

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

Valdosta City Hall Annex Multi-Purpose Room

300 North Lee Street, Valdosta, Georgia

August 2, 2016

2:30 p.m.

MEMBERS PRESENT

Paul Alvarado
Nancy Hobby
John Hogan III
Dr. Willie Houseal

John "Mac" McCall
Gretchen
Quarterman
Allan Strickland

MEMBERS ABSENT

Satrina Plyler

STAFF PRESENT

Ted Bilak
Carmella Braswell
Matt Martin
Tracy Tolley

VISITORS PRESENT

Bucky Barrett
Patti Barrett
Sara Barrett
Telford Lee Barrett
Toby Blanton
Jim Block
Charles Cowart
Stan Crance

Roland Hammock
Cameron Hines
David Hines
Tamatha Hines
Terry Hines
Jeff Lovell
Peggy McDonald
Richard McDonald
Clayton Milligan

Gray Murray
Tom Quinn
Mary Ann Smith
Tracy Williams
Jack Wisenbaker
Jake Wisenbaker
Karin Zawrotny

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-2016-09--- Joel Bedgood (4222 Ginger Trail, Valdosta, GA)

Mrs. Braswell stated that Mr. Bedgood was requesting a variance to the front yard setback requirements. The subject property is located in the Northlake subdivision at 4222 Ginger Trail on a 6300 sq. ft parcel. The parcel is zoned P-D. The applicant is asking for a variance to the front yard setback, required by ULDC Table 4.01.03 (E), of thirty feet. A miscommunication led to the slab being poured twenty feet from the property line rather than the required thirty feet, which is why the applicant is asking for a variance of ten feet. Staff reviewed the request, and recommended granting the variance with the stipulation that the side yard setback remain compliant, citing criteria "d" and "g" of the standards.

There being no questions for Mrs. Braswell, Chairman Strickland asked if anyone would like to speak in support of the application. Toby Blanton, 830 Collins Road, Quitman, GA, spoke on behalf of the application. He stated there was a miscommunication between him and the contractor in relaying the setbacks, and he wished it would not have happened.

Chairman Strickland asked if anyone else wanted to speak in support of the application. There being no one, Chairman Strickland asked if anyone would like to speak in opposition of the application. There being no one, Chairman Strickland asked if anyone had contacted Mrs. Braswell's office. There was no one. A woman in the audience stated that she had a hard time hearing them speak. Chairman Strickland apologized, and stated that the variance request stemmed from a miscommunication and that staff supported the request.

Mrs. Hobby stated she had questions for the concrete contractor. Mrs. Hobby asked Mr. Blanton if he had done much work within the Lowndes County/Valdosta area. Mr. Blanton stated he had. Mrs. Hobby asked if Mr. Blanton was familiar with the setbacks. Mr. Blanton stated that the setbacks were given to him over the phone, and he had no reason to question. Mrs. Quarterman asked, if the other existing houses complied with the setbacks, if this

concrete slab noticeably stuck out. Mr. Blanton stated it did stick out, but maybe four to six feet rather than ten feet. Mrs. Quarterman noted that the financial institution caught the error with the setbacks and asked if Inspections had caught the error. Ted Bilak stated that the slab was inspected but the setback error was not noted because the setbacks were not placed on the permit card.

There being no further discussion, Chairman Strickland opened the floor for a motion. Dr. Houseal made a motion to approve as presented, citing criteria “d” and “g.” Mr. McCall seconded the motion. The motion passed with a vote of 5 to 1, with Mrs. Quarterman voting against.

Agenda Item # 3: VAR-2016-10---Jake Wisenbaker/Cowart & Cowart LLC (6514 Olympia Road, Valdosta, GA)

Mrs. Braswell stated that this is a request for a variance to the standards for Outdoor Recreation Facilities—specifically, to the standards for minimum buffers. The subject property consists of about 479 acres and is located at 6514 Olympia Road, in an Estate Agriculture (E-A) and Conservation (CON) zoning district. Table 4.03.23 (D) lists the supplemental standards for outdoor recreation facilities. In this instance, a buffer yard is required along three abutting properties (a church and two residences) that are located along the NE boundary of the subject property. According to the buffer yard standards, the minimum buffer yard shall be 45 feet wide and contain a minimum of 4 shade trees and 25 shrubs every 100 linear feet. Because of the mature existing vegetation, the applicant is requesting a variance to the planting and the fence requirement. Olympia Bend is using only a portion of the acreage; the applicant has been working with staff for some time to bring the business establishment into compliance with the ULDC and other County ordinances. The applicant states their primary hardship is the potential negative impact of noise and other nuisances that may affect adjacent property owners. According to the applicant’s survey, there is approximately 1000 feet between their nearest game sport activities and the property lines for which a buffer yard is required. Over the years, the vegetation has grown and matured, creating a natural barrier. Last year, staff met with this community to hear and attend to their concerns regarding nuisances and their safety. While the business establishment has attempted to alleviate some of the neighbors’ concerns, staff believes there is still an ongoing concern for the use being allowed in that area. Staff is satisfied with the applicant’s proposed undisturbed buffer and the applicant’s request to relieve the requirement to construct a fence. As such, the TRC reviewed the request and recommends approval with the following recommendation—that an undisturbed 45 feet buffer exist along the three adjacent properties identified as Tax Map 0099 001, Tax Map 0099 002, and Tax Map 0099 003.

Chairman Strickland asked if the existing buffering was close to the 45 feet required. Mrs. Braswell stated it was. Chairman Strickland asked if the use was allowed and if the only issue was a fence. Mrs. Braswell stated that was true. Mrs. Quarterman asked what kind of fence. Mrs. Braswell stated that it needed to be a six to eight foot opaque privacy fence. Chairman Strickland asked if the requirement applied to the whole tract or to the three parcels identified. Mrs. Braswell stated the requirement applied only to the three parcels identified.

There being no further questions, Chairman Strickland asked if there was anyone who would like to speak in support of the application. Jake Wisenbaker, 6514 Olympia Road, spoke. Mr. Wisenbaker stated that the natural vegetation is so thick, that if it were to be cut to accommodate a fence, it would create an echo sound and more noise. The closest shooting station is about 1000 feet from the property line.

Chairman Strickland asked if anyone else would like to speak in support. There was no one else to speak in support. Chairman Strickland asked if anyone would like to speak in opposition. Richard McDonald, 6429 Madison Highway, spoke in opposition. Mr. McDonald stated he did not understand how they could have a shooting club on the property because it wasn’t zoned appropriately until it was rezoned. He stated he would be put in jail if he had a shooting club on his property. Chairman Strickland stated the property was not being rezoned, and that they were there to consider a variance to the buffering/fencing requirements. Mr. McDonald does not object to a shooting range, but he objects more so to it being so close to the houses rather than in the middle of the acreage. Chairman Strickland stated the range could be there by right, and it was allowed in that particular zoning district. Mr. McDonald stated he thought they were having a rezoning hearing. Chairman Strickland stated there was no need for a rezoning, but the applicant was asking for relief to the buffering/fencing requirements. Mr. McDonald stated that if they could not do anything about the use, then what was the point of having the meeting? Chairman Strickland stated the use was legal, and the Board had no jurisdiction over the use, but only over the fencing/buffering variance request. Mr. McDonald stated he could start shooting on his property. Chairman Strickland stated he could not as that was closer than allowed to his property lines. Mr. McDonald stated he could not place a liquor store on his property. Chairman Strickland stated he was not sure what zoning a liquor store required, but that the shooting range was allowed.

Chairman Strickland asked if there was anyone else who would like to speak in opposition to the application. Roland Hammock, 6485 Madison Highway, stated that he had to listen to shooting sounds 24 hours a day, 7 days a week, in an area where there are a lot of retirees. Mr. Hammock also wondered if the property was in a conservation. Chairman Strickland stated he did not know and it did not affect the decision that the Board was tasked with making, and the Board does not have the authority to move the operation because it is allowed there by right. Mr. Hammock stated they were shooting at night. Chairman Strickland stated that might be a concern for code enforcement to look at.

Chairman Strickland asked if there was anyone else who would like to speak on opposition. Peggy McDonald, 6429 Madison Highway, expressed concerns about a stray bullet killing someone. She stated she was unaware of what kinds of guns or rifles were shot on this particular property. Mrs. McDonald stated that there are alcoholic beverages consumed on the property. Chairman Strickland stated that the use is permitted and that alcoholic beverages and guns do not mix, but the Board could not control that. Mrs. McDonald stated that there is a church there, and that it is disrespectful for them to shoot while the church is having services. Chairman Strickland sympathized with her concerns, but said the use is allowed by right, and if the church had a concern, then they might want to talk to this particular business owner directly. Mrs. McDonald stated that they shot at night. Chairman Strickland stated that this use is allowed by right, and if she so desired, she could express her concerns to the County Commission. Mrs. McDonald stated that the Board heard her concerns, and if something bad happened, the Board would be held accountable. Chairman Strickland stated the range was a permitted use. Mrs. Hobby stated that she visited the range, and as a hunter, she is aware of guns and the need for safety. She stated the vegetation was very thick and that a fence would not serve a purpose because the existing vegetation was so thick. Mrs. Hobby stated she understood the citizens' concerns, but the Board was tasked with making a decision regarding the fence, not the use itself. Mrs. McDonald stated they had approached the County Commission about the noise and night-time shooting. Mrs. Hobby asked Mrs. Braswell if there were any regulations regarding night-time shooting. Mrs. Braswell stated she was unaware of any, but that Mrs. McDonald may desire to investigate that further.

Mr. Hammock approached the podium again. He asked Mrs. Hobby if she heard shots today. Mrs. Hobby said yes. Mr. Hammock stated they were not as loud today as they sometimes are. Chairman Strickland stated Mr. Hammock could approach code enforcement to see if there were any violations regarding the noise ordinance.

Chairman Strickland asked if anyone else would like to speak. Sara Barrett, 4905 Princess Drive, Lake Park, stated she had shot at that particular range, and was coached by Mr. Wisenbaker. She stated that they never shot until after 1:00 PM on Sundays out of respect for the church's services. She expressed concerns about a fence increasing the noise.

There being no further discussion, Chairman Strickland called the motion. Dr. Houseal made a motion to approve as presented, citing criteria "d." Mrs. Hobby seconded the motion. The motion was adopted with a vote of 6 to 0.

Agenda Item # 4: VAR-2016-11--- Cameron Hines (Green Road, Lake Park, GA)

Mrs. Braswell stated that his is a request for a variance to the lot frontage/lot access requirement. The subject property consists of 0.92 acres and is accessed from Old Naylor Road in an E-A (Estate Agriculture) zoning district. Sections 4.04.03 (D) and 6.01.03 (D) in the ULDC require that lots shall have frontage and access to public streets. The subject property was created by a deed in the early 80's. It does not have frontage or direct access from a public street and is accessed through a 30' ingress/egress dirt path. No variance appears to have been granted when the parcel was created. The subject property is accessed from a woods road that leads to Old Naylor Road. Staff could not find any formal written documents to substantiate the access path; the property owners may have an easement by prescription. In reviewing this request, staff's primary concern was that of public safety—responses to requests for emergency services. The Department of Fire Rescue stated that situations such as this are common. Ultimately, staff recommended approval with no conditions as the condition is not a result of action by the applicant and does not appear that it will cause substantial detriment to the public good.

Chairman Strickland asked, if as long as the access is maintained and kept clear for emergency vehicles, if staff was OK with the request. Mrs. Braswell stated she believed that the property owner maintained the access for farming/harvesting purposes and that staff is OK if it's maintained.

Chairman Strickland asked if anyone would like to speak in support of the application. Cameron Hines, 2979 Howell Road, spoke on behalf of the application. Mr. Hines stated he owned the property, and would like to place a mobile home that he owns on the property, which is adjacent to property owned by his brother. This particular property has

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a functioning septic tank and well. Chairman Strickland asked Mr. Hines if he was aware the Health Department needed to look at the septic tank and well. Mr. Hines stated he had already been in contact with Kyle Coppage from the Health Department.

Chairman Strickland asked if anyone else would like to speak in support of the application. Terry Hines, 5573 Green Road, spoke on behalf of the application. He stated he helped maintain access to the property, and that log trucks and tractors utilize the road. Chairman Strickland stated that the Board was concerned about emergency vehicles accessing the property. Mr. Hines stated that his property had a fire, in which emergency vehicles were able to access his 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 application. No one spoke. Chairman Strickland asked Mrs. Braswell if anyone had contacted her office. Mrs. Braswell stated no one had called.

There being no further discussion, Chairman Strickland opened the floor for a motion. Mrs. Quarterman made a motion to approve as presented, citing criteria "d." Mr. Hogan seconded the motion. The motion passed with a vote of 6 to 0.

Agenda Item # 5: VAR-2016-12--- Valdosta Lowndes Development Authority on behalf of Langdale Capitol Assets, Inc. (Rocky Ford Road, Valdosta, GA)

This is a request for three variances to accommodate the construction of a large scale industrial prospect. The subject property will be about 123 acres, is zoned M-2, and is located off of Rocky Ford Road. The subject property was recently rezoned in January of 2016. Because of confidentiality reasons, generic terms are being used to describe the project. There are three variance requests for the property. First relates to maximum height, found in Table 4.01.03(E) of the ULDC. A batch house is proposed to be 140 feet in height, rather than the maximum cap of 100 feet high. (The applicant is also proposing a smoke stack that is tall. However, smoke stacks are not regulated by these particular height restrictions.) The second variance relates to the number of loading space requirements as required in Section 6.01.03 of the ULDC. One loading space is required for every 10,000 ft of gross floor area. The facility is proposed to be 396,070 sq. ft, requiring a minimum of 40 loading spaces. The applicant is proposing 20 loading spaces, and is therefore requesting a variance of 20 loading spaces. Variance three relates to loading dock requirements, as found in Table 4.03.20(B) of the ULDC, which are required to be located in the side or rear of the property, and fully screened from view from adjacent properties and the public ROW. The applicant is proposing to centrally locate their loading docks on the property to accommodate their in-processing and out-processing needs, and is therefore requesting a variance to the ULDC's orientation requirements for loading docks. Given that the batch house appears to be constructed of metal and will completely enclose equipment and materials, is outside the boundaries of the Valdosta Airport Overlay District, and does not appear that it would be a detriment to surrounding properties, the TRC recommends for approval with no conditions. Regarding the requirement for the number of loading spaces, staff realizes that industrial uses vary. The TRC supports the requested variance and recommends approval to the number of loading spaces as the applicant is knowledgeable of their own needs. Lastly, regarding the orientation of loading docks, the applicant is proposing that the docks be located on the front side of the proposed facility that is centrally located on the subject property, which is depicted as being about 1000 feet from the nearest ROW, and is proposed to be screened from view by existing wetlands, a berm, and an eighty ft. buffer yard. Given those factors, staff recommends approval to the orientation of the proposed loading docks.

Chairman Strickland asked if the Board had any questions. Mrs. Quarterman asked if the height of the batch house would be a problem for the airport. Mrs. Braswell stated no, that the facility was outside of the Valdosta Airport Overlay District. Mrs. Quarterman stated that the loading docks were past where the main entrance is proposed to run, so visitors would not pass by several loading docks on their way into the property. Mrs. Hobby asked who the nearest privately owned landowner was to this property. Mrs. Braswell stated she thought the Payne family owned that particular property. Mrs. Hobby asked how tall the smoke stack was proposed to be. Mrs. Braswell stated the smoke stack was proposed to be about 120 tall, shorter than the batch house. Dr. Houseal asked if the EPA was involved. Mrs. Braswell stated she said the use would more than likely trigger a DRI, but she believed the emissions would be water.

There being no further discussion, Chairman Strickland asked if anyone would like to speak in support of the application. Jeff Lovell, Lovell and Associates, 3889 Inner Perimeter Road, spoke in support. He stated that the batch house housed conveyors and raw materials. The conveyors meet the height requirement; however, the batch house would protect the raw materials and conveyors from the elements, and it is the batch house that exceeds the

height cap. Mr. Lovell stated that the smokestack would be 125 feet tall, and the industry would be burning natural gas. Dr. Houseal asked how many employees this industry would have. Mr. Lovell stated about 200.

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 request. There being no one, Chairman Strickland asked Mrs. Braswell if anyone had contacted her office. Mrs. Braswell stated there had been citizen contact, but relating more to inquiries rather than concerns.

There being no further discussion, Chairman Strickland opened the floor for a motion. Mr. McCall made a motion, citing criteria "d," to approve as presented. Mr. Alvarado seconded the motion. The motion passed with a vote of 6 to 0.

CITY OF VALDOSTA CASE

Agenda Item # 5: APP-2016-04---Staten Plantation (SE corner of Inner Perimeter Road and Brookfield Drive, Valdosta, GA)

Mr. Matt Martin stated that Mr. Gray Murray, on behalf of Staten Plantation, LLP is requesting a variance to LDR Section 210-2(G)(1) as it pertains to minimum lot frontage in the Inner Perimeter Road Corridor Overlay District. The subject property is located at the SE corner of Inner Perimeter Road and Brookfield Drive, and is zoned C-H, C-C, and R-P. The parcel is entirely in the Inner Perimeter Corridor Overlay District and consists of 33.35 acres. The applicant is proposing to subdivide the property into two tracts—one with 142 feet and one with 148 feet of frontage, short of the 200 feet required for non-residential uses. One parcel is proposed for development as a credit union, with the other being marked for future development. Staff mentioned an alternative lot configuration, utilizing a shared detention pond on one of the two parcels with the two parcels utilizing a L-shaped configuration. The configuration would meet the road frontage requirement for the one parcel with road frontage along Inner Perimeter, with the second parcel having its required road frontage along the private access road to the south, where there is no minimum frontage requirement; utilizing this scenario, no variance would be needed. Since the applicant has the ability to meet the code requirement, staff does not recognize hardship and recommends denial of the variance. However, if approved, staff recommended that the approval have the following conditions: (a) no direct vehicular access onto Inner Perimeter Road, (b) at least 140' of lot frontage for each lot along Inner Perimeter Road, (c) shared detention pond and shared internal driveways and access to the abutting private roads – (so that it at least resembles "one development").

Chairman Strickland asked the Board if they had questions for staff. Mrs. Hobby asked if the one who would benefit the most from the property being visually attractive would be the applicant. Mr. Martin stated that one could argue that. Mrs. Hobby asked if the detention pond would be at the front of the parcels. Mr. Martin stated that was a possibility. Mr. Martin stated that the development could be engineered with one shared detention pond, or two individual ponds. Mrs. Hobby asked if there would be any issues for an owner to have their property configured as staff proposed. Mr. Martin stated he could not speak for the tax assessor, but there would be a little more land in one parcel than in the second parcel. Mr. Martin stated that the road system was private property, and platting the road as a private road would be required so the parcels would not be landlocked. Chairman Strickland stated, that by looking at the proposed site plans, you could drive from one parcel to the other without getting in Inner Perimeter, but would not connect to Murphy Gas. Mr. Martin stated that was true.

There being no further discussion, Chairman Strickland asked if anyone would like to speak in support of the application. Mr. Gray Murray, 1749 Mayfair Drive, Birmingham, spoke on behalf of his application. Mr. Murray stated they started master planning this area in the 1990's. The development was designed with an internal network of roads to minimize entrances onto Inner Perimeter. Mr. Murray stated that utilizing staff's recommended configuration would create an odd shaped lot, and would penalize the second parcel in terms of it being smaller, and therefore, the purchaser would have less chance to recoup the money they spent to purchase the property. Mr. Murray stated they were meeting the intent of the requirements by not proposing that these parcels directly access Inner Perimeter but utilize the private road system to access Inner Perimeter.

Mr. McCall stated that one of the recommendations from staff would be to utilize a shared detention pond, and asked if there were any issues with a shared detention pond. Mr. Murray stated it would be a little more cost effective to share one detention pond, and that the owners of the properties would have to work out the maintenance costs between them.

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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 against the application. No one spoke. Chairman Strickland asked if anyone had contacted the office. Mr. Martin stated no, there had been no contact.

Chairman Strickland opened the floor for a motion. Mrs. Hobby made a motion to approve the request as presented with three conditions--(a) no direct vehicular access onto Inner Perimeter Road, (b) at least 140' of lot frontage for each lot along Inner Perimeter Road, (c) shared detention pond and shared internal driveways and access to the abutting private roads. Dr. Houseal seconded the motion. The motion passed with a vote of 6 to 0.

OTHER BUSINESS

Agenda Item #6: Approval of Minutes: July 12, 2016

Chairman Strickland asked if there were any concerns with the minutes. There being none, he opened the floor for a motion. Mrs. Quarterman made a motion to approve the minutes as presented. Mrs. Hobby seconded the motion. The motion was adopted with a vote of 6 to 0.

Agenda Item # 7: Adjournment

There being no further business, the meeting adjourned at 3:49 PM.

/s/ Allan Strickland, IV
Allan Strickland, IV Chairman

September 13, 2016
Date