

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

Valdosta City Hall Annex Multi-Purpose Room

300 North Lee Street, Valdosta, Georgia

January 5, 2015

2:30 p.m.

MEMBERS PRESENT

Nancy Hobby
John Hogan III
Dr. Willie Houseal
John "Mac" McCall

Satrina Plyler
Gretchen Quarterman
Allan Strickland

MEMBERS ABSENT

Paul Alvarado (excused)

STAFF PRESENT

Carmella Braswell
Matt Martin

VISITORS PRESENT

Natasha Collier
Dante Flowers
Willie Flowers
Carolyn Lucas Fluker
Richard Hill
Bart Holt
Arnie Lucas
Cliff Lucas

Don Lucas
Jason Lucas
Jonathan Lucas
Marie Lucas
Martha Lucas
R Lucas
Terry Lucas
Timothy Lucas

Alchonda Mayfield
Jaculyn Pettit
Sarah Varnedoe
Rosa Washington
Cathy Wilkerson
Chelsea Wilkerson
Hattie Williams

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-2015-16 — Clifford Lucas, Arney Lucas, and Lawrence Lucas DBA "Lucas Brothers Memorial Garden (Lucas-Richardson Road, Hahira, GA)

Mrs. Carmella Braswell presented the variance request and stated that this was a tabled item from the December meeting, for the purpose of the applicant to revise their site plan and to continue the discussions with their neighbors. Mrs. Braswell distributed copies of a revised site plan to Board members and explained the changes from the site plan that is currently in their agenda packets. She stated the applicant is still seeking 4 variances from the ULDC. The first is from access—all cemeteries are required to be located with access from an arterial, collector, or state highway. Lucas-Richardson Road is a local road. Second, cemeteries are required to be a total of ten acres. The applicant is proposing a cemetery on five acres. Third, cemeteries are required to have a minimum road frontage of two hundred feet. The applicants are proposing a total of 150 feet—they had originally proposed 60 feet, but obtained 90 feet of adjacent property to propose a total of 150 feet of road frontage; staff feels that the additional road frontage is sufficient to handle vehicular ingress and egress, and adequate enough to meet the ULDC's intent. Lastly, cemeteries are required to provide a thirty ft. vegetative buffer. The applicants are proposing a fifteen ft. buffer; staff is recommending a twenty ft. buffer. The subject property has already been established as a family cemetery and what appears to be an infrequent use of the property would seemingly be an appropriate use of land. With these factors, the TRC recommended approval of three of the four supplemental standards as requested, and is recommending approval of a variance to the buffer yard standards to reflect twenty feet instead of the requested fifteen feet, citing criteria c, d, and g.

Mrs. Quarterman asked that if the State had similar requirements to those in the supplemental regulations, and ZBOA granted variances, how would the State requirements be affected? Mrs. Braswell stated that the State looked at what the County had approved, but she was not aware if the State had a variance process as well.

Chairman Strickland asked if the State was aware of what the County approved, if the cemetery was ultimately approved. Mrs. Braswell stated that the State required the local government to fill out paperwork for the cemetery, and if the variances were granted, she would note that on the paperwork. Mrs. Hobby stated that she understood that part of the five acres proposed for the cemetery was occupied by wetlands, and asked how much was occupied by wetlands. Mrs. Braswell stated that she was unsure of the exact size, but would guess about two acres. Mrs. Hobby stated that while they had five acres of land towards the cemetery, all five acres was not usable as cemetery due to the wetlands. Chairman Strickland stated that they still had five acres on the ground. Mrs. Plyler asked why they were asking for a variance from the buffering standards. Mrs. Braswell stated it was to accommodate more grave plots. Mrs. Hobby asked why the road was paved to collector road standards. Mrs. Braswell stated it was largely related to the state funding for paving the road, but the road was still classified as a local road.

There being no further discussion from the Board, Chairman Strickland asked if there was anyone present who wished to speak in favor of this request.

Pastor Arnie Lucas, 4427 Val Del Road, spoke on behalf of the application. Pastor Lucas stated the cemetery had existed as a family cemetery for several years, and already had six graves on the property. Pastor Lucas mentioned several other cemeteries, including Pallbearer's Cemetery, that existed either on very small acreage or on local roads.

Mr. Clifford Lucas, 4760 Val Del Road, stated that when the cemetery was started, the current regulations were not in place, but they wanted to comply as best they can. Mr. Lucas referred to the variance criteria in the ULDC. Chairman Strickland mentioned that the Board was familiar with the criteria. Chairman Strickland stated that while the cemetery had existed for several years, it was as a family cemetery rather than a commercial cemetery, and the request to change the cemetery over to a commercial cemetery was the instance that is triggering compliance with the supplemental regulations.

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

Mr. Willie Flowers, 3710 Lucas-Richardson Road, spoke in opposition of the application. He did commend the Lucas family for having a family cemetery, but he is opposed to having a commercial cemetery at that location. Mr. Flowers pointed out the wetlands, and that the portion where the actual graves would be would consist of about 2.5 to 3 acres. Chairman Strickland explained that, because the proposed cemetery had five acres deeded, then the Board was considering a cemetery that was five acres. Mr. Flowers expressed concerns where the location of the proposed second entrance would be. Mr. Flowers expressed concern over cars potentially parking in the right of way. Chairman Strickland stated, that to his understanding, cars parking in the right of way was illegal, and for enforcement purposes, either the sheriff's department or county code enforcement should be called.

Ms. Alchonda Mayfield, 3520 Lucas-Richardson Road, spoke on behalf of herself and her mother, who lives at 3838 Lucas-Richardson Road. Ms. Mayfield and her mother are opposed to the commercial cemetery because of the potential of additional traffic. She stated she was a teenager when the road was built, and that more property was acquired for the right of way for agricultural purposes, for tractors and combines to be able to utilize the road. Ms. Mayfield stated that about 20 neighborhood property owners had signed a petition against the cemetery..

Ms. Carolyn Lucas Fluker, 705 Arnold McKinney Drive, Waycross, GA, spoke against the application as she owns property on this road. Ms. Fluker stated that the land was donated to the family. Ms. Fluker stated that the land for the family cemetery was donated, and that the property was donated as a family cemetery and she would like to see it remain as a family cemetery rather than a commercial cemetery.

Mr. Terry Lucas, Lucas-Richardson Road, doesn't live near the subject property but is speaking on behalf of his children and grandchildren. His father was Ivory Lucas. They would like the property to remain as it originally was established, as a family cemetery rather than a commercial cemetery. Mr. Lucas has concerns about potentially devaluing the property values of adjacent properties, as well as the potential of crime.

There being no further discussion, Chairman Strickland asked Mrs. Braswell if there had been any public contact with her office concerning this request. Mrs. Braswell replied that she has received a letter from Mr. Roderick Lucas expressing opposition to this request.

Chairman Strickland stated there are 4 variances being asked for, and stressed that if any one of the variances was not approved, then the cemetery could not be approved as a commercial cemetery without meeting the requirements of the supplemental regulations.

There being no further discussion, Chairman Strickland opened the floor for a motion. Mr. Hogan suggested perhaps 2 of the 4 variances could be approved. Chairman Strickland stated that if one variance was not approved, then the project could not be developed, as it needed all four variances. Chairman Strickland stated that if the variances were denied, the applicant could not come back with the same request for a year. Mrs. Quarterman stated her concern related to the road. Chairman Strickland asked Mr. Hogan if he would like to make a motion. Mr. Hogan made a motion to deny variance requests 1-3 and approve number 4 for a reduced buffer yard width of 15 feet. This motion died for lack of a second. Chairman Strickland then asked for another motion. Dr. Houseal made a motion to find inconsistent with the variance review criteria and deny all 4 variance requests. He stated that this was based on his site visits to the area, a commercial cemetery not being compatible with the existing housing patterns of the area, and the applicants not being residents of Lucas-Richardson Road. Mrs. Hobby seconded the motion and it was called and carried by the majority (5-1 vote). Mr. Hogan voted against the motion.

Agenda Item # 3: **VAR-2015-16 — Jeff Lovell on behalf of City of Valdosta (Wetherington Lane, Valdosta, GA)**

Mrs. Braswell presented the variance request and stated that the City of Valdosta is requesting two variances, a variance to the sewer connection requirement, and a variance to the minimum buffer standards. The property is located at 3180 Wetherington Lane in a M-2 zoning district. Chapter 6.03.04(c) requires that all development to connect to a public sewer system when the County's sanitary sewer system is within a 1000 foot radius of the parent tract of the new subdivision and/or development. The City of Valdosta is in the process of constructing their wastewater treatment facility and administrative offices on the subject property. The parent tract falls within 1000 feet of the county's sewer system, and the newly created tracts are therefore required to connect. A variance is being requested to the sewer connection requirement. Additionally, Chapter 4.07.06 (B,3) provides buffer yard requirements. There is currently an existing natural vegetative buffer along the northern lot line. While it does not encompass the entire eighty feet width as required, the minimum depth is 467 feet and meanders various depths along the northern lot line. The tree count is above and beyond the requirement, but the shrub count does not meet the count of 50 shrubs per every 100 linear feet. However, staff believes that the shrub planting will not only disturb the existing vegetative buffer, but may cause more harm and expose the adjacent residentially zoned lot to the north. Staff recommends approval for the variance requests, citing criteria "B," "D," and "G," with three conditions—that any future buildings and/or development will be served by Lowndes County's water and sewer services, that the existing vegetative buffer shall remain undisturbed beginning at the right of way of Wetherington Lane extending 1130 linear feet, and from that point, an eighty feet undisturbed buffer shall remain along the remainder of the northern lot line, and that parcels created from any future subdivision of the property shall be required to connect to the LC sewer system.

Mrs. Quarterman asked why there was an extra condition when the new sewer plant will still be closer to these potential new parcels? Mrs. Braswell stated that since it was in the unincorporated areas of Lowndes County, any new developments would be required to utilize County service, unless they obtained a variance through ZBOA.

There being no further discussion, Chairman Strickland asked if there was anyone present who wished to speak in favor of this request. Ms. Sarah Varnedoe, 3998 Inner Perimeter Road, stated that she is speaking on behalf of the applicant Jeff Lovell. They understand and agree with the third condition. Mr. McCall asked how much acreage would be left over for future development. Chairman Strickland stated about 40 acres were left over for future development.

Chairman Strickland asked if anyone else would like to speak in support of the application. No one spoke. Chairman Strickland asked if anyone would like to speak in opposition. No one spoke. Chairman Strickland asked if anyone had contacted the County's zoning office. Mrs. Braswell stated that no one had contacted her office. There being no further discussion, Chairman Strickland opened the floor for a motion.

Mr. McCall made a motion to find consistent with the Variance review criteria and approve the Variances as requested, subject to the 3 conditions as recommended by staff. Ms. Plyler seconded the motion and it was called and carried unanimously (6-0 vote).

Agenda Item # 4: VAR-2015-17 — Bart Holt on behalf of Massimo Pistelli (4143 North Valdosta Road, Valdosta, GA)

Mrs. Braswell stated that Fairway Outdoor Advertising is proposing to modify an existing nonconforming off premise sign. The subject property consists of 0.85 acres and is located at 4143 N. Valdosta Road in a Highway Commercial zoning district. This subject property was the subject of a previous variance request in June of 2015 to modify the same sign. At that time, the Board granted a variance to allow the sign owner to reduce the current sign face size from a back to back 24 ft by 30 ft (720 sq. ft) to a back to back digital face at 10.5 ft by 36 ft (378 sq. ft) at a lower height. This request represents an updated request the conversion of one side of their existing sign face (720 sq. ft) to a totally digital sign face. Section 5.04.9 (D) of the ULDC reads that no structural repairs or changes in the size of shape of a sign shall be permitted except to make the sign comply with the requirements of the ULDC. The nonconformity exists in the sign's size, overall height and distance from other existing off-premise signs. Staff's support of the previous modifications in their previous variance request seemed reasonable because it was a reduction in nonconformity in terms of a reduction in sign area and reduced height. With the new proposed modifications, the TRC had differing opinions. Planning and Zoning cited no hardships, safety concerns, precedence, intrusiveness into the neighboring residences, and the approval of the previous variance. Engineering, Utilities, Fire, and Inspections had no concerns for the proposal's effect on roads, water/sewer, and other technical reasons. Overall, the TRC's recommendation was 4-2 in support of the requested variance.

Chairman Strickland asked if the previous variance would become null and void if this variance was approved. Mrs. Braswell stated yes, it would. He asked if this particular variance request was denied, would the existing variance approval still stand? Mrs. Braswell stated it would.

Mrs. Hobby asked if digital signs such as this were generally placed at intersections. Mrs. Braswell stated she was unsure as to whether these were generally located at intersections or not. Mrs. Quarterman stated that digital billboards are visible when sitting at an intersection. Dr. Houseal asked if this sign meets the spacing requirements. Mrs. Braswell states it does not, but it is legally nonconforming and grandfathered in.

Being that there was no further discussion, Chairman Strickland asked if there was anyone present who wished to speak in favor of this request. Mr. Bart Holt, Fairway Outdoor Advertising, 369 Enterprise Drive, spoke on behalf of the application. Mr. Holt stated that they do usually try to place these digital signs at intersections. Due to state regulations, these signs change images no more frequently than once every 10 seconds, and have no motion. There is a clean, crisp image. The signs are bright during the day, but at night, they are 10% of the daytime brightness. Fairway would like to advertise on the sign, but the sign could be used for emergency messages, amber alerts, and weather alerts. Dr. Houseal asked how many customers would be utilizing this board at any given time. Mr. Holt stated that there were eight advertising slots at any given time. Mr. Hogan stated his only concern was that it might be problematic for the nearby neighborhood. Mrs. Plyer confirmed that only one side would be digital. Mr. Holt stated that was correct. Mr. Holt stated the state considered this to be a multi-message sign because it has three swiveling panels but are currently wrapped in vinyl and only used by one customer.

There being no further questions, Chairman Strickland asked if there was anyone else who would like to speak in support of the application. No one spoke. Chairman Strickland asked if there was anyone present who wished to speak in opposition to this request. There was no response. Chairman Strickland asked if anyone had contacted her office. Mrs. Braswell stated that there has been no public contact with her office concerning this request.

There being no further discussion, Chairman Strickland opened the floor for a motion. Mrs. Quarterman made a motion to find inconsistent with the Variance review criteria and deny this request. Mr. Hogan seconded the motion and it was called and carried by the majority (4-1-1 vote). Mrs. Hobby voted against the motion, and Mrs. Plyer abstained from voting.

Agenda Item # 5: VAR-2015-18 — Jaculyn Pettit (6333 Dove Drive, Valdosta, GA)

Mrs. Braswell stated that this is a request for a variance to the design standards for single family dwellings. The subject property is located at 6333 Dove Drive in an R-10 zoning district on 0.50 acres. Table 4.01.03(F) in the ULDC has minimum design standards for single family dwelling units. The applicant's request is to place a singlewide manufactured home onto the subject property. The manufactured home does not meet the minimum overhang requirements, the minimum building width, or the skirting material requirements. The applicant's previous home, a doublewide manufactured home, was totally destroyed by fire, and the applicant purchased a replacement home prior to securing the necessary approvals. The surrounding development contains numerous

nonconforming dwelling units which were lawfully established and are allowed to continue until they are removed or discontinued. Additionally, a recent text amendment to the ULDC will allow a nonconformity to be replaced without the process of a variance. With the existing development pattern in this area, the TRC does not believe that the placement of a singlewide manufactured home will not adversely affect the area and neighborhood. The TRC recommends approval, citing criteria “d” of the standards as well as citing chapter 9.01.03 as it relates to nonconforming structures.

There being no questions, Chairman Strickland asked if there was anyone present who wished to speak in favor of this request. Ms. Jaculyn Pettit indicated she was present at the meeting, is suffering from a bad cold, and did not wish to speak to the Board unless there were questions. Chairman Strickland then asked if there was anyone present who wished to speak in opposition to the request. There was no response. Mrs. Braswell stated there has been no public contact with her office concerning this request.

There being no further discussion or questions, Chairman Strickland opened the floor for a motion. Mrs. Hobby made a motion to find the request consistent with the variance review criteria and approve the request as presented. Mr. McCall seconded the motion and it was called and carried unanimously (6-0 vote).

CITY OF VALDOSTA CASE

Agenda Item # 5: APP-2015-010—Richard Hill (200 S Patterson Street, Valdosta, GA)

Mr. Matt Martin stated that Richard Hill, on behalf of Barnes Drug Store, is requesting a variance to LDR Section 218-13(Q) as it relates to the number of stacking spaces for a drive thru and from Section 222-7(B) as it relates to parking space dimensions. The property is zoned Downtown Commercial, consists of 0.93 acres and is located at 200 S. Patterson Street. The property contains a 10,808 square foot commercial pharmacy and is in the Local Historic District. The applicant is proposing to add a drive-thru lane to the site, with four stacking spaces rather than the six required parking spaces, including three on site and one on the adjacent property, utilized with the property owner’s permission. (The adjacent property is owned by Lowndes County.) The intent for the minimum requirement of stacking spaces is for the typically busier drive-thrus associated with banks and restaurants; pharmacy drive-thrus tend to be less busy. The second variance is due to reconfiguration of parking space and drive aisle dimensions in order to accommodate the drive-thru aisle. The applicant is asking for 90 degree parking spaces that are 18 feet in length rather than the required 19 feet in length. These particular spaces are along the eastern property line, in a position where a vehicle would be parked along a sidewalk, which could afford room for a longer vehicle to hang over the sidewalk. Additionally, the property is zoned Downtown Commercial, and is exempt from parking requirements. After evaluating the request, staff found the parcel to be almost fully developed and provides little room for additional development, therefore providing the hardship. Staff recommends for approval with one condition—that it is for a pharmacy use only.

Mrs. Hobby asked if the curbing along S. Patterson Street will stay. Mr. Martin stated the curbing and the sidewalk would stay.

There being no further questions, Chairman Strickland asked if there was anyone present who wished to speak in favor of this request. Mr. Richard Hill, applicant, 2314 Bemiss Road, stated that the interior of the pharmacy would be renovated as well, and that three stacking spaces could be provided on site. Mrs. Plyler asked if the drive-thru was full, with 4 cars in the 4 stacking spaces, would that interfere with traffic circulation. Mr. Hill stated it would not be a problem.

Chairman Strickland asked if there was anyone present who wished to speak in opposition to this request. There was no response. Chairman Strickland asked if there had been any contact to the office. Mr. Martin stated that there has been no public contact with his office concerning this request.

Mrs. Plyler made a motion to find consistent with the Variance review criteria and approve the Variance requests with the condition that this be for “pharmacy” use only. Mr. Hogan seconded the motion and it was called and carried unanimously (6-0 vote).

OTHER BUSINESS

Agenda Item # 7: Approval of Minutes: December 1, 2015

Mrs. Quarterman state there was a minor typographical error near the top of page 4 concerning the word "table". Mr. Martin stated he would make the correction.

Mrs. Quarterman made a motion to approve the minutes as corrected. Mrs. Hobby seconded the motion and it was called and carried unanimously (6-0 vote).

Agenda Item # 8: Discussion Items

A: Name Badges

Mrs. Braswell stated there was nothing further to report on this topic since last month's meeting.

Agenda Item # 9: Adjournment

There being no further business, the meeting adjourned at 4:05 p.m.

/s/ Allan Strickland
Allan Strickland, Chairman

3-2-2016
Date