

# MINUTES

## Valdosta-Lowndes Zoning Board of Appeals

*Valdosta City Hall Annex Multi-Purpose Room*

*300 North Lee Street, Valdosta, Georgia*

**July 2, 2019 2:30 p.m.**

### **MEMBERS PRESENT**

Nathan Brantley  
Victoria Copeland  
Nancy Hobby

John "Mac" McCall  
Gretchen Quarterman  
Allan Strickland

### **MEMBERS ABSENT**

Paul Alvarado  
John Holt

### **STAFF PRESENT**

Trinni Amiot  
Tracy Tolley  
Debra Tulloch

### **VISITORS PRESENT**

Francis Buchanan  
Denis Brady  
Emily Butler  
Jimmy Cone  
Donna Dimick  
Keith Dimick  
Bobby Fletcher

Ben Futch  
Michael Frazier  
Matt Martin  
Marge McCartney  
Richard McFarland  
Ian McTurk  
Adam Moore

Josheua Nealey  
Matt Phelps  
Danny Richardson  
Trevor Shaw  
Cheryl Sheffield  
Ann Sumner

### **Agenda Item # 1: CALL TO ORDER**

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

### **LOWNDES COUNTY CASE**

### **Agenda Item # 2: VAR-2019-05 — Josheua & Patricia Nealy (1704 Glenview Drive)**

Chairman McCall announced the case. Mrs. Tulloch stated that the applicants are requesting a Variance to Table 5.02.01 (D)(8) of the ULDC (Lowndes County Unified Land Development Code) as it pertains to setbacks for an accessory building in a R-1 (Low Density Residential) zoning district. The subject property is 1.302 acres in size and located at 1704 Glenview Drive, Valdosta, Georgia. The Lowndes County Unified Land Development Code (ULDC) provides that for a corner lot, side yard setback requirements from the centerline of the right-of-way of abutting streets shall be equal to seventy-five percent of that required for the front yard setback. In this scenario, the Nealey's residence is located on two local, forty feet wide (40') right-of-ways, Glenview Drive and Ridgecrest Street. Glenview Drive, the primary front, requires a minimum setback distance of sixty feet (60') from the centerline of the right-of-way. Ridgecrest Street, the secondary front (side), requires seventy-five percent of the sixty feet (60'), thus resulting in a distance requirement of forty-five feet (45') from the centerline of Ridgecrest Street right-of-way and/or twenty-five (25') feet from the eastern property line. Southeastern Surveying, Inc, submitted a combination survey plat to Planning staff for review and recordation on behalf of the Nealeys. Staff's official review denoted the existing accessory structure did not meet the ULDC minimum setback requirement for an accessory structure on a corner lot or a lot with multiple frontage. The applicant's and their land professional, Southeastern Surveying, Inc., agreed to seek relief through the variance process. The accessory structure is currently situated 16.15 feet from the eastern property line (Ridgecrest Street); thus, a Variance of 8.85 feet is being requested. The variance, if granted, will satisfy the necessitated requirements of the ULDC and allow for the recordation of the survey plat within the Superior Court Clerk's Office. The TRC (Technical Review

Committee) reviewed the variance request and there were no adverse comments or conditions recommended. The Committee found that there was a substantial hardship as called for in the requirements for the granting of variances.

Chairman McCall asked if the applicant would like to speak on behalf of the application. Mr. Josheua Neeley, 1704 Glenview Drive, stated he would not speak on behalf of his application. Chairman McCall asked if anyone would like to speak in support of the application. No one spoke. Chairman McCall asked if anyone would like to speak in opposition to the application. No one spoke. Chairman McCall asked if anyone had contacted staff. Mrs. Tulloch stated no one had contacted staff. There being no questions or discussion, Chairman McCall called for a motion. Mrs. Quarterman made a motion to approve the variances as presented, citing criteria "d." Vice Chairman Strickland seconded the motion. The motion was called and carried unanimously with a vote of 5 to 0.

**Agenda Item # 3: VAR-2019-06 — Emily Butler (7715 Enoch Lake Circle, Lake Park)**

Chairman McCall announced the case. Mrs. Tulloch stated that the applicant, Emily Butler, is requesting a Variance to Section 5.02.01(E)(I) of the ULDC (Lowndes County Unified Land Development Code) as it pertains to standards for accessory structures (location). Mrs. Tulloch stated that Lowndes County Codes Enforcement is involved in this particular instance. The subject property is located at 7715 Enoch Lake Circle, Lake Park, Georgia, in a R-1 (Low Density Residential) zoning district. Section 5.02.01(E)(I) of the (ULDC) provides that, unless otherwise provided, accessory structures shall be located only in a side or rear yard of the lot on which the principal building is located. The maximum lot width of the subject property is 69.75' feet. The ULDC requires that an accessory structure be located a minimum of twenty feet (20') off both side yard property lines (North and South lot lines) and ten feet (10') off the rear yard property line (East Lot line) within a R-1 zoning district. However, in this scenario, the rear yard setback will not apply as the rear property line extends into the waterbody approximately 1,110' feet. The landowner stated the rear yard is too narrow to situate her (10' x 20'= 200' square feet) accessory structure in the rear yard. The same would block her view of the lake and affect the aesthetics of her property. Therefore, a variance to Section 5.02.01(E)(I) of the ULDC is requested to the permitted location of an accessory structure in the front yard within a R-1 (Low Density Residential) zoning district. The subject property is located in a well-established residential area – Enoch Cove Subdivision Sections I and II. The properties located in the immediate area average (98'-120') feet or more in lot frontage and lot width. Mrs. Butler's lot appears to be considerably narrow in comparison to other lots within the subdivision. The TRC (Technical Review Committee) reviewed the variance request and no negative comments were given. The Committee found that there might possibly be some hardship scenarios in this area as it is called for in the requirements for the granting of variances.

Chairman McCall asked if there were any questions. Mr. Brantley asked which accessory structure was in violation. Mrs. Tulloch stated that it was the building closer to the road. Mr. Brantley asked how long the accessory structure had been there. Mrs. Tulloch stated she had asked the applicant, and the building had been there for approximately 2.5 years. Mrs. Tulloch stated that the applicant had recently lost a spouse, and her family moved her into the house. Mrs. Tulloch stated that the applicant had spoken to her neighbors, who appeared to approve of the accessory structure at the time. Mr. Brantley asked if this accessory structure needed a permit. Mrs. Tulloch stated it needed a permit. Mr. Brantley asked if it had gotten a permit. Mrs. Tulloch stated it had not. Mrs. Tulloch stated that the applicant had been informed that a permit would be required, depending on the outcome of the case. Vice-Chairman Strickland asked how this arrived in front of the ZBOA. Mrs. Tulloch stated a complaint was given to Lowndes County Code Enforcement. Mrs. Quarterman stated that the complaint was complaint-generated. Mrs. Tulloch stated that was true.

There being no further discussion amongst the board, Chairman McCall asked if anyone would like to speak on behalf of the application. Richard McFarland, 5743 Jacaranda Road, stated he was the applicant's son-in-law, and purchased the building for storage, and were not aware of the requirement for a permit. Mr. McFarland stated the complaint came from a neighborhood property owner. Mr. McFarland stated it matched the house. Mrs. Quarterman asked if the structure could be moved further from the street. Mr. McFarland stated it would be difficult to move the building where it was not visible from the road. Mrs. Quarterman stated she noticed there was landscaping around the structure. Mrs. Hobby stated she had a picture if Mr. Brantley wanted to look at it. Mr. Brantley looked at the picture.

Chairman McCall asked if anyone else would like to speak in support of the application. Jerry Buchanan, 7709 Enoch Lake Circle, stated that he was the next-door neighbor. Mr. Buchanan stated that if she moved it to the sides of her lot, the building would not fit, and if she moved it behind the house, it would block her lake view, as well as his. Mr. Buchanan stated he had no complaints as to where the building is located now.

Chairman McCall asked if anyone else would like to speak on behalf of the application. Ben Futch, 5443 Danieli Drive, spoke. Mr. Futch stated he developed this area, and built the house. He stated it was a very narrow lot, and there was no way to get the accessory structure on either side of her house. Mr. Futch stated there was no room at the front of the house, between the house and the lake, to put an accessory structure. Mr. Futch stated the septic system was located near the street, which made moving the structure closer to the house difficult. Mr. Futch stated that as an adjacent property owner, he had no issues with the structure being located where it is presently.

Chairman McCall asked if there was anyone else to speak in support of the application. Cheryl Sheffield, 7721 Enoch Lake Circle, stated that the applicant did ask herself and her husband if they had an issue with the accessory structure's being located where it is, and both said they did not. Mrs. Sheffield stated she lived next door to the applicant.

Chairman McCall asked if there was anyone else to speak in support of the application. Donna Dimick, 7749 Enoch Lake Circle, stated that it was a nice structure that matched her house well. Ms. Dimick stated that they all wanted their accessory structures to blend in with their houses and neighborhood.

Chairman McCall asked if anyone else to speak in support of the application. No one spoke. Chairman McCall asked if anyone wanted to speak in opposition to the application. Ann Sumner spoke. Chairman McCall asked if she meant to speak in support of the application. Ms. Sumner, 8085 Enoch Lake Circle, stated yes. Mrs. Sumner stated that she was with the Home Owners Association, and there were bylaws with the HOA. Mrs. Sumner stated that the structure did not fit in. Ms. Sumner stated it would have been better if they had known before, and she was sorry it came to this.

Chairman McCall asked if anyone would like to speak in opposition to the request. No one spoke. Chairman McCall asked if there had been any contact to the office. Mrs. Tulloch stated there was no contact.

There being no further discussion, Chairman McCall called for a motion. Mrs. Hobby made a motion to approve as presented, citing criteria "d." Vice-Chairman Strickland seconded the motion. The motion was called and carried unanimously with a vote of 5 to 0.

**Agenda Item # 4: VAR-2019-07 — Donna Dimick (7749 Enoch Lake Circle, Lake Park)**

Chairman McCall announced the case. Mrs Tulloch stated that the applicant is requesting a variance to Section 5.02.01 (E)(I) of the ULDC (Lowndes County Unified Land Development Code) as it pertains

to standards for accessory structures (location). The subject property is located at 7749 Enoch Lake Circle, Lake Park, Georgia, in a R-1 (Low Density Residential) zoning district (lot #21 – Enoch Cove Subdivision).

Section 5.02.01(E)(I) of the (ULDC) provides that, unless otherwise provided, accessory structures shall be located only in a side or rear yard of the lot on which the principal building is located; the maximum lot width of the subject property is approximately 112 feet. The ULDC requires that an accessory structure be located a minimum of twenty feet (20') off both side yard property lines (North and South Lot lines) and ten feet (10') off the rear yard property line (East lot line) within a (R-1) zoning district. However, in this scenario, the rear yard setback will not apply as the rear property line extends into the waterbody approximately 385' feet. The landowner stated the rear yard is too narrow to situate their accessory structures used to house their 38' feet fifth wheel RV and boat. The same would block their view of the lake and affect the aesthetics of their property. Therefore, a variance to Section 5.02.01(E)(I) of the ULDC is requested to the permitted location of an accessory structure in the front yard within a R-1 (Low Density Residential) zoning district. The subject property is located in a well-established residential area – Enoch Cove Subdivision Sections I and II. The properties located in the immediate area average (98'-120') feet or more in lot frontage and lot width. The Dimick's lot appears to be comparable in lot frontage and width with most other lots within the subdivision. The TRC (Technical Review Committee) reviewed the variance request and no negative comments were given. The Committee found that there might possibly be some hardship scenarios in this area as it is called for in the requirements for the granting of variances.

Mr. Brantley asked if this was also initiated by Code Enforcement. Mrs. Tulloch stated it was, and that they were going to work with the violations in this neighborhood in groups of two to three. Mr. Brantley asked if this needed a permit. Mrs. Tulloch stated yes, that anything of 120 feet and over needed a permit. Mr. Brantley asked if this had gotten a permit. Mrs. Tulloch stated it had not. Mr. Brantley asked how long the accessory structure had been there. Mrs. Tulloch consulted with the applicant, and determined it had been there about a year and a half. Mrs. Quarterman asked how wide this lot is. Mrs. Tulloch stated it was about 120 feet in width. Mrs. Hobby stated that there was a question as to what was the front yard, and what was rear yard, when a lake was involved. Mrs. Hobby stated her family had a home on Long Pond and is lake-side. She stated that when you entered street-side, you entered into the laundry room. Mrs. Tulloch stated that a front yard was situated towards a street. Mrs. Quarterman stated that she visited the site yesterday, and if the roadways were private roads, why was the Board hearing the cases, and if there were other violations, why was the Board not hearing the other violations? Mrs. Tulloch stated she would research the matter. Chairman McCall asked if they needed to table the matter until the question was answered. Mrs. Quarterman stated that she thought it might need to be tabled. Mrs. Tulloch stated she talked to Officer Bailey about handling all the cases at once.

There being no further discussion, Chairman McCall asked if anyone would like to speak on behalf of the application. Keith Dimick, 7749 Enoch Lake Circle, spoke on behalf of the application. He stated it would be difficult to meet the regulations with his narrow lot and swimming pool. Mrs. Quarterman stated she drove around the neighborhood, and missed the public hearing sign. Mr. Dimick stated it blew away in a storm. Mrs. Quarterman asked if the neighborhood had said anything about the structure's appearance. Mr. Dimick stated they had not. Mrs. Hobby asked if the building was going to have sides and a door. Mr. Dimick stated it would, but he stopped construction once he got a letter.

Chairman McCall asked if anyone else would like to speak on behalf of the application. Mr. Ben Futch, 5443 Danieli Drive, stated he did not mean to be repetitive, but at least half of the lots were under water due to the lake. He stated he built this particular house, and the front faced the lake. The road had always been a private road, and there were twenty-year covenants that did allow accessory buildings. He stated

that Ms. Butler's structure was not a metal structure.

Chairman McCall asked if anyone would like to speak behalf of the application. Bobby Fletcher, 7739 Enoch Lake Circle, stated he had no issues with the request.

There being no one else to speak in support of the application, Chairman McCall asked if anyone would like to speak in opposition of the request. Denis Brady, 213 Ravine Dr., Matawan, NJ, spoke in opposition. Mr. Brady purchased the property from Mr. Futch, and owns the property next door. The Dimicks bought the property in a nice neighborhood with a weak HOA next door to a property with an absentee home owner. The Dimicks placed their dog run partially on his property, and cut down trees that landed partially on his property. Mr. Brady complained to Zoning to get it taken care of. Mr. Brady lodged complaints regarding the structure, which is what prompted the cases in front of the Board. He stated the HOA failed him, and he hopes the Board does not fail him. Mr. Brady stated that Mr. Dimick worked in the construction industry, and should be aware of construction rules. Mr. Brady stated that these structures were in violation of zoning laws and inspection laws, and he was concerned about his property values. He respectfully requested that the Board require these structures be removed. Mr. Brady asked Mrs. Quarterman what she saw when she drove by. She stated she saw a boat and a RV, with the structure in question. Mr. Brady stated there were actually two RVs on the property. Mr. Brady asked where the structures would end. Mrs. Quarterman stated she saw at least six others that appeared to be in violation as well. Mr. Brady stated he thought the structure was on the property line.

Mr. Brantley asked Mrs. Tulloch what the setbacks were for an accessory structure. Mrs. Tulloch stated that it would be twenty feet off of the side parcel lines and 10 feet off of the rear. Mrs. Tulloch stated the rear property line was in the water. Mr. Brantley asked how far the structure was off of the property line.

Chairman McCall asked if anyone else would like to speak in opposition to the request. Ann Sumner, 8085 Enoch Lake Circle, spoke in opposition. Ms. McCartney asked who decided where the front and rear property lines. She stated she had only been in charge of the HOA for one year, and the structures were in violation of the HOA covenants. Mr. Brantley asked if the covenants had been renewed. Mrs. McCartney stated they technically did expire, and the HOA was still legal due to new Georgia legislation. Mr. Brantley asked if the HOA had taken any action. Ms. McCartney stated they had not.

Chairman McCall asked if anyone else would like to speak in opposition to the request. Marge McCartney, 8069 Enoch Lake Circle, spoke. Ms. McCartney stated these two cases are very different from one another. She stated, that in the first case, it would be difficult for her to move the building to the back of her property near the lake in the first case. Ms. McCartney stated this second case is in violation because it is a self-contained storage unit, and there has been few attempts to maintain the area. Ms. McCartney stated it was a matter of whatever was aesthetically pleasing to the HOA, and it depends on who is on the Board. Chairman McCall stated the Board could not address any covenant issues.

Mrs. Quarterman asked if they could store a RV in their front yard. Mrs. Tulloch stated they could. Mrs. Quarterman asked Mrs. Tulloch if this was attached to the house, would it be allowed? Mrs. Tulloch stated it would be considered an addition and permitted. Mrs. Hobby asked if there was a limit on the number of RVs. Mrs. Tulloch stated there was no limit because they would be considered as personal vehicles but that the RV was not allowed to be connected to water or power. Mrs. Hobby asked if this was in violation because it did not meet setbacks. Mrs. Tulloch stated she was not given these cases because they did not meet setbacks but because they were situated in the front yard. Vice-Chairman Strickland said there was no code that related to accessory structures in the front yard (street side) because accessory structures are not allowed in the front yard, that accessory structures have to be behind the front of the building. Vice-Chairman Strickland said they may want to table the case to get

guidance from staff because of more cases in the future. Mrs. Hobby asked if they needed to be hearing the cases due to the properties' location on a private road. Vice Chairman Strickland stated they may need to seek advice from Lowndes County staff. Mr. Brantley asked if there was a requirement for site plan in conjunction with variance applications. Mrs. Tulloch stated that since the County does not have an acting Zoning Administrator, they were trying to use some leniency since Mrs. Braswell's departure as they determined what route they wanted to take with cases like this. Vice Chairman Strickland stated they were delving into issues that hadn't been broached before, and may need some additional feedback from County staff, and a determination needed to be made in regards to whether setbacks applied to properties off of private roads. Mrs. Tulloch stated that a private road simply meant that the County did not maintain the road, and that setbacks do apply. Mrs. Tulloch stated that the front yard was the portion of the yard facing the street, even though the street was private, and that most private covenants were stricter than County regulations. Mrs. Tulloch stated that the County did not enforce private covenants. Mrs. Hobby stated that Mrs. Tulloch answered the question they were looking for. Mrs. Quarterman asked what the side yard setbacks were. Mrs. Tulloch stated twenty feet. Mrs. Quarterman stated that the applicant may not be able to meet that side yard setback requirement. Vice-Chairman Strickland stated that there were no front yard setback requirements for accessory structures because accessory structures were not allowed in the front yard. Mr. Brantley asked if an open metal building was allowed as an accessory structure. Mrs. Tulloch stated yes. Mr. Brantley asked if screening was required. Mrs. Tulloch stated no.

Chairman McCall asked if there had been any contact to the office. Mrs. Tulloch stated there had been no contact to the office. Vice-Chairman Strickland stated they could require the applicant to move it over so many feet. Mrs. Quarterman asked if they could require the building to be closed. Vice-Chairman Strickland stated they could require it to be closed. Mrs. Tulloch stated the Board had the authority to place conditions on the approval, if the Board desires to do so. Mr. Brantley stated they approved the first variance because it was aesthetically pleasing. Mrs. Quarterman stated it was a narrow lot. Mr. Brantley asked if they could condition an approval with aesthetic-related conditions. Mrs. Tulloch stated they could.

There being no more questions or additional discussion, Chairman McCall called for a motion. Mrs. Hobby made a motion to approve the request with the conditions that the structure be at least twenty feet from the property line, is required to have walls and doors, and aesthetically in keeping with the style of the home, citing criteria "d." Mr. Brantley seconded the motion. The motion was called and carried unanimously with a vote of 5 to 0.

**Agenda Item # 5: VAR-2019-08 — Grace Baptist Church of South Georgia (6749 US Highway 84 East, Naylor)**

Chairman McCall announced the case. Mrs. Tulloch stated the applicant is requesting a variance to Section 4.07.04 of the ULDC (Lowndes County Unified Land Development Code) as it pertains to General Landscape Standards and Table 4.07.06 (C) as it pertains to Buffer Area Standards. The subject property is located at 6749 U.S. Highway 84 East, Naylor, Georgia, in an E-A (Estate Agriculture) zoning district and consists of 4.22 acres. Grace Baptist Church is seeking relief to the general landscape requirements and the buffer area standards in their entirety. It is the church intent to utilize the existing trees and vegetation on the lot. The church property is surround by agricultural zoning districts, which will require a minimum buffer width of twenty feet. 0.422 acres and/or 18,382 square feet of ground cover must be provided. The west lot line will require a minimum of sixteen (16) trees and one hundred (100) shrubs. The north lot line will require 21 trees and/or 134 shrubs, lastly, the East lot line will require sixteen (16) trees and/or one hundred (100) shrubs. Per the applicants it will be financially difficult for the church to meet the ULDC's landscaping and buffering regulations. Thus. the applicants are seeking relief in its entirety through the Variance process to both

Section 4.07.04 and Table 4.07.06(C) as it pertains to the minimum landscape standards and the minimum required buffer standards, The TRC (Technical Review Committee) reviewed the Variance request and no department had any issues with the applicant's request.

Mrs. Quarterman asked if a buffer was different than a setback. Mrs. Tulloch stated that setbacks were the distance a building is away from the property lines. Vice-Chairman Strickland stated that buffering served as a screen that could muffle noise. Mrs. Quarterman asked if they could use existing vegetation. Mrs. Tulloch stated that was a possibility. Mrs. Tulloch stated that she believed it was the church's intent to add landscaping in the years to come, but was not feasible at this time. Mr. Brantley asked if a residence would trigger the requirements. Mrs. Tulloch stated no, and the trigger is the church. Mr. Brantley stated it was quite a variance request. Mrs. Tulloch stated one aspect to consider was that the church was constructed so many feet from the property line, and that one property line had existing landscaping.

Chairman McCall asked if anyone would like to speak on behalf of the application. Michael Frasier, 2107 Madison Highway, stated he was the pastor of the church. Pastor Frasier stated that no landscaping or buffering would be required if they were a residence, and they would be there only a few hours a week. They already trees along one segment of the property, albeit no shrubs. Pastor Frasier stated they wanted to be as low-maintenance as possible, and bushes were more maintenance intensive when compared to grass. Additionally, bushes may be places that snakes could hide. Pastor Frasier stated they do want their church and property to be attractive. Mr. Brantley asked how long it would take to dress up the property with landscaping. Pastor Frasier stated they would dress up the front of the church and more over time. Mr. McCall asked if they would remove any existing vegetation. Pastor Frasier stated they would not remove any of the larger vegetation and would clean up some of the smaller vegetation. Mrs. Quarterman stated she had concerns about granting the variance, since it ran with the property forever, and the church may not be on the property forever. Mrs. Quarterman stated that some trees could be planted, were of a reasonable cost, and the ability to have some visibility through them. Vice-Chairman Strickland stated they had conditioned approval on the applicant. Mrs. Quarterman stated that she understood Planning and Zoning staff may not have enough staff to monitor conditions.

Chairman McCall asked if anyone would like to speak in support of the application. Danny Richardson, 15 Pine Circle, spoke in support of the application. Mr. Richardson stated he was a member of the church and there was a buffering along one of the property lines. Mr. Richardson stated they were close to the river in a rural area.

Chairman McCall asked if there was anyone else who would like to speak in support of the application. There was no one. Chairman McCall asked if there was anyone who would like to speak in opposition. There was no one. Chairman McCall asked if there was any contact to the office. Mrs. Tulloch stated there was none.

There being no further discussion, Chairman McCall called for a motion. Mrs. Quarterman made a motion to grant the variance on general landscaping requirements, that they have ten years to plant the trees, and that the variance request for buffering is denied. Mr. Brantley seconded the motion. The motion was called and carried, with a vote of 4 to 1, with Mrs. Hobby voting against.

**Agenda Item # 6: APP-2019-03 Pete's Otto Shop (401 E. Ann St./1113 Marion St.)**

Chairman McCall called the case. Ms. Tolley stated that the applicant, Tiger Berard with Pete's Otto at 401 E. Ann St/1113 Marion St., was asking for two variances. The applicant is requesting variances to LDR Section 214 Table 2 as it pertains to the minimum front yard setback in a C-H zoning district, and to LDR Section 222-3(A) as it pertains to off-site parking. The properties, consisting of a total of 0.75 acres,

are zoned C-H and C-C. One parcel is undeveloped, and the second parcel contains the applicant's motor vehicle repair shop. The applicant is proposing to build a 2,220 square foot building as additional work space, and to construct a small parking lot on the vacant parcel at 1113 Marion Street. The applicant is proposing to place the building even with the existing building, which would be at its closest point 9.3 feet from the front parcel line. The front setback in C-H is 25 feet from Marion Street, which is considered the front yard. The applicant is requesting a parking variance as well. Parking is required to be on site, or if shared, immediately adjacent. The proposed additional parking is to be across Marion Street, hence the variance request. There being unusual circumstances—the existing building's location, and Marion Street being the front yard, when E. Ann Street functioning as the front yard—staff recommends approval of the variance with six conditions: (1) The new building shall be no closer than 9' from the street right-of-way line, with the new front wall being in alignment with the front wall of the adjacent existing building, as depicted on the submitted site plan. (2) There shall be a minimum 8' tall opaque solid fence erected along this newly-established front yard setback line, connecting the corners of the two buildings, and also extending southward from the new building to the south property line. (3) The east wall of the new building shall be facaded with an attractive durable material in accordance with the requirements of LDR Section 214-7, with both buildings painted a matching color. (4) There shall be no driveways or vehicular access to the main parcel from Marion Street. (5) The street yard area between the fence/building and the western Marion Street right-of-way line shall be landscaped with heavy evergreen vegetation to greatly obscure the fence and building walls, as approved by the City Arborist. (6) The existing small shed in the interior of the main parcel shall obtain any applicable permits and necessary inspections as part of the plan review and permitting of the new development.

Mr. Brantley asked for clarification regarding condition number two. Ms. Tolley stated that an eight foot tall opaque fence should be erected along Marion Street, along the front of the two buildings. Mrs. Quarterman asked if Ann Street was the front, would the applicant need both variances? Ms. Tolley stated that both would still be needed. Mrs. Hobby asked why a fence on the Marion Street side was one of the conditions. Ms. Tolley stated that it was because of the residential parcels across the street. Mrs. Hobby asked Ms. Tolley was aware of what was across the street. Ms. Tolley stated she understood her concern. Mrs. Hobby stated that a fence may be needed to screen it from the Ashley Street side, as the development will be visible from the Ashley Street side. Ms. Tolley stated that the Board may choose to keep the condition, or not.

There being no further questions for staff, Chairman McCall asked if anyone would like to speak on behalf of the application. Matt Phelps, 4560-F Valnorth, spoke on behalf of the application. He stated he was the applicant's engineer. Mr. Phelps stated the parcel across Marion Street was already owned by Mr. Berard. Mr. Phelps stated that he understood the condition of a fence, to buffer between two non-similar uses, but asked that the Board keep the buffering condition to a minimum. Vice-Chairman Strickland asked if the parking across the street was for employees or for cars being worked on. Mr. Phelps stated it was to clear out the cars waiting to be worked on, so customers could park at the existing facility. Mr. Phelps stated that anything in process would be in the shop. Vice-Chairman Strickland stated that there was a car that was borderline derelict, and did not know if the parking across the street was meant for cars like that. Mr. Tiger Berard stated he would do a better job of keeping the properties cleaned up. Mr. Berard stated the car mentioned was in line to be worked on, and with a bigger shop, he could hire more people and get cars in and out faster. Mr. Berard stated he was trying to make his business function more efficiently. Mrs. Hobby asked if the landscaping regulations were calculated on what the vegetation would look like today, or a few years later. Ms. Tolley stated it was calculated as to what the vegetation would look like in years to come, not when initially planted. Mr. Phelps stated they would be required to put in some landscaping as required by the LDR. Mrs. Quarterman asked if the Board could make a condition to prohibit overnight parking. Ms. Tolley stated they could.

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



application. No one spoke. Chairman McCall asked if there had been any contact to staff's office. Ms. Tolley stated there was no contact.

There being no further discussion, Chairman McCall called for a motion. Mrs. Quarterman made a motion to approve as presented with seven conditions: (1) The new building shall be no closer than 9' from the street right-of-way line, with the new front wall being in alignment with the front wall of the adjacent existing building, as depicted on the submitted site plan. (2) There shall be a minimum 8' tall opaque solid fence erected along this newly-established front yard setback line, connecting the corners of the two buildings, and also extending southward from the new building to the south property line. (3) The east wall of the new building shall be facaded with an attractive durable material in accordance with the requirements of LDR Section 214-7, with both buildings painted a matching color. (4) There shall be no driveways or vehicular access to the main parcel from Marion Street. (5) The street yard area between the fence/building and the western Marion Street right-of-way line shall be landscaped with heavy evergreen vegetation to greatly obscure the fence and building walls, as approved by the City Arborist. (6) The existing small shed in the interior of the main parcel shall obtain any applicable permits and necessary inspections as part of the plan review and permitting of the new development. (7) There shall be no overnight parking. Mr. Brantley seconded the motion. The motion was called and carried unanimously with a vote of 5 to 0.

**Agenda Item # 7: APP-2019-04 Ian McTurk (1062 Ridge Road.)**

Chairman McCall announced the case. Ms. Tolley stated that the applicant, Ian McTurk, was requesting a size variance for a detached garage, from LDR Section 218-7 J. The subject property is located at 1062 Ridge Road, consists of 1.4 acres, and is zoned R-15. The applicant is proposing a 1200 sq. ft garage (30 ft. by 40 ft.); the LDR limits garages to 900 sq. ft. The garage is able to meet all other requirements (setbacks, etc.) Variances are intended to give relief in situations beyond design's control; in this instance, there is no hardship, and staff recommends denial of the request.

There being no questions for staff, Chairman McCall asked if anyone would like to speak on behalf of the application. Mr. Ian McTurk, 1062 Ridge Road, spoke on behalf of the application. He stated that a 900 sq. ft. garage would not be big enough for him to park his boat in and that was why he was asking for more square footage. Mr. McTurk stated he had letters of support from three of his neighbors. Mrs. Quarterman stated he could attach the garage by right, and asked what the reason was as to why he was asking for a detached garage. Mr. McTurk stated it would be logistically difficult because of the screened-in pool. Mrs. Hobby verified that his 30 ft by 40 ft proposed garage was that size due to his boat. Mr. McTurk stated that was true. Vice-Chairman Strickland asked how tall the garage would be. Mr. McTurk stated it would be about 12 feet in height. Mr. McTurk stated his garage would match the aesthetics of his house, and would be stick built.

Chairman McCall asked if anyone else would like to speak on behalf of the application. Mr. Trevor Shaw, 3525 Emmaus Road, stated that the only variance needed was that of size, that the garage met all other regulations. Mr. Shaw stated that if there was a hardship, it was because Mr. McTurk could not fit his boat in the garage if it was not 1200 square feet, and that the garage would not be visible due to its location behind the house and vegetation. The garage will match the house. Mrs. Quarterman asked if it was going to be on a concrete slab. Mr. Shaw said it was. Mrs. Quarterman asked if there would be any water ran to the building. Mr. Shaw said no.

There being no one further to speak in support of the application, Chairman McCall asked if anyone would like to speak in opposition. There being no one, Chairman McCall asked if there had been any contact to staff's office. Ms. Tolley said there was no contact. There being no further discussion, Chairman McCall called for a motion. Mrs. Hobby made a motion to approve as presented. Mrs. Copeland seconded the motion. The motion was called and carried with a vote of 4 to 1, with Mrs. Quarterman voting against the motion.

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**Agenda Item #8 APP-2019-05 — Adam Moore with Armor Investments, LLC (2704 N Oak Street, Building B-1)**

Chairman Strickland announced the case. Ms. Tolley stated that the applicant was requesting variances from Table One of LDR Section 218-1 as it relates to rear yard setbacks and impervious totals. The property is located at 2704 N. Oak Street B-1, consists of 0.2 acres, and is zoned R-P. The property currently contains a pharmacy with a drive-thru, and the applicant is requesting variances to already nonconforming property in order to add on space for compounding laboratories. Federal laws regarding compounding are triggering the addition, and therefore, the variance requests. The applicant is proposing a variance that is 7.5 feet in width and 34.5 feet long. The wall of the current facility is 4 feet from the property line. The applicant is proposing to buy additional property, and construction the addition to be 4 feet from the new property line. The impervious is proposed to increase from 6670 square feet (76.1%) to 6974 sq. ft (79.6 sq. ft.) The cap in R-P zoning is 60%. Variances are intended to give relief in situations beyond designs control. In this instance, staff found no hardship and recommends denial.

There being no questions for staff, Chairman McCall asked if anyone would like to speak on behalf of the application. Adam Moore, 952 Greggs Road, spoke in support of the application. Mr. Moore stated he was the pharmacist and owner of the pharmacy. Mr. Moore explained what compounding is—that compounding creates medicine that is not commercially available and helps meet a specific need for a specific patient. Mr. Moore explained that separate labs were now required for compounding, and for working on commercially available medication. Mr. Moore stated he understood that there was a concern from a Dr. Bergstrom regarding tree removal. Mr. Moore stated they would not have to remove canopy trees for the addition. Mrs. Hobby asked when he bought the pharmacy. He stated he bought the building two years ago, and the pharmacy in 2014. Mrs. Hobby asked if this regulation had come out when he bought the building. Mr. Moore that it had not, and the regulation would go into effect in December of this year. Chairman McCall stated that his firm had several clients that were affected by the new regulations. Mrs. Quarterman asked what non-sterile HD space was. Mr. Moore stated it was the room where they package medications for nursing homes in that room. Mrs. Quarterman asked if Mr. Moore purchases property from his neighbor, is this creating a nonconformity? Ms. Tolley stated that this office complex was built before the LDR and probably contained several nonconformities. Ms. Tolley stated that the parcel contained several non-conformities.

Chairman McCall asked if anyone else would like to speak in support of the application. No one spoke. Chairman McCall asked if anyone would like to speak in opposition to the case. No one spoke. Chairman McCall asked if anyone had contacted the office. Ms. Tolley stated that the only contact was the email from Dr. Bergstrom that had been shared with ZBOA and the applicant.

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

**Agenda Item #9 APP-2019-06 — Mark Gaskins (3050 James Circle)**

Chairman McCall announced the case. Ms. Tolley stated that Mark Gaskins is requesting a variance to LDR Section 214-7 as it relates to the exterior building requirements for metal buildings. The subject property is located at 3050 James Circle, consists of 0.79 acres, and is zoned C-H. The property contains a floor covering business under construction. The applicant submitted plans in 2017, and Zoning approved those in November 2017. The applicant proposed a metal building; Zoning staff made the applicant aware that metal along the front of a building was prohibited, and must be covered with another material. The applicant submitted a schematic showing split face CMU veneer and a stucco finish along the front elevation, and portions of other facades. The plans were officially permitted in December 2018, work began in 2019. In April/May 2019, the applicant approached staff to allow some metal accents on

the front and side elevations. The proposed metal accents cover approximately thirty percent of each of the side and front elevations, which was more than staff felt comfortable approving in house—hence, the variance request. The metal accents were larger than staff felt comfortable approving, so staff referred them through the variance process. Staff reviewed the request, felt that there was no hardship, and recommends denial.

Mrs. Hobby asked what split face CMU is. Chairman McCall stated it looked like rock face. Ms. Tolley stated that staff utilized a judgement call to allow small amounts of metal accents, and what Mr. Gaskins showed was larger than what staff felt comfortable approving in-house. Mrs. Quarterman asked if the applicant had pictures/drawings, as it was hard to ascertain how large the accents were in the drawings provided. Mr. Gaskins provided drawings and pictures to ZBOA. Mrs. Hobby asked if this came up with the Denny's remodel. Mr. McCall stated it did.

Chairman McCall asked if anyone would like to speak on behalf of the application. Mr. Mark Gaskins, 5699 Val Del Road, spoke. Mr. Gaskins stated that one of his sides was going to be metal. Ms. Tolley clarified that the front—N. St Augustine—was his front yard, and it needed to clad with something other than metal, and ten feet back on each side. Chairman McCall stated it was driving by the type of road. The highest classification of street determined the front yard. Mr. Gaskins stated it was a unique situation. Chairman McCall asked if he would be facing the intersection. Mr. Gaskins stated he would. Vice-Chairman Strickland asked if he wanted his front to be James Circle. Mr. Gaskins stated yes. Vice-Chairman Strickland stated that customers would drive and enter in off of James Circle. Mr. Gaskins stated yes. Mr. Gaskins provided some pictures, both local and not local, of buildings with metal accents. Mr. Gaskins stated that the lot was a very difficult one to develop. Mr. Gaskins stated that he wanted a building that would be attractive, and he had worked with his architect, Jimmy Cone, to come up with an attractive building. Mr. Gaskins stated that metal was durable, and fire and water resistant. Mr. Gaskins stated that the metal accents gave the building a sleek design.

Chairman McCall asked if anyone else would like to speak on behalf of the application. Jimmy Cone, architect, 1806 Plum Street, spoke on behalf of the application. Mr. Cone stated that there is a trend towards utilizing metal wall panels. Mr. Cone stated that they initially wanted to use corrugated metal along the front of the building.

Chairman McCall noted that there was no one else in the audience to speak either for or against the application. Chairman McCall asked if there was any response to the office. Ms. Tolley stated that there was an inquiry as to what kind of variance was being requested.

There being no further discussion, Chairman McCall called for a motion. Mrs. Quarterman made a motion to approve the variance as presented. Mrs. Copeland seconded the motion. The motion was called and carried unanimously with a vote of 5 to 0.

**Agenda Item # 10: Approval of Minutes: June 4, 2019**

Chairman McCall asked if any changes needed to be made to the draft minutes. There being none, Chairman McCall called for a motion regarding the June 4, 2019 meeting minutes. Vice-Chairman Strickland made a motion to approve the minutes as presented. Mrs. Hobby seconded the motion. The motion was called and carried with a vote of 4-0-1, with Mr. Brantley abstaining.

**Agenda Item # 11: Adjournment**

There being no further business, the meeting was adjourned at 4:50 p.m.

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

August 6, 2019  
Date