

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

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

June 6, 2017

2:30 p.m.

MEMBERS PRESENT

Paul Alvarado
Nathan Brantley
Victoria Copeland
Nancy Hobby

John "Mac" McCall
Gretchen Quarterman
Allan Strickland

MEMBERS ABSENT

John Hogan, III

STAFF PRESENT

Carmella Braswell
Tracy Tolley

VISITORS PRESENT

Deborah Anderson
Kenneth Anderson
Diane Denton
Edgar Denton

Lonnie Denton
Teresa Mance
Leslie Roe
Mary Roe
Stacy Rountree

Vicki Rountree
Rodney Tenery
Avia Thomas

Agenda Item # 1: CALL TO ORDER

The meeting was called to order by Chairman Strickland at 2:30 p.m. 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-2017-06 --- Rodney Tenery, Jr. on behalf of Odessa G. Denton c/o Lonnie M. Denton (5838 Clyattville Nankin Road, Valdosta)

Chairman Strickland announced the case. Mrs. Braswell stated that the applicant was asking for a variance to Section 4.04.04 (C,4) of the ULDC as it pertains to the Family Ties Land Division and a variance to Table 4.01.01(G) as it pertains to lot width requirements. The subject property consists of about 19 acres and is located on Clyattville Nankin Road, Valdosta, and is zoned E-A. In this case, the last will and testament of Odessa G. Denton divided her property in a manner that does not meet the ULDC's standards as it pertains to remnant property. The proposed division does not meet the standard that provides "the remainder of the parent parcel after creation of lots under the Family Ties Land Division process shall meet the minimum lot area requirements set forth in Table 4.01.01 (G)." Table 4.01.01 (G) provides that the minimum lot area for the E-A district shall be 5 acres. All of the proposed lots are ~3.82 acres. In addition to the Family Ties Variance, the applicant is also requesting a Variance to the minimum 210 feet lot width requirement for 2 of the proposed lots – as hatched on the schematic, one of the lots measures 200 feet and the other lot measures 163.48 feet. Rezoning was discussed with the applicant, but could potentially be riskier than asking for a variance. Regarding the minimum lot width requirement, staff is of the opinion that the lots are large enough to accommodate a private septic system and well. One of staff's concerns is setting a precedent, and the property's ability to meet the provisions of the family ties land divisions. Another consideration included the proposed subdivisions will not be out of scale or character with the existing development pattern. Ultimately, the TRC recommended approval, citing criteria "d."

Mrs. Hobby asked what the minimum width was to accommodate a well. Mrs. Braswell stated 120 feet, as required by the Health Department. Mrs. Hobby asked how the Health Department arrived at that figure. Mrs. Braswell stated she was not sure. Mrs. Hobby asked how the idea of a 5 acre requirement in E-A came about. Mrs. Braswell stated that before the ULDC, there was no family ties allowance, but the consultant came up with the idea for the requirement. Mrs. Braswell stated that staff believed that 3.8 acres blended in in this immediate area, for staff to be able to support the variance request. Mrs. Hobby asked if Ms. Denton wrote her will before the ULDC. Mrs. Braswell stated the will was done after the ULDC became effective, and that when wills were created, most attorneys were not aware of the ULDC requirements. These lots were created by deeds, and deeds were not reviewed by Zoning

staff. Mrs. Hobby asked why a plat was done when some of the parcels were occupied. Mrs. Braswell stated that a survey was never done until recently. Mr. Alvarado asked where the ingress/egress easement was. Mrs. Braswell stated it was on Tract 8. Mr. Alvarado asked if the Sabal line affected it, and if it was underground. Mrs. Braswell stated she was unsure, but she believed so. Mr. Brantley stated it looked like the easement was going through a structure, and would that pose a problem? Mrs. Braswell stated she did not know what the details of the easement were, and did not know if the structure was a manufactured home or what. Mr. Brantley asked how the back lots would be accessed if there was a building on it. Mrs. Braswell stated they could use other means of access, that the easement satisfies the letter of the law.

There being no further discussion, Chairman Strickland asked if anyone would like to speak in support of the application. Rodney Tenery, 107 E North Street, spoke on behalf of the application. Mr. Tenery stated they were trying to meet Ms. Denton's last wishes, and that was a barn on the easement, but there was enough room to drive around the barn, and that there were other means of ingress and egress.

There being no one else to speak in support, Chairman Strickland asked if anyone would like to speak in opposition. There was none. Chairman Strickland asked if there was any contact to Mrs. Braswell's office. Mrs. Braswell stated there was none, other than the couple that came last month with questions, but she had addressed their questions.

There being no more discussion, Chairman Strickland opened the floor for a motion. Mr. McCall made a motion to approve both requests as presented, citing criteria "d." Mrs. Hobby seconded the motion. The motion was called and carried with a vote of 5 to 1, with Mr. Alvarado voting against the motion.

Agenda Item # 3: VAR-2017-05 --- Stacy Rountree (6119 Shiloh Road, Valdosta)

Chairman Strickland announced the case. Mrs. Braswell stated that the applicant was asking for a variance to ULDC Table 5.02.01(D)(2), to the minimum building setback requirements for accessory structures. The subject property consists of about 14 acres and is located at 6119 Shiloh Road, Hahira, in an E-A zoning district. In this case, there are three accessory structures that do not meet the minimum side yard building setback requirements. These structures were constructed several years ago after the 2006 adoption of the ULDC. The minimum side yard setback for the EA zoning district is 20 feet. The applicant is seeking a variance to keep the accessory structures as they currently exist. Therefore a variance of 14.5 feet for one barn, a variance of 9.5 feet for a second barn, and a variance of 10 feet for a shed are being requested. The TRC has reviewed this request and had differing opinions. The TRC ultimately recommended approval for the variances as presented.

Chairman Strickland stated that this case had been tabled from last month, and there had been discussion related to an option to remove part of one of the buildings to better comply with setbacks. Mrs. Quarterman asked if the current owners had built the buildings. Mrs. Braswell stated that she was not sure, but found a building permit for one of the buildings from 2013. Mrs. Quarterman asked if inspections had checked after the building was built. Mrs. Braswell stated they may not have checked.

Chairman Strickland asked if the applicants would like to speak. Stacy and Vicki Rountree, 6119 Shiloh Road, spoke on behalf of the application. Mr. Rountree stated that the permitted building had an overhang held up by 4 by 4 posts and was not built on a slab. Mr. Brantley asked when the other two buildings were built. Mr. Rountree stated that a second building was built in 2006. Mrs. Rountree stated that this was triggered by a survey they had done due to wanting to sell part of the property.

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 in opposition. No one spoke. Chairman Strickland asked if anyone had contacted Mrs. Braswell's office. Mrs. Braswell stated there had been no contact to her office.

There being no further discussion, Chairman Strickland called for a motion. Mrs Hobby made a motion to approve a 14.5 feet variance for one barn, a 9.5 feet variance for the second barn, and a 10 feet variance for the shed, citing criteria "d." Mr. Alvarado seconded the motion. The motion was called and carried with a vote of 5 to 1, with Mrs. Quarterman voting against.

Agenda Item # 4: VAR-2017-09 --- Roe Property (7040 Old Valdosta Road North, Valdosta)

Chairman Strickland announced the case. Mrs. Braswell stated that this request is for a variance to the minimum side yard setback requirements. The subject property consists of 1.11 acres and is located at 7040 Old Valdosta Road, Hahira, in an E-A zoned property. Table 4.01.02 (E) provides standards for building location and heights. In this case, the applicant is seeking relief along the eastern property line. There is an existing stoop/steps that appears to be on the parcel line, but the existing wall of the home is seven feet from the side property line. A variance is being requested for the structure to remain where it is currently located. A recent survey revealed the existing building encroachments that were unbeknownst to the applicant. The house was originally constructed in the 1940's, with additions in the late 1970's. The side yard setback requirement in the late 1970's was believed to be ten feet. The variance is an attempt to address the encroachment so that the survey can be recorded for public record. The applicant wishes to keep the structure as it is currently depicted on the survey. The TRC reviewed the request and ultimately recommended for its approval. Considerations are the length of time the structure has been in place, and that the structure's porch does not pose a threat due to its open air design.

Mrs. Hobby asked if the porch and stoop were added before the adoption of the ULDC. Mrs. Braswell stated yes. Mrs. Hobby asked why they were not grandfathered in. Mrs. Braswell stated that when they were built, the County had zoning, and the only way they could have been grandfathered in is if there had been no zoning. Mrs. Braswell stated that this type of situation came up relatively often. Mrs. Hobby asked if the County had given any thought to creating rules or regulations to address possibly grandfathering in situations like this.

There being no further questions, Chairman Strickland asked if anyone would like to speak in support of the application. Mr. Leslie Roe, 7040 Old Valdosta Road North, spoke on behalf of the application. His wife's grandfather built it in the 1940's, and it was added on to, thinking there was plenty of room to build on. Mr. McCall asked where the door on the end of the house went to. Mr. Roe said it was a laundry room door. Mr. McCall asked if it was an actively used door. Mr. Roe said it could be, but they didn't use it that much. Mr. Roe said they used the door on the front of the house more. Mrs. Quarterman stated she had a concern about the stoop becoming closed in—she did not want to see it closed in. Mr. Alvarado asked if any part of the stoop or the roof crosses the property line. Mr. Roe said they did not cross the property line, that they were about a foot off the property line. Mr. Brantley asked what triggered the survey. Mr. Roe stated his wife's brother passed away. The brother owned the property next door, and while getting his property surveyed for his heirs, decided to survey their own property as well.

There being no more discussion for Mr. Roe, Chairman Strickland asked if there was anyone else who wanted to speak in support of the application. There was none. Chairman Strickland asked if there was anyone who wanted to speak in opposition. There was none. Chairman Strickland asked if anyone had contacted Mrs. Braswell's office. Mrs. Braswell stated there was no contact.

There being no more discussion, Chairman Strickland opened the floor for a motion. Mrs. Quarterman made a motion to approve, citing criteria "d," with the condition that the stoop never be enclosed. Mr. Brantley seconded the motion. The motion was called and carried with a vote of 6 to 0.

CITY OF VALDOSTA CASES

Agenda Item # 5 & 6: APP-2017-02 & App-2017-03 --- Kenneth and Deborah Anderson (1306 Cypress Street, Valdosta)

Chairman Strickland asked if the Board needed to hear each case individually, or together. Ms. Tolley stated she did not have a preference as to whether they heard the cases together or separately, but recommended that they vote separately on each case.

Ms. Tolley stated that these cases concerned 1306 Cypress Street, which consisted of 0.16 acres and is zoned M-1. The property contained a single family house, which was damaged by a fire. A house is not a permitted use in the M-1 zoning district. When damaged beyond 60% of its fair market value, it has to conform to today's standards, including zoning—which meant the house couldn't be built back without a rezoning or a PELUC. The industrial Activity Center Character Area makes the parcel ineligible to rezone for a residential zoning district, so a PELUC is the best choice. A PELUC is an opportunity to re-establish a nonconforming use that was legally operating on January 1, 2009, when the LDR became effective and can only authorize the last legally nonconforming use if it was legally operating at the time the LDR became effective. Staff recommended approval for the PELUC.

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Additionally, the applicants are applying for a variance as well. They would like to replace their house—at 40 feet by 28 feet. M-1 zoning has a front yard setback of 40 feet, and the applicants are requesting a 9 feet front yard setback, therefore requesting a variance of 31 feet. Not only did the damaged house sit closer than 40 feet, but the residential districts in Valdosta have front yard setbacks ranging from 15 feet to 35 feet for houses without garages, depending on zoning district. Given that the situation was created by the current zoning of the property and by the setback requirements of M-1 zoning for a use that is much less intense than the allowed uses within M-1, staff recommended approval of the variance request with the condition that it be for the house only.

Mrs. Quarterman expressed concern that a 9 feet front yard setback would place the house close to the road, in the event the road was widened one day. Mrs. Quarterman asked what typical front yard setbacks for residential property are. Ms. Tolley stated, for houses without garages, anywhere from 15 to 35 feet, depending on the individual zoning district. Mrs. Hobby asked what the depth of the lot was. Ms. Tolley stated it was 123 feet by 55 feet. Mrs. Hobby stated that when she visited, there were a lot of big trucks using Cypress Street.

There being no further questions, Chairman Strickland asked the applicant to approach the podium. Mrs. Hobby asked why they wanted it closer to the road. Mr. Kenneth Anderson, 1306 Cypress Street, stated that they would do what the City wanted them to do. Mrs. Hobby stated she had concerns for safety, and it would give them a larger front yard. Chairman Strickland asked if there was anyone who would like to speak in opposition. No one spoke. Chairman Strickland asked if anyone had contacted the Zoning office. Ms. Tolley stated no one had.

There being no further questions, Chairman Strickland opened the floor for a motion pertaining to the PELUC. Mrs. Quarterman made a motion to approve the PELUC as presented. Mr. Alvarado seconded the motion. The motion was called and carried with a vote of 6 to 0.

Chairman Strickland called for a motion regarding the variance request. Mrs. Hobby made a motion to approve the request for a minimum front yard setback of 15 feet, with the condition that this be approved for a single family residence only. Mr. McCall seconded the motion. The motion was called and carried with a vote of 6 to 0.

OTHER BUSINESS

Agenda Item # 6: Approval of Minutes: May 2, 2017

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

Chairman Strickland welcomed Victoria Copeland to the Board.

Mrs. Quarterman stated that Mr. Mike Hill, a former Board member, had recently passed away, and she wondered if there was any way to recognize Mr. Hill's service and express sympathy. Mr. Alvarado stated that the Board could possibly place something in the paper. Chairman Strickland wondered if there were any funds for that particular purpose. Mrs. Braswell stated that she may have some funds. Ms. Tolley stated that she could check to see if the City had any funds available.

Agenda Item # 5: Adjournment

There being no further business, the meeting adjourned at 3:22 p.m.

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

October 3, 2017
Date