

MINUTES

Valdosta-Lowndes Zoning Board of Appeals
Southern Georgia Regional Commission Conference Room
1937 Carlton Adams Drive, Valdosta, Georgia
February 2, 2021 2:30 p.m.

MEMBERS PRESENT

Nathan Brantley
Nancy Hobby
John Hogan III
John Holt

John "Mac" McCall
Marion Ramsey
Allan Strickland

MEMBERS ABSENT

Victoria Copeland

STAFF PRESENT

Trinni Amiot
JD Dillard
Tracy Tolley

VISITORS PRESENT

Scott Alderman
Tina Alderman
Joe Bowen
Linda Catikos
Maria Thomas Felipe

Austin Gallardo
Albert Jolley
Jennifer Jolley
Derek Shaw
Ivy Smith
Paula Stone

Walter Stone
Rodney Tenery

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-2020-13 — Blanton Property (US Highway 41)

Chairman McCall announced the case. Mr. Dillard stated that the property was located on Highway 41 and is approximately 34 acres. Mr. Dillard stated the property is zoned R-10, and was rezoned in 2012 for a subdivision. The applicant is requesting variances to Section 4.04.03(D) and Section 6.03.03(D) of the ULDC as they pertain to easements and potable water system requirements in order to subdivide a portion of the property into five residential lots to be served by well and septic. The subject property is cut off from both the public roadway and water system by adjacent private property and the railroad, therefore creating the hardships. Mr. Dillard stated that the TRC reviewed the requests and did not oppose the road frontage request. However, the Utilities Department did oppose the request to the potable water requirements due to their directive to grow the County utilities infrastructure. Mr. Dillard stated his office had been contacted several times, to include inquiries about buying portions of the property.

Mr. Ramsey arrived at 2:35.

Chairman McCall asked if the Board had questions for staff. Mrs. Hobby asked if they intended to utilize the driveway as it exists now. Mr. Dillard stated they did. Mr. Brantley asked how they would access the southernmost tract. Mr. Dillard stated it would be accessed via easement and it did not need to meet Lowndes County road standards.

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There being no further questions for staff, Chairman McCall asked if anyone would like to speak in support of the application. Rodney Tenery, 2621 US Highway 84E, represented the applicant and was available for any questions. Vice-Chairman Strickland asked if Norfolk Southern tried to close the crossing, what would the applicant propose? Mr. Tenery stated he was aware of no plans to close the crossing, and was unaware of any alternative access, and that there were other properties that utilized this roadway for access. Mrs. Hobby asked if he had any experience with any other access issues caused by a railroad. Mr. Tenery stated he had no personal experience with that, but was aware it had happened before. Vice Chairman Strickland stated he was aware of one instance in which a spur line was closed, and it effectively landlocked a piece of vacant property. Mrs. Hobby stated that one of the Board's legal experts had a comment. Mr. Holt stated that if a property became landlocked due to a railroad, they may have the right to sue to get access to the property.

Chairman McCall asked if anyone else wanted to speak in support of the application. No one spoke. Chairman McCall asked if anyone would like to speak in opposition to the request. Mr. Walter Stone, 4199 Old US 41 N, spoke in opposition. Mr. Stone stated it was a family farm that had been cut up. Mr. Stone was concerned that the owners wanted to do something different than was proposed with the rezoning a few years ago. He wondered how the property would be accessed—through a private or a public road. Mr. Dillard stated he believed it would be accessed through a private driveway that was not required to meet Lowndes County road standards. Mr. Stone expressed concern about the cars that would be accessing this area through the single railroad crossing, particularly when a train was utilizing the crossing. Mr. Stone expressed concern when the train broke down or stopped at this crossing, which blocked access. Mr. Stone expressed concern about emergency vehicle access when the train was stopped in the crossing. Mr. Stone had pictures of the immediate area, and showed them to the Board.

Chairman McCall asked if anyone else would like to speak in opposition to the request. Ivy Smith, 4185 Old US Highway 41 N, spoke in opposition to the request. Ms. Smith stated her concerns were very similar to Mr. Stone's concerns. Ms. Smith stated that she had personal experience when the train was stopped, of cars being stopped because they could not get to their property. Ms. Smith stated that making a left would be difficult from this private driveway. Mr. Brantley asked how she accessed her property. Ms. Smith stated she had to cross the railroad track, and drove 15 to 20 yards before she turned to access her house.

Chairman McCall asked if anyone else would like to speak in opposition. No one spoke. Chairman McCall stated that staff had received several inquiries about this case. Mr. Dillard stated that was true. There being no further discussion, Chairman McCall called for a motion. Mr. Hogan made a motion to approve as presented, citing criteria "d." The motion died for lack of a second. Chairman McCall called for another motion. Vice Chairman Strickland made a motion to deny the request as presented. Mr. Brantley seconded the motion. The motion was called and carried with a vote of 3-2-1, with Mr. Hogan and Mr. Holt voting against and Mr. Ramsey abstaining. Mr. Ramsey stated he abstained due to his late arrival.

Agenda Item # 3: VAR-2020-14 — Albert Jolley (6430 Meadow Creek Road, Hahira)

Chairman McCall announced the case. Mr. Dillard stated that the applicant is requesting a variance to Section 5.02.02(B) of the ULDC as it pertains to standards for accessory dwellings. The property is located at 6430 Meadow Creek Road and consists of 2.35 acres zoned R-10. R-10 does not currently allow accessory dwellings but accessory structures are allowed. The proposed structure is proposed to be about 689 square feet and located in the side or rear yard of the property. The TRC reviewed the request and had no objections. Mr. Dillard stated that a neighbor, Ms. Johnson, contacted his office in support of the application. Mrs. Hobby asked if it was attached or detached. Mr. Dillard stated it was detached.

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Chairman McCall asked if the applicant would like to speak on behalf of the application. Mr. Albert Jolley, 6430 Meadow Creek Road, spoke in support of the application. Mr. Jolley stated the property was zoned R-10, but it was more like an R-1 property, and he wanted to build an accessory dwelling for his mother since she lost her job. Mr. Brantley asked where the house would sit in relation to the primary dwelling. Mr. Jolley stated it would be placed in the back right-hand corner, and that they wanted it to match their house. Mr. Brantley asked if they would have to clear the woods for the house. Mr. Jolley stated yes. Mr. Brantley asked if his mother drove. Mr. Jolley stated they would extend their driveway because his mother did drive. Vice Chairman Strickland asked what the plans were for the house when his mother did not need the house anymore. Jennifer Jolley, 6430 Meadow Creek Road, stated that they had children who may utilize the accessory dwelling in future years. Vice Chairman Strickland stated that it was prohibited to rent to non-family. Ms. Jolley stated that they did not want to rent to non-family. 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. No one spoke. Chairman McCall asked if anyone had called the office. Mr. Dillard stated that just one person had called in support.

Chairman McCall called for a motion. Vice Chairman Strickland made a motion to approve as presented, citing criteria "d." Mr. Holt seconded the motion. The motion was called and carried with a vote of 6 to 0.

Agenda Item # 4: VAR-2020-15 — Felipe (3420 Hart Road)

Chairman McCall announced the case. Mr. Dillard stated that the applicant is requesting a variance to ULDC Section 6.03.03(D) as it pertains to potable water systems in order to build a new home. The property is located at 3420 Hart Road, consists of 2.4 acres and is zoned R-A. The property is within the Valdosta Airport Overlay District. The ULDC requires connection to the County water system when a parent tract is within 1000 feet radius of the water system. This property is within 1000 feet, but the edge of the parent tract is about 750 feet away from the water system. TRC staff reviewed the request and had no objections. However, the Utilities Department opposed the request per their directive to grow the County utilities infrastructure.

There being no questions for staff, Chairman McCall asked if anyone would like to speak on behalf of the application. Maria Thomas Felipe, 3420 Hart Road, spoke on behalf of the application. Ms. Felipe asked who to talk to regarding a septic tank. Chairman McCall referred Ms. Felipe to the Lowndes County Health Department. Chairman McCall stated that ZBOA was there to make a decision regarding the water line.

There being no further discussion, 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. No one spoke. Chairman McCall asked if any contact had been made to the office. Mr. Dillard stated there was no contact to his office.

Chairman McCall called for a motion. Mr. Brantley made a motion to approve as presented, citing criteria "d." Mrs. Hobby seconded the motion. The motion was called and carried unanimously with a vote of 6 to 0.

Agenda Item # 5: VAR-2021-01 — Bowen Property (5580 Jumping Gulley Road)

Chairman McCall announced the case. Mr. Dillard stated that the applicant is requesting a variance to Section 4.01.01(G) of the ULDC as it pertains to standards for lot area in order to build a home. The property is located at 5580 Jumping Gulley Road. The applicant is proposing to subdivide out a 2 acre tract rather than the 5 acre required minimum.

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Mr. Brantley verified that they wanted a two acre parcel, per their lender, and asked if the ULDC required 5 acres minimum. Mr. Dillard stated that was true.

Chairman McCall asked if anyone would like to speak on behalf of the application. Mr. Joseph Bowen, 5580 Jumping Gulley Road, stated that the lender is requiring them to subdivide off 2 acres rather than the 5 acre maximum. Vice Chairman Strickland asked what the plans were for the rest of the acreage. Mr. Bowen stated that he understood that it would be left to remain in one parcel.

Chairman McCall asked if anyone else would like to speak in support of the application. Mr. Rodney Tenery, 2624 US Highway 84E spoke in support. Mr. Ramsey asked why the proposed lot was two acres. Mr. Tenery stated that the financing required a maximum of two acres.

There being no one else to speak in support, Chairman McCall asked if anyone would like to speak in opposition. No one spoke. Chairman McCall asked if anyone had contacted the office. Mr. Dillard stated that two people had contacted the office with questions.

There being no further questions, Chairman McCall called for a motion. Mr. Ramsey made a motion to approve as presented. Mr. Hogan seconded the motion. The motion was called and carried unanimously with a vote of 6 to 0.

Agenda Item # 6: VAR-2021-02 — John Holt (5510 Danieli Drive North, Lake Park)

Mr. Holt stepped away from the Board table and sat in the audience.

Mr. McCall announced the case. Mr. Dillard stated that the applicant is requesting a variance to Section 4.01.02(E) of the ULDC as it relates to the minimum setbacks from property lines in order to build a home. The subject property is located at 5510 Danieli Drive, and consists of 0.32 acres. The property is zoned R-10. The applicant is requesting a front yard setback variance of approximately 21 feet and a rear yard setback variance of 6 ft. 6 in., which are in excess of what County staff can consider administratively. The subject property has an area in front—an additional 30 feet—set aside for future sewer maintenance; this 30 feet is owned by Lowndes County. Mr. Brantley asked if the front was considered the road or the lake. Mr. Dillard stated the front was where the garage is proposed with the rear proposed to be where the covered porch was proposed.

Chairman McCall asked if anyone would like to speak on behalf of the application. Derek Shaw, 3312 N Oak St Ext, spoke on behalf of the application. Mr. Shaw stated that they intended to demolish the existing house and rebuild a new house.

Chairman McCall asked if anyone else would like to speak on behalf of the application. No one spoke. Chairman McCall asked if anyone would like to speak in opposition. No one spoke. Chairman McCall asked if there was any contact to the office. Mr. Dillard stated that a neighbor had submitted an open records request for information.

Mrs. Hobby asked for more information regarding the six inches on the front of the property. Mr. Dillard explained that the proposed house had six inches that was proposed to be on the Lowndes County property next to the road. Mr. Dillard stated it was discussed to either shift the house back six inches or to reduce the footprint of the house in order to have the entirety of the house on the applicant's property. Mrs. Hobby asked if six inches would affect his plans. Mr. Shaw stated they could take six inches off of the house. Mr. Brantley asked what was under there. Mrs. Amiot stated that staff had researched this issue, and to the best of staff's knowledge, the property was for sewer maintenance. Chairman McCall stated that the front portion of the house was on the front property line. Mr. Dillard stated that was true. Chairman McCall asked if they could shift the house back six inches. Mrs. Hobby said it may save the

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applicant a headache to shift the house back off of Lowndes County property. Mr. Brantley stated they would need a larger variance in the back to accommodate shifting the house backwards.

There being no further discussion, Chairman McCall called for a motion. Vice Chairman Strickland made a motion to approve a rear yard setback variance of 25 feet citing criteria "d." Mrs. Hobby seconded the motion. Vice Chairman Strickland stated that this would allow the house to be shifted so that no part of the house was situated on Lowndes County property. The motion was called and carried with a vote of 5-0-1, with Mr. Holt abstaining.

Agenda Item # 7: Approval of Minutes: December 5, 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 December 5, 2020 meeting minutes. Vice Chairman Strickland made a motion to approve the minutes as presented. Mr. Brantley seconded the motion. The motion was called and carried with a vote of 6 to 0.

Agenda Item # 8: Attendance Review

Chairman McCall noted that Ms. Copeland was absent from the meeting due to quarantine issues and was excused.

Agenda Item # 9: Adjournment

There being no further business, the meeting was adjourned at 3:20 PM.

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

March 2, 2021
Date