

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

Valdosta City Hall Annex Multi-Purpose Room

300 North Lee Street, Valdosta, Georgia

December 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

MEMBERS ABSENT

Allan Strickland

STAFF PRESENT

Carmella Braswell
Tracy Tolley

VISITORS PRESENT

Paul Arambula
Verna J. Arambula
Arney Lucas
Clifford Lucas

Marie Lucas
Alchanda Mayfield
Rodney Tenery

Agenda Item # 1: CALL TO ORDER

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

LOWNDES COUNTY CASES

Agenda Item # 2: VAR-2015-14—James T. Creasy (Carter Drive, Hahira, GA)

Vice Chairman Quarterman announced the case.

Mrs. Braswell stated that Cauthan Construction, on behalf of James T. Creasy, was proposing to replace an accessory structure with another accessory structure. The subject property consists of 5.19 acres on Carter Drive in Hahira, and is in a R-A (Residential Agriculture) district. The property contains a legally established nonconforming use—a telecommunications tower and its related accessory structures. In November of 1996, ZBOA granted a Special Exception for Mr. Creasy to establish a telecommunications tower in an A-U (Agricultural Use) zoning district on the subject property. The nonconformity exists in the sense that the zoning district was changed to R-A upon adoption of the ULDC. The applicant desires to replace an existing accessory structure—8 feet by 12 feet—with another accessory structure—9 feet by 16 feet—to house radio and tower equipment that supports the existing telecommunications tower. The TRC reviewed the request and unanimously recommends approval, given that the request is very similar in nature to the existing structure and use, and the request will not cause substantial detriment to the public good or impair the purposes and intent of the ULDC.

Vice Chairman Quarterman asked if the Board had any questions for staff. There being no questions for staff, Vice Chairman Quarterman asked if anyone would like to speak in support of the application. There being no one to speak, Vice Chairman Quarterman asked if anyone would like to speak in opposition of the application. There being no one, Vice Chairman Quarterman opened the floor for a motion. Dr. Houseal made a motion to approve the variance as presented, citing criteria "d." Mrs. Hobby seconded the motion. The motion passed with a vote of 6 to 0.

Agenda Item # 3: VAR-2015-15—Clifford Lucas, Arney Lucas, and Lawrence Lucas, DBA Lucas Brothers Memorial Garden (Lucas-Richardson Road, Hahira, GA)

The applicant is asking for relief from the supplemental standards for the establishment of a cemetery. The subject property consists of 5 acres and is located on Lucas Richardson Road, Hahira, and is zoned R-A (Residential Agriculture). The property is currently used as a family cemetery, and the applicant is proposing to expand into a

commercial cemetery. The ULDC sets provisions for the establishment of cemeteries and the applicant is seeking relief to four of the supplemental standards. The first is for access. The ULDC requires that all cemetery access shall be provided through an arterial, collector, or state highway. Lucas Richardson Road is considered a local road. However, the ROW is an improved 80 feet of ROW, unlike the usual 60 feet for local roads in the County. The ROW is sufficiently wide to handle truck and vehicle traffic. The second supplemental standard that the applicant is requesting relief from is for minimum land area. The ULDC requires that registered cemeteries shall have a minimum land area of ten acres. The applicant is proposing to utilize five acres for the cemetery. The third supplemental standard that the applicant is requesting relief from is for minimum road frontage. The ULDC requires that cemeteries shall have a minimum road frontage of 200 feet. The applicant is proposing 150 feet of road frontage. It is staff's opinion that the road frontage is sufficient to handle vehicular ingress and egress, and is enough to satisfy the ULDC's intent. The last standard that the applicant is requesting relief relates to buffer yards. Commercial uses, such as a commercial cemetery adjacent to R-A zoned properties are required to provide a thirty foot vegetative buffer. This requirement would require the applicants to plant four shade trees and 25 shrubs every 100 linear feet along the boundaries of the cemetery. The applicants are proposing a 15 foot vegetative buffer instead of thirty feet. Staff is concerned about the applicant's proposal and is recommending a vegetative buffer of twenty feet instead. The TRC reviewed the request, and recommends approval of three of the four supplemental standards as requested, and is recommending approval of a variance to the buffer yard requirement to reflect twenty feet instead of the requested fifteen feet, citing criteria "c," "d," and "g."

Vice Chairman Quarterman asked if the Board had any questions. Mr. Hogan asked if anyone opposing the request had approached staff. Mrs. Braswell stated yes. Vice Chairman Quarterman asked if, in the future, housing subdivisions were developed on the larger tracts on the road, if the County would consider changing the classification to a higher functionality. Mrs. Braswell stated that yes, that would be a possibility. Vice Chairman Quarterman asked if the property touched Bay Branch. Mrs. Braswell stated yes, that the property had wetlands in the southern portion, but the applicants intended to develop only the northern portion of the property. Vice Chairman Quarterman asked if the wetlands could be utilized for burial plots. Mrs. Braswell stated that the wetlands could not be used for burial plots, that the plots had to be outside of the wetlands. Mrs. Hobby asked how far away the burial plots had to be from the wetlands. Mrs. Braswell stated that there was no setback required, just that the plots could not be in the wetlands. Vice Chairman Quarterman asked if the 2009 flood affected this property. Mrs. Braswell stated she was not knowledgeable about that. Mr. Alvarado asked if a fence was required. Mrs. Braswell stated no, but if they added a six to eight foot opaque fence, the buffering would be reduced. Mrs. Plyler stated there was a portion of the cemetery already fenced. Mrs. Hobby asked how many graves were proposed. Mrs. Braswell stated the applicants were proposing 1200 plots on their proposed site plan. Dr. Houseal asked if the applicant was proposing any wells. Mrs. Braswell stated that no wells were being proposed, but if there would be any wells on the property, there are regulations that require so many feet from a grave to the well. Dr. Houseal asked if any roads were being proposed. Mrs. Braswell stated that an interior roadway was being proposed, that it needed to be improved, and that the County would accept gravel. Dr. Houseal asked if the request was heard by GLPC. Mrs. Braswell stated there was no need for GLPC to hear the request. Dr. Houseal asked if staff had met with both the applicants and those in opposition. Mrs. Braswell stated that staff had met with the applicants, and had received calls and letters in opposition. Mr. Alvarado asked if there was any question about ownership. Mrs. Braswell stated no, there was not. Mrs. Plyler asked if staff knew an average number of attendants for a funeral. Mrs. Braswell stated that staff was unsure. Mrs. Plyler stated she was concerned about the number of cars for graveside services.

There being no further discussion from the Board, Vice Chairman Quarterman asked if the applicant would like to speak. Pastor Arney Lucas, 4427 Val Del Road, spoke on behalf of the application. He stated that the family utilized the cemetery now, but they would like the option of providing plots to members of the church in order to assist with maintenance costs. Pastor Lucas stated that most of the land on Lucas Richardson Road was owned by family, such as his brothers, nieces, and nephews. Mr. Hogan asked if the cemetery would be open to the public. Pastor Lucas stated the public could obtain graves as well.

Mr. Clifford Lucas, 4760 Val Del Road stated he wanted to address access concerns. He stated the road was wide enough to accommodate traffic, and as a dead end road, could not function as a cut-through road over the river. Mr. Lucas stated he could not predict whether his children and grandchildren would want to be involved with cemetery care, but if the cemetery became a commercial cemetery, there would be money to pay for the care and maintenance. Mr. Lucas stated there would not be a lot of traffic generated by the cemetery. Vice Chairman Quarterman asked if the 2009 flood affected the property. Mr. Lucas stated that no water from the 2009 flood came onto the property. Mrs. Plyler asked if it came to the fence. Mr. Lucas stated it did not. Vice Chairman Quarterman stated that staff had recommended a twenty foot buffer. Mr. Lucas stated they could accommodate that. Vice Chairman Quarterman stated that the cemetery was locked when she visited, and asked if the gate would be kept

locked. Mr. Lucas stated it would be kept open if approved, and that the lock on the gate was not currently locked. Vice Chairman Quarterman asked if the gate would be locked at night. Mr. Lucas stated it would not. Mrs. Hobby asked when the cemetery was established. Mr. Lucas stated about twelve years ago. Dr. Houseal asked how many graves they wanted to have. Mr. Lucas stated they would like to have approximately 1500 graves. Dr. Houseal asked if there would be adequate parking. Mr. Lucas stated there would be. Dr. Houseal asked if any of the family was in opposition. Mr. Lucas stated that some family may be in opposition. Dr. Houseal asked if the opposition had anything to do with legal issues. Mr. Lucas stated there were no legal issues. Mrs. Plyler stated that the plat/site plan showed about 1200 graves, and Mr. Lucas had stated that there would be approximately 1500. Mr. Lucas stated they would like to have approximately 1500, but it depended on what the land would accommodate.

Vice Chairman Quarterman asked if anyone else would like to speak in support. No one else spoke. Vice Chairman Quarterman asked if anyone would like to speak in opposition. Ms. Marie Lucas, 4890 Lucas Richardson Road, and Ashonda Mayfield, 3510 Lucas Richardson Road, spoke in opposition. Vice Chairman Quarterman stated for clarification purposes that no rezoning was needed, that this was not a rezoning hearing. The intent of this hearing is to ask for relief from the supplemental standards from size requirements, acreage requirements, road frontage requirements, and buffering requirements so the cemetery can become a commercial cemetery. Ms. Lucas stated she was concerned that people would use her land as a place to turn around. Ms. Mayfield stated that traffic is a concern, property values would go down, that crime in the area will rise and that is a concern as the homes are isolated. The area now is rural, quiet, with little traffic. Mr. Hogan asked who they had spoken with regarding the potential devaluation of property due to a commercial cemetery. Ms. Mayfield stated that a gentleman was looking at buying property in the immediate area, but bought elsewhere due to the cemetery being there currently. Dr. Houseal stated that there was the potential of about 1200 graves being there now as a family cemetery.

Willie Flowers, 3710 Lucas Richardson Road, spoke in opposition. Mr. Flowers stated he had married a Lucas family member. He stated he was not in opposition to a family cemetery, but was to a commercial cemetery. One of his concerns is traffic, particularly with one entrance/exit. Mr. Flowers stated he hoped that the cemetery would have to meet applicable codes. Vice Chairman Quarterman stated requests for relief from some of the supplemental standards was the reason the case was in front of ZBOA. Mr. Flowers stated that a Board member had mentioned the potential of a housing subdivision being developed, and stated that the Lucas children had discussed the possibilities of developing some land into a residential development. Vice Chairman Quarterman stated she had asked that question in relationship to the potential of changing the functional classification of Lucas Richardson Road. Vice Chairman Quarterman asked Mrs. Braswell if ZBOA could place a condition, if they decide to approve the request, requiring two entrances/exits within the 200 feet of road frontage. Mrs. Braswell stated yes, they could. Mr. Flowers stated he had concerns about lowering the standards for a commercial cemetery. Mr. Flowers stated that it is a strong possibility that for any given service, the potential for at least thirty to forty cars is there. Mr. Flowers stated that to open the cemetery up to the public to generate funds for maintenance funds is a poor reason to establish a commercial cemetery. Additionally, Mr. Flowers expressed concern that there is no turn-a-round at the end of the road. Vice Chairman Quarterman stated that traffic would turn around in the cemetery, not the end of the road.

Mr. Hogan asked Mrs. Braswell that if the proposed cemetery met all of the supplemental standards, it could be a commercial cemetery by right. Mrs. Braswell stated that was true. Vice Chairman Quarterman stated that, since Mr. Lucas owns property nearby, that if he could add on property/more road frontage, he could meet more of the supplemental regulations and need fewer variances. Mr. Flowers asked if a commercial cemetery would affect property values of the adjacent properties. Vice Chairman Quarterman stated it was out of their purview.

Mrs. Hobby asked if any of the trees had been cleared. Mr. Rodney Tenery, 107 E. North Street, stated that some clearing had taken place, and that the roads had been laid out in the cemetery. There is room left for parallel parking on one side of the road.

There being no further questions or discussions, Chairman Quarterman opened the floor for a motion. Mrs. Plyler expressed concerns on the impact of a commercial cemetery on a rural area. Dr. Houseal stated that the adjacent homeowners have valid points. Mr. Hogan stated that if the cemetery met the regulations, a commercial cemetery could be there by right. Vice Chairman Quarterman noted that the road is still a local road, and the cemetery would need a variance from that particular standard. Mr. McCall asked what qualifies a cemetery as a commercial cemetery. Mrs. Braswell stated that things like opening it up to the general public and opening it up to non-church and non-family members helped make a cemetery commercial in nature. Mr. McCall stated that some considered close friends to be family, and asked what the definition of a family is. Mrs. Braswell stated that the ULDC did not define what a family is.

Vice Chairman Quarterman asked if the Board would like to table the request to give the applicant time to address concerns stated by the Board and by opposition. Dr. Houseal made a motion to table until the January 2016 regularly scheduled meeting. Mr. Hogan seconded that motion. The motion passed with a vote of 6 to 0.

Agenda Item # 4: VAR-2015-16—City of Valdosta (Wetherington Lane, Valdosta, GA)

Mrs. Braswell stated that due to additional variances needed for this project, it needed to be readvertised, and asked the Board to table the case until the regularly scheduled January 2016 meeting.

Mr. McCall made a motion to table the request until the regularly scheduled January 2016 meeting. Mr. Alvarado seconded the motion. The motion passed with a vote of 6 to 0.

CITY OF VALDOSTA CASE

Agenda Item # 5: APP-2015-09—Snake Nation Press (110 W Force Street, Valdosta, GA)

Ms. Tolley stated that Snake Nation Press, 110 W Force Street, is applying for a variance as it relates to telecommunication towers and setbacks. The property, zoned Residential Professional (R-P) and located in the Local Historic District, consists of 0.35 acres and contains a single-family residence. The applicant is proposing to renovate the single-family residence to include a professional organization/meeting space, and a radio broadcasting studio (to include the telecommunications tower), and will still contain the owners' private residence. The radio broadcasting studio, the telecommunications antennae, and the professional organization/meeting space needs a Conditional Use Permit. That decision will be heard by Valdosta City Council on December 10, 2015. The HPC (Historic Preservation Commission) approved the request for the antennae in March of 2015. The other proposed exterior improvements—including a parking lot and HC access ramp, will be heard by the HPC on December 7, 2015. The height of the tower dictates how far the tower must be from a property line. The tower is proposed to be 59 feet, and therefore must be 59 feet from all property lines. The tower meets that on three property lines, and is 39.5 feet from the fourth property line, which is why the applicant is requesting a variance of 19.5 feet. The tower will be screened from the public streets through means of the house and vegetation in the location on the site plan. In this instance, there is hardship in the narrowness of the lot. Staff recommends approval of the variance with one condition, and that condition being that approval is based on the tower location shown on the submitted site plan.

Vice Chairman Quarterman asked if anyone would like to speak on behalf of the application. Mr. Paul Arambula and Mrs. Verna J. Arambula, 110 W Force Street, spoke on behalf of the application. Mr. Arambula stated there was plenty of room on the property, with the exception of that one side. Mr. Arambula stated that the tower is light-weight, weighing approximately 600 pounds, and would be swung up into place. Mr. Hogan asked how much the typical tower weighs. Mr. Arambula stated he was unsure, but that his weighed 600 pounds. Mrs. Plyler asked if the tower would interfere with reception for cell phones, cable, or Internet. Mrs. Arambula stated it would not interfere, that is a 100 watt FM radio antennae.

Vice Chairman Quarterman asked if anyone had contacted staff with any concerns. Ms. Tolley stated there was no contact.

There being no further discussion or questions, Vice Chairman Quarterman asked if anyone would like to make a motion. Mrs. Plyler made a motion to approve the request as presented with the condition that the approval is based on the tower location shown on the submitted site plan. Mr. Hogan seconded the motion.

OTHER BUSINESS

Agenda Item #6: Approval of Minutes: November 3, 2015

Vice Chairman Quarterman asked if anyone saw any needed corrections. Ms. Tolley stated that the only change that was made was deleting Chairman Strickland's name in the signature block and replacing it with Vice Chairman Quarterman's name due to Chairman Strickland's absence. Dr. Houseal made a motion to approve as presented with the change as presented. Mr. McCall seconded the motion. The motion passed with a vote of 6-0.

Agenda Item #7: Nomination of Chairman and Vice Chairman

Vice Chairman Quarterman stated that Mr. Strickland had been nominated for Chairman and that she (Mrs. Quarterman) had been nominated for Vice Chairman for the 2016 calendar year. She asked all in favor to raise their hands. The election of Allan Strickland as Chairman and Gretchen Quarterman as Vice Chairman was approved unanimously.

Agenda Item #8: Discussion Items

A: Name Badges

Vice Chairman Quarterman asked where they stood on getting identification badges. Ms. Tolley stated that the police department would provide the City members with identification badges. Mrs. Braswell stated that the County was still in discussion.

B: Holiday Gathering

Mrs. Braswell stated that the Board was invited to a holiday gathering with the GLPC at Austin's on December 14, 2015. If any ZBOA members are interested in going, they were asked to email Carmella or Jason Davenport for a RSVP by December 11, 2015.

C: 2016 Meeting Schedule

Ms. Tolley stated that the Board needed to vote to adopt the 2016 meeting schedule. The meeting dates are the first Tuesday in every month, with the exception of July and September. The July and September meetings were tentatively moved to the second Tuesday of the month due to holidays. Mr. McCall made a motion to approve the meeting schedule as presented. Dr. Houseal seconded the motion. The motion passed with a vote of 6 to 0.

Agenda Item # 9: Adjournment

There being no further business, the meeting adjourned at 3:50 PM.

/s/ Allan Strickland
Allan Strickland, Chairman

1-5-2016
Date