

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 (left at 2:54 PM)

Nathan Brantley

Nancy Hobby

John Hogan, III

John "Mac" McCall

Gretchen Quarterman

Allan Strickland

MEMBERS ABSENT

Victoria Copeland

STAFF PRESENT

Ted Bilak

Carmella Braswell

Kelly Deas

Tracy Tolley

Debra Tulloch

VISITORS PRESENT

Jacob Blanton

Cass Burch

Dawn Carter

Jesse Carter

Kay B. Carter

Patsy Casteen

Revis Casteen

Taylor Casteen

Carl Fulp

Albert Herring

Mary Herring

Bobby Joseph

Amanda Parker

Teresa Patterson

Erick Paulk

Massimo Pistelli

Luola Savelle

David Stringer

Chris Sumner

Rodney Tenery

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.

CITY OF VALDOSTA CASE

Agenda Item # 2: APP-2017-04 --- David Stringer (203 Mildred Street)

Chairman Strickland announced the case. Ms. Tolley stated that David Stringer was asking for a variance to Section 214-7 of the LDR as it relates to the use of metal siding on a building in a commercial zoning district. The property consists of 1.57 acres and is zoned C-H. The applicant is proposing to leave the sheet metal exposed. The LDR requires that the elevation facing the front yard of any building in a non-industrially zoned building to be clad with another method. The applicant submitted building plans, with the front of the building clad with board and batten to be able to obtain his permits and start building the building while the variance was running its course. Staff reviewed the request, and realizes that the property has M-1 zoned property nearby, and this particular building is at least 150 feet away from W. Hill Avenue, with large pine and oak trees that partially obscure the building from the road. Staff found the request to be consistent with the variance review criteria and recommended approval for the request, with the condition that it be for this building only.

Chairman Strickland asked if anyone would like to speak on behalf of the application. Rodney Tenery, 107 E North St., stated that Mr. Stringer was applying for the variance to be able to leave the metal exposed. Chairman Strickland asked if Mr. Stringer was planning on using metal all the way. Mr. Tenery stated he was. Mrs. Quarterman asked if the proposal met setbacks and buffering requirements. Ms. Tolley stated that plans had been submitted, were approved, and were permitted.

Chairman Strickland asked if anyone else would like to speak in support of the application. No one else spoke. Chairman Strickland asked if anyone would like to speak in opposition of the application. No one spoke. Chairman Strickland asked Ms. Tolley if anyone had called the Zoning office. Ms. Tolley stated that she had received one inquiry as to what the public hearing sign meant.

There being no further discussion or questions, Chairman Strickland called for a motion. Mr. McCall made a motion to approve the variance as presented, with the condition that it be for this building only. Mrs. Quarterman seconded the motion. The motion was called and carried unanimously with a vote of 6 to 0.

LOWNDES COUNTY CASES

Agenda Item # 3: VAR-2017-11 — Parker Property (Beaver Lane)

Chairman Strickland announced the case. Mrs. Tulloch stated that the applicant is requesting a variance to ULDC Chapter 6.01.02(D)(1) as it relates to the minimum lot frontage requirement. The subject property is located on Beaver Lane in an E-A zoning district. The ULDC requires that the minimum lot frontage requirement to be 60 feet. The applicant is the owner of the four parcels to be combined for the purpose of obtaining a recorded survey plat. The primary use of the land will be a single family dwelling serving as the permanent residence for Mr. Parker and his family. The ULDC requires that a recorded plat shall be on record at the Superior Clerk of Court Office. There is no record of a recorded survey plat of the subject property. In order to get the survey plat recorded, a variance is needed to the minimum lot frontage requirement, as the subject property is landlocked. The property is accessed via a 12 feet easement approximately 345 feet in length. Staff reviewed the request and recommended approval.

Chairman Strickland asked if there were any questions. Mr. Brantley asked how these lots were created. Mrs. Tulloch stated these lots were recorded lots, but was unsure how they were recorded initially. Mr. Brantley asked why the plat was unable to be recorded. Mrs. Tulloch stated that the property had no access to a road, and the plat was unable to be recorded as such.

Chairman Strickland asked if there was anyone to speak on behalf of the application, or in support of the application. No one spoke. Chairman Strickland asked if there was anyone to speak in opposition of the application. No one spoke. Mrs. Quarterman asked if the access lane was adequate enough for emergency vehicles. Chairman Strickland said it was tight but was sufficient. Chairman Strickland asked if there was contact to the office. Mrs. Tulloch stated there was none.

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" with the condition that the access lane be maintained at full width for emergency vehicle access. Mr. McCall seconded the motion. The motion was called and carried unanimously with a vote of 6 to 0.

Agenda Item # 4: VAR-2017-12 --- Vickers Property (6181 Snake Nation Road)

Chairman Strickland announced the case. Mrs. Tulloch stated that the applicant is requesting a variance to Table 4.01.01(G) of the ULDC as it pertains to the minimum lot area requirement. The subject property is located on Myers Bluff Road, Hahira, Georgia, in an E-A (Estate Agriculture, 5 acres) zoning district. The Lowndes County Unified Land Development Code (ULDC) provides that the minimum Lot Area shall be five (5) acres. The applicant, Ms. Rudine Vickers, wishes to sell the 4.95 acres tract to her nephew, Carl Fulp, who also owns the adjacent property to the east. Mr. Fulp's purchase of the same is contingent upon approval of the variance requested. According to the applicant's professional agent, Rodney Tenery, Mr. Fulp has expressed the desire to utilize the lot for agricultural purposes and for it to remain in the tax assessors' conservation covenant program. In order to get the survey plat recorded, a variance to the minimum land area requirement is required-the subject property will be accessed via Myers Bluff Road a forty (40+/-') right-of-way. Therefore, a Variance of five hundredth (0.05') feet of an acre or (2,178 square feet) is being requested to the minimum lot area requirement. Mrs. Quarterman asked if there was a method to address this administratively. Mrs. Braswell stated there was not.

Chairman Strickland asked if there was anyone who wanted to speak in support of the application. Mr. Rodney Tenery, 107 E North Street, spoke in support. Mr. Tenery said they were five hundredths of an acre short in terms of the lot size requirement. There being no one else to speak in support, Chairman Strickland asked if anyone would like to speak in opposition to the request. No one spoke.

There being no further discussion, Chairman Strickland called for a motion. Mr. Hogan made a motion to approve as presented, citing criteria "d." Mrs. Hobby seconded the motion. The motion was called and carried unanimously with a vote of 6 to 0.

Agenda Item # 5: VAR-2017-13 — Herring Road (7040 Herring Road)

Chairman Strickland announced the case. Mrs. Tulloch stated the applicant is requesting a variance to Chapter 4.04.04 of the ULDC as it pertains to the Family Ties Land Division provision. The subject property is located at 7040 Herring Road, Lake Park, Georgia, in an E-A (Estate Agriculture, 5 acres) zoning district. The Lowndes County Unified Land Development Code (ULDC) Family Ties provision allows a parcel to be subdivided and conveyed to a grandparent, parent, spouse, stepparent, adopted parent, sibling, child, stepchild, adopted child or grandchild. It is the applicant's intent to subdivide their parcel and convey 6.789 +/- acres (parent parcel) to their niece and convey the remnant portion of 1.458 acres (new parcel created) to themselves (Willie Albert and Mary Herring). Secondly, the Lowndes County Unified Land Development Code (ULDC) Family Ties provision requires sixty (60') feet of road frontage on a public right-of-way. It is the applicants' intent to relocate from the property but they intend to allow family members the opportunity to utilize the existing accessory structure on the 1.458 acres parcel for recreational use when desired. (1) Therefore, a variance to the provisions for family ties land division (conveyance); and (2) a variance to the minimum design standards for lots (road frontage). The property will be accessed via an existing recorded 20' feet access easement.

Chairman Strickland asked if anyone would like to speak on behalf of the application. Mr. Albert Herring, 5760 Carlo Lane, speaks on behalf of the application. Mr. Herring stated that the access lane has existed for years. Mr. Herring stated his grandparents lived on the property, and then his parents bought it from his grandmother. Now, he's inherited the property but wanted to move closer to town, and his kids and grandkids did not seem to be interested in it.

Mr. Paul Alvarado left at 2:54 PM as he had an appointment. There was still a quorum.

Chairman Strickland asked if anyone 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 staff's office. Mrs. Tulloch stated there had been no contact. Chairman Strickland asked Mr. Herring if the ZBOA mandated that the access lane be mandated in a full width to accommodate emergency vehicles, would that be a problem? Mr. Herring stated it would not be a problem. Mrs. Hobby stated she had visited the property the day before, and the property was kept immaculate, and two vehicles passing on the access lane should not be a problem. Mrs. Hobby stated that it was the niece's family property as well, because this house originally belonged to her grandparents.

There being no further discussion, Chairman Strickland called for a motion. Mrs. Hobby made a motion to approve as presented. Mr. Brantley seconded the motion. The motion was called and carried unanimously with a motion of 5 to 0.

Agenda Item # 6: VAR-2017-14 — Casteen Property (Deerfield Road)

Chairman Strickland announced the case. Mrs. Braswell stated this is a request for a variance to the Design Standards for Single-Family Dwellings. The subject property consists of 0.83 acres, and is located at 3581 Deerfield Road, in an R-21 (Medium Density Residential) zoning district. In this case, it is the applicant's request to place a singlewide manufactured home onto the subject property that is triggering the variance request. The proposed manufactured home does not meet the minimum design standards for building width, roof overhang, exterior siding, and skirting material. Therefore, a variance to the Design Standards as it pertains to minimum building width, minimum roof overhang, and skirting material is being requested. This area has been known for years as the "Deerwood Acres" community - a single-family residential community containing both medium and large sized lots. Prior to the adoption of the ULDC, this development contained A-U (Agriculture Use) zoning that allowed single-family homes of all types, hence the mixture of housing types in this development. Upon the adoption of the ULDC, design standards for single-family dwelling units were adopted, and new residential zoning districts were placed on several properties in this area (i.e. R-1, R-21, and some R-A). Due to the timeframe that the ULDC allows a residential nonconforming use to be replaced, the applicant cannot place their manufactured on the subject property by right. Staff recommends approval without conditions.

Mr. Brantley asked how long the previous home had been removed. Mrs. Braswell stated it had been several years, possibly forty years. Mr. Brantley asked if there was a one year period where they could have replaced it without a variance. Mrs. Braswell stated there was.

There being no further discussion, Chairman Strickland asked if anyone would like to speak in support of the application. Taylor Casteen, 13301 Valdosta Highway, spoke in support of the application representing her mother. Patsy Casteen, 3550 Deerfield Road, also spoke in support of the application. She stated that her daughter wanted to place her home there, for her and her daughter to live in.

There being no one else to speak in support, Chairman Strickland asked if anyone wanted to speak in opposition. No one spoke. Chairman Strickland asked if there had been any contact to staff. Mrs. Braswell stated there had been none. There being no further discussion or questions, Chairman Strickland called for a motion. Mrs. Quarterman made a motion to approve as presented. Mr. Hogan seconded the motion. The motion was called and carried unanimously with a vote of 5 to 0.

Agenda Item # 7: VAR-2017-15 — Adkins Property (Parker Place Road)

Chairman Strickland announced the case. Mrs. Braswell stated this is a request for a variance to the minimum lot area requirement. The subject property consists of 10.93 acres, and is located at 4845 Parker Place Road, in an R-A (Residential-Agriculture) zoning district. Table 4.01.01 (G) contained in the ULDC provides minimum standards for lot area. In this case, it is the applicant's request to subdivide and market 1.05 acres from the subject property. The current zoning, R-A, requires a minimum lot area of 2.5 acres. Therefore, a variance of 1.45 acres is being requested to the Minimum Lot Area requirement of the R-A zoning district. While the Comprehensive Plan's guidance for R-1 zoning being listed as a permissible zoning within the Rural Residential Character Area, it has been staff's experience, via public hearings, that this area is not quite ready for any zoning districts with a higher density. Where appropriate, staff will consider supporting lower density residential development within the Rural Residential Character Area, depending on both the zoning pattern and the development pattern. One of the primary debates among staff was the appropriateness of the variance request versus a rezoning request to R-1 (Low Density Residential, 1-acre). In staff's opinion, the request for a variance challenges the foundational platform for why zoning districts exists. Ultimately, the consensus of staff was that either request (rezoning OR variance) will challenge the criteria set for granting variances and the adopted policies of the Comprehensive Plan for developments. A variance, as defined, is "a grant of relief from the requirements of the ULDC which permits construction in a manner otherwise prohibited by this ULDC where specific enforcement would result in unnecessary hardship." The current zoning, R-A, has a minimum lot area of 2 ½ acres. What the applicants are proposing is prohibited by the ULDC, and can be accomplished given the current land area. This variance request undermines the integrity and the design standards that are set to encourage the most appropriate use of land, buildings, and structures. Staff believes that the enforcement of establishing the minimum lot area in this case will assure that land is developed in conformity with the Comprehensive Plan and uphold the foundational purpose and intent of the ULDC. Lastly, it has been staff's experience, via public hearings, that this area is not quite ready for R-1 zoning as attempted a few years ago already. Where appropriate, staff will support lower density residential development (i.e. R-1 zoning) if the area is consistent with the R-1 development pattern and/or the R-1 zoning pattern. While staff is sympathetic to the applicant's request, the variance request cannot be supported considering the existing development pattern in this area. With these factors in mind, the TRC ultimately recommends denial of the request as submitted. The requested variance will be incompatible with the neighborhood and not in harmony with the purpose and intent of the ULDC.

Mrs. Hobby asked if rezoning was an option. Mrs. Braswell stated it was, but the applicant felt their best option was the variance route. Mrs. Quarterman asked if they could make a 2.5 acre lot. Mrs. Braswell stated yes. Mrs. Braswell stated their taxation covenant would expire in 2019. Mr. Brantley asked if they would breach the covenant with 2.5 acres. Mrs. Braswell stated they would not.

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 nothing would change, except for an additional parcel. Mr. Tenery stated that the conservation easement was current, and the existing pine trees were a part of that easement. Mr. Tenery stated that a breach of the covenant may result in financial penalties. Chairman Strickland reminded the Board that they could carve out a 2.5 acre lot by right, and if a variance was granted, no precedent was set.

Chairman Strickland asked if anyone else would like to speak in support of the application. Kathy Adkins, 5224 McMillian Road, spoke in support of the application. She stated this property was owned by her mother, and bought by her great-great grandfather, Mr. Parker. Her mother had to put the Parker land up for collateral to buy a trailer. They still owe about \$33,000 on the loan. She said by the time she paid the loan payment, taxes, for the

decal, etc. she was in the red every month. Ms. Adkins did not want to sell the ten acres, but did want to sell a small portion, a little over an acre, to help with paying off the loan. Ms. Adkins stated she'd hired an attorney and Mr. Tenery to assist with the situation, because they were blind-sided by the loan. Mr. Brantley asked why they chose the variance route rather than the rezoning route. Ms. Adkins stated it seemed the simplest route. Mr. Brantley asked what repercussions she would face if she cut out a tract larger than 1.05 acres. Ms. Adkins stated she would be required to refund money back that was paid to her mother and her step-father. Mr. Brantley asked how much money she would have to pay back. Ms. Adkins stated she did not know.

Chairman Strickland asked if anyone else would like to speak in support of the application. Jacob Blanton, 4842 Bethany Drive, stated he lived near the subject property. Mr. Blanton stated that he had spoken with Ms. Adkins, and was aware that she wanted to sell a little over an acre to pay off the trailer, and that she wanted to keep the property as it exists now, wooded, and in a conservation. He is in support of what she is trying to do with this one piece.

Chairman Strickland asked if anyone else would like to speak in support. No one spoke. Chairman Strickland asked if anyone would like to speak in opposition. No one spoke. Chairman Strickland asked if there had been any contact to staff's office. Mrs. Braswell stated there had not.

There being no further discussion, Chairman Strickland called for a motion. Mrs. Quarterman made a motion to follow staff's recommendation and deny the request. Mr. Brantley seconded the motion. The motion was called and carried with a vote of 4 to 1, with Mr. Hogan voting against the motion.

Agenda Item # 8: VAR-2017-16 — Ella Lewis/Theresa Patterson (Vienna Church Road)

Chairman Strickland announced the case. Mrs. Braswell stated this is a request for a variance to the supplemental standards for a proposed family personal care home for up to six people located at 4664 Vienna Church Road in a MAZ-III zoning district. The property consists of 1.22 acres. Chapter 4.03.16 of the ULDC contains supplemental standards for personal care homes. The existing structure does not meet the minimum side yard setback on the east side, and the subject property is not fenced as required for a family personal care home. The house sits 10 feet from the side property line, and the applicant is requesting a 40 foot variance. Mrs. Braswell stated that the state does not have fencing requirements. Therefore, variances are being sought to the minimum side yard setback and to the fencing requirements. The TRC reviewed this request and is recommending approval, as this request is the minimum variance that will make possible the legal use of land and structure. While the supplemental standards are in place to protect neighboring properties, staff believes these standards are in place to allow more open space for these homes and avoid the use of personal care homes in higher density residential areas. One of the debates among staff was whether the applicant should partially fence the yard. After discussion with the applicant, the State of Georgia does not require fencing, and according to the applicant, the clients are highly functional and will be safely guarded. Ultimately, the TRC is recommending approval of the request as presented.

Mrs. Quarterman stated that there is a lot of traffic on this road since Moody relocated one of its entrances, and she expressed concerns about the traffic and whether there should be a fence or not to protect the clients. Mrs. Braswell stated that she had talked to the applicant, and fencing was not a State requirement. Mrs. Quarterman said the ULDC requirements are stricter than the State requirements. Mr. Brantley asked if there was a detention pond going to be located nearby. Mrs. Braswell stated that a detention pond was not required. Mrs. Quarterman asked how far away the buildings were. Mrs. Braswell stated they were about twenty feet apart. Mr. Brantley asked if this was one parcel. Mrs. Braswell stated it was actually two, but for tax purposes, it was considered one.

There being no further discussion, Chairman Strickland asked if there was anyone who would like to speak in support of the application. Teresa Patterson, 3902 Winfield Drive, stated that the houses were so close because Ms. Lewis had been taking care of her elderly parents. Mrs. Quarterman asked if Ms. Patterson had any concerns about the traffic on Vienna Church Road. Ms. Patterson said not really, that the house was further from the road. Mrs. Quarterman asked if the residents would be using the road. Ms. Patterson said yes. Chairman Strickland asked if there was any concern about the residents wandering into the street. Ms. Patterson said no, she was not, that the residents would be attending church and day programs. Mrs. Quarterman asked if the residents would have cars. Ms. Patterson said they would not have cars. Mrs. Quarterman asked if this facility became a group home for children, would the variance still be in effect? Mrs. Braswell stated it would. Mrs. Hobby asked how many employees there would be. Ms. Patterson said there would be two employees at all times.

There being no one else to speak in support of the application, Chairman Strickland asked if anyone would like to speak in opposition or had questions. No one spoke in opposition. Mr. Hogan asked if there was a ratio of staff to employees. Ms. Patterson said that there was. Mr. Hogan asked if the two employees included herself. Ms. Patterson said it did. Mrs. Quarterman said she was uncomfortable with the idea of no fence with the traffic on Vienna Church Road, especially if kids were to occupy the house, and is not as concerned about the closeness of the buildings. Mrs. Braswell stated that the Board could place conditions on the approval if desired. Mr. Brantley asked if the entire property was required to be fenced. Mrs. Braswell stated yes.

There being no further discussion, Chairman Strickland called for a motion. Mrs. Quarterman made a motion to approve the setback variance and to grant fencing relief for the rear of the property, but to require fencing along the front and 50 feet toward the group home on either side. Mrs. Braswell asked for clarification of Mrs. Quarterman's motion in terms of distances and location. Mrs. Quarterman clarified. Mr. Brantley seconded the motion. The motion was called and carried with a vote of 4 to 1, with Mr. McCall voting against the motion.

Agenda Item # 9: VAR-2017-17 — Roger Budd Company (N. Valdosta Road)

Chairman Strickland called the case. Mrs. Braswell stated Budd Billboards is proposing to modify an existing nonconforming off-premise sign. The subject property is about ten acres, and is located at 3996 N Valdosta Road and is zoned C-H. Budd Billboards is proposing to replace the bottom faces with a digital sign face. The current bottom sign area measures 10 feet by 30 feet and about 55 feet in height. The proposed bottom sign is proposed to be the same size as the current at the same nonconforming height. Because of the nonconforming status, the applicant is unable to make the proposed modifications without a variance. GDOT has approved permits for the proposed modification. Locally, the sign's nonconformity exists in the sign's orientation (i.e. double-stacked), overall height, and its proximity from other off-site signs. Ideally, it is the intent for the nonconforming regulations to allow nonconformities to continue until they are removed or discontinued, and to discourage nonconformities to be enlarged or expanded upon. While the proposed changes will not enlarge or expand the current sign faces, the debate among staff is the potential impact that the digital face may have in this area. Staff reviewed this variance request and is ultimately recommending approval given the sign structure is already in place. Overall, the TRC concluded that the continued use of the existing sign was not out of character with the area nor would the proposed modifications appear to negatively affect adjacent properties. Ultimately, the TRC reviewed the variance request, and is recommending of its approval as presented (replacement of two 10 feet x 30 feet sign faces with two 10 feet by 30 feet digital faces; sign structure overall height of 55 feet).

Chairman Strickland stated that, in the City, there is a limit to the number of digital faces/billboards, but he didn't recall anything like that in the ULDC. Mrs. Braswell stated there was no such clause in the ULDC. Mrs. Hobby asked if Mr. Budd intended to remove the top billboards. Mrs. Braswell stated he did not. Mr. McCall asked, if the Board granted this variance, could Mr. Budd ask for a variance in the future to replace the top faces with digital sign faces? Mrs. Braswell stated they could apply. Mr. Brantley asked if there was no billboard there now, what kind of sign/billboard could be placed there now? Mrs. Braswell stated he could only put up an on-site sign, including a digital face, that advertises the business on the property. Mr. Brantley stated he had never seen a double-stacked billboard with a digital face and a static face, and asked if there was a rule against that. Mrs. Braswell stated there was not. Mr. Hogan asked if the State would allow it. Mrs. Braswell said that the State had permitted the changes. Mrs. Hobby asked what the County's take on the benches with signage. Mrs. Braswell stated those signs had not been identified as a problem. These types of signs were around in the City and the County, but ZBOA was hearing variance requests such as Mr. Budd's, but these signs did not fall under the same type of regulations. Mrs. Quarterman asked what the height cap was. Mrs. Braswell stated it was 35 feet.

There being no further discussion, Chairman Strickland asked if there was anyone who would like to speak in support of the application. Erik Paulk, 4834 Sandy Circle, spoke on behalf of the application. Mr. Paulk stated they wanted to place the digital faces on the bottom, and that normally, digital faces are 14 feet by 48 feet, and the digital faces proposed by Budd Billboards are 10 feet by 30 feet. There are no other proposed changes to this particular billboard. Mrs. Quarterman asked if Budd Company had other digital billboards. Mr. Paulk said they did not. Mr. Brantley asked if there was any intent to ask for a variance to replace to static top face with a digital face. Mr. Paulk said there was not. Mrs. Quarterman asked if there would be any possibility to place the digital face on top. Mr. Paulk said yes. Mr. Quarterman asked if Mr. Budd would be willing to remove a static face. Mr. Paulk said no, he would not.

There being no further discussion, Chairman Strickland asked if anyone else would like to speak in support of the application. No one else spoke. Chairman Strickland asked if anyone would like to speak in opposition of the

application. No one spoke. Chairman Strickland asked if there was any contact to Mrs. Braswell's office. Mrs. Braswell stated there was no contact.

There being no further discussion, Chairman Strickland called for a motion. Mrs. Hobby made a motion to approve the request as presented, to replace two ten feet by thirty feet static billboard faces with two ten feet by thirty feet digital faces on a 55 feet tall structure. Mr. Hogan seconded the motion. The motion was called and carried unanimously with a vote of 5 to 0.

Agenda Item # 10: VAR-2017-18 — Cass Burch (N. Valdosta Road/US Highway 41 North)

Chairman Strickland announced the case. Mrs. Braswell stated that this was a variance for a new off-site sign located on N. Valdosta Road in a C-H zoning district. In this case, the applicant would like to construct a 35 feet tall, 14 feet by 48 feet off-site sign that does not meet the ULDC requirement of being at least a 500 feet radius apart. The proposed sign is within the five hundred (500') radii distance required between off-site signs. The nearest off site sign from the subject property is directly across the street from the subject property and measures approximately 250' feet from the proposed off-site sign; additionally, there is a second off-site sign located also across the street from the subject property that measures approximately 400 feet from the proposed off-site sign. Therefore, a variance is being requested to the distance required between off-site signs. Staff debated concerning the proposed variance and the sign's potential impact (i.e. proliferation, visual integrity, distraction, etc.). One of the debates was the fact that the applicant, by right, can construct an "onsite" sign at 750 square feet. In lieu of this, it is the opinion of staff that the sign messages is of little to no importance if the sign structure is allowed to be established as a matter of right. The other debate was the fact that the applicant has plenty of room on the subject property to construct their proposed sign without the request for a variance. With these factors, the TRC reviewed this request and is ultimately recommending approval.

Mr. Brantley asked if it was a problem only on the southern side of the road. Mrs. Braswell stated yes. Mr. Brantley asked if a radius had always been used to measure, or if a lateral distance had ever been a requirement. Mrs. Braswell stated that, in certain circumstances, the ULDC has both a radius requirement and a lateral measurement requirement. Mrs. Hobby asked how far away the sign is proposed to be from the closest off-site sign. Mrs. Braswell stated the sign at Mom and Dad's was the closest, and it is about 250 or 260 feet away. Mr. Brantley asked if Mom and Dad's could advertise their own business there legally. Mrs. Braswell stated they could. Mr. Brantley asked if Mr. Burch could advertise the dealership there and not have to ask for a variance. Mrs. Braswell stated he could.

Chairman Strickland asked if there was anyone who would like to speak on behalf of the application. Mr. Cass Burch, 4164 N. Valdosta Road, stated that he'd received a call from the bank, inquiring about the public hearing sign on his property. Mr. Burch stated he had also talked to the state official who looked at signage, who said that the State may be able to approve such a sign. Mr. Burch stated he wanted to paint the structure to where it matched the building. Mrs. Quarterman asked how far into Foxborough would those residents be able to see the sign? Mr. Burch said very little, because the sign is proposed to face east to west rather than north to south.

Chairman Strickland asked if anyone would like to speak in support of the application. No one else spoke. Chairman Strickland asked if anyone would like to speak in opposition to the application. Massimo Pistelli, 4167 N. Valdosta Road, asked where Mr. Burch could place a sign on his property if it didn't need a variance. Mrs. Braswell stated anywhere. Mr. Pistelli asked why the sign needed a variance. Mrs. Braswell stated it needed a variance due to content. Mr. Pistelli asked what the distance regulations are for the State. Mrs. Braswell stated she was not sure. Mr. Pistelli stated his only issue was that more signs equaled more visual competition along the roadway, but he wanted everyone to abide by the same rules.

Chairman Strickland asked if anyone else would like to speak. There being no one, Chairman Strickland asked staff if anyone had contacted staff's office. Mrs. Braswell stated the bank next door and Mr. Pistelli had both contacted her office. *(Copies of three letters have been attached to the minutes for the record.)*

Chairman Strickland opened the floor for a motion. Mr. Brantley made a motion to approve as presented, citing criteria "d." Mr. Hogan seconded the motion. The motion was called and carried with a vote of 4 to 1, with Mr. McCall voting against.

Agenda Item # 11: VAR-2017-19 — Sumner Property (Loch Laurel Road)

Chairman Strickland announced the case. Mrs. Braswell stated this is a request for a Variance to the lot frontage/lot access requirement. The subject property consists of 2.74 acres, and is located at 2615 Maluda Road, in an R-A (Residential Agriculture, 2.5 acres) zoning district. Sections 4.04.03(D) and 6.01.02(D) contained in the Lowndes County Unified Land Development Code (ULDC) both provide that lots shall have frontage and access to public streets. In this case, the subject property was subdivided as a landlocked property and created as a separate property via a warranty deed in 1994. At that time, a survey was performed and referenced in the deed, but was not submitted for review and approval. With the redevelopment of an adjacent subdivision, Laurel Run, the new developers have offered to deed the subject property twenty (20') feet of property that will extend to Loch Laurel Road for the purpose of access. While the addition of property will help the property owner, the width does not meet the County's minimum standard of sixty (60') feet. Therefore, a variance of forty (40') feet is being requested to the minimum lot frontage/lot access requirement. In staff's research, the subject property was created during the time Lowndes County's regulations required lot frontage/lot access onto a public road. The subject property was part of a 12-acre parcel that had sixty (60') feet of road frontage along Loch Laurel Road. In 1994, the subject property was subdivided as a 2.74-acre tract and shown on an unrecorded survey plat. After a number of property transactions, the applicant subsequently bought the subject property in 2011. A new survey has been drawn to convey 7,873 square feet of land area to the subject property, to provide access from Loch Laurel Road. Staff is pleased with the conveyance, however, a variance is still needed. As with similar variances, staff's primary concern is that of public safety i.e. responses to requests for emergency services. Ultimately, the TRC is recommending approval with no conditions, the following factors were considered: 1) the improvement of lot access/frontage as a result of the conveyance, 2) the variance request is not a result of action by the applicant, and, 3) the variance does not appear that it will cause substantial detriment to the public good. Chairman Strickland asked what parent parcel this parcel was cut out of. Mrs. Braswell stated it was carved out of an eleven acre piece of property at one time.

There being no further discussion, Chairman Strickland asked if anyone would like to speak on behalf of the application. Mr. Chris Sumner, 2615 Maluda Road, said he was available if there were questions. Mr. Brantley asked how he had been accessing his property. Mr. Sumner stated he had been using the existing access, thinking it was his already until recently. Chairman Strickland asked if anyone would like to speak in support of the application. No one spoke. Chairman Strickland asked if anyone would like to speak in opposition of the application. No one spoke. Chairman Strickland asked if anyone had contacted Mrs. Braswell's office. Mrs. Braswell stated there had been no contact.

There being no further discussion, Chairman Strickland opened the floor for a motion. Mr. Hogan made a motion to approve the request as presented. Mrs. Hobby seconded the motion. The motion was called and carried unanimously with a vote of 5 to 0.

OTHER BUSINESS

Agenda Item # 6: Approval of Minutes: June 6, 2017

Chairman Strickland asked if there were any concerns with the draft minutes. There being none, he called for a motion. Mr. McCall made a motion to approve the minutes as presented. Mr. Brantley seconded the motion and it was called and carried with a vote of 5 to 0.

Agenda Item # 5: Adjournment

There being no further business, the meeting adjourned at 4:19 p.m.

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

November 7, 2017
Date