

# MINUTES

## Valdosta-Lowndes Zoning Board of Appeals

Valdosta City Hall Annex Multi-Purpose Room

300 North Lee Street, Valdosta, Georgia

December 6, 2016

2:30 p.m.

### MEMBERS PRESENT

Paul Alvarado  
Nathan Brantley  
Nancy Hobby  
John Hogan, III (arrived  
at 2:49 PM)

John "Mac" McCall  
Gretchen Quarterman  
Allan Strickland

### MEMBERS ABSENT

Dr. Willie Houseal

### STAFF PRESENT

Ted Bilak  
Carmella Braswell  
Tracy Tolley  
Debra Tulloch

### VISITORS PRESENT

Mary Copeland  
Sheila Dove  
B. Foster  
Rufus Foster  
BK Ison

Maddie Jordan  
Harrison Lucas  
Ulysses McBurrough Jr.  
Bernetta M.  
McConnehead

Henrietta Moody  
Kenneth Parsons  
Rob Plumb  
Craig Wisenbaker

### 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-2016-22 --- Obit LLC (Jeff Worn) (5343 Mill Store Road, Lake Park, GA)

Mrs. Braswell stated that Orbit, LLC is attempting to obtain an after-the-fact sign permit for a new sign structure, located at 5343 Mill Store Road, Lake Park, GA. The new sign replaced a previous sign that was deemed a nonconforming sign and was damaged by a recent hurricane. The applicant was unaware that a permit was needed to erect a new sign replacing the nonconforming sign. The property consists of about 7 acres and is zoned Highway Commercial (C-H). The ULDC allows some maintenance and minor repairs but not replacement of a nonconforming sign, except to conform with the ULDC's standards. Time had contributed to the deterioration of the sign, as did the recent hurricane. The applicant was constructing the new sign when Codes Enforcement advised the applicant to seek proper channels. Therefore, the applicant is requesting 4 variances. The ULDC has specific requirements for signs such as these --- signs along interstate highways. They are required to be a panel no larger than 14 feet by 48 feet with no more than 672 square feet total. The applicant is requesting 2 stacked signs of 10 feet by 40 feet each for 800 square feet total. The sign panels are required to be back-to-back or in a V-formation. The applicant is requesting a back-to-back sign atop one another to create a double-stacked sign. Signs are required to be at least 500 feet apart. This sign is about 365 feet from the closest freestanding sign. Signs are required to be in the rear yard. This sign is located in the front yard. Staff reviewed the request and found the new sign to be very similar in effect to the previous sign and not more intensive than what was there previously. The new sign does not appear to have a negative impact on the public health, safety, and welfare if given the success of securing a sign permit and obtaining proper inspections. The new sign is similar to the previous nonconforming sign and the construction improvements will establish the safety and stability of the sign. Staff recommends approval with no conditions, citing criteria "d" of the standards.

Mrs. Quarterman asked that if nothing happened to the original sign, could it exist forever with basic maintenance and repairs? Mrs. Braswell stated that was correct. Mrs. Quarterman asked if a variance was granted for this particular sign, could it last forever? Mrs. Braswell stated it could, unless it was substantially damaged.

Mrs. Quarterman asked if they were considering a variance to allow the previously existing nonconforming sign, and not anything substantially different. Mrs. Braswell stated that was true. Mrs. Quarterman asked if they could advertise whatever they wanted on the sign. Mrs. Braswell stated they could.

Chairman Strickland asked if anyone would like to speak in support of the application. Mr. B.K. Ison, applicant, 5980 Seville Road, Lake Park, spoke on behalf of the application. He stated he moved to the area in 1985, and his store had been at this location for many years. He employed 10-15 people, depending on the season. Mr. Ison stated his property was damaged in the hurricane, and he did not realize there were nonconformities related to the sign, and if he had known, he would have done things differently. Chairman Strickland asked if he did the work himself or if he hired someone. Mr. Ison stated he hired someone who worked for a sign company to work on the new sign. Mr. Ison stated he bought the materials and the worker did the work.

Chairman Strickland asked if anyone else would like to speak in support of the application. There was no response. Chairman Strickland then asked if anyone would like to speak in opposition to the application.

Mr. Robert Plumb, 1007 N Patterson Street, spoke on behalf of Alliance Coach at 5355 Mill Store Road, Lake Park. Mr. Plumb stated the sign was nonconforming before it was damaged and then replaced with a new nonconforming sign. Mr. Plumb stated he did not believe the ULDC supported allowing a variance to permit a nonconforming sign. He stated that the new sign was noncompliant with virtually every regulation. Mr. Plumb distributed pictures of the new sign. Mr. Plumb stated this was not a repair or maintenance job, and does not meet the criteria for granting a variance. Mr. Plumb stated that this sign blocked visibility of other signs. Mr. Plumb asked that, since the criteria for granting a variance were not met, that the Board deny the variance requests. Chairman Strickland asked Mrs. Braswell if ZBOA could grant a variance for a nonconforming sign. Mrs. Braswell stated that yes, the ULDC stated in Chapters 5 and 9 that ZBOA does have the authority to grant variances for such signage. Mr. Plumb stated that another factor to consider was that this business already had an existing freestanding sign to advertise its business on the property. Chairman Strickland asked if there was another freestanding sign on the property. Mrs. Braswell stated there was another smaller freestanding sign on the property.

Mr. Brantley asked if staff knew when the original nonconforming sign was constructed. Mrs. Braswell stated she did not know. Mr. Brantley asked when the sign regulations were adopted. Mrs. Braswell stated they were adopted when the Lowndes County Zoning Ordinance was adopted in 1972. Mr. Brantley asked if there was a permit for the sign. Mrs. Braswell stated that she was not aware of a local permit for the previous nonconforming sign. Chairman Strickland stated the sign may have pre-dated the 1972 Zoning Ordinance. Mrs. Braswell stated the regulations prior to the ULDC were more liberal — in that there were no height or separation requirements, and the maximum square footage for a freestanding sign was 750 square feet. Mr. Plumb stated that the goal of the nonconforming regulations are to eliminate or phase-out nonconformities, and this variance request does not support that goal. Chairman Strickland stated that the Board examined each case seriously and on its own individual merits.

Chairman Strickland asked if anyone else had any questions or comments. Mr. Ison stated that relating to the comment that his sign was blocking the Alliance Coach sign, he stated they have a large sign and that he had sold the property to them.

Chairman Strickland asked if there was any other discussion. There being no further discussion, Chairman Strickland called for a motion. Mrs. Quarterman made a motion to approve the 4 variance requests as presented, citing criteria "h" and "m." Mrs. Hobby seconded the motion and it was called and carried by the majority (5-1 vote). Mr. Alvarado voted against the motion.

**Agenda Item # 3: VAR-2016-23 --- Maddie Jordan (Orr Road)**

Mrs. Braswell stated that the applicant is requesting a variance to the lot frontage/lot access requirement. The subject properties are located off of Orr Road, in an R-A zoning district. Sections 4.04.03(D) and 6.01.02(D) of the ULDC require that lots shall have frontage on and direct access to public streets. The applicant is representing several properties that were created through the division of the family's estate. While a survey was performed in the early 70's to show the division, no survey appears to have been recorded. Therefore, the subject properties do not have frontage to or direct access from a public street but are accessed from a dirt path. Staff could not find any formal written agreement to substantiate an easement or use of the dirt access path. The applicant is currently trying to record a survey plat. After reviewing the request, staff's primary concern is that of public safety. TRC staff debated and was split on the recommendation. Overall, the TRC concurred that the request does not appear that

it would cause substantial detriment to the public good and recommends approval. Mrs. Hobby stated she wasn't sure exactly how to access the properties. Mrs. Braswell stated there was no culvert at this point for the lane/path. Mrs. Quarterman stated that the path was not straight and asked if they could require the easement/path be straight. Mrs. Braswell stated that the County wanted access for the property owners as well as for safety vehicles. Chairman Strickland expressed concerns about the path going through the middle of some of the parcels in question. Mr. Brantley asked if they were separate parcels. Mrs. Braswell stated they were already tax parcels and deeded parcels. Mr. Brantley asked how they were subdivided. Mrs. Braswell stated by deed. Mr. Brantley asked if the plat was ever recorded. Mrs. Braswell stated it was not. Mr. Brantley asked if it started out as one parcel. Mrs. Braswell stated it did. Mr. Hogan asked if the owners had indicated what side of the parcels they would prefer the easement be on. Mrs. Braswell stated that at this point, there had been no indication of where the owners wanted the easement, but that the property owners were in attendance.

Chairman Strickland asked if there was anyone who would like to speak in support of the application. Ms. Maddie Jordan, 3356 Orr Road, applicant, stated that her father had left her and the other owners the property and that she believed he did not know that the plat needed to be recorded. Ms. Jordan stated that the property had been farmed, and they traveled the dirt path by car and truck. Chairman Strickland stated that it might be better to have the path/easement down one side or the other so that the parcels weren't split by an easement. Ms. Jordan stated it might be best to have the easement on the western side as the home place was on the eastern side. Mrs. Hobby asked if there was a reason why the family might want to have the easement down the middle. Ms. Jordan stated that in the future, the family might want to subdivide those parcels in half. Chairman Strickland asked if a subdivision was a possibility. Mrs. Braswell stated that the property would need to be rezoned because R-A did not accommodate parcel sizes small enough to subdivide. Mr. McCall stated he wanted to make sure the properties were served by a contiguous easement. Mr. Alvarado asked if tabling might be necessary. Chairman Strickland stated that tabling might not be necessary, but that the family could request tabling. Mrs. Hobby stated that it didn't sound like there was a need to table, because the idea of possibly subdividing sounds like it is more a concept for the future rather than an imminent concern. Mrs. Quarterman asked if there was any concern from the Fire Department regarding a path/easement that is crooked. Mrs. Braswell stated there was not.

Chairman Strickland asked if there was anyone present who wished to speak in opposition to the request. There was no response. Chairman Strickland then asked if there was any public contact made with the County Zoning office. Mrs. Braswell's stated there was none.

There being no further discussion, Chairman Strickland called for a motion. Mr. McCall made a motion to approve the request as presented, with the condition that a clear, drivable, continuous 20-foot wide easement accessing all properties be established with driveway access from the main road, citing criteria "d." Mr. Hogan seconded the motion and it was called and carried by the majority (5-1 vote). Mr. Alvarado voted against the motion.

#### **Agenda Item # 4: VAR-2016-24 --- Kenneth Parsons (2057 Woody Circle)**

The applicant is requesting a variance to the maximum allowable floor area for an accessory structure. The property is located at 2057 Woody Circle, consists of about 0.85 acres, and is zoned R-1. The applicant is proposing to construct an accessory structure consisting of 1,500 square feet. The maximum limit for this particular parcel is 800 square feet. The property contains two accessory structures, one of which was damaged by a recent hurricane. The applicant wants to replace both structures with one that is large enough to meet their needs. Staff reviewed the request and recommends approval.

Chairman Strickland asked if there is anyone present who would like to speak in support of this request. Mr. Kenneth Parsons, 2057 Woody Circle, applicant, stated he was available if there were any questions. Chairman Strickland asked if he was planning to concrete over two existing slabs to make one larger slab. Mr. Parsons stated that was correct. Chairman Strickland asked if these would meet setbacks. Mr. Parsons stated he would check and make sure he could meet setbacks. Chairman Strickland recommended that he make sure, because if not, he would either have to remove concrete or ask for additional variances. Chairman Strickland asked if there were height restrictions. Mrs. Braswell stated the height restriction in residentially zoned property was 35 feet.

Chairman Strickland asked if there was anyone else present who wished to speak in support of this request. There was no response. Chairman Strickland then asked if there was anyone present who would like to speak in opposition to this request. There was no response. Chairman Strickland then asked if there had been any public contact with the County zoning office. Mrs. Braswell stated there was none. There being no further discussion, Chairman Strickland called for a motion.

Mr. Brantley made a motion to approve the request as presented, citing criteria "d." Mr. Hogan seconded the motion and it was called and carried unanimously (6-0 vote).

**Agenda Item # 5: VAR-2016-25 --- Rufus Foster (3435 Mable Road)**

Mrs. Braswell stated that the applicant is requesting a variance to the lot width requirements. The subject property consists of 1 acre and is located at 3435 Mable Road in an R-1 zoning district. Section 4.01.01(E) and 4.01.01(G) provides standards for minimum lot width. The applicant is wanting to locate a manufactured home on a parcel inherited from his family. (There are other parcels derived from this family land that potentially need variances as well.) In trying to place the home on the site, the Board of Health requested a copy of the recorded survey plat. Upon submitting the survey plat to the County, staff ascertained that the tract does not meet the minimum 120 feet lot width standards for R-1 zoned lots. The applicant's proposed parcel is 105 feet in width. Therefore, he is asking for a 15-foot variance. Mrs. Braswell stated that staff recommended tabling the request in order to work towards an alternative solution so none of the parcels need variances, but the applicant wanted to move forward. Mrs. Hobby asked Mrs. Braswell if she was at liberty to discuss the solution that might help all the property owners. Mrs. Braswell stated she could discuss it, but this one lot still might need a variance, but that the other lots might not. Mrs. Braswell identified a tract that one sister owned that consists of 3 acres, and that if one lot line was shifted over they could shift several other lot lines and either buy a portion of the parcel next door or swap land. This would widen the parcels, and they would not need lot width variances. Mrs. Hobby asked if the sister with the 3 acres was amenable to this. Mrs. Braswell said she had spoken to her, and it was a matter of getting the family together to discuss and make a decision.

Chairman Strickland asked if there was anyone present who would like to speak in support of this request. Mr. Rufus C. Foster, 3322 Hillis Road, applicant, spoke on behalf of the application. He indicated that his particular tract was identified as tract #3, and that his sister may not be amenable to the land swap. He said he was ready to buy the manufactured home, but did not have any place to put it right this moment. Mr. Brantley asked how long he had owned the property. Mr. Foster said he had owned this property since 1995, and his mother had owned it prior. Mr. Brantley asked if it had been divided among her children. Mr. Foster stated it had been divided among him and his 3 siblings, and that the parcels were the same size.

Mr. Ulysses McBurrough Jr., 3392 Fred Walker Drive, asked what was going to be placed on this property. Mr. Foster stated he was going to place a small manufactured home there. Mr. McBurrough stated he had seen people surveying there and was fine with a manufactured home being placed there.

Chairman Strickland asked if there was anyone else present who wished to speak in support of this request. There was no response. Chairman Strickland then asked if there was anyone present who wished to speak against the request. There was no response. Chairman Strickland then asked Mrs. Braswell if there had been any public contact with the County Zoning office. Mrs. Braswell stated that she had given the Board a letter she had received from a nearby property owner who was not really in support or in opposition. T

There being no further discussion, Chairman Strickland called for a motion. Mrs. Hobby made a motion to approve the request as presented, citing criteria "d." Mr. Alvarado seconded the motion and it was called and carried unanimously (6-0 vote).

**Agenda Item # 6: VAR-2016-26 --- Henrietta Moody (2831 Hunter McCormick Road)**

Mrs. Braswell stated that the applicant is requesting variances from ULDC Sections 6.03.03 and 6.03.04 as they relate to the water and sewer system connection requirements. The subject property is located at 2831 Hunter McCormick Road in an R-1 zoning district and consists of 3 acres. The ULDC requires that, when the parent tract of the new subdivision is within 1,000 feet of the County water and sewer systems, the development must be connected to water and sewer. However, the applicant states that connection to County water and sewer is cost prohibitive and is requesting relief to utilize a private well and septic system. (County staff estimates the costs to the applicant to be about \$12,800, with the County connections being about 400 to 450 feet away.) (Lowndes County has no short-term plans to run water and sewer services along Hunter-McCormick Road.) Staff understands that costs are a reality but unfortunately are not a hardship. Therefore, staff recommends for denial.

Chairman Strickland asked if this was part of a larger parcel. Mrs. Braswell said it is a 3-acre tract with an existing house. The applicant wants to build a second house on the property. Mrs. Quarterman asked if the existing house

has well and septic. Mrs. Braswell stated it does. Mr. Brantley asked where the second home was proposed to go. Mrs. Braswell showed on the projector screen approximately where the house was to be placed. Mr. McCall asked if the second home could, code-wise, share the existing home's well and septic, therefore negating the need for a variance. Mrs. Braswell stated that was a possibility. Chairman Strickland asked if there was anything that prohibited two homes on one lot, or required family to occupy both homes. Mrs. Braswell stated there was nothing that prohibited two homes on one lot nor required family to occupy both homes.

There being no further discussion, Chairman Strickland asked if there was anyone present would like to speak in support of this request. Mr. Craig Wisenbaker, 3660 Johnson Road SE, spoke on behalf of the application. Mr. Wisenbaker stated that well and septic were cheaper than connecting to the County's water and sewer system.

Ms. Sheila Dove, 2829 Hunter McCormick Road, also spoke in support and stated that she lived in the existing house on the subject property.

Ms. Bernetta McConnehead, 1425 E. Park Avenue apt G1, also spoke in support.

Chairman Strickland asked if there was anyone present who would like to speak in opposition to the request. There was no response. Chairman Strickland then asked if there was any public contact with the County zoning office. Mrs. Braswell stated there had been no contact. There being no further discussion, Chairman Strickland called for a motion.

Mr. Alvarado made a motion to approve the request as presented, citing criteria "d." Mr. Hogan seconded the motion and it was called and carried unanimously (6-0 vote).

### **OTHER BUSINESS**

#### **Agenda Item # 7: Approval of Minutes: November 1, 2016**

Chairman Strickland asked if there were any concerns with the draft minutes. There being none, he called for a motion. Mrs. Hobby made a motion to approve the minutes as presented. Mr. Brantley seconded the motion and it was called and carried unanimously (6-0 vote).

#### **Agenda Item # 8: Election of Chairman and Vice-Chairman**

Chairman Strickland stated that the Board made nominations at the November meeting for the Chairman and Vice-Chairman positions for 2017. Chairman Strickland was nominated for Chairman and Mr. McCall was nominated for Vice-Chairman. There being no further nominations, Chairman Strickland called for a vote. Both nominees were elected unanimously to serve the 2017 terms (6-0 vote).

#### **Agenda Item # 9: Discussion Item: Holiday Gathering**

Ms. Tolley stated that Mrs. Braswell identified several dates and locations, based on availability, to have a holiday gathering. Of the several dates, there were none that all Board members could attend. It was therefore a consensus to instead have a "potluck" in the Multi-Purpose Room (ZBOA meeting room) after the January 2017 meeting.

#### **Agenda Item # 10: Adjournment**

There being no further business, the meeting adjourned at 4:00 PM.

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

1/3/2017  
Date