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## MINUTES

Valdosta-Lowndes Zoning Board of Appeals  
Valdosta City Hall Annex Multi-Purpose Room  
300 North Lee Street, Valdosta, Georgia  
September 10, 2019 2:30 p.m.

### MEMBERS PRESENT

Nathan Brantley  
Nancy Hobby  
John Hogan, III  
John Holt

John "Mac" McCall  
Gretchen Quarterman  
Allan Strickland

### MEMBERS ABSENT

Victoria Copeland

### STAFF PRESENT

Trinni Amiot  
Tracy Tolley  
Debra Tulloch

### VISITORS PRESENT

Dean Dasher  
Thomas Ley

### Agenda Item # 1: CALL TO ORDER

The meeting was called to order by Chairman McCall at 2:30 PM. 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-2019-10 — Thomas Gregory Ley (4349 McMullen Drive)

Chairman McCall announced the case. Mrs. Tulloch stated that the applicant is requesting a variance to Table 5.02.01(D)(8) as it pertains to setback standards for accessory structures (side-yard/North lot line). The subject property is located at 4349 McMullen Drive, Valdosta, Georgia, in an R-1 (Low Density Residential, 1 acre) zoning district. Table 5.02.01(D)(8) of the ULDC requires that accessory buildings in residential zoning districts have the same setback as required for the principal structure from side property lines. The Lowndes County ULDC provides that setbacks for accessory structures in residential zoning districts from side-yard property lines shall be the same setback as required for the principal structure. In this case, the R-1 zoning district requires a minimum side-yard setback of twenty feet (20'). Mr. Ley states that he cannot place the structure on or near the southern lot; line due to the existing mature trees and their well is also situated on or near said lot line. As such, he proposes to erect a 16' x 40' = 640 square feet opened metal carport to house his 2019 Jayco truck camper. According to Mr. Ley, the camper currently sits six feet (6') off the northernmost property line. In an effort to meet the ULDC requirements as it pertains to side-yard setbacks, the structure will be erected within a portion of the parking area of their existing paved driveway. Therefore, a variance of fourteen feet (14') to the minimum side-yard setback for an accessory structure within an R-1 zoning district is requested. The TRC (Technical Review Committee) reviewed the variance request and provided no objectionable comments. Mrs. Tulloch stated that the neighbors had signed a letter of support for the applicant.

Chairman McCall asked if there were any questions for staff. Mr. Brantley asked if the property owner to the north had signed the letter of support. Mrs. Tulloch stated that particular property owner was in attendance today. Vice-Chairman Strickland verified where the property line was on the map. Mr. Thomas Ley, 4349 McMullen Drive, clarified where the accessory structure would be placed, as well as where the well house was.

There being no further questions for the applicant, Chairman McCall asked if anyone else would like to speak in support. Mr. Dean Dasher, 4371 McMullen Drive, spoke in support of the application.

Seeing no one else in the audience, Chairman McCall asked if anyone had contacted the office. Mrs. Tulloch stated there had been no contact to the office. There being no further discussion, Chairman McCall called for a motion. Vice-Chairman Strickland made a motion to approve as presented, citing criteria "d." Mr. Hogan seconded the motion. The motion was called and carried unanimously with a vote of 6 to 0.

### **OTHER BUSINESS**

#### **Agenda Item # 3: Approval of Minutes: August 6, 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 July 2, 2019 meeting minutes. Vice-Chairman Strickland made a motion to approve the minutes as presented. Mrs. Quarterman seconded the motion. The motion was called and carried with a vote of 5-0-1, with Mr. Holt abstaining.

Chairman McCall stated that the Board had an attendance record for 2019 in front of them. Ms. Tolley stated that if the Board did not like the format, then it could be edited as needed. Chairman McCall stated that there was an attendance policy also in front of them. Mr. Hogan asked if other Boards had similar policies. Ms. Tolley stated that other City Boards did have similar attendance policies. Mr. Hogan stated he thought it might be wise to look at other Boards' policies. Mr. Holt stated that he was a court lawyer, rather than an office lawyer, and sometimes it conflicted with ZBOA meetings. Ms. Tolley stated that she would refer that to the Board for further discussion. Vice-Chairman Strickland stated that there were several different committees City-wide, and ZBOA did not typically have a problem getting a quorum, but that the attendance policy was encouraged because of issues with other Boards getting quorums. Mr. Hogan stated that he was not sure that the policy was reasonable for this particular board because of gray areas in the interpretation of what was excused and what was not excused in terms of absences. Mr. Hogan stated he was concerned about opening a Pandora's box, and ZBOA seemed to be a professional Board that understood the necessity of attendance and a quorum. Ms. Tolley stated that she understood Mr. Hogan's point of view, but the attendance policy was encouraged by the City due to an occasion in which a Board did not have a quorum and could not do business because of lack of a quorum. Ms. Tolley stated she understood that sometimes Board members had issues such as car trouble or sick children, but that if a Board member missed several meetings a year, then maybe sitting on a Board was not a good option for them.

Mr. Hogan asked if ZBOA had a problem in years past in obtaining a quorum. Ms. Tolley stated that during her tenure, ZBOA did not have a problem with obtaining a quorum, but that if ZBOA had a member who was regularly missing meetings, then the attendance policy could help address that issue. Mr. Hogan stated that an issue with a member who was missing meetings could be addressed by the governmental body that appointed them when they were up for reappointment. Ms. Tolley stated that the attendance policy was adopted to assist with that. Vice-Chairman Strickland stated that the attendance policy was adopted in part due to direction from governmental authority and is patterned after other Boards' policies. Chairman McCall stated that ZBOA's policy was similar to the policies of the CVDA, the GLPC, and the HPC, and that ZBOA was asked to adopt an attendance policy, and while it has not been an issue with ZBOA before, there was no way of knowing if attendance might be an issue in the future. Chairman McCall stated he had asked staff to put together an attendance record purely because no attendance record had been kept, except through the monthly adopted meeting minutes, and it was simply a matter of record-keeping. Mrs. Hobby stated that ZBOA has not had a problem with ZBOA and attendance, potentially because ZBOA had rules and checks, and that ZBOA's duty was to serve the citizens. Mrs. Hobby stated that for each case, citizens came to learn ZBOA's decision on their case, and in some cases, there were crowds of those in support or those in opposition, and if there was no quorum, there was no decision when people had paid money for public hearing costs and had taken time out of their schedules. Mrs. Quarterman reiterated Mrs. Hobby's comment, that ZBOA's duty and obligation is to serve the citizens. Mrs. Quarterman stated that obligation is to visit the sites as well, because sometimes seeing adds other information that paper does not always portray. Mrs. Quarterman stated that ZBOA does not have a problem with attendance because Board members rarely miss a meeting. Mr. Holt

expressed concern about absences, particular since his were work- or family-related. Vice-Chairman Strickland stated that maybe the attendance chart ought to have additional categories for excused absences versus unexcused absences.

Mr. Hogan expressed concern regarding the determination of unexcused absences versus excused absences. He did not want to be quick to jump into an attendance policy. Chairman McCall stated that they were discussing the attendance chart, not so much the attendance policy, and that if they wanted to reexamine the attendance policy, then a motion to do so would be needed. Mr. Hogan stated there was a notation that the attendance policy was adopted in 2013, and he was wondering if anybody signed that they were aware of the attendance policy. Chairman McCall stated that the attendance policy was adopted by the Board, and was read into the meeting minutes, in 2013. Mr. Hogan stated if it was officially adopted, why was it being discussed again? Chairman McCall stated it was brought up by direction of the Board to arrive at a way of tracking attendance. Ms. Tolley stated she had not meant to open up a can of worms by providing the attendance policy. Mr. Hogan asked what the vote was in adoption of the attendance policy. Mrs. Quarterman stated that the vote was not relevant as the policy was officially adopted. Mr. Hogan stated he was still concerned about the policy's gray area. Chairman McCall asked if Mr. Hogan would like to make a motion to reopen the attendance policy to further study it. Mr. Hogan stated he would. Chairman McCall asked for a second. Mr. Brantley seconded the motion. The motion was called, and failed with a vote of 2 to 4, with Mrs. Hobby, Mr. Holt, Mrs. Quarterman, and Vice-Chairman Strickland voting against the motion.

Chairman McCall asked if someone would like to make a motion to adopt the attendance roster, with the one edit that the roster reflect excused and unexcused absences. Vice-Chairman Strickland made a motion to adopt the attendance roster, with the roster being updated to reflect unexcused and excused absences. Mr. Brantley seconded the motion. The motion was called and carried with a vote of 5 to 1, with Mr. Hogan voting against. Ms. Tolley asked if the Board desired to see the roster monthly, quarterly, or otherwise. Mr. Hogan stated that was a gray area. Mrs. Quarterman stated that the Chairman may be the only member who needed to see it. Chairman McCall stated it was for record keeping purposes only. Mrs. Quarterman stated that if members needed that information, the information was in the minutes.

Mr. Brantley stated he had a question—that he thought, when ZBOA granted variances, that the variances had to meet all the criteria, but when ZBOA members made motions, why were they citing only one variance criteria? Vice-Chairman Strickland stated that the City required all the criteria to be met when granting a variance, but Lowndes County only required one variance criteria to be met when granting a variance.

**Agenda Item # 4: Adjournment**

There being no further business, the meeting was adjourned at 3:09 p.m.

John "Mac" McCall  
John "Mac" McCall, Chairman

October 1, 2019  
Date