

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

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

June 2, 2020 2:30 p.m.

MEMBERS PRESENT

Nathan Brantley
Victoria Copeland
Nancy Hobby
John Hogan III

John Holt
John "Mac" McCall
Allan Strickland

MEMBERS ABSENT

Gretchen Quarterman
(Resigned)

STAFF PRESENT

JD Dillard
Matt Martin
Tracy Tolley
Debra Tulloch

VISITORS PRESENT

Don Bonner
KariAnne Bowden
Jimmy Bruhl
Tom Call
Gary Cannon
Kathleen Coleman
Jimmy Cone
Caitlyn Disparti
Kell Elliot

Rob Evans
Paul Hamilton
Jim Harrell
John Irick
Scott Jarrett
Ashley McLeod
Dawn McLeod
Clayton Milligan
D. Nguyen, MD
Richard Reissiger

Anthony Rowe
Chuck Smith
Harold Smyth
Julie Smyth
Dianne Wright

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.

LOWNDES COUNTY CASES

Agenda Item # 2: VAR-2020-01 — Jarrett (6233 New Bethel Road)

Chairman McCall announced the case. Mrs. Tulloch stated that the applicant is requesting a Variance to Table 4.01.01(G) of the ULDC (Lowndes County Unified Land Development Code) as it pertains to standards for lot area, lot width and impervious surface. The subject property is located at 6233 New Bethel Road and consists of 2.47 acres. The subject property is located within the MAZ II zoning district (Moody Activity Zoning District-Residential). The MAZ requires lots to be a minimum of 2.5 acres; the land area of the subject property is 2.47 acres. Jarrett A. Scott purchased the subject property with the intent to construct a single-family dwelling. In an effort to obtain a building permit, a recorded survey plat is/was warranted. In Mr. Scott's quest to obtain the same, it was realized by County staff that a survey plat of the subject property had been submitted previously via another potential buyer of the subject property. Staff is of the understanding that the initial buyer was advised the survey plat could not be recorded without the assistance of an approved land area Variance via the Zoning Board of Appeals. For reasons unknown to staff, the initial sale of the parcel fell through. Mr. Scott contacted County staff and advised he had purchased the lot to construct a single-family dwelling, not knowing the past sale history. Thus, Mr. Scott finds himself in the same dilemma as the initial buyer, attempting to acquire a recorded survey plat of record to construct his home. As such, a variance relief of 0.03 acres and/or 1, 307 square feet to Table 4.01.01(G) of the ULDC as it pertains to the minimum required lot area for parcels situated within the MAZ II (Moody Activity

Zoning District-Residential). TRC staff heard and considered this request during their regularly scheduled meeting and unanimously supported Mr. Scott's request as presented.

There being no questions from the Board for staff, Chairman McCall asked if anyone would like to speak in support of the application. Mr. Scott Jarrett, 6233 New Bethel, stated he was thankful for the chance to appear in front of the Board, and thankful for Debra and Belinda's help in this matter. Chairman McCall asked if anyone else would like to speak in support. No one spoke. Chairman McCall asked if anyone would like to speak in opposition to the request. No one spoke. Chairman McCall asked if anyone had contacted the office. Mrs. Tulloch stated that someone had stopped by the office to inquire about the project.

There being no more discussion, Chairman McCall opened the floor for a motion. Mr. Hogan made a motion to approve as presented, citing criteria "d." Mrs. Hobby seconded the motion. The motion was called and carried with a vote of 6 to 0.

Agenda Item # 2: VAR-2020-02 — Jimmy Bruhl (4804 Bergman Road, Naylor)

Chairman McCall announced the case. Mrs. Tulloch stated that the applicant is requesting a Variance to Table 4.01.01(G) of the ULDC (Lowndes County Unified Land Development Code) as it pertains to standards for lot area, lot width and impervious surface. The subject property is located at 4804 Bergman Road and consists of five (5) acres. The subject property is located within the E-A (Estate Agricultural) zoning district. The E-A zoning district requires a minimum land area of five (5) acres and a minimum lot width of 210 feet for parcels with individual well water. The ULDC requires a minimum lot width of 210 feet at the building line for structures erected within the E-A zoning district. In this scenario, the property owner employed Prime Consulting Solutions to prepare a survey plat, which was purposed to create a five acre (5) lot, which he plans to sell and/or bequeath to his grandson, Jimmy. The survey plat was reviewed by applicable county staff and recorded within the Office of the Clerk of Superior Court Office. However, after the recordation of the survey plat, Mr. Irick determined that he was not comfortable with the jut-out on the north property line into his personal lot. He stated that he just wasn't comfortable with the same and was afraid that it may cause problems for a potential buyer should he decide to sell the parcel in the future. Additionally, he stated that he personally just was not satisfied with the design of the lot and chose to apply for a lot width Variance in an effort to remove the jut-out as depicted on the recorded survey. He stated he would like to utilize this option for relief because he knew of no other possible remedy to alleviate his concerns. As such, a Variance relief of 59.6 feet to Table 4.01.01(G) of the ULDC as it pertains to the minimum required lot width at the building line for parcels situated within the E-A (Estate Agricultural Zoning District) is requested. TRC staff heard and considered this request during their regularly scheduled meeting and unanimously supported Mr. Bruhl and Mr. Irick's request as presented. Mr. Brantley asked if she had a drawing of the jut-out. Mrs. Tulloch stated she thought one had been placed in the Board packets.

There being no further discussion, Chairman McCall asked if anyone would like to speak on the application's behalf. Mr. Jimmy Bruhl, 5133 Greyfield Place, spoke in support of the application. Mr. Bruhl stated he appreciated the Board's hearing his case, and would appreciate being able to live near family again. Chairman McCall asked if anyone else would like to speak in support of the case. 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. Mrs. Tulloch stated no one had called.

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.

CITY OF VALDOSTA CASES

Agenda Item # 3: APP-2020-04 — Rob Evans (348 Enterprise Dr.)

Chairman McCall announced the case. Ms. Tolley stated that Rob Evans, 348 Enterprise Drive, was asking for a sign variance to LDR Section 230-9(D)(4)(b) as it pertained to a second freestanding sign. The property is located at 348 Enterprise Drive, is zoned C-H, and consists of 3.12 acres. The property contains a property management facility and a recently permitted VA Clinic. The applicant is proposing a second monument sign on a property that does not have the length to accommodate a second sign. The LDR requires multitenant facilities to place their freestanding signs at least 300 feet apart; the applicant is proposing the signs to be 119 feet apart. As the applicant has other options, including an addition to the current freestanding sign, staff found no hardship and recommends denial.

Mrs. Hobby asked if the new sign would be 32 square feet. Ms. Tolley stated that was true. Mrs. Hobby stated that they could potentially have up to 125 sq. ft. in one freestanding sign. Ms. Tolley stated they could. Ms. Tolley stated that the current Ambling monument sign is approximately the same size as what the VA Clinic is proposing, but that she did not measure it. Chairman Strickland asked if the proposed sign could meet setbacks. Ms. Tolley stated that was true.

There being no further questions for staff, Chairman McCall asked if anyone would like to speak in support of the application. Rob Evans, 807 Northwood Park Drive, spoke on behalf of the application. Mr. Evans stated that the VA has a standard sign they utilize throughout the country, and can meet all the criteria except for the distance between signs. Mrs. Hobby asked if the VA parking would be behind the building. Mr. Evans stated it would, and that the majority of the parking in back was the VA parking. Mrs. Hobby asked if the VA utilizes the same basic sign at all of their facilities, and if it had a directional portion to it. Mr. Evans stated that a similar type sign they utilized throughout the country, and that there was a directional component to the sign package. Mr. Evans stated that the directional signs were small, and marked on the pavement as well. Ms. Tolley stated they were allowed to have small directionals as well.

There being no further questions, Chairman McCall asked if anyone else would like to speak on behalf of the application. Dr. D. Nguyen, 2841 N. Patterson St. spoke on behalf of the application as the medical director of the VA. Dr. Nguyen stated the sign was crucial to the new VA clinic as patients transitioned over. Vice Chairman Strickland asked if they would keep the existing VA clinic open. Dr. Nguyen stated they would close the existing VA clinic when the new VA clinic was open.

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 of the application. No one spoke. Chairman McCall asked if anyone had contacted the office. Ms. Tolley stated that one of the adjacent property owners had in response to a certified mailing to inquire about what was going on.

There being no further discussion, Chairman McCall opened the floor for a motion. Mrs. Hobby made a motion to approve as presented. Mr. Holt seconded the motion. The motion was called and carried unanimously with a vote of 6 to 0.

Agenda Item # 5: APP-2020-05 — Southern Builders Supply (1301 Madison Highway)

Mr. McCall announced the case. Mr. Brantley recused himself and took a seat at the back of the room. Ms. Tolley stated that Southern Builders Supply, 1301 Madison Highway, is asking for a variance to LDR Section 230-9(E)(6)(a) as it pertains to the location of a variable message board. The subject property is zoned M-2 and consists of 7.31 acres. The applicant is asking for a variance to have a variable message board in a M-2 zoning district when they are allowed solely in C-C and C-H zoning districts. Staff understands that the applicant is a retail building supply store, which is not currently allowed in M-2 zoning districts, but in the commercial zoning districts and M-1. Staff reviewed the application and determined there was no hardship and recommends denial.

Mrs. Hobby asked if the business was grandfathered in. Ms. Tolley stated it was, but if the use ceased for at least a year, it lost its grandfathering status, and no building supply retailer could occupy the parcel without a rezoning. If it was less than a year, Ms. Tolley stated that she could sign a new business license for the same type use. Mrs. Hobby asked if a rezoning was a possibility. Ms. Tolley stated it was, but staff would not support it due to the industrially zoned property surrounding this property.

There being no further questions for staff, Chairman McCall asked if anyone would like to speak in support of the application. Don Bonner, 1301 Madison Highway, spoke on behalf of the application as the manager of Southern Builders. Mr. Bonner stated they had been a lumberyard for more than 40 years, and would like to utilize the sign to capture more business. Mrs. Hobby asked if they had a sign up currently. Mr. Bonner stated they had. Mrs. Hobby asked if the LED would be a part of the existing freestanding sign. Mr. Bonner stated it would.

Chairman McCall asked if anyone else would like to speak on behalf of the application. Jason Wisenbaker, 3522 Newsome Road, spoke in support of the application. Mr. Wisenbaker stated they could put up a manual reader board, but those are not as efficient as a LED board, and this business is trying to compete with Home Depot and Lowe's.

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 application. No one spoke. Chairman McCall asked if anyone had contacted staff's office. Ms. Tolley stated that no one had contacted the office.

There being no further discussion, Chairman McCall opened the floor for a motion. Mr. Hogan made a motion to approve as presented. Vice Chairman Strickland seconded the motion. The motion was called and carried with a vote of 5-0-1, with Mr. Brantley abstaining.

Mr. Brantley resumed his seat at the Board table.

Agenda Item # 6: APP-2020-06 — Richard Reissiger (2801 Bemiss Road)

Chairman McCall announced the case. Ms. Tolley stated that Richard Reissiger is requesting a variance to LDR Section 218-13 (MM) as it pertains to supplemental regulations for pet boarding/kennels. The property is located at 2801/2805 Bemiss Road, and is zoned C-H and R-6. The parcels consist of a total of 1.41 acres. The property currently contains two commercial buildings that will be demolished for three new buildings—two for retail uses, and one for a boarding/training facility. Boarding facilities are allowed by right within a C-H zoning district, with three supplemental regulations to aid in mitigating any noise or smell—that the lot size shall be no less than two acres, any building or enclosed structures for the housing of animals shall have minimum side and rear setbacks of at least 100 feet, and all areas maintaining animals outside shall be completely enclosed by walls or fences at least 6 feet in height and shall be located no closer than 200 feet from property lines or street

right-of-way. The property and proposed site plan do not meet any of those supplemental regulations. The property is along a commercial corridor, along an arterial, and is zoned commercially, but does not lend itself to such operations due to size; therefore, staff recommended for denial.

Mrs. Hobby asked if a specific retail use had been mentioned. Ms. Tolley stated she was not aware of a specific use. Mr. Brantley asked what the hatching meant towards the back. Ms. Tolley stated that it represented landscaping/buffering. Mr. Martin stated that there was a parcel there that would not be combined with the acreage. Chairman McCall noted that the property had different zoning districts and asked how to determine a buffer yard with differing zoning districts. Mr. Martin stated that the LDR regulated that, and noted that the only variances requested to the supplemental regulations for boarding. Mr. Martin stated that the applicant had initially contacted him about a rezoning, but chose the variance process instead.

There being no further discussion, Chairman McCall asked if anyone would like to speak in support of the application. Richard Reissiger, 6 Greenmeadow Circle, spoke on behalf of the application. Mr. Reissiger introduced his development team, and stated they were representing a client who currently lives here in Valdosta. Mr. Reissiger clarified that they would be grooming animals, rather than training, as well as kenneling some animals. Mr. Reissiger explained that they met the intent and the spirit of the regulations through extensive sound mitigating construction. Mr. Reissiger stated that he had spoken to several neighbors who were amenable to his project. Mrs. Hobby asked if any of the neighbors had called. Ms. Tolley stated she had received no calls regarding the certified mailings or public hearing signs.

Chairman McCall asked if anyone else would like to speak in support of the case. No one spoke. Chairman McCall asked if anyone would like to speak in opposition. No one spoke. Chairman McCall verified that no one had called the office. Ms. Tolley stated that no one had called.

There being no further discussion, Chairman McCall called for a motion. Mr. Brantley asked if it would be a challenge if they conditioned the approval on the business outline submitted by the applicant. Mr. Reissiger stated that his client had laid out those guidelines. Chairman McCall expressed concern regarding enforcement. Mr. Hogan asked if grooming was allowed. Ms. Tolley stated that grooming was allowed, and the supplemental regulations pertain to only boarding, and that she mistakenly thought it was a training facility. Mr. Brantley made a motion to approve the variances as requested, with the following conditions: That only one dog at a time will be in the outdoor recreation area during the operating hours of 9 AM to 6:30 PM, that all outdoor fenced in play areas as well as outdoor private areas will be accessible during business hours of 9 AM to 6:30 PM, no outside evening activity is allowed after 6:30 PM nor is any outdoor activity allowed prior to 9 AM, building construction is fully enclosed and insulated to attenuate and abate noises, exterior private areas are semi-enclosed which will attenuate and mitigate potential noise, exterior private area fence is 6 feet high and opaque which will return any noise if there is any generated in this area, and a six foot high private fence will border all neighbors providing for a second noise abatement wall. Mrs. Hobby seconded the motion. The motion was called and carried unanimously with a vote of 6 to 0.

Agenda Item # 7: APP-2020-07 — Kathleen Coleman (318 Eager Road)

Chairman McCall announced the case. Mr. Holt stated he needed to recuse himself and stood at the back of the room. Chairman McCall stated this was an appeal of the decision of the Zoning Administrator, and that the Board will hear from staff and then the applicant. Chairman McCall stated that the burden of proof fell on the applicant, and does not open up to input from the outside public, and unless the Board as a whole decides on input from the public, then the Board will hear from staff and then the applicant. Mr. Brantley asked if the property owner got a chance to respond. Chairman McCall stated if the Board had questions for the owner, then the owner would have the opportunity to speak.

Mr. Matt Martin presented the case. Mr. Martin stated that this was an appeals case rather than a variance case. Mr. Martin emphasized it is not a variance, or rezoning or land use decision, but an appeals case. Mr. Martin stated that any aggrieved party may submit an appeals challenging the decision of the Zoning Administrator. Mr. Martin stated that in their packet, they had information from both staff and Dr. Coleman, and that the property owner and tenants are in the audience. Mr. Martin identified both 318 Eager Road, as well as the adjacent property that Dr. Coleman was affiliated with. Mr. Martin reminded the Board of the PELUC that was heard earlier this year, and this case is not revisiting the PELUC as a decision was made on that case. The property is zoned R-15, and contains a single family residence as well as a duplex. Mr. Martin went through the Board packet, which included zoning information, Dr. Coleman's application and the PELUC information. The applicant believes the use to be either a transitional facility or a boarding house rather than the single family residential use and duplex that staff believes the use to be. Mr. Martin explained the use table for both transitional facilities and boarding houses, as well as those supplemental regulations affiliated with those uses as well as the definitions for both uses. Mr. Martin also explained that the NAICS codes could assist in identifying uses as well, but that it is not an official method of determining a use. Mr. Martin stated he had included portions of Chapter 242 that defined the appeals portion of ZBOA's duties, and copies of the mailings that went out to the property owner, tenant, and appellant as well. Mr. Martin stated he was available for questions, and that the appellant was available for questions as well. Mr. Hogan asked if the property could be used as a residential mental health facility as well. Mr. Martin stated the appellant had not mentioned that as a potential use. Mr. Martin quickly went through the PowerPoint, showing pictures of the property in question.

There being no further questions for staff, Chairman McCall asked the appellant if she would like to speak. Mr. Paul Hamilton, 2918 N Oak St, spoke on Dr. Coleman's behalf. Mr. Hamilton stated that Dr. Coleman was his ex-wife, and he wanted to clarify that 319 Crestview borders 318 Eager Road, and is owned by a LLC, which Dr. Coleman is the sole manager of. Mr. Hamilton stated that Dr. Coleman's mother lives at 319 Crestview, and his children spend quite a bit of time with their grandmother. Dr. Coleman learned that Southern Cross Recovery had rented 318 Eager Road. Mr. Hamilton asked those in support of the appeal to stand; several audience members stood. The neighborhood learned of the use earlier this year. Mr. Hamilton stated he had spoken to Mr. Elliott for further information about the use, and that Mr. Elliott stated that people come there for recovery from alcoholism, and that no counseling occurred on site, and at the time, eight men lived on site. Mr. Hamilton stated that Mr. Elliott was very cordial. Mr. Hamilton stated he called Mr. Martin, who portrayed the house as being like the Golden Girls, where the men rent a room. Mr. Hamilton stated that was not what the house was, because the men were there because of their addiction problems, and while he was sympathetic to their addiction, he did not believe it to be a single family residence. Mr. Hamilton stated he had looked at Southern Cross Recovery's website, but it had been recently taken down. Mr. Hamilton stated it was a for-profit business. Mr. Hamilton questioned how long the tenants were there for, whether it was for a week or for months, and he cited the definitions of transitional facilities and boarding houses. Mr. Hamilton questioned what kind of relationship this facility had with Green Leaf. Mr. Hamilton expressed concerns about safety, stating that people with addictions often had criminal records, and he also expressed concerns about this facility's impact on adjacent property values. Mr. Hamilton expressed a concern about the impact on boarding houses upon adjacent single family residences, reading a quote that stated that single family residences may decline in the immediate area, and the area may decline. He stated that he hoped the Board would hear other audience members as well.

Chairman McCall asked the Board if they had any questions for the appellant. Mr. Hogan asked if the quote Mr. Hamilton read was specific to Valdosta. Mr. Hamilton stated it was not specific to Valdosta but

embodied some of his concerns. Mr. Brantley stated there was not a definition of single housekeeping unit, and read the definition of a dwelling unit, and questioned that a single housekeeping unit was. Mr. Martin explained that when a word was not defined in the LDR, then the Webster dictionary's definition held true. Mr. Brantley asked if the NAICS codes had any bearing. Mr. Martin stated that most NAICS codes related to businesses, not residential dwelling units, and that there was no definition in the LDR for transient. Mr. Martin stated that Southern Cross Recovery's attorney provided a two page letter in response to the application and that letter had been provided to the Board. Mr. Martin stated that it was not an easy task to identify/name the use on the property, and that it is not a typical household. Mr. Martin stated that sometimes to determine what a use is, one needs to determine what it is not. Mr. Martin stated it did not meet the definition of a transitional facility because the people at 318 Eager Road had a permanent home, and that the tenant was not providing any kind of services (counseling, etc.) at that location. Mr. Hogan asked the difference between long-term and short-term. Mr. Martin stated that long-term may be more than a few nights, like a couple of weeks or longer. Mr. Martin stated the people living there are fully independent, not required to be there and can leave at any time.

Chairman McCall asked if anyone had further questions for Mr. Hamilton or Mr. Martin. There being no further questions for either, Chairman McCall asked if the tenant would like to speak. KeriAnne Bowden, the tenant's attorney, 1108 N. Patterson, spoke on behalf of the tenant. Mrs. Hobby asked if the tenants paid to live there, and what the rent goes for. Ms. Bowden stated that the rent covers the organization's rent. Mr. Brantley stated he felt they should be able to make a presentation and answer any questions the Board may have. Ms. Bowden thanked the Board and stated she represented Southern Cross Recovery. Ms. Bowden stated that Mr. Lawton White owns the property and has leased it to Southern Cross Recovery, which sublets the property to individuals living on the property. Ms. Bowden stated the property is about 1.5 acres in size, and has the single family dwelling and a duplex unit. Ms. Bowden provided pictures to the Board as some of the Board members were not able to visit, and stressed that the property was utilized as a residence. Ms. Bowden stated that the tenants and Southern Cross Recovery cook, do their own laundry, and maintain the yard, and that the residents have pets on the property as well. Ms. Bowden stated that Mr. Hogan asked what the difference between long-term and short-term, and that the LDR did not define transient, but did utilize the word "transient" four times, but that the LDR helps define transient uses such as hotels or motels, as well as a recreational vehicle park or campground. Ms. Bowden stressed that these residents are long-term residents. Mrs. Hobby asked what the fees cover that the tenants pay to Southern Cross Recovery. Kell Elliott, 108 E. Moore St., said that the fees allow the applicants to live in a safe, sober environment. Mrs. Hobby asked if the tenants work. Mr. Elliott said that some do not. Mrs. Hobby asked where the tenants get the money to pay Southern Cross. Mr. Elliott stated that they may get their money from savings accounts or from families. Mrs. Hobby asked what the age range of the tenants is. Mr. Elliott stated they range from 21 to 68, with the average being in their thirties to forties. Mrs. Hobby asked what the success rate was. Mr. Elliott stated that the success rate was 100%. Mrs. Hobby asked if anyone had ever been asked to leave. Mr. Elliott stated that they had. Chairman Strickland asked if the reasons for leaving include not following rules. Mr. Elliott stated that was true. Ms. Bowden pointed out that there are several definitions of family, including a common connection, such as maintaining sobriety. Mr. Hogan asked how often the rent was paid. Mr. Elliott stated that the rent was paid monthly, and that their tenants made at least a six month commitment, with their program being a year in length, and some tenants staying longer than a year. Chairman McCall asked if they accepted tenants with criminal backgrounds. Mr. Elliott stated they did not. Chairman McCall asked if this was a direct referral from Green Leaf. Mr. Elliott stated tenants come from a number of places. Ms. Bowden stated that none of the tenants come as a result of legal issues. Mr. Hogan asked what their definition of long-term and short-term was. Mr. Elliott stated that long-term was about a year in length, with short-term being about three months long.

Mrs. Hobby stated she looked at the definition of transitional housing, that it may include social services. Mr. Martin stated that transitional housing usually referred to a homeless shelter, which often includes social services, and they often have rules for the length of time a person can stay. Chairman McCall stated that this property could hold up to up to 12 college students, and asked if the Board would hear the case if a realty company rented it out to 12 people. Mr. Martin they may or may not. Mr. Brantley stated there was a definition of family in the LDR, of not more than three persons so not related. Mr. Martin stated it was there purely as a definition. Mr. Holt left the meeting. Mr. McCall asked how many people could live in these units. Mr. Martin stated that there were five ladies living in this house last year. Mr. Martin stated it was a judgment call.

There being no further questions for the tenant, Chairman McCall stated he would allow members of the audience to speak. Mr. Anthony Rowe, 317 Crestview Drive, spoke. Mr. Rowe expressed concerns that there were offenders living there, and that the tenants smoked out under the car port often. Mr. Hogan asked if they were smoking cigarettes. Mr. Rowe stated they were. Mr. Rowe stated his concern was about unregistered sexual offenders living there, as he lived in his forever home. Vice-Chairman Strickland stated that Mr. Elliott stated that there were no offenders living at the address. Mr. Rowe stated he was concerned about offenders because there were two bus stops close by, and sexual offenders were not supposed to live near bus stops. Vice-Chairman Strickland asked if there was any proof that sexual offenders who lived there. Mr. Rowe said he did not have any proof that there was. Mr. Hogan asked if there was a sexual offender bus that made a stop at the location. Mr. Rowe stated that there was a bus that dropped off six to nine men there every morning at the house, and he wondered how many men were allowed to live there.

Chairman McCall asked if anyone else would like to speak. Dr. Kathleen Coleman, 319 Crestview, spoke. Dr. Coleman expressed concern about what the facility actually was, and she did not believe that it was a single-family residential unit. Dr. Coleman stated that every morning, a van drops off men at this location, and the neighborhood did not know where these men came from. Dr. Coleman expressed concern about that many men living there who did not have jobs and had substance abuse problems was a recipe for disaster. Vice-Chairman asked what the use of the property was two or three years ago. Dr. Coleman stated she did not know. Vice-Chairman Strickland stated he lived nearby, and when he drove by two or three years ago, it appeared to be several college students with several cars parked on the property. Vice-Chairman Strickland stated it was a hard decision. Dr. Coleman stated it was a hard decision, but when her kids were there, they could not go out in the back yard unsupervised because the tenants yelled at her children, and even sang along with her daughter, which was very creepy. Mr. Hogan was curious as to what they were singing. Dr. Coleman stated that her daughter was singing a children's song, and it was weird that a random man sang along with her.

Chairman McCall asked if anyone else would like to speak. Mr. Jim Harrell, 320 Eager Road, spoke. Mr. Harrell stated he had seen six to seven tenants were gathered under the carport, and he wondered how many men were living in there. He stated there was the potential for up to 14 men in the house at two per bedroom, and he could not believe that 14 men were living there with no one in charge. Mr. Harrell expressed concern that his property values might decrease if a transitional home was located next door.

Chairman McCall stated he had questions. Chairman McCall asked about the van. Ms. Bowden stated that the van was a Green Leaf van to pick up the men to take them to counseling as no counseling was provided on site, and that Green Leaf could pick up a tenant in any residential neighborhood in the City limits. Ms. Bowden stated that if the Board made the determination based on where the money was spent, or what the men did all day or how long they smoked on the carport, the Board was on a very slippery slope. Ms. Bowden stated that Mr. Lawton White had rented it to Southern Cross, who sublet the property

to the men. Ms. Bowden stated that no complaints had been made against the men yelling at the neighbors. Ms. Bowden stated that she understood Mr. Harrell's complaint to be that the men do not talk to the neighbors, and that the issue is not who is in the house. The issue is how the house is being used. Mrs. Copeland asked who was being dropped off at the house by the bus. Ms. Bowden stated that it was residents being dropped off and picked up at the house, not nonresidents. Mr. Elliott stated that no services were provided on site. Chairman McCall stated that everyone who lived there had an established set of rules and guidelines, and asked if any of the tenants functioned in part as a manager. Mr. Elliott stated that they did have a gentleman who did oversee the property who function somewhat as a manager. Mr. Hamilton stated they had talked about traditional definitions, and quotes the Wikipedia definition of boarding house to be a house in which lodgers rent one or more rooms for one or more nights and sometimes for extended periods of weeks, months, and years. Mr. Hamilton stated that Wikipedia's definition of boarding house was how this house is functioning. Mr. Hamilton stated that Ms. Bowden had stated it was not the Board's concern who lived there, and Mr. Hamilton stated it was most certainly the Board's concern as to who was living in the house so the Board could determine how the house was classified. Mr. Hogan stated that different localities had AirBnBs that could be rented out privately and no one would know who had rented them. Ms. Bowden stated that there was not 13 tenants in the home now, and if Mr. White rents it out to college students, the neighborhood may not know who is living there even under different circumstances. Chairman McCall asked how many beds were in the house. Ms. Bowden stated there were eight beds in the house, and two in each of the bedrooms in the duplexes. Mr. Lawton White stated there were 13 beds on the property, including duplexes and house. Ms. Bowden clarified that there were six twin beds and two full sized beds in the house and 4 beds in the duplex structure. Chairman McCall asked how many tenants were on the property now. Mr. Elliott stated there were six in the house and three in the duplex. Chairman McCall asked if they had ever had more than nine tenants. Mr. Elliott stated they never had.

There being no further discussion, Chairman McCall asked if anyone would like to make a motion. Mr. Martin stated that the Board was tasked with making a motion to determine if staff made the right decision. If the Board makes the determination that staff did not make the right determination, then the Board was tasked with the decision to name the use. Chairman McCall called for a motion. Vice-Chairman Strickland made a motion to deny the applicant's request. Mrs. Copeland seconded the motion. The motion was called and carried with a vote of 3 to 2, with Mr. Brantley and Mrs. Hobby voting against the motion.

Agenda Item # 8: Approval of Minutes: March 3, 2020

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 March 3, 2020 meeting minutes. Vice-Chairman Strickland made a motion to approve the minutes as presented. Mr. Hogan seconded the motion. The motion was called and carried with a vote of 5-0.

Agenda Item # 9: Attendance Review

Chairman McCall noted that all ZBOA members were in attendance and that Mrs. Quarterman's spot was vacant due to her resignation.

Agenda Item # 10: Adjournment

There being no further business, the meeting was adjourned at 5:02 PM.

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

July 7, 2020
Date