

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

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

May 1, 2018

2:30 p.m.

MEMBERS PRESENT

Paul Alvarado
Nathan Brantley
Victoria Copeland
Nancy Hobby

John Hogan, III
John "Mac" McCall
Gretchen Quarterman
Allan Strickland

MEMBERS ABSENT

None

STAFF PRESENT

Carmella Braswell
Jason Davenport
Tracy Tolley

VISITORS PRESENT

Doran Bland	Doug Daugherty	Lauren Hutcheson
Peggy Bland	Christy Dykes	Susie B. Lane
Suzanne Bohler	Kevin Dykes	Kerry Loveday Sr.
Coleman Brice	Keri Eason	Blondie Manning
Robert Butler	Greg Fielding	Isauro Ramos
Travis Catlin	Julie Fielding	Roy Rhodes
Mitch Cothron	William T Graham	Pearce Scott
Mitchell Cothron	Keith Hubbard	Bruce Smith
Robert Copeland	Pam Hubbard	Mark Wisenbaker
John Courson	Freeman Hunter	Beverly Underwood

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. Chairman Strickland announced that case VAR-2018-04 had been withdrawn by the applicant.

CITY OF VALDOSTA CASE

Agenda Item # 2: APP-2018-03 — Federal Heath & Advantage Permits (2112 W Hill Avenue, Valdosta)

Chairman Strickland announced the case and stated that the applicant had requested the item be tabled as the client wanted to change their sign package from what was initially proposed. Chairman Strickland asked if someone would like to make a motion. Mr. McCall made a motion to table the case as requested. Mrs. Copeland seconded the motion. The motion was called and carried with a vote of 7 to 0.

LOWNDES COUNTY CASES

Agenda Item # 3: VAR-2018-08 — Graham (4544 Loch Laurel Road, Valdosta)

Chairman Strickland announced the case. Mrs. Braswell stated that the applicant is requesting to utilize an easement for access since the property does not front on a public street. The property consists of 2.54 acres and is zoned R-1. The property was initially part of a 30 acre estate, then divided in about 1993 into nine lots, of which the subject property is one. The plat was not reviewed and approved by Lowndes County staff, nor recorded in the Clerk's office. The 1993 plat did not meet the previous set of standards, nor does it meet the current ULDC standards as they pertain to access. Since the property does not have direct access to a public street/ROW, and the ULDC requires 60 feet of frontage, the applicant is requesting a variance of 60 feet to the minimum access requirement. Staff's primary concern is that of public safety. The TRC reviewed the case and recommended approval because the request does not appear that it will cause substantial detriment to the public good. However, that before a building permit is issued, an updated survey will be required for review, approval, and recordation.

Chairman Strickland stated that this variance request affected only this particular parcel. Mrs. Hobby asked if the front parcel was owned by the same family. Mrs. Braswell stated it was. Mrs. Quarterman asked if each of the other parcels would need variances as well. Mrs. Braswell stated that that was true, that they could apply individually, or under one application.

There being no further discussion or questions from the Board, Chairman Strickland asked if anyone would like to speak on behalf of the application. William Graham, 4544 Loch Laurel Road, spoke in support of the application. Mr. Graham explained that the property was transferred throughout the family as family members passed away or got married.

There being no further questions for Mr. Graham, Chairman Strickland asked if there was anyone to speak in opposition. No one spoke. Chairman Strickland asked if anyone had contacted the office. Mrs. Braswell stated that there had been no contact.

There being no further discussion, Chairman Strickland called for a motion. Mrs. Quarterman 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 7 to 0.

Agenda Item # 4: VAR-2018-09 --- Indo American Cultural Society of South Georgia (2117 Westside Road, Valdosta)

Chairman Strickland announced the case. Mrs. Braswell stated that the Indo American Cultural Society of South Georgia is asking for a variance to the buffer yard requirements and to the requirements for landscaping in parking lots. The subject property consists of 12.5 acres and is located at 2117 Westside Road, in an R-1 zoning district. The applicant is proposing to construct a new religious facility. Section 4.01.06(C) of the ULDC requires buffering in this particular instance—a commercial use adjacent to a residential zoning—of 4 shade trees and 25 shrubs every 100 linear feet. The applicant is requesting total relief from the buffer yard standards along the east, south, and portions of the west property lines. Additionally, the applicant is asking for relief from ULDC 4.07.02. The ULDC requires parking lots with 20 or more spaces to be landscaped, and the applicant is asking for total relief from the parking lot landscaping requirements to keep with the property's natural aesthetics and their inability to develop around the flagged delineated wetland areas. Staff reviewed the request, and recommended approval of both variances with three conditions. . . . that the existing vegetation along the exterior of Tax Map 0087 Parcel 220 and the subject property shall remain undisturbed, a buffer yard shall be required along the property line of Tax Map 0087 Parcel 219, and the required internal landscaping for the proposed parking lot to consist of 1535 square feet plus three trees shall be relocated near the proposed religious facility.

Chairman Strickland asked if anyone had any questions. Mr. Brantley asked if there was any buffering required near the school. Mrs. Braswell stated no, there was not. Mrs. Quarterman asked how the house was built on a parcel with no road frontage, and how was the lot created? Mrs. Braswell stated she was unsure, that the lot may have been created by deed.

There being no further questions for staff, Chairman Strickland asked if anyone would like to speak in support of the application. Robert Butler, 2103 Westside Road, identified on the Power Point where his property was in relationship to the subject property. He expressed concerns about development in the wetlands, and stated he was in opposition to any development in the wetlands. Chairman Strickland stated the facility was not proposing any development in the wetlands. Mr. Brantley asked if Mr. Butler was speaking in support of the application. Chairman Strickland stated he had asked if anyone would like to speak in support, and Mr. Butler stepped up to speak. Chairman Strickland asked if anyone would like to speak in support of the application. There being no one to speak in support, Chairman Strickland asked for those in opposition to speak. Mr. Butler spoke. Mr. Butler expressed concerns about the easement that accesses the property. Chairman Strickland stated that the easement should not be affected. Chairman Strickland asked if anyone else would like to speak in opposition to the request. Mr. Freeman Hunter, 2452 James Road, spoke in opposition to the request. Mr. Hunter expressed concerns about the easement and stated he would like them to pave it. Chairman Strickland stated that would be a question for the Lowndes County Engineering Department. Mr. Hunter stated they were paying for streetlights, but they did not have street lights. Chairman Strickland stated that Mr. Hunter may want to discuss that with the Property Assessor's office. Mr. Butler asked what a buffer is. Mrs. Braswell stated a buffer is an area that is reserved for tree and shrub plantings to help lessen the effects of a more intense use adjacent to a less intense use. Mr. Hunter asked who they would bring questions to. Chairman Strickland stated they needed to ask questions regarding the variance to ZBOA during this hearing process. Mrs. Hobby asked if the Board passed a requirement that the applicant had to be present?

Chairman Strickland stated they had discussed that, but did not remember a requirement that the applicant was required to attend. Mrs. Hobby asked why the applicant was not in attendance. Mrs. Braswell stated she did not know. Chairman Strickland stated they could table it, or the Board could make a decision. Chairman Strickland asked Mr. Hunter and Mr. Butler if they had any concerns. Mr. Hunter had no additional concerns. Mr. Butler questioned how to appeal the decision of the Board. Chairman Strickland stated that ZBOA decisions were appealable to the Court. Mr. Butler asked if the case was tabled, then when would it be heard again? Chairman Strickland stated that the application would be tabled to the next regularly scheduled meeting in June. Chairman Strickland asked if there were any more questions. Mrs. Quarterman asked what the property to the east is zoned. Mrs. Braswell stated it is zoned R-1. Mr. Butler asked if anyone could do anything about the noise. Chairman Strickland stated that he would need to call Code Enforcement.

Given that there was no more discussion, Chairman Strickland called for a motion. Mrs. Quarterman made a motion to table the request until the next regularly scheduled meeting in June of 2018 with the request that Mrs. Braswell relay the Board's desire that the applicant send a representative to the meeting. Mr. Brantley seconded the meeting. The motion passed with a vote of 4 to 3, with Mr. Alvarado, Mr. Hogan, and Mr. McCall voting against the motion. Mr. Hogan suggested that any citizens who had concerns about the dirt road to discuss those concerns with the County Engineering Department.

Agenda Item #5: VAR-2018-10 — Loch Laurel Club (Loch Laurel Road, Valdosta)

Chairman Strickland announced the case. Mrs. Braswell stated that the applicant was asking for a variance to ULDC Table 4.03.23(D) as it relates to the standards for minimum setbacks and minimum buffer yards. A variance is also being requested to the provisions for the expiration of variance approvals. The subject property is about 328 acres and is located at the intersection of Loch Laurel Road and Dasher Road and is zoned R-A. In this circumstance, the use is considered nonconforming. The use was established before Lowndes County adopted any land use regulations and may continue to operate under the ULDC provisions for nonconforming uses. Because of the proposed improvements and the potential for future expansions and/or improvements, staff advised that they apply for variances to the applicable supplemental standards so that the subject property may be allowed future improvements. The first variance relates to setbacks; the lake is one of the recreational features, and falls within the required 150 feet setback. A variance is being requested to the minimum setback distance of 150 feet from any property lines. Additionally, a buffer of 45 feet in width containing a minimum of 6 shade trees and 37 shrubs every 100 linear feet in addition to a fence or wall is required. The applicant is requesting a variance to the minimum buffering standard. The last variance is to section 9.02.05(C) which requires that construction related to variances start within one year from the date on which the decision of the ZBOA becomes final shall be deemed abandoned and be void and of no further force and effect. Staff recommends approval of all three variances with one condition—that the vegetation along the exterior boundaries of the subject property shall remain undisturbed at a width of 45 feet. Mrs. Hobby asked what the third variance was. Mrs. Braswell stated it was the expiration date. Mrs. Quarterman stated she did not understand how the buffer would expire. Mrs. Braswell stated that the applicant wanted the buffer/ to remain undisturbed. Mrs. Braswell stated that several years from now, a resident might want to renovate their house, and a variance to the expiration date requirement would alleviate any issues regarding that particular facet. Mrs. Quarterman asked if the variance freed them completely from all the standards. Mrs. Braswell explained that they would still need to meet other applicable standards, just not the expiration date if that variance was granted.

Given that there was no further discussion, Chairman Strickland asked if there was anyone to speak in support of the variance request. Pearce Scott, 916 Crown Ridge Court, spoke in support of the application. Mr. Scott stated that this request was triggered by Mr. Bruce Smith desiring to add onto his house. Mrs. Quarterman stated that if they granted the variance, they would be in compliance. Mrs. Hobby stated that there was still the expiration date. Mrs. Braswell stated that she would rather address that issue now.

Chairman Strickland asked if there was anyone else who would like to speak in support of the application. Bruce Smith, 2941 Loch Laurel Road, spoke in support of the application. Mr Smith stated that if an existing structure was damaged by fire, lightning, or other act of God, a permit could not be obtained without a variance. Chairman Strickland asked if it would be a big problem if the Board approved the setback and buffering variance but not the expiration date variance. Mrs. Braswell stated that the regulations would still apply if the variances were not granted.

Chairman Strickland asked if anyone else would like to speak in support. No one spoke. Chairman Strickland asked if anyone else would like to speak in opposition. No one spoke. Chairman Strickland asked if anyone had contacted the office. Mrs. Braswell stated that there were several calls in inquiry.

There being no further questions, Chairman Strickland called for a motion. Mrs. Hobby made a motion to approve the setback request, the buffering request with the condition that the existing vegetation be left intact, and for the provision for the expiration date as presented citing criteria "d." Mr. Alvarado seconded the motion. The motion was called and carried unanimously with a vote of 7 to 0.

Agenda Item # 6: VAR-2018-11 — Lucia Marrero (5594 Shiloh Road, Hahira)

Chairman Strickland announced the case. Mrs. Braswell stated that the applicant is requesting a variance for a side yard setback. The property is located at 5594 Shiloh Road in a R-A zoning district on approximately 2.7 acres. Table 4.01.02 (E) of the ULDC requires a side yard setback of 20 feet. The applicant placed a manufactured home on the parcel nine feet into the setback, and is therefore requesting a variance of nine feet. Staff reviewed the request, and recommends approval. Mr. Brantley asked if this is the second house on the property. Mrs. Braswell stated it is and it does qualify for a second dwelling unit. Mr. Brantley asked if there was a permit pulled for the placement of the home. Mrs. Braswell stated there was not. Mrs. Hobby asked if there was a separate well and septic tank. Chairman Strickland stated they may need another septic tank.

There being no more discussion, Chairman Strickland asked if anyone would like to speak in support of the application. Suzanne Bohler, 3500 Bemiss Road, with Valdosta Home Center spoke on behalf of the application. She stated that each of their home owners was required to pull their own permits. Ms. Bohler stated that the home had been placed so as not to cut down a tree, and had a survey done to see where the home fell in relation to the property lines. Mrs. Bohler stated that they found out that the home was too close to the side property line, but it would cost about \$10,000 to move the home. Mrs. Hobby asked if there was an existing septic tank. Ms. Bohler stated they had to install another septic tank for this new home. Mr. Brantley asked if there was a fence between the subject home and the adjoining owner. Ms. Bohler stated there was an old, old fence there.

Chairman Strickland asked if there was anyone else to speak on behalf of the application. No one spoke. Chairman Strickland asked if anyone would like to speak in opposition to the request. No one spoke. Chairman Strickland asked if anyone had contacted the office. Mrs. Braswell stated that she had a number of phone calls that were concerned but not opposed. Mr. Brantley asked if Mrs. Braswell had spoken to the adjacent property on the eastern property. Mrs. Braswell stated she had spoken to him, who thought the home may be closer than what it was depicted as on the site plan. Mr. McCall asked what the minimum lot size in R-A zoning was. Mrs. Braswell stated it was 2.5 acres. Mr. McCall stated there was no way to subdivide to achieve a complying setback. Mrs. Braswell stated that was true.

There being no further discussion, Chairman Strickland called for a motion. Mr. Hogan made a motion to approve as presented citing criteria "d." Mr. Alvarado seconded it. The motion was approved with a vote of 5 to 2, with Mrs. Hobby and Mrs. Quarterman voting against.

Agenda Item # 7: VAR-2018-12 — Ramos (2703 Highway 41 South, Valdosta)

Chairman Strickland announced the case. Mrs. Braswell stated that the applicant is asking for a variance from Table 4.03.11 of the ULDC as it relates to the supplemental standards for vehicle repair shops. The property is located at 2703 US Highway 41 South, Valdosta, in a C-H zoning district. The subject property consists of 1.4 acres. The property is currently unoccupied and was previously used as a vehicle repair shop, and the potential buyer would like to utilize the property as a vehicle repair shop. In reviewing the supplemental standards, a buffer yard will be required along the subject property's north and eastern lot lines. The ULDC requires that the minimum buffer yard shall be sixty feet wide and contain a minimum of six shade trees and 37 shrubs every 100 linear feet. The applicant is asking for a variance in its entirety to the buffer yard standards. Staff is generally satisfied with relieving the buffer yard standards given the proposed reuse of the property. The property is already developed commercially, and the supplemental standards were adopted after the property was developed. Staff would like to see a buffer yard in the rear of the subject property. Mrs. Braswell stated they had letters from adjacent property owners in support. Given those conditions, staff recommends approval to the variance from minimum buffer requirements as provided in the supplemental standards in its entirety.

There being no questions for staff, Chairman Strickland asked if anyone would like to speak on behalf of the application. John Courson, 412 Terrace Blvd., spoke on behalf of the application. Mr. Courson stated that Mrs. Braswell stated everything that needed to be said. Chairman Strickland asked if anyone else would like to speak

on behalf of the application. No one spoke. 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 7 to 0.

Agenda Item # 8: AAD-2018-01 — Cothron (5310 Tucker Road, Valdosta)

Chairman Strickland announced the case. Mrs. Braswell stated this was an appeal to an administrative action as it pertains to a home occupation. The subject property is located at 5310 Tucker Road, in an E-A zoning district, and consists of 12.54 acres. Chapter 10.04.01(A) of the ULDC provides that any person aggrieved by any written interpretation of the county manager, TRC, or designated administrative official may appeal to the ZBOA. The applicant is appealing an action or decision made by the Lowndes County Zoning office; the decision was to approve a business license for the business establishment, Milo Septic Tanks and Portable Toilets, to operate as a home occupation. Home occupations are required to be incidental and subordinate to the residential use of the home. After reviewing the request against the standards for home occupations, staff has determined that the "home occupation" is incidental and accessory to the principal residential use and meets the ULDC's intent and purpose. Chairman Strickland asked, for the record, what a home occupation can store. Mrs. Braswell stated they can have up to two commercial vehicles, can operate between the hours of 8 PM and 7 AM, and can have storage on the property but it cannot be seen from the ROW. They cannot sell products, and can use the house for administrative purposes only, and not for gathering purposes. Staff understands there is some gray area.

Chairman Strickland stated that the two commercial vehicles are work vehicles rather than personal vehicles which would be acceptable. Mrs. Braswell stated that was correct. Mrs. Hobby asked if staff gave notice of an inspection. Mrs. Braswell stated they normally do not, but they have been advised to give notice if they are doing a site visit. Mrs. Braswell stated that there were 30 to 40 port-a-potties visible from the ROW, but they have since been moved. Mrs. Hobby asked if she knew where they were moved to. Mrs. Braswell stated she did not know.

There being no more questions for staff, Chairman Strickland asked if anyone would like to speak in support of the application. Coleman Brice, 1008 N Patterson Street, spoke in support of the application. Mr. Brice stated he was speaking on behalf of Mr. and Mrs. Fielding, and other neighbors in similar situations. He is appealing the decision on three different grounds—statutory, environmental, and moral. Mr. Brice stated that human waste disposal is inconsistent with a home occupation. A home occupation is to be conducted entirely within the dwelling unit; in this instance, nothing except book keeping is being conducted within the unit. Mr. Brice stated that the ULDC lists limitations in regards to what is allowed and what is not allowed in terms of home occupations, and occupations related to human waste are not listed as an allowed home occupation. Mr. Brice stated the ULDC requires that home occupations have to meet all of the requirements, and this business does not meet all of the home occupation requirements. Mr. Brice stated the business still had employees living off-site but coming there to work. Mr. Brice stated the business owner stated he intended to plant a buffer to mitigate any fumes that might impact his neighbors. Mr. Brice stated that there should be no negative impacts on adjacent properties to mitigate. Mr. Brice stated that the neighbors could hear pressure washing as well. Mr. Brice stated that neighbors had seen more than two work vehicles on the property. Mr. Brice stated in terms of the environmental concerns, the applicants were concerned about run-off from rain and rinsing the units off, and the impacts on the run-off on pecans, other crops, wells, and livestock. In terms of the moral obligations, Mr. Brice stated that the business owner moved his business to Tucker Road prior to getting a business license when he should have gotten the business license first, then moved the business. The business owner had more work vehicles than allowed and more employees than allowed. The applicant's permit through the Department of Public Health became invalid upon a change of location and he was required to get a new one. Mr. Brice stated that a soil sample was taken and analyzed; high levels of fecal material were found in the sample.

Mr. Brice asked if there were any questions. Mr. Brantley asked if there were any port-a-potties on the property. Mr. Brice stated he was unaware of any. Mr. Brantley asked where were the port-a-potties initially stored. Mr. Brice stated they took pictures from Jumping Gully Road of the port-a-potties. Mr. Brantley asked if they were parking trucks on the property. Mr. Brice stated yes, in the rear yard. Mr. Hogan asked if anyone saw the pressure washing, and what was being pressure washed. Mr. Fielding stated that he could see parts of this property from his property when the foliage had fallen off the trees in the fall and winter. Mr. Hogan asked if the only sample was taken in December of 2017. Mr. Brice stated that was correct. Mr. McCall asked if a complaint had been made to the Department of Public Health. Mr. Brice stated yes, verbally. Mr. Fielding stated that DPH was trying to determine how to address the issue. Mr. McCall asked if law enforcement had been apprised of the situation.

Mr. Brice stated no, it was not their intent to get him in trouble, but it was not appropriate for the neighborhood. Chairman Strickland stated that the ultimate question was whether County staff made an appropriate determination to classify this as a home occupation or not. Mr. McCall asked if they were determining that Milo Sanitation was not a home occupation, or that a sanitation business was not a home occupation. Mrs. Braswell stated that they were ruling on whether or not a sanitation business was a home occupation or not. Mr. McCall asked if this would apply to all sanitation businesses in the county. Mrs. Braswell stated it would. Mrs. Braswell stated they could revoke the business licenses, or utilize code enforcement strategies if necessary. Mrs. Quarterman asked if they could know all of the sanitation businesses that are classified as home occupations. Mrs. Braswell stated she could get that information. Mrs. Quarterman stated she felt like she needed more information. Chairman Strickland stated he was concerned about the timeline. Mr. Brice stated he was concerned that it would continue to go on. Mr. Alvarado stated he thought they were concerned about code enforcement as well. Mr. Alvarado stated he thought they might want to look into seeking injunctive relief rather than appealing the Zoning Administrator's decision. Mr. Brice stated they were fine with the applicant doing bookwork in his house, and that their concern was from an environmental standpoint. Mrs. Hobby stated that code enforcement was complaint driven and they had limited staff, and that they often give advance notice as to when they are coming. Mr. Brice stated he did not feel that they were at a point where they were ready to seek injunctive relief. Mrs. Hobby stated that she thought that the Board's task was to determine if staff made the right decision in classifying the business as a home occupation, and that they have not had the chance to ask Mr. Cothron questions. Mr. McCall stated the Board's task was to determine whether a sanitation business was classified as a home business or not. Chairman Strickland stated they were tasked with making the decision whether this particular sanitation service was a home occupation or not. Mrs. Quarterman stated she wanted to hear from Mr. Cothron. Chairman Strickland stated that time was running out, and if the Board had further questions, then maybe tabling would be appropriate.

Chairman Strickland opened the floor for a motion. Mr. Alvarado made a motion to table until the next regularly scheduled meeting in June. Mr. Hogan seconded the motion. The motion passed with a vote of 5 to 2, with Mrs. Hobby and Mrs. Quarterman voting against the motion.

OTHER BUSINESS

Agenda Item # 6: Approval of Minutes: April 3, 2018

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. Alvarado seconded the motion and it was called and carried with a vote of 7 to 0.

Agenda Item # 7: Adjournment

There being no further business, the meeting adjourned at 4:56 p.m.

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

July 10, 2018
Date