

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

Valdosta City Hall Annex Multi-Purpose Room

300 North Lee Street, Valdosta, Georgia

January 7, 2020 2:30 p.m.

MEMBERS PRESENT

Nathan Brantley
Victoria Copeland
John Holt

John "Mac" McCall
Gretchen Quarterman
Allan Strickland

MEMBERS ABSENT

Nancy Hobby
John Hogan, III

STAFF PRESENT

Matt Martin
Tracy Tolley
Debra Tulloch

VISITORS PRESENT

David Bridges
Judy Bridges
Deb Cox
Don Cox
Gregg DiMascio
Elena Edgeworth
Jim Harrell
Cal Huxford

Ashley McLeod
Jonathan O'Connor
Anthony Rowe
Lawton White
Mickey Williamson

Agenda Item # 1: CALL TO ORDER

The meeting was called to order by Chairman McCall. 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.

CITY OF VALDOSTA CASE

Agenda Item # 2: APP-2019-09 — Lawton White (318 Eager Road)

Chairman McCall announced the case. Ms. Tolley explained that Mr. Lawton White was requesting a PELUC (Previously Existing Land Use Conformity Certificate) to re-establish a duplex in a Single-Family Residential (R-15) district. The property is located at 318 Eager Road and consists of 1.50 acres. The property contains a single family residence of about 2700 square feet and a duplex of about 2160 square feet total. The property was annexed into the City limits in 2006 with the single family residence and the duplex; the duplex has not been utilized within the past year, and due to that, the duplex has lost its nonconforming status. The only way to be able to utilize it again as a duplex is one of two ways—either to rezone to R-M, or to apply for the PELUC. Staff recommended the PELUC. The applicant is proposing no changes to the site or structures other than interior renovation. Given the circumstances, staff recommends approval of the request with two conditions—that the duplex building may not be enlarged or expanded and shall not be occupied by more than two residents each (for four residents total), and the existing vegetative buffer in the rear yard along the northern and eastern property lines shall remain undisturbed.

Chairman McCall asked the Board if they had any questions. Mr. Brantley asked if staff knew when the duplex was last utilized. Ms. Tolley stated she was unaware when the duplex was last occupied, but it had been longer than a year. Mrs. Quarterman asked what the reasoning was for the condition to limit the number of occupants for the duplex to two per unit. Ms. Tolley stated it was to try to minimize the impact of a duplex on the property so it would not function as a multi-family complex. Mrs. Quarterman asked what the zoning of the adjacent property was. Ms. Tolley stated it was PRD-10. Mr. Martin stated the colors were similar to what the zoning map was showing, but it was actually R-10.

There being no further questions for staff, Chairman McCall asked if anyone would like to speak on behalf of the application. Mr. Lawton White, 318 Eager Road, spoke on behalf of the application. Mr. White said when he bought the property, there were people living there. Mr. White stated he was not looking to rezone or to add on to the duplex. Mrs. Quarterman asked if Mr. White was OK with the conditions of no more than 2 people in each duplex unit. Mr. White stated that if he had three people in each unit, that could work, but he is not trying to make a big ordeal of the issue, and he was trying to play by the rules. Vice-Chairman Strickland asked if he intended to rent it to VSU students. Mr. White stated that he wanted to rent the duplex units to good renters, and currently, he is renting to a group, and he is trying to recoup some of the money he spent on the property. Mr. Holt stated that staff had recommended approval with two conditions, and asked if Mr. White was OK with the conditions. Mr. White stated he was OK with both conditions.

Chairman McCall asked if anyone else would like to speak to the Board in support of the application. No one spoke. Chairman McCall asked if anyone would like to speak in opposition to the request. Ms. Deb Cox, 318 Crestview Drive, spoke in opposition. Ms. Cox expressed concern about rental of the property to a group, and asked if the property was being leased to a halfway house for felons. Mr. White stated it was a group, but was not for felons. Mr. White stated he rented some properties to Greenleaf for folks who were attending Alcoholics Anonymous, and while this was not one of those properties, two people who are licensed for such treatment wanted to rent a property for similar type folks. Chairman McCall asked if he rented it to a group, would he let them manage it? Mr. White stated he would be involved in managing the property, and that the group would be monitoring the people who lived on the property as well. Ms. Cox stated that she had studies that showed that 83 percent of felons recidivate, and that there were statistics that there were property crimes and drug crimes affiliated with felons, and that she hoped there were no sex offenders living in the house, and that there are often mental health concerns with offenders. Ms. Cox expressed concerns with the monitoring of halfway houses. Ms. Cox stated that their neighborhood is a family neighborhood with a low crime rate, and that she owns her house, but would not hesitate to move if crime becomes a problem. Mr. Brantley asked if staff's recommendation of no more than two per duplex unit would alleviate her concerns. Ms. Cox stated that statistics show that 3.5 of those 4 people are going to reoffend, and it does not alleviate her concerns, and she would rather have VSU students living there. Mrs. Quarterman stated that ZBOA's concern was land use, not who lives in them. Mrs. Quarterman stated that if it had not become nonconforming, it would not be on the agenda. Mrs. Quarterman asked if there was a condition placed on the approval, if the Board decided to approve, that stated no halfway houses were to occupy the property, would that alleviate any concerns? Ms. Cox stated it would not, that the duplex still lowers property values. Ms. Cox stated they had more property owners moving in rather than renters, and she was happy with that.

Chairman McCall asked if anyone else would like to speak in opposition to the application. Anthony Rowe, 317 Crestview Drive, spoke in opposition. Mr. Rowe stated he would like to see fewer renters in the neighborhood. Mr. Rowe expressed concern about the size of the house, and the duplex, and the number of people living on the property. Mr. Rowe expressed concern about whether any permits had been pulled. Mr. White stated he had pulled permits. Mr. Rowe stated he was glad permits had been pulled, but he was concerned about the number of people on the property. Mr. Rowe expressed concerns about people from this property walking through his property to shop nearby, if they did not have cars.

Chairman McCall asked if anyone else would like to speak in opposition. Elena Edgeworth, 2805 Northfield Drive, bought her house nearby and has two minor children. She is concerned about a halfway house there. She lived in a bad neighborhood previously, and her car was broken into. She stated she preferred a residential use, but she was concerned about a halfway house.

Chairman McCall asked if anyone else would like to speak in opposition. Jonathan O'Connor, 316 Simpson Road, stated that he was concerned about halfway houses. Mr. O'Connor stated he had two

young children, and has a concern regarding a potential halfway house in the neighborhood. Mr. O'Connor stated that his grandmother had passed away, and the family sold her house to Greenleaf, who has almost demolished the house. Mr. O'Connor stated he could leave his kids' toys out at his house and not worry about them being stolen because this is a safe neighborhood.

Jim Harrell, 316 Eager Road, stated that Mr. White had done an awesome job in renovating the duplex, but he was concerned about who he was leasing the big house to. Mr. White stated that there were five bedrooms in the large house, that the big house was already leased, and that he understood Mr. Harrell rented his house that he owned in the area. Mr. White stated that the house had been rented for several months, and no one seemed to know they were there. Mr. Harrell asked if the main house was going to be utilized by more than two people. Mr. White stated it was. Mr. Harrell asked why he had not pursued the PELUC for the duplex before renting out the main house. Mr. White stated he did not know there were any issues with utilizing the duplex, and that he has done a lot of work on the house and duplex. Mr. Harrell reaffirmed again that he was against this proposal, and that the house he rented was in his and his sister's names, and that their renter kept the house and yard immaculate. Mr. White stated he perceived Mr. Harrell and the neighborhood to be against renting properties in that neighborhood. Chairman McCall asked if Mr. Harrell would like to address the Board further. Mr. Harrell wanted to know how many people were going to live in the main house.

Mrs. Quarterman stated she had questions for staff. Chairman McCall stated that they would talk to staff if they could finish hearing the public opposition, and asked if anyone else would like to further address the Board. Mr. Mickey Williamson, 2806 Bud McKey Circle, stated that he has volunteered at the police department for three years. Mr. Williamson stated that there were issues, and that there were ordinances that prohibited parking on the grass, and that was not enforced. Mr. Williamson stated that kids walked down the side of the street or the grass, because there was no sidewalk. Mr. Williamson was concerned about this case setting a precedence, and there should be places in Valdosta specifically for this purpose.

Ms. Judy Bridges, 2904 Bud McKey Circle, spoke in opposition. She stated she was a retired school teacher. Mrs. Bridges stated that she was concerned about a halfway house being there, and that there were bus stops within close proximity to this property. Ms. Bridges stated that Mr. White does not live there, and he does not feel the repercussions of this decision if it passes.

Mr. Ashley McLeod, 2808 Northfield Road, spoke in opposition. Mr. McLeod stated he had concerns about the halfway house, and he was glad he was not in the Board's position. Mr. McLeod stated he did not understand why a halfway house was being allowed in a single family residential district. Mr. McLeod stated he understood Mr. White had made an investment, but he wanted to meet on a middle ground.

There being no one further to speak in opposition, Chairman McCall stated he understood Mrs. Quarterman had a questions for staff. Mrs. Quarterman asked why the case was being heard at this point. Ms. Tolley referred to Mr. Martin. Vice-Chairman Strickland stated he was in this neighborhood often growing up, and the duplex existed at least forty years ago. Vice-Chairman Strickland stated that Mr. White was requesting a PELUC to use the duplex again, but he wondered if the Board had the ability to say what could or could not be there, in terms of use. Mr. Martin stated that this was a PELUC to re-establish the duplex. Mr. Martin stated the City annexed the property as-is, with the duplex, in 2006, and the property was nonconforming then because of the duplex. Mr. Martin stated that R-15 allows accessory dwellings, but not duplexes. Mr. Martin said the use is not on ZBOA's agenda, and the house is being used as a single family dwelling, not a halfway house. Mr. Martin stated the property is not eligible at this point for either a halfway house or a transitional house. Mr. Martin stated that if anyone did not agree with that determination that it is a single family residence, then they could appeal that determination. Mr. Martin stated that the condition to limit the number of residents to each duplex unit to no more than two people was intended to limit the impact upon adjacent properties. Mrs. Quarterman

asked why this case was here. Mr. Martin stated that Mr. White wanted to use the duplex, and in order to do that, he needed the PELUC because the duplex was currently nonconforming. Mr. Martin stated that the house was at one time a duplex at one time, but the duplex was recombined back into one large dwelling unit. Mrs. Quarterman asked if the City had a limit on the number of people who live in a single unit. Mr. Martin stated the City did, but it was not legally enforceable, that only the symptoms were addressable. Vice-Chairman Strickland stated that it was complaint driven. Mr. Brantley asked if they could put a lot of people in that house, like 30. Mr. Martin stated that other codes, such as building and fire codes, could address that issue. Mr. Brantley asked how they worked with multiple college kids in one house. Mr. Martin stated if it functioned as a fraternity or sorority house, the City would regulate the use, or deal with the symptoms, such as cars parking on the grass. Chairman McCall stated that Mr. Martin had walked through, and the house did not appear to be a halfway house or a transitional home, but that it could cross that line. Mr. Martin stated that was true. Chairman McCall asked how staff would know it was a halfway house. Mr. Martin stated that licensing and periodic site visits could indicate a change in the use of the property. Mr. Martin stated that the residents were not sent there from a facility, but were voluntarily there. Mrs. Quarterman stated her understanding was that this property was not appropriate for a transitional care facility or halfway house. Mr. Martin stated the zoning was not appropriate for either. Mr. Brantley stated he did not understand why they could not place a limit on the number of people in the big house. Mr. Martin stated that anything was legal till challenged, and that the duplex was the only thing being addressed at this point. Mr. Martin stated he felt that putting conditions on the duplex might be reasonable. Mr. Martin stated, to clear up confusion, there is no request for rezoning or to utilize the property for a halfway house, and that the only request was for a PELUC to re-establish the duplex.

Chairman McCall asked if anyone would like to make a motion, or if the Board had other questions. Mr. Brantley stated that Mr. White should be able to get the PELUC, but the Board should be able to impose additional regulations and restrict the number of occupants in the main residence, and to limit the number in the main residence to five. Mrs. Quarterman stated she had concerns if a large family moved into the main house. Mr. Brantley stated that if someone bought the property, they would be aware of the conditions. Vice-Chairman Strickland stated that potential buyers may not be aware of any conditions imposed on the property. Mr. Martin stated that the PELUC certificate is recorded at the court house. Vice-Chairman Strickland asked if they placed a condition for the maximum number of residents on the property, how would that be amended if a larger family bought the property? Mr. Martin stated that the PELUC would need to be amended.

Chairman McCall asked if anyone would like to make a motion. Ms. Cox asked if she could make one additional comment. Chairman McCall recognized her. Ms. Cox stated the property was not being used as a single family residence and was illegal. Mr. Rowe stated he understood they were discussing the duplex only, and that if they could get past the use of the duplex, then they could concentrate on the use of the house.

Chairman McCall asked if anyone would like to make a motion. Mrs. Quarterman made a motion to approve as presented with two conditions--that the duplex building may not be enlarged or expanded and shall not be occupied by more than two residents each (for four residents total), and the existing vegetative buffer in the rear yard along the northern and eastern property lines shall remain undisturbed. Vice-Chairman Strickland seconded the motion. The motion was called and carried with a vote of 5 to 0.

Agenda Item # 3: Approval of Minutes: December 3, 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 December 3, 2019 meeting minutes. Vice-Chairman Strickland made a motion to approve the minutes as presented. Mr. Holt seconded the motion. The motion was called and carried with a vote of 5 to 0.

Agenda Item # 4: Attendance Review

Chairman McCall stated he understood Mrs. Hobby had called in to relay she would be absent. Ms. Tolley stated that Mr. Hogan had called in, and stated he could not attend the meeting due to illness. Both were excused.

Agenda Item # 5: Adjournment

There being no further business, the meeting was adjourned at 3:36 p.m.

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

February 4, 2020
Date