

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

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

December 4, 2018

2:30 p.m.

MEMBERS PRESENT

Paul Alvarado
Nathan Brantley
Victoria Copeland
John D. Holt

John "Mac" McCall
Gretchen Quarterman
Allan Strickland

MEMBERS ABSENT

Nancy Hobby

STAFF PRESENT

Carmella Braswell
Matt Martin
Tracy Tolley
Debra Tulloch

VISITORS PRESENT

Anita Armstrong
Greg Armstrong
Thomas Armstrong
Dianne Belcher
Dorian Clark
Joyce Clark
Keith Godfrey
Tim Harris
Barbara Herring

James Horton
Beverly Jones
Gloria Jones
Lanis Johnson
Bill Love
T. Love
Clayton Milligan
Jacob Mithan
Danni Millsap

Chuck Millsap
Lula Mae Mitchell
Willie Rayford
Timothy E Riser
Anthony Robinson
El Thomas, Sr
Victoria Thomas
Eddie Tooley
Lakeisha Tooley

Richard Wilkes
Janice Williams
Capt. Jon Wilson
Michelle Wilson

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 stated that the agenda was being altered and the Valdosta case would be heard first, with the Lowndes County case coming afterwards.

CITY OF VALDOSTA CASE

Agenda Item # 3: APP-2018-08 — Tim Harris (3026 N Ashley Street)

Chairman Strickland announced the case. Ms. Tolley presented the case. Ms. Tolley stated that the applicant was asking for a variance to LDR Sections 222-2(B), 214 Table 2, and 218-7(G) as they relate to parking requirements, impervious areas, and setbacks for accessory structures. The property is located at 3026 N. Ashley Street and is zoned C-H. The property is undergoing interior renovations which have already been permitted. The applicant would like to pursue exterior renovations to include removing an existing accessory structure, relocating another accessory structure, removing parking spaces and landscaping, and adding a second driveway. Ms. Tolley stated that the site was going from 33 spaces to 31 parking spaces in the renovations, but would be ordinarily required to have 40 spaces for a building that is 2834 square feet. The applicant is adding 930 square feet of impervious space, increasing the percentage of impervious from 80% to 83.4%, with an impervious cap for C-H of 75% for C-H zoning. The last variance related to accessory structures. The applicant wants to remove one accessory structure and move one, but it will be anywhere from 2.8 feet to 1.7 feet from the northern property line instead of the required ten feet. Staff reviewed the request, and given the fact that they are increasing the circulation capabilities of the site, recommends approval.

Mrs. Quarterman asked how close the accessory structure is to the property lines now. Ms. Tolley stated she was not sure, but Mr. Harris could speak to that. Mr. McCall asked if Engineering had looked at the request. Ms. Tolley said they had, and were in support.

There being no further questions, Chairman Strickland asked if anyone would like to speak in support of the application. Mr. Tim Harris, 3026 Ashley Street, spoke on behalf of the application. Mr. Harris stated the KFC had been in business since 1965, and they were trying to alleviate traffic issues on site. Mr. Harris stated the smaller shed is about 2.5 feet to 3.5 feet from the property line currently. Chairman Strickland said the updates seemed to be exterior rather than interior. Ms. Tolley stated that both interior and exterior renovations had been submitted,

and the plans for the interior renovations had already been approved, but the exterior renovations plans were unable to be approved until the variance was decided. Mr. Brantley asked if they were putting in a second drive way. Mr. Harris stated they were, and were trying to accommodate most of their customers who tend to use the drive-thru because not as many people sit in the restaurant to eat, and the drive-thru sped up service.

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 to the application. No one spoke. Chairman Strickland asked if anyone had contacted staff with comments or questions. Ms. Tolley stated no one had contacted the office.

There being no further discussion or questions, Chairman Strickland called for a motion. Mr. McCall made a motion to approve the request as presented. Mr. Holt seconded the motion. The motion was called and carried with a vote of 6 to 0.

LOWNDES COUNTY CASE

Agenda Item # 2: VAR-2018-19 — El & Victoria Thomas (Gaines Lane, Valdosta)

Chairman Strickland announced the case. Mr. Holt stated he was going to abstain from taking action on this case and sat in the audience. Mrs. Tulloch stated that the applicants are seeking relief to the ULDC requirements for the establishment of a cemetery, ULDC 4.03.06, including Table 4.03.06(D). The property is about 20.97 acres on Gaines Lane in a R-A zoning district. The applicant needs a variance from an access standpoint, as the supplemental regulations require that a cemetery access is required to be from an arterial or a collector, or a state highway, and Gaines Lane is a local road. Additionally, the ULDC requires 200 feet of minimum road frontage, but the subject property has only thirty feet of road frontage, and is located at the dead end of the County's ROW. Being that the request is out of scale and inconsistent with the existing development pattern and the supplemental standards, the TRC recommends denial.

There being no questions for staff, Chairman Strickland asked if anyone would like to speak on behalf of the application. Mr. James Horton and Mr. El Thomas approached the podium. Mr. Horton, 103 S. Washington Street, Quitman, stated he would speak on Mr. Thomas's behalf. Mr. Horton stated he was not a legal representative, but was a friend and confidant of Mr. Thomas. Mr. Thomas stated he lived at 701 Old Statenville Road. He wants to open a cemetery for the people, for all people. Mr. Thomas stated he was concerned because plots were at a premium in the sense that a lot of the county's cemeteries were full, and there were not many plots to be had, and everyone was going to die. Mr. Horton stated that the ULDC is a complex code, and he was familiar with Zoning code, and that people like Mr. Thomas who are unfamiliar with Zoning code may not understand land use regulations to know what regulations may apply to his plans. Chairman Strickland stated that it is up to the applicant to know what he can and cannot do, or to ask. Mr. Horton stated that the project met most of the variance criteria. Mr. Horton stated that there are 21 particular uses in this particular zoning district, 16 allowed with special codes. Mr. Horton stated that such uses as daycares would generate more traffic than the proposed cemetery, and that the name Mr. Thomas was thinking about was Peaceful Oaks. Mr. Horton stated that Mr. Thomas was proposing a fence, a buffering, places of rest with oak trees, rooms to have a funeral service, and would be open from 10 AM to 5 PM Monday through Saturday for services, and closed on Sundays for no services at all. There would be restrooms and water available, as well as an office. Mr. Horton stated that 200 feet of frontage was not available due to the layout of the parcel. Mr. Horton stated that there no control over the fact that Gaines Lane is a local road, and that the regular citizen would be unaware of the differences between arterials, collectors, and local roads. Mr. Horton stated that he did not think there would be any detriment to the neighborhood, as the cemetery would be a quiet, park-like setting. Mr. Brantley asked how they would handle large volumes of traffic. Mr. Horton stated that he and Mr. Thomas had not discussed that, but that normally law enforcement would help with traffic management. Mr. Brantley asked where they would park for funeral services. Mr. Horton showed a layout of the cemetery, and indicated where cars would park when attending a service. Mr. Brantley asked if they were confident that the layout could handle traffic for a funeral. Mr. Horton stated the property could handle funeral traffic, and there is a large area that is currently not proposed to be utilized at this point.

Chairman Strickland asked if anyone else would like to speak in support of the application. Ms. Eula Mitchell, 942 Bunche, spoke. Ms. Mitchell stated that there is a need for more cemeteries because not everyone wants to be cremated.

Chairman Strickland asked if there was anyone else who would like to speak in support of the application. No one else spoke.

Chairman Strickland asked if there was anyone who would like to speak, one at a time, in opposition to the application. Dorian Clark, 1609 Jefferson Ct S, stated that the land was in his family, before Mr. Thomas bought it. Mr. Clark stated that there were kids around the neighborhood, and that kids did not want to be around a cemetery.

Chairman Strickland asked if anyone else would like to speak in opposition. Richard Wilkes, 106 E. North St, spoke against the application. He stated he was an attorney who represented several people who lived in and around the subject property. Mr. Wilkes stated that Mr. Thomas did not buy the property for a cemetery, but initially bought it to build a house. Mr. Wilkes stated the property was in litigation, and that Mr. Thomas clear-cut other people's property nearby. Chairman Strickland stated that issue was not an issue the Board was going to consider as it was not a part of the request. Mr. Wilkes stated that issues with the easement on this property was in front of the Board, and that he is trying to give the Board the full story. Mr. Wilkes stated that Mr. Thomas has proposed this idea out of sheer spite and harassment, and that if the property was suited for a cemetery, it would not need so many variances. Mr. Wilkes stated that the road frontage was minimal, parking would be minimal, and that the property was wet, and he got stuck in his pick-up truck while visiting the property. Mr. Wilkes expressed concern regarding burying dead bodies in a location that is wet. Mr. Wilkes stated that the applicant has expressed no good reason for a cemetery at this location. Mr. Brantley asked what kind of litigation was involved, who was suing who. Mr. Wilkes stated that Ms. Rhonda Wright and her husband, Vernon, live along the right side of the subject property, and Mr. Thomas closed off the easement running through the middle of the Wrights' property, and cut a runway for another easement through the Thomas' property, and that is what the litigation is concerning, as well as damage to the Wrights' property. Mr. Alvarado asked if Gaines Lane was paved. Mr. Wilkes stated it was concrete, and was dirt on the subject property. Mr. Alvarado asked if it was under water currently. Mr. Wilkes stated it was currently under water. Mr. Wilkes showed Mr. Alvarado pictures of his truck stuck on the subject property. Mrs. Quarterman asked if the rest of the Board could see the picture. Mr. Wilkes said yes, and showed the rest of the Board the picture. Mr. Wilkes stated that there was a petition that had been circulated and signed.

There being no further questions for Mr. Wilkes, Chairman Strickland asked if anyone else would like to speak in opposition. Rhonda Wright, 2471 Gaines Lane, stated that she and her husband have seven children, and sometimes they cannot get out of their driveway because of rain, and sometimes they have to call the school to tell the school they are unable to bring their children to school. Their roadside assistance has refused to provide further assistance to them, and occasionally their neighbor helps them get out of the driveway. Chairman Strickland stated that he drove around the property yesterday, and drove back out.

Chairman Strickland asked if anyone else would like to speak in opposition. Bill Love, 2207 Azalea, spoke and stated that he owned property near this subject property. Mr. Love stated that the road was asphalt, and required a lot of repair, was not built to County standards, and could not handle much traffic. Mr. Love stated that no one wanted the cemetery to be there, and that it is a residential area.

Danni and Charles Millsap, 2350 Dasher Johnson Road, spoke in opposition to the application, stated they have seven children also, and they moved there for the residential nature of the area. They recently built a new home. Ms. Millsap expressed concern about the cemetery decreasing property values and about the traffic, with the neighborhood kids playing in the street. Mr. Millsap expressed concerns regarding the traffic generated by funeral services.

Gregory Armstrong, 2450 Gaines Lane, stated he lived with his parents, and that the area is wet, and they have been told that no building can occur there. If nothing can be built there, how safe is it to bury bodies there? He expressed concerns that the bodies would rot and be a health hazard.

Eddie Tooley, 2440 Gaines Lane, spoke in opposition of the application. He stated he had bid on the property, but did not get the bid, and his property is at the rear of the easement. Mr. Tooley stated they had asked for more property for the easement but Mr. Thomas refused to grant additional land for the easement. Mr. Tooley stated they did not need a cemetery there.

Chairman Strickland asked if anyone else would like to speak. No one spoke. Chairman Strickland asked the Board if there was further discussion. No one from the Board spoke. A citizen from the crowd stated that he had concerns regarding the safety of a well in regards to its proximity to a cemetery.

Chairman Strickland asked if there was any contact to the office. Mrs. Tulloch stated that there were two calls asking what the proposed use was, and what the sign meant.

There being no further discussion, Chairman Strickland called for a motion. Mrs. Quarterman made a motion to deny the request as presented. Mr. Alvarado seconded the motion. The motion was called and carried with a vote of 5 to 0 to 1, with Mr. Holt abstaining.

OTHER BUSINESS

Agenda Item # 4: Approval of Minutes: November 7, 2018

Mr. Holt resumed his seat with the Board.

Chairman Strickland called for a motion to approve the meeting minutes from November 2, 2018. Mr. Holt made a motion to approve as presented. Mr. McCall seconded the motion. The motion was called and carried unanimously with a vote of 6 to 0.

Agenda Item # 5: Adjournment

There being no further business, the meeting was adjourned at 3:30 p.m.

/s/ John "Mac" McCall
John "Mac" McCall, Chairman

February 5, 2019
Date