

# MINUTES

Valdosta-Lowndes Zoning Board of Appeals  
Southern Georgia Regional Commission Conference Room  
300 N. Lee Street, Valdosta, Georgia  
August 3, 2021 2:30 p.m.

## MEMBERS PRESENT

Dr. Samuel Clemons  
Nancy Hobby  
Victoria Copeland  
Nathan Brantley

John "Mac" McCall  
Allan Strickland  
Marion Ramsey

## MEMBERS ABSENT

John Hogan, III

## STAFF PRESENT

JD Dillard  
Lauren Hurley  
Tracy Tolley  
Jeff Brammer

## VISITORS PRESENT

Brad Lipsey  
Brad Telbizan  
Michelle Neville  
Stephen Sullivan  
Denis Jernigan  
Gray Murray  
Billy Hand  
Bill Culbeth

Jimmy Walker  
Royce Karen  
Jake Scuton  
Nathaniel W. Mulgrew  
Leah Hadley  
Clayton Milligan

## 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-2021-08- Jernigan (2759 Judie Ann Road)

Chairman McCall announced the case. Mr. Dillard presented the staff report for the Jernigan case. The applicant has submitted a request for a variance to ULDC Table 5.02.01(d)(9) as it pertains to the maximum floor area for an accessory building and ULDC Table 5.02.01(d)(8) as it pertains to the Setback Standards for accessory structures. The property is roughly half an acre at 2759 Judie Ann Road, zoned R-10 and in the Pinecrest subdivision. It is suburban in character area and lies within the Valdosta Regional Airport Overlay District. The applicant owns the property north of the subject property as well. An accessory structure is allowed on the separately platted lot following these requirements: The lot is adjacent to the lot with the principal building (it is), it has the same owner (it does), shall be located on a lot that complies with all the standards (the lot does), accessory building should comply with setback standards in the zoning district (it does not). The rear yard setback is 32.5 inches from the rear parcel line. The structure was there when the owner purchased the lot. The variance would be for approximately 7.3 feet. The maximum allowed square footage is also part of the variance. The regulations state that it can be a maximum of 600 square feet and Mrs. Jernigan would like to build a 1200 square feet accessory structure. So, the variance request is for the rear yard setback of 7.3 feet and a bigger accessory structure than 600 square feet.

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With no questions for staff, Chairman McCall asked the applicant to address the board. Mrs. Jernigan reiterated Mr. Dillard's presentation. She stated that she wants the accessory building for storage. Mrs. Hobby confirmed with Mrs. Jernigan that the concrete footprint is 680 square feet from what was already there and that there had been a lean to on the side of the existing accessory building. Mrs. Hobby asked how big the lean to was. Mrs. Jernigan stated that she did not know how big the lean to was. Mrs. Hobby asked if it would be the same size as her proposed request to extend out the size of the accessory building. Mr. Strickland asked about the building materials for the accessory building. Mrs. Jernigan confirmed that it would be a metal structure. She also stated that the existing building has recently been torn down because the tin was unstable, and it was a danger. Mr. Strickland asked if the new building would be the same height as the old building. Mrs. Jernigan stated it would be 15 feet in height, so the proposed building is shorter than the existing building.

With no further questions, Mr. McCall asked if there was anyone in support or opposition of the request. With none and no calls made to the Lowndes County Planning and Zoning office, Chairman McCall asked for a motion. Mrs. Hobby motioned to approve the request. Mr. Strickland seconded the motion. The vote was unanimous (6-0 vote).

**Agenda Item # 3: VAR-2021-09- Mulgrew (6264 North US Highway 41, Hahira)**

Chairman McCall announced the case. Mr. Dillard presented the staff report for the Mulgrew case. The applicant has submitted a request for a variance to ULDC Section 4.04.03(d) as it pertains to the design standards for lots (road frontage). The property is 35 acres proposed to be subdivided on Highway 41 North. The property that is proposed to be subdivided does meet all the standards for EA zoning. It is agricultural in character area. The subject property began with 3 lots that was subdivided into 4 lots in 2014 using the Family Ties Subdivision provision of the ULDC. Some of those lots had no road frontage, however standards allow that if there is a 60-foot ingress egress easement which exists. Now the applicant is proposing to subdivide the property again between tract 3 and tract 2 (the 10-acre and 5-acre tract). This would create another lot without road frontage. Access to the paved road for the new lot with the 60-foot ingress egress serving as the driveway is the purpose for the variance application. It will cross separate property not owned by the applicant. Because of the multiple divisions, a higher level of review will take place if the variance is approved.

Mr. Strickland asked if the current access road is a legally deeded and proofed even though it goes through someone else land as it goes in. Mr. Dillard confirmed that it is. It is a standard dirt road as you see in other parts of the county. Mr. Ramsey asked if there were any complaints from the other landowners. Mr. Dillard stated that the Lowndes County Planning and Zoning office has not been contacted from the other landowners with concerns.

Chairman McCall asked if the applicant would address the board. Nathaniel Mulgrew approached the lectern. Mr. Mulgrew stated that he is the owner of the 35-acre tract and has recently become divorced. He has a buyer who wants to purchase his house on the 5 acres, and he is wanting to build a smaller house for himself on the 10-acre tract. He does not have a need to be in a 2700 square foot house and would like to move forward with his plans.

Chairman McCall called for support or opposition. With none, Mr. Strickland stated, that Mr. Mulgrew is proposing to sell a parcel that was subdivided under the Family Ties Subdivision provision. Mr. Strickland asked if it was to be sold to a family member. The applicant stated it would not be sold to a family member. Mr. Strickland asked if that would be a conflict with the Family Ties Subdivision provision used prior. Mr. Dillard stated that when it was originally subdivided, the Family Ties Subdivision provision was

used. Now that it has been subdivided again, it does not technically fall under the Family Ties Subdivision provision. It is held to regular subdivision standards at this point. Mr. Strickland asked if we would be creating lots that are not tied into the Family Ties Subdivision provision that was previously used and does that infringe on the intent of the original division according to Family Ties. Mr. Dillard said it is a gray area that is not causing concern for this case but should be updated and taken into consideration for the upcoming update to the ULDC which has a proposed effective start date of January 2022 with opportunities for the public to weigh in on changes.

With no further questions, Chairman McCall asked for a motion. Mr. Brantley motioned to approve the variance as requested. Dr. Clemons seconded the motion. The variance request was approved with a (5-1 vote). Mr. Strickland voted against the motion.

**City of Valdosta Cases:**

**Agenda Item #4: VAR-2021-04- Staten Station LLC (3283 Inner Perimeter Road)**

Chairman McCall announced the case. Ms. Tolley presented the staff report for the Staten Station case. The applicant has submitted a request for a variance to LDR Section 210-2(G) as it pertains to the minimum lot width requirements in the Inner Perimeter Road Corridor Overlay District. The property is about 2 acres located between Inner Perimeter and Jack Staten Way. It is zoned Highway Commercial and is currently undeveloped and proposed for commercial development. Adjacent properties contain retail and restaurants. The applicant is asking a variance for the lot width. The property is located in the Inner Perimeter Corridor Overlay District which has a lot width requirement of a minimum of 200 feet in length. These parcels have a proposed width of 129 feet, 122 feet and 170 feet in length. Staff has reviewed and has not found hardship and recommends for denial. Ms. Tolley reminded the Board that in 2016 there was a similar variance request for properties that were on the southeast corner of Brookfield and Inner Perimeter that came before ZBOA and was approved. If ZBOA is inclined to approve this variance as well, staff recommends conditions that any entrance or egress come off Jack Staten Way. The same conditions were put on the case approved back in 2016. Mrs. Hobby asked to clarify that the applicant is not asking for any new curb cuts. Staff confirmed that they are not. Chairman McCall wanted to clarify that the condition is that there be no entrances and exits off Inner Perimeter. Ms. Tolley confirmed.

Chairman McCall asked for the applicant or applicant's representation address the Board. Clayton Milligan with LEA (Lovell Engineering Associates, PC) acting as the engineer on the project approached the lectern to speak on behalf of Staten Station LLC. He addressed the site plan and Gray Murray's (the developer) plan for his developments. Mr. Milligan gave examples of other developments by Mr. Murray in the area featuring rear access drives along Inner Perimeter to prevent entrance and exits from Inner Perimeter and plans to do the same with this property. There is no intention of addition driveways to Inner Perimeter. The master plan has been to make the access come off Annie C. Lane or Jack Staten Way which are private roads or to connect through the front lot of Dairy Queen. If they were not subdivided someone could come in and put in a strip center but the developer thinks that single storefront businesses would be a better use of the development. If the variance is approved, it will go to detailed engineering and asked that the board to consider adding a condition of narrowing the lot size down to 120 feet in width to allow flexibility if they need to adjust one of the lot lines.

Chairman McCall asked if it is speculative or if there are businesses ready to sign a contract. Mr. Milligan said that tracts 2 and 3 have contract pending the approval of the variance case. Tract 1 has several prospective buyers. Chairman McCall asked if there is a plan for shared parking because tract 1 seems

to have substantially less parking than the other tracts. Mr. Milligan replied that when they initially laid out the plans, the parking would have been adequate for the tenant in tract 1 but they are unsure of who will be in that tract now but there are options for adding parking there. He said that that was one reason for the request for 120-foot width variance in the case that parking needs to be expanded upon if need be.

With no one else in support or opposition to the case, Chairman McCall asked if there were any calls to the City of Valdosta Planning and Zoning office. Ms. Tolley stated that there were none. Mr. Strickland made a motion to grant the request as presented with a minimum lot width of 120 feet and no curb cuts off of Perimeter Road and all access to be off of Jack Staten Way and Annie C. Lane. Dr. Clemons seconded the motion. The vote was unanimous (6-0 vote).

**Agenda Item #5: VAR-2021-05 – Crunk Engineering (2209 Pineview Drive)**

Chairman McCall announced the case. Ms. Tolley presented the staff report for the Crunk Engineering case. The applicant has submitted a request for a variance to LDR Section 222 as it pertains to parking requirements. The property is Greenleaf located at 2209 Pineview Drive. It consists of 6.3 acres zoned residential professional (R-P). The property contains a mental health facility. They are looking to add 12 beds and are short on parking. They have been before ZBOA twice. Once in 2012 and once in 2016 for parking variances. They have exceeded the scope of what they can request administratively. Adjacent properties are largely residential with some commercial facilities behind the hospital. They are adding 12 beds to the existing 113 bed facility equaling 125 beds. The facility is not a traditional hospital or medical clinic, but parking can be categorized as nothing besides a medical hospital. However, the board should keep in mind that it is not a traditional medical hospital, and therefore staff is supporting flexibility in the number of parking spaces. Under today's standards for the proposed 125 beds, there would need to be 313 parking spaces. They are proposing to bring the total up to 162 parking spaces. Staff supports the variance request.

Mrs. Hobby stated that that is 151 less parking spaces than the requirement (less than half). Ms. Tolley stated that staff has considered categorizing parts of the facility as administrative, medical office and hospital by square footage to justify the number of parking spaces but did not run those numbers. Ms. Tolley stated that the number of times that she has gone to the site, parking has not appeared to be an issue. Mr. Clemons asked what their plans are if parking becomes a necessity. Ms. Tolley replied that she is not aware of any plans but that the applicant is present and can address that question. Mr. Strickland asked if there were any complaints regarding parking from the residents surrounding the facility. Ms. Tolley stated that she nor the City Marshals have never heard complaints regarding people parking on the streets near or around Greenleaf. Mr. Strickland stated that the times that he has driven by he has noticed that there has been parking spots available. Ms. Tolley stated that the lack of parking is a valid concern, but their facility is almost fully developed and there are no other places to go on their property to include more parking especially if parking has not been an issue. The facility is also required to meet other regulations including landscaping, setback standards, impervious caps, and things of that nature. Mrs. Hobby stated that when you add beds, you should also be adding staff. Her concern was where the extra staff would be parking. Mr. Clemons stated that he lives close, and he has witnessed parking on the road, but he was unsure if it was from Greenleaf or LARC across the road. Mr. Ramsey asked if there was a photo or site plan for where they are planning to put these new parking spaces. Ms. Tolley pointed out the new parking spaces to the board on the slideshow.

Chairman McCall asked for the applicant or applicant's representation to address the board. Brad Lipsey from Crunk Engineering approached the lectern representing Greenleaf. He stated that Crunk

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Engineering works with National Corporation for Healthcare on hospital projects nationwide and there is a wide range of parking requirements across the country for mental health facilities. He stated that because behavioral health is unique in that there are not cars from visitors compared to other medical facilities. He said that based on surveys that they had done nationwide on parking for mental health facilities concerning true requirements for these types of facilities, they found that they typically range from 1.1 to 1.2 spaces per bed. So, they feel very comfortable that the parking that is being added is adequate. He stated that there are enough parking spots for day-to-day functionality of the facility. Mr. Clemons wanted to clarify that regulations for parking are different than facilities like South Georgia Medical Center and if so, how different. Mr. Lipsey said yes that the patients at behavioral health hospitals do not have visitors and that they do not usually drive there themselves but get dropped off. So, the patient demand for parking is not great. The staff levels are not the same as a hospital. Mr. Ramsey asked how they came up with 3 parking spaces for the addition of 12 beds. Mr. Lipsey said that there was only enough space to add 3 parking spaces to the campus. He stated that they are utilizing all the square footage that is available. Mrs. Hobby wanted to clarify that Mr. Lipsey is not local. Mr. Lipsey stated that he is not local, but that Crunk Engineering develops sites for behavioral health hospitals across the country. Mr. Strickland asked if there were to be a parking problem if they have a contingency plan to address the issue. Mr. Lipsey stated based on the current parking, they believe that there will be no issues and do not feel the need to create a contingency plan for additional parking. Mr. Clemons asked if there has been an increase in patients therefore is there an increase in the need for more parking and if growth is in their future, how will they handle the increase in the need for parking for staff and patients. Mr. Lipsey stated that once these 12 beds are added, that is the finite number of patients and staff. Mr. Brantley asked what was in the back northeast corner of the property. Mr. Lipsey stated that it is detention pond. Mr. Strickland stated that his concern is that there is no backup plan for parking if there was a sudden need for more parking. Chairman McCall wanted to clarify that the area where the 12 beds are being added is currently a parking lot. He asked that the area where the new parking spaces are going, what is currently there? Mr. Lipsey stated that it is currently lawn area. They are technically adding more hardscape to the plan. Ms. Tolley stated that in Residential Professional zoning there is a cap of 70% impervious. Ms. Tolley stated that it has not been calculated to see if they meet the 70% impervious regulation. Chairman McCall asked if there was a plan or has the calculation been done for stormwater capacity. Mr. Lipsey stated that the stormwater deposit in the back will be expanded to accommodate the addition of impervious and believes that they have the capacity to handle what is needed. Mrs. Hobby asked Ms. Tolley if they are building on parking spaces, how many spaces are they losing? Chairman McCall stated that they are removing 12 and adding 15 parking spaces so a gain of 3 parking spaces.

Michelle Neville and Brad Telbizan from Greenleaf approached the lectern to answer more questions. Mrs. Neville stated on a typical business week from Monday through Friday, they never run out of parking. She stated that there is additional parking in the rear of the building that are never taken. She stated that they also lease a space that they refer to as the South Campus building for Rescare and there is an abundance of parking and that would be the contingency plan if parking became an issue. Chairman McCall asked if the property is adjacent to the property in question. Mr. Telbizan stated that it is adjacent. Mrs. Neville stated that on the weekend there is less staff, so parking is never full. She also stated that if there has ever been parking in the street it has been from lawn care services or deliveries. Mrs. Hobby asked with the addition of beds, how many staff are being added. Mrs. Neville stated they would add 1 nurse, 1 therapist, and a half of a housekeeper. Mrs. Hobby wanted to clarify what type of beds asking if it would be 6 rooms with double beds or 12 individual rooms with single occupants. Mrs. Neville clarified that it would be 6 rooms with 2 beds each. Mrs. Neville also stated that people are dropped off through the front door via a circular driveway.

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With no other speaking in support or opposition to the case, Chairman McCall asked Ms. Tolley if the Planning and Zoning office was contacted with any opposition for the case. Ms. Tolley stated that there were none. Chairman McCall asked if someone would like to make a motion. Mr. Ramsey made a motion to approve the request as presented. Mrs. Copeland seconded the motion. The request was approved (4-2 vote). Mrs. Hobby and Dr. Clemons voted against the motion.

**Agenda Item #6: VAR-2021-06- Leah Hadley (1013 Cypress Street)**

Chairman McCall announced the case. Ms. Tolley presented the staff report for the Leah Hadley case. The applicant has submitted a request for a variance to LDR Section 214-1 as it pertains to the minimum lot width and minimum side yard setbacks in R-6 zoning district. The property at 1013 Cypress Street consists of about a third of an acre with 2 houses currently situated on the property. The houses were built before the current zoning regulations. The property is currently considered legal nonconforming. The applicant is considering selling some or all of the property and would like to make it more conforming if possible. The applicant is planning to subdivide the property into two parcels. She is requesting a lot width variance for both lots and side yard setbacks for the new proposed interior parcel line. She is requesting for both lots to be 50 feet wide rather than the 60 feet wide required and for the side yard setback for the new parcel line to be 6.1 feet and 6.2 feet rather than the 8 feet required. She is asking for 2 variances. The eastern house sits very close to the property line so if the board is so persuaded, they can consider a variance for that property line setback as well which is a few inches to 1.4 feet from the house. Staff reviewed the case and would like to propose a better way to divide the property. If the middle parcel line was slanted instead of straight it would ensure that there would be no need for a lot width variance for one lot. Leaving one lot at 60 feet wide and the other lot at 40 feet wide. She would be able to meet the side yard setback for both houses. So, one minimum lot width variance and one side yard setback variance.

Mrs. Hobby wanted to clarify that the applicant wanted 2-50 feet lots and that staff wants one 60 feet lot and one 40 feet lots pertaining to the center line. Staff confirmed. Mrs. Hobby said that she noticed that the addition to the larger house appears to be occupying space on an easement owned by the city. She stated that the house needed repairs and asked if the repairs can be made while it is on an easement. Mrs. Hobby stated that the building is over the line based on where the flag was. Mrs. Hobby also asked if the flags marked currently are marking the 2-50 feet lots or one 60 and one 40 feet lots. Ms. Tolley stated that she would assume that they are marking the 2-50 feet lots.

With no further questions of staff, Chairman McCall asked the applicant to address the board. Leah Hadley approached the lectern. She stated that she initially purchased the two properties to remodel them and rent out. One of the properties has been updated and is being rented. She had planted trees between the two properties so that they would appear separate as there is already a barrier of trees surrounding the property. They both have their own driveways. The house that is not renovated has a prospective buyer. Mrs. Hadley asked Mrs. Hobby if she believes the house is on City property. Mrs. Hobby stated that she believes the addition to the house is on City property. Mrs. Hadley stated that she had planned to remodel the house before the purchase so she would be willing to take the addition off of the house if that were an issue. Mrs. Hobby asked Ms. Tolley if the house would be remodeled if the property lines would be taken into consideration. Ms. Tolley stated that the property lines would only be inspected if the exterior of the house were remodeled and expanded. Ms. Tolley also stated that based on the survey, the house is not over the property line or encroaching on any other property. Mrs. Hobby asked what the width of the city easement is adjacent to the property. Ms. Tolley stated that easements range in size from 10 to 20 feet. The City of Valdosta owns the adjacent property to the right of the larger

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house. Ms. Tolley stated that the house is 3-4 inches from the property line shared with the City of Valdosta.

With no more questions and no one else in favor or opposition of the case, Chairman McCall asked if the City of Valdosta Planning and Zoning office had been contacted. Ms. Tolley said yes, there was a gentleman that called thinking it was a foreclosure sign and wanted to know the price.

Chairman McCall asked if someone would like to make a motion. Mrs. Hobby made a motion to approve the staff recommendation for the center parcel line angled so that both houses met the interior side yard setbacks and only one lot width variance, and a variance for the eastern proper line. Mrs. Copeland seconded the motion. The vote was unanimous (6-0 vote).

**Agenda Item # 7: Review of Minutes**

Chairman McCall asked if any edits were needed for the draft minutes. No changes or corrections were noted. Mr. Strickland made a motion to approve the minutes as presented. Dr. Clemons seconded the motion. The vote was called and carried with a vote of 5-0-1, with Mr. Brantley abstaining.

**Agenda Item # 8: Attendance Review**

Chairman McCall noted that Mr. Hogan was not in attendance today due to a death in the family.

**Agenda Item # 9: Adjournment**

There being no further business, the meeting was adjourned at 3:32 PM.

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

September 7, 2021  
Date