asked if the applicant was in attendance. Jimmy Cone, 1806 Plum Street, stated he was the architect for the project. Mr. Cone stated he was unaware that Mr. Plumb had submitted the letter requesting tabling, but had sent word to Mr. Charles Bennett and Mr. Jimmy Bennett about the current Board discussions. Chairman Strickland asked if either Mr. Bennett might be able to attend. Mr. Cone stated he'd sent them a text, but would like to call. Chairman Strickland stated that he would like to set this case aside and hear the next case to give someone a chance to get to the meeting. While Mr. Cone tried to contact either Charles or Jimmy Bennett, the Board moved to the next case.

Agenda Item # 4: APP-2015-05—Todd Buckner (1510 Norman Drive, Valdosta)

Chairman Strickland announced the case.

Ms. Tolley stated that Todd Buckner, on behalf of Goo Goo Car Wash is asking for two variances, as the regulations pertain to the size of a flag and the length of its hoist side. The parcel, zoned Community-Highway (C-H) is located at 1510 Norman Drive and is approximately 2.07 acres. The property is currently being developed with a car wash. The applicant is proposing a flag that is 150 square feet and a hoist size of 10 feet, with a 40 ft. tall flagpole. The regulations allow a flag of no larger than 60 square feet, and a flag pole no taller than either the maximum height allowed by zoning district or 40 feet. Since there is no maximum height in C-H, the maximum height for a flag pole is 40 feet, which the proposed flag pole will meet. The hoist side of a flag cannot be more than 20% of the flag pole height—in this instance—a maximum of 8 feet rather than the 10 feet proposed. Therefore the applicant is asking for variances for a flag of 150 square feet (larger than the 60 square feet maximum) and for a hoist side of 10 feet (larger than the 8 feet maximum). Staff reviewed the request and found no hardship, therefore recommending denial of the requests. While Hightower Creek is nearby, and wetlands and a wooded area occupy parts of the parcel, the parcel is largely unaffected by those topographical objects. However, if the Board is inclined to approve the request, staff would recommend placing a condition that this be the only flag allowed on the property. (The regulations allow 3 flags without permits, under certain conditions.)

Chairman Strickland asked if there were any questions for staff. Mrs. Quarterman asked if the 60 square feet was total for three flags, or if each flag could be up to 60 square feet. Ms. Tolley stated that each flag could be 60 square feet. Mrs. Plyler asked how big the existing American flag was on the property. Ms. Tolley stated she did not believe there was a flag currently on the property. Mrs. Plyler stated there was a flag on the property today. Ms. Tolley stated she was unaware that there was a flag on the property currently, and was unaware of how large it was. Chairman Strickland asked, when we were discussing flags, if we were talking governmental flags such as an American flag or a Lowndes County flag. Ms. Tolley stated that we were talking about governmental flags. Chairman Strickland asked if the Board allowed the flag as presented by the applicant, if they could still have other forms of signage. Ms. Tolley stated yes, with permits, they could. Mrs. Plyler asked what flags could be covered under this requirement. Ms. Tolley stated that it was governmental flags, such as the American flag or the State of Georgia flag.

There being no further discussion from the Board, Chairman Strickland asked if there was anyone to speak on behalf of the applicant. Michael Cooper, 105 W Central Avenue, spoke on behalf of the applicant. Mr. Cooper stated that Goo-Goo typically flies a 10 ft by 15 ft American flag at each of its locations, and the only solution for allowing one of this size in Valdosta was going through the variance process. Chairman Strickland asked if the applicant had an issue, if the Board approved the flag with the condition that it be the only flag on the property. Mr. Cooper stated no, they did not. Mr. Hogan stated there was a Goo-Goo franchise in Douglas with a flag, and Mr. Hogan wondered how large that flag was. Mr. Cooper stated he was unsure how large that flag was. Dr. Houseal asked if the size of the flag would be out of proportion with the height of the pole. Mr. Cooper stated the size of the flag would be proportional to the height of the pole. Chairman Strickland stated, that at one time, there were a few larger flags in Valdosta, but he can think of a couple of larger flags at Zacado's locations.

There being no further discussion, Chairman Strickland asked if there was anyone else in support of the application. No one spoke. Chairman Strickland asked if anyone was there to speak in opposition. No one spoke.

There being no further discussion, Chairman Strickland called for a motion. Mrs. Plyler made a motion to grant the request for a 150 square foot flag and a 10 foot hoist with the condition that there be only one flag on the property. The motion passed with a vote of 6 to 1, with Mrs. Quarterman voting against the motion.

Agenda Item # 3: APP-2015-04—Charles Bennett (2891 Green Meadow Drive, Valdosta)

Chairman Strickland asked if Mr. Cone was able to reach either Mr. Charles Bennett or Mr. Jimmy Bennett. Mr. Charles Bennett and Mr. Jimmy Bennett were both in attendance. Chairman Strickland asked Mr. Charles Bennett if he would like to say anything. Mr. Charles Bennett did not want to speak at this time. Chairman Strickland stated that the Board had the letter from Mr. Plumb asking to table the case for another month. Mrs. Quarterman stated she would like to hear the case. Chairman Strickland stated that the Board had heard from staff, as well as from Mr. Cone.

Chairman Strickland asked if there was anyone who would like to speak from opposition. Charlie Satterwhite, 3116 Northfield Drive, spoke on behalf of the neighborhood in opposition, of which a large crowd was in attendance. Mr. Satterwhite stated that the community became aware of the project when large trees were cut down from the property. Mr. Satterwhite obtained a copy of the permit through open records request of the original building permit for the 10 ft by 34 ft attached carport with about \$10,000 in construction costs. Several large loads of dirt were brought in to lay the circular driveway on top of. Mr. Satterwhite stated that the project was out of proportion and out of character with the rest of the neighborhood, and hopes that ZBOA will deny the request. Mr. Satterwhite stated that there was other work on at the same time. Chairman Strickland stated he understood, but that the only thing that ZBOA could consider is the front yard setback variance. Mr. Satterwhite stated that the applicant tried to cover the whole project—electrical work, plumbing work, mechanical work, etc.—with one permit for the attached carport.

Chairman Strickland asked if there was anyone else who would like to speak in opposition, to give additional information. Bernie Napier, 3 Charles Way, spoke in opposition. He has property that adjoins the property in question. Mr. Napier asked if there were required inspections along the way that would have alerted staff that the setbacks were encroached upon or that there was additional work not covered by the initial permit. Chairman Strickland stated he was unsure as to when inspections would take place for the project. Mrs. Hobby stated that she believed Mr. Napier was trying to ask that once that permit was pulled, wouldn't it trigger an inspection at a later date or periodically?

Mr. Mike Martin, Director of Inspections, 300 N. Lee Street, addressed those questions. Mr. Mike Martin stated that a permit was pulled for a \$10,000 porch addition, and that it was the contractor's responsibility to call for inspections as they were required. Mr. Mike Martin stated that the department does not do inspections periodically on permits that are pulled, but when the contractor calls. He stated that staff would investigate if they found something that went beyond the scope of a permit, but staff had no reason to be in that neighborhood until they started receiving phone calls. Once staff received phone calls, staff inspected and most of the work had already been completed. Mrs. Hobby asked what the consequences were if the contractor did not call. Mr. Mike Martin stated that a stop work order may be issued, or that the marshals may be involved to start a case, depending on the particular circumstances. Mrs. Hobby asked if contractors understood they were supposed to call for inspections. Mr. Mike Martin stated absolutely. Dr. Houseal asked if a licensed contractor pulled the permit. Mr. Mike Martin stated that the homeowner pulled the permit, which is allowed under state law. If the homeowner chose to subcontract out any work (electrical, plumbing, etc.) then those subcontractors would have to be licensed contractors. Chairman Strickland stated that in this particular instance, the permit was purchased in January, but work did not start until April or May, and it would be hard for the City to keep track of all permits prior to inspections being called in. Mr. Napier stated he understood that.

Mr. Satterwhite stated that was his purpose in bringing up the total scope of all the work that was done, but he understood that the Board could only consider the front yard setback variance. Chairman Strickland stated that they knew the scope of the work, but could only consider the front yard setback variance. Mr. Satterwhite mentioned the driveway. Chairman Strickland stated that the driveway, landscaping, and retaining walls could be placed in the setback, as long as it was not covered. Mr. Satterwhite stated that the driveway was a concern. Chairman Strickland stated that the only thing that was advertised, and the only thing that could be considered, was the front yard setback variance for the covered porch.

Ms. Laura Wood, 3004 Wendover Road, spoke in opposition. Ms. Wood stated that the prior speakers' discussion of the total scope of the project was to show that the additional work was not made in error, and was done intentionally.

Chairman Strickland asked for clarification if Mr. Charles Bennett served as his contractor, pulling his own permits. Mr. Jimmy Bennett stated yes, that was true. Chairman Strickland asked if Mr. Jimmy Bennett wanted to speak to the Board. Mr. Jimmy Bennett stated that he wasn't prepared to make a speech, that they were expecting Mr. Plumb to speak in their behalf but he had to appear in Remerton Court and believed the case would be tabled. Mrs. Quarterman asked, if the Board heard the case before the porch was built, would they still be asking the same questions affiliated with variances, such as whether there was any topographical issues that imposed hardship, etc. Ms. Tolley stated that the same criteria/questions applied to this circumstance. Chairman Strickland stated that the rules did not change because the porch was already built. Mr. Matt Martin stated that the variance review criteria still applied, as if the structure was not currently built, and the fact that it is there does not grandfather it in.

Given that there was no further discussion from the Board, Chairman Strickland asked if the Board wanted to table the case till the October meeting, or if the Board was ready to make a decision. The consensus of the Board was that it was ready to make a decision. Dr. Houseal stated, that even if the Board denied the variance, the same image—same design—would still exist, if Mr. Bennett had to remove several feet so as not to encroach on the setbacks. Chairman Strickland stated that Mr. Bennett had the right to extend the porch up to the setback line. Dr. Houseal stated that the same image would still be visible, even if it didn't encroach on the setbacks.

There being no further questions or discussion, Chairman Strickland called for a motion. Mrs. Hobby made a motion to deny the variance as presented. Mr. McCall seconded the motion. The motion to deny the variance was approved with a 7 to 0 vote.

OTHER BUSINESS

Agenda Item #5: Approval of Minutes: August 4, 2015

Chairman Strickland asked if anyone had any issues/corrections with the August 4, 2015 draft minutes. Being that there were no issues, Mrs. Quarterman made a motion to approve as presented. Mr. Alvarado seconded the motion. The motion passed with a vote of 7-0.

Dr. Houseal asked staff if ZBOA members could be provided with photographic IDs of some sort, to present if needed while doing site visits. Ms. Tolley stated she would look into that.

Agenda Item # 6: Adjournment

There being no further business, the meeting adjourned at 3:55 pm.

/s/ Allan Strickland _____
Allan Strickland, Chairman

10/06/2015 _____
Date