

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

Valdosta City Hall Annex Multi-Purpose Room

300 North Lee Street, Valdosta, Georgia

April 5, 2016

2:30 p.m.

MEMBERS PRESENT

Paul Alvarado
Nancy Hobby
Dr. Willie Houseal
John "Mac" McCall

Satrina Plyler
Gretchen
Quarterman
Allan Strickland

MEMBERS ABSENT

John Hogan III

STAFF PRESENT

Carmella Braswell
Tracy Tolley

VISITORS PRESENT

Sirois Barker
Hilda Brown
Ralph Brown, Sr.
Drew Colson
Sarah Colson
Belkys Galeno
Gene Gray
Kay Gray
Linda Guy

Jim Hurd
Mary Hurd
Matthew Lawrence
Samuel Locher
Kenneth Manuel
Lucia Marrero
Miguel Marrero
Leon McDonald
Scott Orenstein
Nancy Pennington

Ken Robinson
Jim Smith
Lasca Smith
Nathan Smith
Russell Smith
Daniel Stephens
Dan Tillman
Eric Tillman
Joe Tillman
Pam Tillman
Tim Tillman

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. Chairman Strickland arrived.

LOWNDES COUNTY CASES

Agenda Item # 2: VAR-2016-02---Coventry (4052 Mulligan Road)

Mrs. Braswell stated that the applicant is requesting two variances to the Planned Development standards. The subject property consists of nine acres and is located at 4052 Mulligan Road in a R-A (Residential Agriculture) district. (The applicant has submitted a rezoning application which is running concurrently to rezone the property to P-D. The outcome of the ZBOA hearing will determine whether the property is eligible to be rezoned to P-D. Table 4.06.02 (B) provides standards for Planned Developments. In this case, a portion of the subject property will be subdivided and developed into a 36 unit single family residential subdivision, and the applicant is seeking relief from two of the P-D standards. The first pertains to road access. The P-D standards require that Planned Developments be located on an arterial or a collector. Mulligan Road is a local street. The second variance request pertains to the minimum project setbacks. Planned Developments are required to be set back thirty feet from all property lines. This Planned Development is proposed to be 24 feet from property lines. The proposed development appears that it will blend well with the existing residential development in the area. The proposed access for the subject property is proposed to exit/enter from Mulligan Road; Mulligan is a paved local road. According to the County Engineer, Mulligan Road is functioning as a collector, and the proposed traffic that will be generated from the proposed development should have no major impacts on Mulligan Road. Regarding the maximum exterior setbacks, Planned Developments are required to maintain a thirty feet setback because of the potential for higher

residential densities and maximum buildouts. The applicant was proposing, initially, a 20 ft. setback but is now proposing a 24 ft exterior building setback. Existing residences in the area and the current function of Mulligan Road are both factors for consideration. The development was designed in such a manner to closely meet the purpose and intent of Planned Development, and the variances, if granted, appears to have little no impact on surrounding properties. The TRC, after reviewing the request, recommends approval to both variances, citing criteria "d" that relief will not cause substantial detriment to the public good or impair the purposes and intent of the ULDC.

Chairman Strickland asked the Board if they had any questions. There being no questions, Chairman Strickland asked if anyone would like to speak in support of the application. There being no one, Chairman Strickland asked if anyone would like to speak in opposition. Kenneth Manuel of 3555 Cherokee Trail spoke. Mr. Manuel wanted to know how large the homes and lots were, how much the homes would cost, and expressed concerns about additional traffic generated by the development. He stated that right now, the speed limit is 35 MPH, and people walk, jog, and walk their dogs on this road, and he had concerns for their safety. He would like the speed limit to be lowered to 25 MPH for safety purposes. Chairman Strickland stated the Board did not have information regarding home sizes and costs, and that the Lowndes County Engineering Department or County Commissioners may address the speed limit for that street.

Mrs. Quarterman asked if there was anything unique about this particular property, that the development can't meet the setbacks. Mrs. Braswell stated the number of lots was the reason for the request, and that staff could consider this request administratively.

There being no further questions, Chairman Strickland called for a motion. Mrs. Plyler made a motion to approve the request as presented, citing criteria "d." Mr. McCall seconded the motion. The motion was approved unanimously with a vote of 6 to 0.

Agenda Item # 3: VAR-2016-03---Southers (1290 Southers Lane)

Chairman Strickland stated that the applicant had withdrawn the case, and no action from the Board was needed.

Agenda Item # 4: VAR-2016-04---Joshua Restoration Ranch (5808 McDonald Road)

Mrs. Braswell stated that the applicant is asking for a variance to the standards for group personal care homes as they pertain to site location. The subject property consists of about 146 acres and is located at 5808 McDonald Road, Hahira, in a R-A (Residential Agriculture) zoning district. In this case, the applicant is proposing to redevelop the subject property from a single family residential lot to a group home. According to the applicant, the subject property will continue to be used for living, farming, and horse riding. Regarding the proposed use, Joshua's Restoration Ranch is a privately funded faith-based organization that is proposing to establish a group personal care home for boys and girls who are coming out of the foster care system, and will teach them life skills so they are able to enter the workforce and are able to adapt to independent living. The age ranges will be from 18 to 20 year olds, with a maximum number of residents at 14. The ULDC allows group personal care homes in R-A zoning districts as long as supplemental standards are met. The ULDC requires that group personal care homes must be located on a collector or an arterial road. McDonald Road is an unimproved thirty ft. wide dirt road that is identified as a prescriptive easement. Lowndes County has not officially acquired any ROW, and at this time, McDonald Road is not prepared to be placed on the County's paving list. Staff understands the appeal of this particular piece of property, but also understands that the supplemental standards are in place to encourage the most appropriate place for group personal care homes. Staff suspects there will be a slight increase in traffic, but is of the opinion that the increase is not enough to recommend denial of the application. The challenge in this case is whether the proposed use is compatible with this location. After reviewing the case, the TRC overall recommended approval of the Variance request.

Chairman Strickland asked if there were any plans to widen and/or pave this road. Mrs. Braswell stated that there were no plans at this time. Mrs. Hobby asked what the difference was between a road and a prescriptive easement. Mrs. Braswell stated that while the County maintained the easement, it had not gone through the formal process to obtain it as right of way. Mr. McCall verified that McDonald is a local road, with group personal care homes required to be on an arterial or collector, and asked what the standards/qualifications were to determine a local from an

arterial, an arterial from a collector. Mrs. Braswell stated it was primarily based on traffic counts. Mrs. Hobby asked if there were any collector roads that were dead-ends. Mrs. Braswell stated she did not know of any. Mrs. Hobby stated that she understood that requirements such as the one requiring a group personal care home to be on a collector or an arterial served as protection for neighborhoods as well. Mrs. Braswell stated that was true. Mrs. Plyler stated that their concern was the road, not the zoning, because the zoning would allow a group personal care home. Mrs. Braswell stated that was true. Mr. Alvarado asked if the road was wide enough for two cars to pass. Mrs. Braswell stated it would be tight. Mrs. Quarterman noted that the different departments represented within the TRC did not reflect any concerns about the width of the road. Mrs. Braswell stated she had raised that question, but no concerns were stated. Mrs. Hobby stated she visited the site today, and she would hate to pass a fire truck, because one of them might be in the ditch.

There being no more discussion, Chairman Strickland asked if anyone would like to speak on behalf of the application. Daniel Stephens, 2106 Dogwood Drive, spoke on behalf of the applicant, Mr. Sirois Barker. Mr. Stephens stated that the owner, Diane Troop, operated several programs such as this across the country. Clients who were 18 to 20 years old and aging out of the foster care situation would come here to learn independent living skills—getting them plugged into churches, schools, and jobs. It is not a rehabilitation or detoxification program. Chairman Strickland asked if the clients would have their own cars and driver's licenses, or if transportation would be provided. Mr. Stephens stated that transportation would be provided. Mrs. Hobby stated she would have liked the operator to have been in the meeting, because she would like to ask her questions directly, such as what the success rate is, and how many supervisors would be involved. Mrs. Hobby asked if they were building a facility on site. Mr. Stephens stated that a bunk house would be built, to house 5 males and 5 females and that it would be fully staffed with five full time staff members. Mrs. Hobby asked why Lowndes County was chosen. Mr. Stephens stated a property had been found in Lake City, but it was too expensive, then the location in Lowndes County was discovered. Mrs. Quarterman asked what the minimum number of acres needed for this facility would be. Mr. Stephens stated about fifty to eighty acres was needed, due to the facility having a working farm with horses. Mr. Stephens stated that neither he nor Mr. Barker had never had a problem with the road in or out of the property.

There being no one else to speak in support of the application, Chairman Strickland asked if anyone would like to speak in opposition to the variance. Matthew Lawrence, 2700 Pebblewood, a lawyer, the Frank's Creek Property Manager, spoke with several concerns. The first is that the group personal care home was not consistent with the uses in the area—that the uses were single family residences and farms, and that this was the wrong area for the group personal care home. The second concern is that McDonald Road is narrow and not paved, and is not a suitable road for such a use. Mr. Lawrence stated that arterials and collectors were capable of handling more trips/more traffic and higher speeds than a dirt road such as McDonald Road are capable of handling. Mr. Lawrence stated that the road was not very well equipped to handle ambulances, fire trucks, and other emergency vehicles. Mr. McCall asked how often the road was maintained. Mr. Lawrence said he knew it was graded the week before, but he didn't know how often it was maintained. Chairman Strickland asked how many acres Mr. Lawrence represented. Mr. Lawrence stated he managed 350 acres. Chairman Strickland asked what the intended future use of the property was. Mr. Lawrence stated farming and timbering. Dr. Houseal asked how long some of the local families had lived in the area. Mr. Lawrence stated his family had lived there since 1853, and that the Scruggs and McDonald families had lived there for a very long time.

There being no further questions for Mr. Lawrence, Chairman Strickland asked if anyone else would like to speak in opposition. Ms. Sarah Colson of 5807 McDonald Road spoke. She is a wife, mother, nurse, and teacher, and had lived there for a few years with her family. She thought it would be safe, but felt that if the home was allowed to locate there, they would have to move. Ms. Colson stated she understood that Ms. Troop wanted to have rodeos and other such activities on the property. She did research on Ms. Troop's other programs, and found that her organization had incorporated in 2014, but had never done a group personal care home before. Ms. Colson stated she wanted to feel comfortable as a woman living there, and feel it was safe for her children to live and to get on and off the bus. Mr. McCall asked if a bus picked up her children. Ms. Colson stated yes, her children were picked up by bus, and it was difficult for another vehicle to pass the bus.

Joe Tillman, 5843 McDonald Road, spoke in opposition of the request. His family has lived in the area for a long time. He wanted to live in the country and the quiet. He stated it would be hard for two cars to pass on this road, and he had seen Mr. Barker in the ditch with his truck.

Ken Robinson, 5348 Golf Drive, spoke in opposition of the request. Ms. Sarah Colson is his daughter, and his grandchildren live there also. He has concerns for their safety and privacy. Mr. Robinson would like to know where Ms. Troop is obtaining the money for this investment—from grants, from investors, etc.

Leon McDonald, 5904 McDonald Road, spoke in opposition of the request. His family has lived out there for over 100 years, and doesn't want any more traffic on the road.

There being no further comments from the public, Chairman Strickland closed the comment section and opened up Board discussion. He asked that since this road is not a public road but rather an easement, did the Board have the authority to act on the variance request? Mrs. Braswell stated that she had consulted the County Engineer, and the determination was made that McDonald Road is a public, County maintained public road, and ZBOA does that the authority to act on the request. Mrs. Plyler asked if the owners could sell the property in 5 acre tracts. Mrs. Braswell stated that the owners could sell the property in 2.5 acre tracts, as that was the minimum size in that zoning district. Mrs. Plyler stated that more cars would be generated if the property was subdivided and sold. Mrs. Hobby asked if the property was subdivided and sold for a residential subdivision, would the County pave it? Mrs. Braswell stated that with 5 additional lots, the County would pave the road. Mr. McCall asked if the facility could buy the property, subdivide it, and use the newly-created lots for additional personal care homes. Mrs. Braswell stated that was a possibility, but they would still have to obtain a variance due to McDonald Road not being a collector or arterial. Mr. McCall asked if they could put a limit on the number of people in the facility on this particular acreage. Mrs. Braswell stated the Board could. Chairman Strickland stated that the applicant could sue to overturn that condition on the theory that ZBOA erred in their judgement. Mrs. Braswell stated they could. Mrs. Quarterman stated the issue was the variance for the road, not for the use itself.

Linda Guy, 12 Farmington Court, spoke from the crowd. Chairman Strickland told her to approach the podium. She wanted to speak as a Lowndes County Taxpayer. Ms. Guy stated that if this program would benefit only 15 children, and the operator wanted that many acres, she had other motives for buying that many acres. Ms. Guy stated that each one of these kids would have a caseworker from DFACS who would assist them with doctor's appointments, etc.

Chairman Strickland asked if there was any more discussion. Mrs. Hobby said she was puzzled as to why this particular piece of property was so desired if she can utilize a minimum of 50 acres, and the dirt road was going to be harsh on vehicles, when one could visit Lowndes County and see other properties that were more appropriate for this particular use. Mr. Stephens said he was unsure why Ms. Troop had chosen this property. Mrs. Hobby stated that she did not understand why Ms. Troop could not be here at the hearing. Mr. Stephens stated Ms. Troop lived in Ohio.

There being no further discussion, Chairman Strickland called for a motion. Mrs. Hobby made a motion to deny the request as presented. Mr. Alvarado seconded the motion. The motion passed unanimously with a vote of 6 to 0.

Agenda Item # 5: VAR-2016-05---N.L. Bassford Jr. (4400 Meadow Breeze Ct., 4401 Meadow Breeze Ct., & 4400 Ivydale Ct.)

Mrs. Braswell stated the applicant is asking for a variance to the minimum setback requirements for the secondary front yard. The request involved three undeveloped corner lots within the Northlake Subdivision—4400 and 4401 Meadow Breeze Court and 4400 Ivydale Court, Valdosta, GA. The properties are zoned P-D and are about 7800 square feet in size. In 2006, ZBOA granted rear yard setback variances for 144 lots within Section IX of the Northlake Subdivision, recorded prior to the ULDC's adoption. The previous request was approved, but included two conditions—that the proposed homes shall be constructed with a double carport and that the front and side yard setbacks had to comply with the recorded survey plat. According to the applicant, the required corner lots setback dimensions, especially along the street side, makes it difficult to construct a home that is similar in style and size to the existing homes within the subdivision. The TRC reviewed the request and determined that the request would not cause substantial detriment to the public good nor impair the purpose and intent of the ULDC. The TRC recommends approval of the request with the condition that the minimum primary front yard setback remain compliant as the recorded survey plat depicts, citing criteria "d" and "g" of the standards. Chairman Strickland reminded the Board that the reason for the requirement for a carport was to reduce congestion in terms of on-street parking.

Chairman Strickland asked if anyone would like to speak in support of the application. Nathan Smith, 1100 N Patterson St, Realtor, spoke on behalf of the applicant. He stated he was available for questions. Mrs. Quarterman asked why this wasn't done during the initial variance request. Mr. Smith stated he didn't know. Mr. McCall asked if these were the last of the corner lots. Mrs. Braswell stated she believed so.

Chairman Strickland asked if anyone would like to speak in opposition to the request. No one spoke. Chairman Strickland asked if there was any contact to Mrs. Braswell's office. Mrs. Braswell stated that she'd received one phone call from an anonymous citizen who believed the houses were too close together already and the variance should not be granted.

There being no further discussion, Chairman Strickland called for a motion. Mr. McCall made a motion to approve the request as presented, citing criteria "d" and "g." Mrs. Hobby seconded the motion.

OTHER BUSINESS

Agenda Item #6: Approval of Minutes: March 1, 2016

Chairman Strickland asked if there needed to be any changes to the minutes. There being none, he called for a motion. Dr. Houseal made a motion to approve the minutes as presented. Mrs. Hobby seconded the motion. The motion was adopted unanimously with a vote of 6 to 0.

Chairman Strickland stated he had contacted Mr. Joe Pritchard, County Manager, and Mr. Larry Hanson, City Manager, regarding identification means for ZBOA members. Both managers are amenable to ZBOA identification name tags, to be coordinated among City and County staff.

Agenda Item # 7: Adjournment

There being no further business, the meeting adjourned at 3:31 PM.

/s/ Allan J. Strickland, IV
Allan Strickland, Chairman

May 3, 2016
Date