

# MINUTES

## Valdosta-Lowndes Zoning Board of Appeals

*Valdosta City Hall Annex Multi-Purpose Room*

*300 North Lee Street, Valdosta, Georgia*

**May 3, 2016**

2:30 p.m.

### MEMBERS

#### PRESENT

Paul Alvarado  
Nancy Hobby  
John Hogan III  
John "Mac" McCall

Satrina Plyler  
Gretchen  
Quarterman  
Allan Strickland

### MEMBERS ABSENT

Dr. Willie Houseal

### STAFF PRESENT

Carmella Braswell  
Matt Martin  
Tracy Tolley

### VISITORS

#### PRESENT

James Jordan  
Dr. Ronnie Mathis  
Ray Washington

### 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.

## CITY OF VALDOSTA CASES

### Agenda Item # 2: APP-2016-02---Ray Washington (522 West Street)

Ms. Tolley stated that this case was for a PELUC—Previously Established Land Use Conformity Certificate—to re-establish a food market in a Single-Family Residential (R-6) zoning district. The subject property is located at 522 West Street, at the SW corner of West Street and W Magnolia Street. The property consists of 0.19 acres and contains a 552 square foot building. Under today's LDR, food marts and other commercial uses are not permitted uses in R-6 zoning. The structure was built in 1950, prior to the 1966 adoption of the city's Zoning Ordinance, and has continuously operated as a food market through 2014 and has always been a nonconforming use. (The site is also currently nonconforming in terms of parking and setbacks.) The PELUC process offers an opportunity for a nonconforming use that was legally operating when the LDR became effective on January 1, 2009, to be reestablished if the nonconforming use ceases operation for a year. If the PELUC is granted, the property may not be used for another nonconforming use. This request is for a PELUC, with no proposed changes to the site or structure. The store functioned with walk-up traffic for decades with minimal impact on the neighborhood. Staff recognizes that the store has the potential to function as it previously did with minimal impact on the neighborhood without any changes to the site or structure. Staff also recognizes that the area is largely residential, and therefore recommends approval with the condition that the building not be enlarged or expanded. Due to flooding concerns in the immediate area, any increases to impervious surface of this site would only aggravate the problem. After review, staff found the request consistent with the PELUC criteria and recommends approval for a neighborhood food market subject to two conditions—that the building may not be enlarged or expanded, that any changes to the site (such as improved parking or driveways) will require specific review and approval by the City Engineer, and that there shall be no outdoor storage and no freestanding signage.

There being no questions for staff from the Board, Chairman Strickland asked if anyone would like to speak in support of the application. Ray Washington, 522 West Street, stated he wanted to serve the neighborhood again, and the store had served a lot of walk-up neighborhood traffic while it was open. Chairman Strickland asked what the circumstances were that resulted in the closing of the store in 2014. Mr. Washington stated he was working

out of town a lot in Atlanta, and now he was back in Valdosta, retired, and could operate the store again. Mrs. Plyler asked if he would like to have signage. Mr. Washington stated he would, that the only sign currently was on the roof of the building. Ms. Tolley stated that while one of the conditions recommended no freestanding signage, and that staff could work with Mr. Washington on wall signage. Mrs. Quarterman asked if he could have a sign on the building. Ms. Tolley stated he could, and stated that the conditions were recommended, and that ZBOA could adjust the conditions if merited. Ms. Tolley stated that the conditions were intended to help minimize any impact of a food mart on the adjacent neighborhood. Mr. Washington stated he might want a storage building to store excess shelving and other store items. Ms. Hobby asked if there was enough room on the lot to meet accessory building setbacks. Ms. Tolley stated she was not sure. Ms. Hobby asked if there was a standard sized accessory structure. Ms. Tolley stated she was not sure, but stated he could have an accessory structure that was up to half the size of his store. Chairman Strickland asked when Mr. Washington intended to reopen the store. Mr. Washington stated he'd like to be open in a couple of months. Chairman Strickland asked if it would be a problem to table the request for a month, for Mr. Washington to determine if he could meet accessory building setbacks, and how big of a structure he might want. Mrs. Plyler suggested that they could eliminate the condition of no outdoor storage. Ms. Tolley stated there were regulations to govern things such as outdoor storage and accessory buildings.

There being no further discussion, Chairman Strickland asked if there was anyone to speak in opposition. There being no one, Chairman Strickland asked Ms. Tolley if anyone had contacted staff. Ms. Tolley stated no. Chairman Strickland called for a motion. Mrs. Quarterman made a motion to approve the request as presented, with the one condition being that the building may not be enlarged or expanded, and that any changes to the site, such as improved parking or driveways, would require specific review and approval by the City Engineer. Mr. Alvarado seconded the motion. The motion was approved with a vote of 6 to 0.

### **Agenda Item # 3: APP-2016-03---Crossing Jordan Baptist Church (1401 Cypress Street)**

Ms. Tolley stated that Crossing Jordan Baptist Church is requesting a variance to LDR Section 230 (E)(6)(A) as it pertains to the location of a variable message board. The subject property is zoned Single-Family Residential (R-6) and contains a 9,742 sq. ft church facility on 3 acres located at 1401 Cypress Street. The facility is proposing to replace their existing sign with a new sign with a variable message board. Signs for institutional uses in residential districts are allowed to have, with a permit, a monument sign no taller than six feet and no larger than 24 sq. ft in area. Variable message boards are only allowed within Community Commercial (C-C) and Highway Commercial(C-H) rather than residential districts. Churches are allowed in residential districts through an approved Conditional Use Permit (CUP) on a case by case basis. This church is grandfathered in as it existed prior to the LDR and has operated continuously ever since. While allowed on occasion in residential areas, churches are not a residential use. Additionally, the church is in a mixed use area—ranging from single-family residences to light industrial uses. Staff understands that the church wants a variable message board for versatile, programmable copy; however, staff also understands that there are single family houses nearby. Variable message boards are defined as electronically programmable signs that provide changing information more often than once per hour period, so the potential is there for an active sign, in terms of having copy that changes very frequently. In this instance, staff recognizes that the church is an institutional use within a single family zoning district. Staff also recognizes that the church is in a mixed use area with single family houses nearby. To minimize the impact of an electronic sign on the single family neighborhood but to still allow the versatility of a variable message board, staff recommends approval of the sign with two conditions — that the variable message board occupy no more than 50% of the new freestanding sign, and that copy change no more than three times per hour. While the church is considering a new sign, there are options for the existing sign as well. The church has an existing sign with a static panel, as well as a manual reader board. The option exists, with a variance for the variable message board, for the church to update the existing sign with a permit to include a variable message board. If the church decides to explore this option, staff would recommend approval of the variance for a variable message board with the same conditions — that the variable message board occupy no more than 50% of the total copy area, and that the copy change no more than three times per hour. Upon evaluating the request, staff found it to be consistent with the Variance Review Criteria, and recommends request for a variable message board, as a part of either the existing freestanding sign or a new freestanding sign, with two conditions: (1) The variable message board panel may occupy no more than 50% of the total copy area of the sign. (2) The variable message board message may change no more than three times per hour.

Chairman Strickland asked the Board if they had any questions. Mrs. Hobby asked how big the existing sign was. Ms. Tolley stated she was unsure. Mrs. Quarterman stated that one of the advantages of a variable message

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board was its ease of changing/programming copy area, and several messages appear to a person while driving or walking down the street, and that limiting a message change to three times an hour inhibited those advantages. Ms. Tolley stated that the intent of that particular condition was to mitigate any negative impacts of the variable message board on the adjacent neighborhood. Mr. Hogan noted the diversity of the area, including a concrete business and what appeared to be a sheet metal business, and appears to be more commercial than residential. Mrs. Quarterman stated that the church owned several of the adjacent parcels that are residentially zoned.

There being no further questions for staff, Chairman Strickland asked if anyone would like to speak in favor of the application. Pastor Ronnie Mathis, 1238 Ponderosa Drive, spoke on behalf of the application. Pastor Mathis stated he would like to become more current with today's technology. Mrs. Hobby asked if he knew how big the existing sign is. Pastor Mathis stated the sign was probably 4 feet by 6 feet, and the poles were about five to six feet tall. Mrs. Hobby asked if the new sign would be about the same size as the existing sign. Pastor Mathis said yes. Ms. Tolley stated that the proposed sign was a little bigger and may be bigger than what could be permitted. Pastor Mathis stated it was taller to keep the sign from being damaged from things such as rocks. Mrs. Quarterman asked if the lettering was going to be red or different colors. Pastor Mathis stated the wording was going to be red. Mrs. Quarterman asked if the words were going to scroll. Pastor Mathis stated no, they would not. Ms. Tolley stated that flashing, scrolling, and blinking are prohibited by the LDR. Mrs. Quarterman expressed concerns about limiting the message time to three times an hour. Ms. Tolley stated they were trying to limit the impact on the residentially zoned properties. Mrs. Hobby stated that limiting the message change to three times an hour would defeat the purpose of a variable message board. Mr. Alvarado stated that the sign, as proposed, may be less of a distraction even without limiting the message change frequency when compared to the larger digital billboards along Valdosta's roadways. Chairman Strickland stated that the Board could approve with the condition or without the condition. Mrs. Quarterman asked how often they changed the static message board. Pastor Mathis stated they were changing it every day, then about three times a week, but now usually changed the message twice a week. Mrs. Plyler asked if this request was submitted due to the size/configuration of the sign. Ms. Tolley stated that the request was submitted due to the desire for a variable message board, that she could not approve a permit for such without an approved variance. Mrs. Quarterman stated that he could ask for a rezoning, and if he got it rezoned, what would be permissible? Ms. Tolley stated that the variance route was recommended by Mr. Matt Martin, and that if it was rezoned commercially, the church could potentially have a larger sign with a variable message board by right. Mrs. Hobby asked if the rezoning was attainable. Ms. Tolley stated she was unaware of the chances of an approved rezoning for this parcel, and she was unsure of what Character Area this parcel was in, and if the Character Area would allow a request for a rezoning to commercial zoning.

Chairman Strickland asked if there was any further discussion. There being no further discussion, Chairman Strickland called for a motion. Mrs. Quarterman made a motion to approve the request as presented with the condition that the variable message board panel may occupy no more than 50% of the total copy area of the sign. Chairman Strickland asked if Mrs. Quarterman wanted to make a reference to height and size. Ms. Tolley stated she was not sure that the Board could make a determination, because the advertisement was for solely a variable message board. Mrs. Quarterman stated that the applicant did not ask for variances for height and size, and that some additional height and square footage could be handled administratively. Chairman Strickland stated that if it was larger than what staff could handle administratively, then the applicant could reapply for a variance for height and square footage. Ms. Tolley stated that that there was an application for an administrative variance with a fee of \$100. Pastor Mathis stated that he thought Mr. Jordan, the sign contractor, asked for a sign that was 100 inches tall. Ms. Tolley stated that the submitted application asked for a variance for the variable message board only, and that the drawing was not received until after the submittal deadline. Mrs. Hobby asked if the case could be re-advertised with height and size variances and tabled for a month, then could the height and size variances be considered. Ms. Tolley stated that would be a question for Mr. Matt Martin. Mrs. Braswell went to summon Mr. Martin. Mr. Matt Martin, Planning and Zoning Administrator, approached the podium. Chairman Strickland briefed Mr. Martin on the discussion—that the height and size of the sign needed variances that were not advertised, that the Board was unsure how critical height and size were to the applicant, and whether variable message boards came in set, standard signs. Mr. Martin stated that, to the best of his knowledge, the sign contractor submitted the application without the schematic, and Ms. Tolley accepted it with the reminder that Mr. Jordan submit the sign schematic as soon as possible. The schematic came about a week after the submittal deadline, and showed a taller, larger sign. Chairman Strickland expressed concerns about the potential of variable message boards coming in standard sizes with little room to adjust. Mr. Martin stated that one of the choices was to seek commercial zoning, but staff was not supportive of commercial zoning. Mrs. Quarterman stated that it would make sense, given the industrial and commercial zoning nearby. Mr. Martin stated that he recommended the variance option, feeling it had a better chance of being approved than did commercial zoning. Pastor Mathis stated he

thought the proposed sign was close to meeting regulations. Chairman Strickland stated that without more specific dimensions, the proposed sign was probably close to eight feet by four feet for a total of 32 square feet of copy area when 24 square feet is the maximum. Mr. Martin stated that if the church decided to pursue a variance for height and size, he would recommend something similar to a church located nearby on Cypress. Chairman Strickland stated that the Board could consider variances for height and size, but at a risk for a lawsuit due to them not being advertised specifically. Mrs. Hobby asked where the church was, with a larger sign than this particular church. Mr. Martin stated it was close by, to the south and east, and could print out pictures of the sign if requested. Chairman Strickland asked how long it would take to get the picture. Mr. Martin stated two or three minutes, and left to print the pictures.

Pastor Mathis asked if he could have the same height sign as First Baptist Church. Chairman Strickland stated that he was unsure about the situation with this particular sign—whether it was legally permitted or not. Mrs. Quarterman stated that First Baptist Church's zoning might be different. Mrs. Plyler asked what the dimensions of the sign panel itself was on the proposed sign. Pastor Mathis called James Jordan, with Jordan Custom Signs, to come to the meeting if he was nearby. Mr. Hogan asked if the Board had the capabilities to approve a variance for height and size. Ms. Tolley stated that was a possibility, but if a decision was made, it could be legally challenged due to lack of advertising for specifically height and size. Mr. Hogan asked who could challenge. Chairman Strickland stated that anyone, anywhere could challenge. Mr. James Jordan, Jordan Custom Signs, 208 Herbert Street, arrived. Chairman Strickland asked if variable message boards came in set sizes or not. Mr. Jordan stated they came in set sizes due to the matrix that made up the variable message boards components. Chairman Strickland asked what the size of the variable message board in the proposed sign was. Mr. Jordan stated it was 31.75 inches by 92 inches. Mrs. Quarterman asked if the variable message boards came in sizes smaller than seven feet across. Mr. Jordan stated not from the companies he works with. Chairman Strickland explained that the proposed sign was taller and larger than what could be approved by staff and was not advertised as a part of the variance package. Mr. Jordan stated he estimated the existing sign to be eight feet by four feet. Chairman Strickland stated that was larger than today's maximums for this location. Mr. Martin arrived and distributed pictures of the nearby church's sign. Mrs. Quarterman asked if the Board tabled the case, the church added size and height variances which the city advertised, if there would be additional fees. Mr. Martin stated that the church would be required to pay advertising and certified mailing fees. Mrs. Plyler asked what staff could consider administratively. Mr. Martin stated staff could consider a 20% increase in height and 10% in size. Mrs. Quarterman stated that the proposed sign was larger than what staff could consider administratively. Mr. Martin stated another option would be to grant a variance for a variable message board on the existing nonconforming sign. Mr. Martin noted the pictures of Crossing Jordan's sign, that it was very visible while driving down Cypress, due to its proximity to the street and there being no signs close by for competition, and he would not support a variance for anything larger than what exists at the nearby church. Mrs. Quarterman asked how much a rezoning application would have cost. Mr. Martin stated it would be close to the cost of a variance application. Mrs. Quarterman asked why rezoning was not recommended. Mr. Martin stated he had concerns about recommending a rezoning purely for a sign. Mrs. Hobby asked if that was the smallest variable message board available. Mr. Jordan stated it was for the companies he worked with, and that something custom made might be very expensive. Mrs. Quarterman stated they could approve the request with a condition that the variable message board be no more than about 60% of the existing sign. Mrs. Hobby stated that the church building was beautiful, and the current sign did not match the beauty of the existing church building, while the proposed sign matched the church's beauty. Chairman Strickland stated that the current discussion revolved around updating the current sign with the variable message board. Mrs. Hobby asked Mr. Jordan if that was feasible. Mr. Jordan stated it was.

There being no further discussion, Chairman Strickland stated there was still a motion on the floor from Mrs. Quarterman. Mrs. Quarterman stated she would like to amend her motion to approve the variance for a variable message board with the condition that the existing sign is allowed to be updated to include a variable message board panel that is no more than 75% of the existing copy area. Mr. Alvarado seconded the motion. The motion passed with a vote of 6 to 0.

### **OTHER BUSINESS**

#### **Agenda Item #4: Approval of Minutes: April 5, 2016**

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

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Mrs. Braswell had distributed templates for identification cards. She stated that Chief Childress had offered to make them for both City and County ZBOA members. Ms. Tolley stated that if anyone wanted an identification card, to see her after the meeting for a picture to be taken.

**Agenda Item # 5:    **Adjournment****

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

        /s/ Gretchen Quarterman          
Gretchen Quarterman, Vice Chairman

        6-7-2016          
Date