

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

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

July 12, 2016

2:30 p.m.

MEMBERS PRESENT

Paul Alvarado
Dr. Willie Houseal
John "Mac" McCall

Satrina Plyler
Gretchen
Quarterman
Allan Strickland

MEMBERS ABSENT

Nancy Hobby
John Hogan III

STAFF PRESENT

Ted Bilak
Carmella Braswell
Isaiah Gould (Intern)
Tracy Tolley

VISITORS PRESENT

Nancy Hall
Kelly Jo Suffield

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 CASES

Agenda Item # 2: VAR-2016-08---Kelly Jo Suffield (2461 Sims Street, Valdosta, GA)

Mrs. Braswell stated that this is a request for a variance to the standards for nonconforming structures and design standards for single family dwellings. The subject property consists of 8.3 acres and is located at 2461 Sims Street in a R-10 (Single Family Residential) and CON (Conservation) zoning districts. Chapter 9.01.01(C) contained in the ULDC provides standards for nonconforming uses and reads: "Sections 9.01.01, 9.01.02, 9.01.03, 9.01.04, and 9.01.05 shall not apply to the replacement, repair, or expansion of a lawfully established single-family dwelling or manufactured home. The replacement, repair, or expansion of a lawfully established single-family dwelling or manufactured home is allowed provided that the minimum requirements of the district for front, side, and rear yard setbacks, and height shall be complied with. When the single-family dwelling or manufactured home is within the MAZ II zoning district the dwelling standards in Section 4.01.03 shall also be complied with. In the case where the dwelling or home is to be replaced, the replacement must be completed within one (1) year from the previous dwelling's or home's removal or within one (1) year from the date it is substantially damaged whichever occurs first." The applicant is requesting to replace a singlewide manufactured home onto the subject property. The proposed manufactured home does not meet the minimum standards for building width, roof overhang, and skirting material. Therefore, a variance to the nonconforming standards and a variance to the design standards as it pertains to minimum building width, minimum roof overhang, and skirting material is being requested.

The applicant's sister, who is the property owner, has offered to allow the placement of a manufactured home on the property where there used to be a dilapidated singlewide manufactured home. In addition to the proposed home, there are two existing manufactured homes on the subject property—one in which the property owner resides and the other in which their mother resides. Before the adoption of the ULDC, this development primarily contained a zoning classification of M-H—Mobile Home subdivision—that allowed manufactured homes of all types, as well as single family site built homes. When the ULDC was adopted, the M-H zoning district was deleted and design standards for single family dwelling units were adopted, hence the mixture of housing types in this area. This area contains numerous nonconforming dwelling units which were lawfully established and are allowed to continue until

they are replaced, removed, or discontinued. A recent text amendment to the ULDC would have allowed the replacement of a nonconformity. However, the time period had lapsed, hence the variance process. With the existing development pattern in this area, the TRC is of the opinion that the replacement of a singlewide manufactured home will not adversely affect this area and neighborhood. As such, the TRC has recommended approval, citing criteria "d" of the standards below, as well as citing Chapter 9.01.03 as it relates to nonconforming structures.

Chairman Strickland asked if the three homes would be served by one well. Kelly Jo Suffield, 2615 Douglas Avenue, stated the home her sister lives in has its own well and septic systems. Ms. Suffield stated that her home and her mother's home would share a well but each has its own septic. Ms. Suffield shared pictures of the property and homes, as well as adjacent properties, with the Board members. Ms. Suffield stated her mother has Parkinson's Disease and needed 24 hour care, and she and her family would provide that care.

Chairman Strickland asked if anyone else wanted to speak in support of the application. No one spoke. Chairman Strickland asked if anyone would like to speak in opposition to the application. No one spoke. Chairman Strickland asked Mrs. Braswell if anyone had contacted the office. Mrs. Braswell stated one person had contacted her office, but more so to inquire about the application than to express support or opposition.

There being no further discussion, Chairman Strickland opened the floor for a motion. Mr. Alvarado made a motion to approve as presented, citing criteria "d." Mrs. Quarterman seconded the motion. The motion passed with a vote of 5 to 0.

OTHER BUSINESS

Agenda Item #3: Approval of Minutes: June 7, 2016

Chairman Strickland asked if there were any edits that needed to be made. Ms. Tolley stated that she had made one edit, and that was to delete Matt Martin being in attendance at the meeting, as he was not.

Mr. Alvarado made a motion to approve as presented. Mrs. Plyler seconded the motion. The motion passed with a vote of 5 to 0.

Agenda Item #4: Discussion Item: Variance application for 2891 Green Meadow Drive (Charles Bennett)

Ms. Tolley explained that in September of 2015, Mr. Charles Bennett was denied a variance for a front yard setback. Currently, Mr. Bennett had pulled a permit to build an enclosure around his swimming pool, attached to the rear of his house. Due to an error on the permit card, there was a mistake in the rear yard setbacks and Mr. Bennett did indeed encroach on the rear yard setbacks, therefore needing a variance to maintain the pool enclosure as it exists. The LDR requires at least a year, when a variance is denied, before a variance application may be submitted for any variance. The Board may choose to allow Mr. Bennett to submit an application after six months has passed, but before the year is up, by vote. Chairman Strickland stated this was not for the same request as was denied in 2015. Ms. Tolley stated she and Mr. Matt Martin checked into the language of the LDR, which requires a year for ANY variance request, similar or not, after a variance is denied, unless ZBOA allows the applicant to come back after at least six months. Ms. Tolley stated she needed a motion from ZBOA to either allow or not allow the current request before a year has passed. Mrs. Plyler stated that she understood this current issue did not relate in any way to the front yard variance request from September of 2015. Ms. Tolley stated that was true. Mrs. Plyler asked if there were plans submitted for this project. Ms. Tolley stated that site plans, plans or scopes of work were not submitted for residential (single family) development—that the applicant received a zoning approval letter stating setbacks, dimensions, and so forth, and went to purchase their permit based on that zoning approval letter. Mr. McCall asked if the applicants were required to stake their setbacks. Ms. Tolley stated they were required to stake their property lines. Chairman Strickland asked if this could be handled administratively. Ms. Tolley stated that, given the unusual situation, staff referred the case to ZBOA. Mrs. Plyler asked how the mistake was found. Ms. Tolley stated that it was probably discovered during an inspection. Mr. Ted Bilak stated a neighbor complained about the rear addition, and that was how the encroachment was discovered.

Chairman Strickland stated they couldn't make any determination on the case today due to lack of advertisement. Ms. Tolley stated that was correct. Chairman Strickland stated that the question was whether ZBOA would allow Mr. Bennett to come back before the year was up or not. Mrs. Quarterman stated that the error was on the City's

