

MINUTES

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

MEMBERS PRESENT

Nathan Brantley
Victoria Copeland
Nancy Hobby
John Hogan III

John Holt
John "Mac" McCall
Marion Ramsey
Allan Strickland

MEMBERS ABSENT

STAFF PRESENT

Trinni Amiot
JD Dillard
Tracy Tolley

VISITORS PRESENT

Kay M. Bride
Roger Budd III
Sue Dennard
Vickie Godwin

Margaret Anne Newsome
Scott Orenstein
Keith Sirmans
J. Ashley Sirmans
Tyler Stalvey

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.

VALDOSTA CASES

Agenda Item # 2: APP-2021-01 — Edward Cochran (1109 Cloverhill Road)

Chairman McCall announced the case. Ms. Tolley stated that Edward Cochran of 1109 Cloverhill Road was requesting a side yard variance for the addition of a carport. The property is zoned R-15, consists of 0.39 acres, and contains a single family house. The original request was for an enclosed garage onto the northern side of the house, but the applicant has recently amended his request to reflect the addition of an open air carport that ranges from 8 ft 11 in from the property line to 6 ft from the property line rather than the 10 ft required. Staff understands that the northern property line is angled slightly, and that the house does not have a garage. However, after reviewing the applicant, staff found no hardship and recommended denial.

Chairman McCall asked if the Board had any questions. Mr. Ramsey asked Ms. Tolley to go back to the slides showing the neighborhood houses. Ms. Tolley did. Mrs. Hobby verified the variance required. Ms. Tolley confirmed the variances requested, and that the property line was angled. Mrs. Hobby verified that the carport was a single story. Ms. Tolley stated that was correct. Mr. Brantley asked what the original request was. Ms. Tolley stated that it was for a slightly larger enclosed garage that was at its closest point about 4 feet from the northern property line.

Chairman McCall asked if anyone would like to speak on behalf of the application. Mr. Edward Cochran, 1109 Cloverhill Road, spoke in support of his application. Mr. Cochran stated their driveway was close to

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the property line, and they did not have covered parking. Mr. Cochran stated his family had the desire for covered parking, and the rear of their property slopes towards the rear, and does not lend itself to a garage. The other choice would be a garage in the front, which may not be aesthetically pleasing, which is why they chose to pursue the garage to the side. Mr. Cochran stated they looked at the carport option to potentially decrease the requested variance, and that they did not intend to add a second story for any living space. Mr. Cochran stated that most of the houses in the neighborhood have garages, and he wanted to make everyone happy. Mr. Ramsey asked if Mr. Cochran had spoken to the neighbors. Mr. Cochran stated he had spoken to his neighbors, and that one neighbor had expressed concern about the living area above the proposed enclosed garage, as well as its proximity to the property lines. Mr. Cochran stated he did not want to devalue his neighbor's property nor his own property.

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. Ms. Sue Dennard, 1111 Cloverhill Road, spoke. Ms. Dennard stated she was a residential realtor for forty years, and has lived in her house since 1974. Ms. Dennard stated that there have been several families at this location over the years, and the house has always sold well. Ms. Dennard stated the house has never had a garage. Ms. Dennard stated she did not have a garage, and she was not going to ask for a variance to have a garage. Ms. Dennard stated that this garage/carport would devalue her property, and that Mr. Cochran might sell this home and buy another, which would leave her vulnerable. Ms. Dennard stated that Ms. Bride, who was seated in the audience, did not build what she wanted due to the setbacks. Ms. Dennard stated that she had a project, but had not pursued it due to the possibility of not meeting setbacks. Ms. Dennard stated that it would open up a can of worms if the variance was granted, and that it was a family who had outgrown the space. Ms. Dennard noted that the adjacent houses in the PowerPoint were not her house. Ms. Dennard stated the changes had made things a little better, but the carport would be right below her bedroom window.

Mrs. Hobby stated that if Ms. Dennard wanted to pursue her project, there was the potential of an administrative variance. Mrs. Hobby asked if there was potential for Ms. Dennard and the Cochrans to arrive at a compromise. Ms. Dennard stated she did not think so because the houses are already so close together. Ms. Dennard stated that a garage would detract from Mr. Cochran's ability to sell the house in the future. Ms. Dennard wondered what would happen if the variance was granted. Vice-Chairman Strickland stated they could either meet code, or build what was presented to the Board. Ms. Tolley stated that if the Board was inclined to approve the variance, she would recommend recommending it with the condition that it was for the open air carport of the specific size and location (setbacks) presented. Mrs. Hobby asked if that included the lack of a living space upstairs, as no living space was shown on the revised plan. Ms. Tolley stated yes.

Chairman McCall asked if anyone else would like to speak in opposition to the request. No one spoke. Chairman McCall asked Ms. Tolley if anyone had contacted her office. Ms. Tolley stated that only Ms. Dennard had contacted her office. Mrs. Hobby asked how long ago this case had been submitted. Ms. Tolley stated that the case had been submitted on January 25, 2021.

Mrs. Hobby stated she would like to see the request tabled due to the potential of a compromise. Chairman McCall asked if that was motion. Mrs. Hobby stated it was. Chairman McCall asked for a second. Mr. Hogan seconded the motion. The motion was called and carried with a vote of 5 to 2, with Mr. Brantley and Mrs. Copeland voting against the motion.

Agenda Item # 3: APP-2021-02 — Budd Billboards, LLC (3128 Bemiss Road)

Vice Chairman Strickland stated he had a conflict, would be abstaining from discussion and voting, and sat in the audience.

Chairman McCall announced the case. Ms. Tolley stated that the applicant, Budd Billboards, is requesting a variance to LDR Section 230-9 (E) as it relates to the Standards for Replacement Billboards with Variable Message Boards. Ms. Tolley stated that the property in question was located at 3128 Bemiss Road, zoned C-H, consists of 2.53 acres, and is in the Inner Perimeter Commercial Corridor Overlay District. This structure is an existing legal nonconforming sign consisting of 4-10 ft by 30 ft faces (two facing north, two facing south) and 2-10 ft by 12 ft faces (facing east). The sign consists of 1440 sq. ft. of signage. Ms. Tolley stated that the applicant wanted to replace three of the static billboard faces—one facing north, one facing south, and one facing east—with variable message boards. The southern and northern faces are 10 feet by 30 feet while the eastern face is 10 feet by 12 feet. The applicant submitted an application to GDOT for the improvements; GDOT approved the northern and southern faces to be replaced with variable message boards, but not the eastern panel, so the applicant is asking for variances to replace two 10 ft by 30 ft static billboard faces with variable message billboards. In order to potentially permit the variable message boards, the sign needs several variances. Billboards are required to be at least 1250 feet away from another billboards; this billboard is about 400 feet away from the closest billboard, and 800 feet away from the second closest billboard. For variable message panels, a billboard is required to be single tiered. This billboard is a two tiered structure. The third variance is to the requirement that a variable message face cannot be any larger than 300 sq. ft. or 378 sq. ft. whichever is less, and is based on the size of the sign area of the largest billboard sign being replaced; the applicant is not proposing to remove any billboards or any structures. The fourth variance is that, per each digital billboard face, at least four existing billboard sign faces and their structures must be replaced; the applicant is not proposing to remove any billboard faces. Staff reviewed the application, found no hardship, and recommends for denial.

Chairman McCall asked if there were any questions for staff. Mrs. Hobby asked why the applicant wanted to update just the bottom billboards. Ms. Tolley stated that might be a question for the applicant. Mrs. Hobby asked why there was a requirement to remove four faces and correlating structures in order to replace one static billboard with a variable message board. Ms. Tolley stated that today's existing billboards are currently nonconforming, in the sense that staff could not permit a billboard due to today's regulations, and that billboard owners can utilize their billboards as is, but to make updates to legally nonconforming signs, the requirement to remove nonconforming billboards was enacted. Mrs. Hobby stated that Mr. Budd did not choose annexation, but his property was annexed with the sign already on the property, and it was in an area with billboards and intense commercial zoning. Mrs. Hobby stated that it did not make sense to remove a billboard in another part of town so this billboard can have a variable message board. Mrs. Hobby stated she was concerned about the benches with signage around town which were not required to abide by the existing sign regulations. Mr. Brantley asked if the property had not been annexed and was still in the County, how would Mr. Budd's application be handled? Ms. Tolley stated she would defer to County staff. Mr. Dillard stated he was not familiar with the sign regulations to be able to advise, and that a variance may be required. Mr. Brantley asked what the distance requirement between billboards is in the County. Mr. Dillard was not sure. Mr. Brantley asked what the end result was for a digital billboard replacement on N. Valdosta Road, at its intersection at Val-Del Road. Ms. Tolley stated she could not remember. Mr. Brantley asked how far the City limits went up Bemiss. Ms. Tolley stated it went to Bojangles, was County till near Taco Bell and McDonald's to the Wal-Mart Neighborhood Market. Chairman McCall asked if the City could permit two tiered billboards. Ms. Tolley stated that

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today's sign regs were based on maximum square footage and height, and these billboards were bigger than what she could permit. Mr. Brantley asked if GDOT permitted two tiered billboards. Ms. Tolley stated that Mr. Budd had a GDOT permit to replace the bottom two faces with variable message boards. Mr. Brantley asked if GDOT allowed one tier to be static and one tier to be digital. Ms. Tolley said GDOT permitted it that way, so apparently so. Mrs. Hobby asked if there was a limit to the number of businesses that a variable message board could advertise. Ms. Tolley stated no, but that it was limited in the sense that each message change had to take place within so many seconds and had to be held for so many seconds. Mrs. Hobby asked how long those were. Ms. Tolley stated that a message must remain fixed for at least 10 seconds, and a message change had to occur within 3 seconds. Mr. Hogan asked why GDOT did not approve the third face facing east. Ms. Tolley stated she did not know.

There being no more questions for staff, Chairman McCall asked if anyone would like to speak on behalf of the application. Roger Budd, III, 2907 N Patterson St, spoke on behalf of the application. Mr. Budd stated that the billboards were grandfathered in, and that the County had different regulations than the County does. Mr. Budd stated he believed that GDOT did not approve new two tiered billboards any longer. Mr. Budd stated that the billboard regulations were updated several years ago, and many people felt the updates were more restrictive. Mr. Budd stated that variable message boards were easier to update than were static messages, and advertising on a digital board would be cheaper than static billboard panels. Mr. Budd stated that these boards were good for business. Mr. Budd stated that GDOT allowed 1200 sq. ft of digital space, but he was only asking for 300 sq. ft. of digital space due to cost. Mr. Budd stated that there were several billboards and their structures that were removed—one of those was removed due to the overpass construction on Hill Avenue, and one at 1600 Norman Drive was removed as well. Mr. Budd stated that he had talked to City administration to change the sign ordinance to address billboard updates, and that City administration was supportive but wanted to see what the decision of this case was. Mrs. Hobby asked why GDOT did not approve the digital face that faces east. Mr. Budd stated GDOT told him they did not have the authority but he was not sure why. Mrs. Hobby asked if GDOT would approve digital faces along the top tier. Mr. Budd said he felt they might. Mr. Hogan asked if the Board could approve a variance for the third sign facing east since GDOT did not. Ms. Tolley stated the Board could approve a variance on the City's behalf but not on GDOT's behalf, and that Mr. Budd would have to get a permit from GDOT for the digital sign facing east. Mr. Brantley stated he'd never seen a stacked digital billboard before. Mr. Brantley asked if stacked digital billboards were allowed by GDOT. Mr. Budd stated he had seen stacked digital billboards in Georgia before. Mr. Brantley asked if Mr. Budd would rather have single tiered digital billboards or two tiered digital billboards. Mr. Budd stated he would like to have this entire billboard as digital in the future, but they are expensive. Mr. Hogan asked if the top billboards were in question today. Ms. Tolley stated they were not.

There being no further questions for Mr. Budd, 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 contacted staff's office. Ms. Tolley stated she had received a letter from adjacent property owners from Mr. and Mrs. Troy Register, and that she had forwarded the Board a letter from Mr. and Mrs. Register expressing their opposition to the request.

Chairman McCall called for a motion. Mr. Hogan made a motion to approve the variances for the digital faces for the northern and southern facing bottom faces as presented, and the eastern facing digital face with a GDOT permit. Mr. Ramsey seconded the motion as presented. The motion was called and carried with a vote of 4-2-1, with Mr. Brantley and Mrs. Copeland voting against the motion, and Vice Chairman Strickland abstaining.

LOWNDES COUNTY CASES

Agenda Item # 4: VAR-2021-03 — Vickie R Godwin (6655 Lake Park Bellville Road, Lake Park)

Chairman McCall announced the case. Mr. Dillard stated that the applicant is requesting a variance to ULDC Chapter 6.03.03(D) as it relates to County water. The property is located at 6655 Lake Park Bellville Road. The ULDC requires that all development shall be required to connect to a public water system when the County's water system is within a 1000 ft radius of the parent tract of the new subdivision and/or development. Mr. Dillard stated that Lake Park Bellview is supposed to be widened and the applicant's well was purchased by GDOT, but she was unsuccessful in seeking relief from GDOT to retain the well. Therefore, the applicant is asking to relocate the well rather than connecting to County water. The TRC reviewed the request, and had no objections with the exceptions of Utilities because of their directive to grow the County utilities infrastructure.

Chairman McCall asked what the distance was between the well and the water lines. Mr. Dillard stated they did not measure it because the well is proposed to be relocated. Mrs. Hobby verified that staff had no objection, except for the Utilities Department. Mr. Brantley asked if there was water there now. Mr. Dillard stated there was. Mrs. Hobby stated that the loss of a well is not by the applicant's choice. Mr. Dillard stated that was true.

There being no further discussion, Chairman McCall asked if the applicant would like to speak on behalf of the application. Vicki Godwin, 6655 Lake Park Bellview Road, stated she was losing her well due to a GDOT project. Ms. Godwin stated she has had well water for about 35 years at this location, and would need to drill a new well because she did not to lose her well. Chairman McCall asked if Ms. Godwin if she has gotten prices to connect to the County water and to dig a new well. Ms. Godwin stated she had gotten prices to dig a new well, and to put in a meter for County water, but not to connect the County water to her house. Mr. Brantley asked if GDOT would pay for this. Ms. Godwin stated that they would pay for the loss of her well, but she had to get the variance. Mr. Hogan asked what kind of water system she would have in her well. Ms. Godwin stated it was the same as she had now, and she was not knowledgeable about water systems.

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 request. No one spoke. Chairman McCall asked if anyone had contacted staff. Mr. Dillard stated there had been no contact.

Chairman McCall called for a motion. Vice Chairman Strickland stated this was one of the more unusual requests in the sense that usually people object to the cost of connecting to County water, when in this instance, the applicant would prefer to keep a well due to the taste of the well water. Mr. Hogan 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 1 with Mr. Brantley voting against the motion.

Agenda Item # 5: VAR-2021-04 — Rawlins Farm LLC (Stubbs Lane)

Chairman McCall announced the case. Mr. Dillard stated that the applicant is requesting a variance to Section 4.04.03(D) as it pertains to Design Standards for Blocks, Easements, and Lots. The property is located off of Stubbs Lane, a local unpaved road. The ULDC states that all subdivision lots shall have frontage shall have frontage on and access to an existing or proposed paved public street. The request is to allow the new parcel to utilize the existing ingress/egress easement that was a part of a previously

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subdivided parcel created by Family Ties in 2017. The TRC reviewed the request and found no objections.

Mr. Brantley asked why the easement was located where it was. Mr. Dillard stated it was at the end of Stubbs Lane. Mr. Brantley asked who owned the immediate area. Mr. Dillard stated that different farm companies owned the properties in the immediate area. Mrs. Amiot stated that she believed this area was brought before the Board for a variance to allow structures within the easement.

Chairman McCall asked if anyone would like to speak on behalf of the application. The applicant stated they wanted to continue to use the easement and the parcel was created by Family Ties. The applicant stated that the road would not be paved but that it would graveled. Mr. Brantley stated he could foresee issues with access in the future, and it looked like there was a trailer sitting in the easement. The applicant stated they were going to move the trailer.

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 anyone had contacted the office. Mr. Dillard stated that no one contacted the office.

There being no further questions, 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 7 to 0.

Agenda Item # 6: VAR-2021-05 — Valdosta Paintball Park (3472 Old Clyattville Road)

Chairman McCall announced the case. Mr. Dillard stated that the applicant is requesting a variance to Section 6.03.03(D) and 6.03.04(C) as they related to portable water systems and sanitary sewer system requirements, Section 6.01.01(A) as it pertains to access and driveway design requirements, and Section 6.01.01(A) as it pertains to Landscaping and Buffer requirements. The property is located at 3472 Old Clyattville Road and consists of 42 acres currently zoned R-A. Mr. Dillard pointed out where the parking, paintball courts, and bathrooms were on the site plan.

TRC staff considered the requests during their regularly scheduled meeting and addressed them as follows:

- Recommend Denial of the request for a Variance to 6.03.03(D)
 - o Directional drilling of a 1 ½" water line should suffice commercial needs based on proposal
 - o Irrigation well may be used for irrigation of fields
- Recommend Denial of the request for a Variance to 6.03.04(C)
 - o County Sewer service is available on the property
- Recommend Denial the request for a Variance to 6.01.01(A)
 - o Use of an all-weather impermeable surface to accommodate traffic and emergency vehicles
 - o Handicapped parking spaces and structures must be improved surfaces to meet ADA standards
- Recommend Approval of the request for a Variance to 4.07.00
 - o Approve ~1,200 feet cattle fence along the northern border beginning at Old Clyattville Road
 - o Comply with fencing and buffering standards around proposed recreation areas

Chairman McCall asked if there were any questions. Mrs. Hobby asked if there was water on this side of the road. Mr. Dillard stated it was not, but sewer was. Mrs. Hobby asked if it was expensive to bore under a road for water or sewer. Mr. Dillard stated it could be. Mr. Brantley stated they would have to run sewer close to a half a mile. Mr. Ramsey asked if it is considered a hardship for a company to have to pay to

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connect to water or sewer. Mr. Dillard stated that financial hardship is not considered a hardship but rather a cost of doing business.

Chairman McCall asked if anyone would like to speak in support of the application. Margaret Anne Newsome, 6741 Lake Park Road, spoke on behalf of the application. Mrs. Newsome clarified some updates regarding the site plan. Mrs. Newsome stated that finances were a consideration, and that they were trying to keep their costs down. Mrs. Newsome would like to utilize dirt for the roadways, and that they would like to gravel it eventually, but at a later point due to finances. Mr. Brantley asked if the road would need to be paved. Mrs. Newsome stated it was required to be improved. Mr. Dillard stated gravel would be acceptable. Chairman McCall asked if the handicapped parking would be paved. Mrs. Newsome stated that the handicapped parking would be concrete. Chairman McCall asked if all the fields were actively used, how many people would be on site? Mrs. Newsome stated about 75 people for a day, or 150 for the weekend. Mrs. Newsome stated that with people watching and people playing, there would be about 100 people a day.

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 request. There was no one. Chairman McCall asked if anyone had contacted the office. Mr. Dillard stated they had several calls in opposition and two emails which had been sent to the Board.

There being no further discussion, Chairman McCall called for a motion. Mr. Brantley stated he had concerns about the road. Mr. Brantley stated he understood the cost factor, but he had concerns about emergency vehicles on a dirt road. Mrs. Hobby stated she would like to know more about the objections. Mr. Dillard stated that there were concerns about incompatible land uses, sanitary considerations, and the road. Mrs. Newsome stated there were concerns about getting stuck on the road if it was left as dirt. Mrs. Hobby asked if this was a permitted use in R-A. Mr. Dillard stated it was.

Mr. Brantley made a motion to approve the variance request to 6.03.03(D) as requested, citing criteria "d," to approve the variance request to 6.03.04(C), to approve the variance request to 6.01.01(A) with the condition of installation of a 24 ft wide dirt and road ditched on both sides and with handicapped surfaces and structures meeting ADA standards, and approval of the variance request to 4.07.00 with the conditions of a privacy fence where the development begins running east with a cattle fence along the northern property line together with a 20 ft buffer zone between the road and northern property line with plantings to shield the subject property from the northern properties with compatible landscaping as required by the ULDC. Vice Chairman Strickland seconded the motion. The motion was called and carried unanimously with a vote of 7 to 0.

Agenda Item # 7: VAR-2021-06 — Sirmans (3472 Old Clyattville Road)

Chairman McCall announced the case. Mr. Dillard stated that the applicant is requesting a variance to Section 6.03.03(D) of the ULDC as it relates to potable water system requirements. The property is located at 3954 Old US 41, is zoned C-C, and consists of about 1.5 acres. The ULDC requires that all development shall be required to connect to a public water system when the County's water system is within a 1000 ft radius of the parent tract of the new subdivision and/or development. There are two different water lines less than 500 feet from the subject property. The applicant desires to start a new business as a country market/butcher shop, and use the existing well and septic system located on the property. The property passed a well and septic system test conducted by the DPH in December of 2020 and January 2021. The TRC recommends connecting to the County water service.

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Chairman McCall asked if the Board had any questions. Mrs. Hobby asked what the rule was regarding water connections to new buildings versus existing buildings. Mr. Dillard stated that it a connection is generally required within 1000 feet. Mr. Ramsey asked if the County was not supportive. Mr. Dillard stated that the TRC recommended connecting to the County water service.

Chairman McCall asked if anyone would like to speak on behalf of the application. Ashley Sirmans spoke on behalf of the application, and stated that she had put a lot money and time into their shop, and did not have the money to connect to water and sewer. She stated that she had worked in several different business ventures, and this shop has been the most difficult. Mrs. Hobby asked what the requirements were to have the well checked. Mr. Dillard stated that all someone had to do was to call DPH.

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. There being no further discussion, Chairman McCall called for a motion. Mr. Hogan make a motion to approve as presented, citing criteria "d." Mr. Holt seconded the motion. The motion was called and carried unanimously with a vote of 7 to 0.

Agenda Item # 8: Approval of Minutes: February 2, 2021

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 February 2, 2021 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 7 to 0.

Agenda Item # 9: Attendance Review

Chairman McCall noted that all Board members were in attendance today.

Agenda Item # 10: Adjournment

There being no further business, the meeting was adjourned at 4:14 PM.

/s/ Allan Strickland
Allan Strickland, Vice Chairman

April 6, 2021
Date