

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

Valdosta City Hall Annex Multi-Purpose Room

300 North Lee Street, Valdosta, Georgia

February 6, 2018

2:30 p.m.

MEMBERS PRESENT

Paul Alvarado
Nathan Brantley
Victoria Copeland
John Hogan III

Nancy Hobby
Gretchen Quarterman
Allan Strickland

MEMBERS ABSENT

Allan Strickland

STAFF PRESENT

Carmella Braswell
Matt Martin
Tracy Tolley

VISITORS PRESENT

Cary Scarborough
Joshua Stevens
Rebekah Stevens
L. Warren Turner, Jr.

Agenda Item # 1: CALL TO ORDER

The meeting was called to order by Vice-Chairman McCall at 2:30 p.m. and it was determined that a quorum of members was present. Vice-Chairman McCall thanked everyone for coming and reviewed the meeting procedures with those in attendance today.

CITY OF VALDOSTA CASES

Agenda Item # 2: APP-2018-01— Joshua Stevens (3018 Wendover Road)

Vice-Chairman McCall recused himself from the case and sat at the back of the room. Mrs. Quarterman announced the case. Ms. Tolley stated that the applicant, Joshua Stevens, was applying for variances for an accessory structure located on his property at 3018 Wendover Road. The property consists of 0.43 acres and is zoned R-15. The applicant bought the property, removed a dog kennel, and started building an 18 ft by 15 feet accessory structure on the concrete slab from the dog kennel when he was informed the accessory structure needed a permit. Upon investigation, it was found that the accessory structure is too close to the existing accessory structure—3 feet rather than the required 15 feet,. The accessory structure is too close to the principal structure—the house—as well. It is required to be 15 feet away rather than the existing 14.5 feet. Additionally, the accessory structure is 1.3 feet away from the southern (side) property line and 0.33 feet from the western (rear) property line rather than the 10 feet that is required from side and rear property lines. The applicant is asking for four variances—distances from the principal structure, a second accessory building, and the southern and western property lines. Staff reviewed the request, found no hardship, and recommends denial.

Mrs. Quarterman asked if anyone had any questions for Ms. Tolley. Mrs. Hobby asked what would happen if the Board denied the variances. Ms. Tolley stated that he would have to remove the structure or move it to a place on the lot where it met regulations. Mrs. Hobby asked if meeting the regulations was possible. Ms. Tolley stated there was a potential, but she would like to see a site plan to make certain. Mrs. Hobby asked if the structure was complete. Ms. Tolley stated it was almost totally complete. Mrs. Hobby asked if he had gone beyond the concrete pad. Ms. Tolley stated that Mr. Stevens had not.

There being no more questions, Mrs. Quarterman asked if anyone would like to speak in support of the application. Joshua Stevens, 3018 Wendover Road, spoke in support of his application. Mr. Stevens stated the building was on the existing concrete slab. Mr. Stevens stated he thought the contractor had pulled the permit, but found out he hadn't when someone visited to tell him he needed a permit. He wants to use the building to hold tools. Mrs.

Quarterman asked how long he had owned the property. Mr. Stevens said he bought it about a year ago. Mr. Alvarado asked who sold him the building. Mr. Stevens stated Keen's Portable Buildings sold him the building. Mrs. Quarterman asked if it was prefabricated. Mr. Stevens stated it was assembled onsite. Mrs. Quarterman asked if the building was on skids, what would the setbacks be? Ms. Tolley stated the setbacks would be the same. Mrs. Quarterman asked if there were any more questions. There were no more questions. Mrs. Quarterman noted that there was a letter from a neighbor expressing concerns regarding the project in their packet. Mrs. Quarterman asked if there was any contact to the Zoning office. Ms. Tolley stated she spoke with a neighbor while visiting the property, who had asked about the project, but she had only heard from the two neighbors.

There being no further discussion, Mrs. Quarterman opened the floor for a motion. Mr. Brantley made a motion to approve all variances requested. Mr. Hogan seconded the motion. The motion passed with a vote of 3 to 2, with Mr. Alvarado and Mrs. Hobby voting against the motion.

Vice-Chairman McCall resumed his seat.

Agenda Item # 3: APP-2018-02 --- Deep South Sanitation, LLC (205 Tucker Road)

Vice-Chairman McCall announced the case. Mr. Martin stated that Deep South Sanitation has applied for variances for their business located at 205 Tucker Road. The property lies between Gil Harbin and Tucker Road, and consists of 5.44 acres—half of a 10.88 acre tract-- and is zoned E-R. This property is currently going through the rezoning process (to be rezoned to M-2) and the CUP process for a solid waste hauling operation with an accessory solid waste transfer station in M-2 zoning. Those requests will be heard by City Council on February 8, 2018. The applicant is proposing to utilize the property as a base of operation for their solid waste hauling business which currently consists of a fleet of 5 garbage trucks. The station would be utilized only by this applicant. Ordinarily, solid waste transfer stations trigger DRI reviews, but state and local officials deemed no DRI was needed. The subject property is located in a well-established industrial area and was a part of the islands annexation case in 2006. Supplemental standards exist for solid waste transfer stations, but are more appropriate for larger facilities. Mr. Martin pointed out features on the site plan, including a garage where the applicant would like to park his trucks. Staff is recommending approval with conditions so that the solid waste transfer station aspect of the site remains an accessory use and the facility does not grow to a point that it would become a nuisance to its neighbors. Staff recommends approval with four conditions--(1) Approval shall be granted for supplemental standards # 4, 5, 6, 7, 9, and 12, as proposed by the applicant, and in the name of the applicant only -- for a Solid Waste transfer station in M-2 zoning which is accessory and subordinate to the primary use of the property as a solid waste hauling operation. (2) The facility shall handle municipal solid waste or natural vegetation debris only, and maintain compliance with all applicable Georgia EPD permit requirements. The solid waste transfer facility shall be in the form of truck-to-truck transfer only, with only one truck loading dock. There shall be no deposition of municipal solid waste on the property and there shall be no handling of hazardous materials on site. (3) In lieu of required buffer yards, the existing tree lines and other vegetation shall be maintained around the perimeter of the property so as to partially obscure visibility of the site. (4) Vehicular access and any additional paving on the property shall be at the discretion of the City Engineer.

Mr. Martin asked if there were any questions. Mrs. Hobby stated that this property was very visible and asked if buffers were required. Mr. Martin stated it was not required per the regulations but from the supplemental regulations, and stated that the applicant was proposing to leave the property as is, with the existing vegetation. Mrs. Hobby stated that they had discussed large operations and small operations, and asked what constituted a large operation. Mr. Martin stated it became a discretionary call. Mrs. Hobby asked if the solid waste would ever hit the ground. Mr. Martin stated no solid waste would hit the ground, that the truck would back into the trailer and unload its waste, and the trailer would then go to the landfill. Mr. Martin stated the applicant took his waste to Thomasville.

Mrs. Quarterman stated there were other trash haulers in our area, and asked if they disposed of their waste in Lowndes County. Mr. Martin stated that as far as he knew, other haulers disposed of their trash at the Lowndes County landfill. Mr. Hogan stated he saw another solid waste facility on Myrtle Street. Mr. Martin stated that the City sorted recycling at that location. Vice-Chairman McCall stated asked if the driveway access was near the for sale sign. Mr. Martin stated there was a for sale sign on Tucker Road. Vice-Chairman McCall stated there was a for sale sign on Gil Harbin with Bill Holland's name on it. Mr. Martin stated there was another piece for sale. Mr.

Martin stated this property would be accessed through Tucker Road. Vice-Chairman McCall asked if the only thing constructed was the loading well. Mr. Martin stated that was true. Vice-Chairman McCall stated that because Georgia EPD classified it as a transfer station, that triggered the City to classify it as a transfer station, which led to this point. Mr. Martin stated that was true. Vice-Chairman McCall asked if EPD would be inspecting them regularly. Mr. Martin stated he did not know the frequency, but EPD would be inspecting the facility regularly. Vice-Chairman McCall asked Mr. Martin to explain and clarify condition number four. Mr. Martin stated that there was a concern for truck traffic on the roads and the unpaved areas, as well as waste tracked out. Mr. Martin stated there was no evidence of waste tracked out in Gil Harbin currently. Mr. Brantley asked what he would have to do to treat waste water. Mr. Martin stated he would have to build his own treatment facility for water, and have it be approved by EPD. Mrs. Hobby asked how the letter from EPD that the Board had received at the meeting would or should affect their decision. Mr. Martin stated it should not affect the decision at all.

There being no further questions from the Board, Vice-Chairman McCall asked if there was anyone who would like to speak on behalf of the application. Cary Scarborough, 5959 Glenn Road, Valdosta, spoke on behalf of the application. Mr. Scarborough stated he had been in business for six years, with no public complaints. Mr. Scarborough stated he would not do anything to hurt the environment and had grown up in this area. Mrs. Copeland asked if trash would be stored on site. Mr. Scarborough stated no trash would be stored on site. Mr. Scarborough stated that a concern on the number of trucks had been expressed, and that if he had more than ten trucks in operation, he would need to work in another county as well because Lowndes County would not support more than ten trucks. Mrs. Quarterman asked how many of the large trucks he had. Mr. Scarborough stated they had one transfer trailer, that sat on the property overnight, and went to Thomasville that next morning to empty at the landfill. Vice-Chairman McCall asked if Mr. Scarborough worked with yard debris as well. Mr. Scarborough stated he did, and did not realize that EPD regulated yard debris as well, and that it was ground up and removed from the site.

There being no one else to speak in support, Vice-Chairman McCall asked if anyone would like to speak in opposition to the application. Mr. Warren Turner, 2416 South Forty Road, Valdosta, spoke in opposition. Mr. Turner stated he spoke in front of the GLPC last week, and spoke on the CUP. He stated that he did not oppose the rezoning. Mr. Turner stated his property had been in his family since the 1950's. Mr. Turner stated that Mr. Scarborough had rented the property two years ago, and did not contact the EPD, the City, or the County, and did what he deemed appropriate. Mr. Turner stated that they had applied for a business permit in July, that they were a waste transfer station, and that there was nothing on the property except for the original buildings and rebar. Mr. Turner stated he understood the pit was installed in November 2017. Mr. Turner stated the EPD approved it off of a one-page letter they received, and that they do not go on site to inspect unless a complaint is received. Mr. Turner stated they had operated there for two years, with no CUP, rezoning, or variance, and that the GLPC tabled their decision at the meeting earlier. Mr. Turner stated he felt they were putting the cart before the horse by voting on a variance on a rezoning and a CUP where no action had been taken. Mr. Turner stated there were three tractor trailers on site earlier in the week. Mr. Turner would prefer that ZBOA table the matter until GLPC takes action on the applications in front of them. Mrs. Hobby asked where the creek nearby flowed to. Mr. Turner stated it flowed to Mud Creek. Mrs. Hobby asked where it started. Mr. Martin stated it started south of Savannah Avenue and west of Oak Street.

Vice-Chairman McCall noted that there was no one else in the audience to speak, and asked if there had been any contact to the office. Mr. Martin stated that Mr. Turner was the only one who contacted the office. Vice-Chairman McCall asked if there were any additional questions. Mr. Brantley asked what would happen if ZBOA approved the variance request, but City Council denied the CUP and rezoning request. Mr. Martin stated nothing, because the applicant needed the rezoning and CUP to operate his business. Mr. Brantley stated the applications seemed out of order. Mr. Martin stated the CUP was for the transfer station while the rezoning was for the whole property. Mr. Brantley stated ZBOA's decision would be moot if either of the other two applications would be denied. Ms. Tolley stated that all applications would need to be approved before she could sign his business license. Mr. Martin stated this was true, and his understanding that Mr. Scarborough started operating in the County, but moved to the City. The property owner of this property thought the property was already zoned industrially, but discovered once Mr. Scarborough had moved that it was zoned E-R. It was also discovered that the character area had to be changed, which was done in 2017. Mrs. Hobby asked who owned the property. Mr. Martin stated that Edward Jennings, LLC owned the property.

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There being no further discussion, Vice-Chairman McCall opened the floor for a motion. Mrs. Quarterman made a motion to approve staff's recommendations with three conditions (conditions 1, 2, and 4 from staff's recommendation)--(1) Approval shall be granted for supplemental standards # 4, 5, 7, 9, and 12, as proposed by the applicant, and in the name of the applicant only -- for a Solid Waste transfer station in M-2 zoning which is accessory and subordinate to the primary use of the property as a solid waste hauling operation.
(2) The facility shall handle municipal solid waste or natural vegetation debris only, and maintain compliance with all applicable Georgia EPD permit requirements. The solid waste transfer facility shall be in the form of truck-to-truck transfer only, with only one truck loading dock. There shall be no deposition of municipal solid waste on the property and there shall be no handling of hazardous materials on site.
(4) Vehicular access and any additional paving on the property shall be at the discretion of the City Engineer. Mr. Hogan seconded the motion. The motion was called and carried with a vote of 5 to 1, with Mrs. Hobby voting against the motion.

OTHER BUSINESS

Agenda Item # 4: Approval of Minutes: January 9, 2017

Vice-Chairman McCall asked if anyone saw anything with the minutes. There being no discussion or comments, Vice-Chairman McCall asked for a motion. Mrs. Quarterman made a motion to approve as presented. Mrs. Hobby seconded the motion and it was called and carried unanimously (6-0 vote).

Agenda Item # 5: Adjournment

There being no further business, the meeting adjourned at 3:47 p.m.

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

April 3, 2018
Date