

# MINUTES

Valdosta-Lowndes Zoning Board of Appeals  
Valdosta City Hall Annex Multi-Purpose Room  
300 North Lee Street, Valdosta, Georgia  
October 5, 2021, 2:30 p.m.

## MEMBERS PRESENT

Nathan Brantley  
Dr. Samuel Clemons  
Victoria Copeland  
Nancy Hobby  
John Hogan III  
John "Mac" McCall  
Marion Ramsey

## MEMBERS ABSENT

Allan Strickland

## STAFF PRESENT

JD Dillard  
Lauren Hurley  
Tracy Tolley

## VISITORS PRESENT

Roger Budd III

### Agenda Item # 1: CALL TO ORDER

The meeting was called to order by Chairman McCall at 2:34pm. 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-2021-12- Warren Property (5130 Lanes Pond Road)

JD Dillard presented the staff report for a variance to ULDC Section 4.04.03(D) as it pertains to Design Standards for Lots (Road Frontage). The property is in Southwest Lowndes County between Clyattville and Lake Park off Ousley Road. It is agricultural in character area with a 5-acre minimum to subdivide the property. The reason for the variance is that it has no road frontage to a public road. All access is granted off of a 60 feet recorded easement shared by several properties in the area. There are 7 other properties along that area. To subdivide, they would need a variance because there is no public access. They are requesting the variance to section 4.04.03(D) for the newly created lots. TRC had no additional comments or technical objections to the case. Mrs. Hobby asked what the total acreage of the entire property is in which they want to split 5 acres from. Mr. Dillard stated that he believes it is a total of 14 acres. Mrs. Hobby asked who owns the easement. Mr. Dillard stated that he is unsure of who owns the easement as several property owners use it. He confirmed that the easement is recorded. Mr. Brantley asked if Mr. Dillard has any information on how all these properties were subdivided without road access. Mr. Dillard stated that most of them were subdivided prior to the ULDC. There was a Family Ties case in 2017 for the parcel immediately across the street. Mrs. Hobby asked if all these folks are related. Mr. Dillard stated that the applicant could confirm that because he has no knowledge of their relation. In this case, it is Mr. Moore subdividing a 5-acre plat for his son. This property does not have a link to Family Ties. Mr. Brantley asked when if the County makes updates to the ULDC, if they are addressing double

divisions of properties utilizing family ties. Mr. Dillard stated that the use of Family Ties has a 5-limit subdividing rule. It is something that the County will address with the updated ULDC because what they are seeing is lots that have been subdivided using the Family Ties rule and then later those lots being subdivided again to someone outside of the family causing issues with access to the parcels. Because Family Ties allow parcels to be subdivided without road frontages but with a 40 to 60 feet easement, these issues are arising.

With no other questions for staff, the Chairman asked if the applicant or the applicant's representation address the Board. There was no applicant or representative present in support or opposition of the case. Mrs. Hobby asked if there was any knowledge as to why the applicant did not come to the meeting. Mr. Dillard did not know. With no further questions, the Chairman asked for a motion. Mr. Ramsey made a motion to table to case until next month when the applicant could be present to answer questions. Mr. Brantley seconded the motion. The motion passed (4-1-1 vote). Mrs. Hobby voted against tabling and Dr. Clemons abstained from the vote. The Chairman noted that the case can only be tabled twice so the applicant must appear at the next meeting for the case to be heard.

### **CITY OF VALDOSTA CASES:**

#### **Agenda Item # 3: VAR-2021-07- Budd Commercial Real Estate LLC (2145 Bemiss Rd)**

Ms. Tolley presented the staff report for a variance to LDR Section 230-9 Sign Standards as it pertains to wall signs. The property is a multitenant property consisting of 2 different parcels of 1.5 acres each. The subject property is 0.66 acres zoned Highway Commercial. The reason the variance request is before ZBOA is because the applicant is asking for a 406 square foot wall sign variable message board which are commonly seen within the city limits as free-standing sign. The applicant is asking for a variable sign that is 14.5 feet tall and 20 feet long for a total of 406 square feet. The technical issue is that the sign is too big and variable message boards are only allowed as freestanding signs. With the formula, the most the location could hold is 101 square feet of signage. Technically, even if the façade could hold it, staff is not able to permit a sign that is larger than 250 square feet and no one façade can hold more than 400 square feet. Another difficulty is that they are requesting a variable message board instead of a static panel. A variable message board is only allowed in certain districts as a part of a free-standing sign. Upon staff's review, there were no hardships found and staff recommends for denial. Mrs. Hobby asked what zoning digital signs are allowed in. Ms. Tolley said C-C (Community Commercial) and C-H (Highway Commercial). There is no issue with zoning. Mrs. Hobby asked what is the size of the rectangle that is on the façade of the theater which used to function as the marquee. Ms. Tolley stated that she does not have those dimensions and that Mr. Budd may be able to provide those dimensions. Mrs. Hobby clarified that that is where they want to put the sign, where the old marquee used to be. Ms. Tolley confirmed. Mr. Brantley asked if there are any other variable message boards affixed to building not freestanding. Ms. Tolley stated yes, that if the Board remembers back to Rugs Abound on the corner of James Road and St. Augustine Road, ZBOA approved a variance to allow two variable message boards as wall signs. They were smaller than what Mr. Budd is requesting but ZBOA granted the variance. Those are the only variable message boards with permits on a wall that staff is aware of. Chairman McCall recalled that for Rugs Abound the signage requested was the size of signage allowed but the variance was for a variable message board and not a size variance.

With no further questions for staff, the Chairman asked if the applicant or applicant's representation like to approach the Board. Roger Budd III approached the lectern. He stated that Budd Commercial Real Estate owns the shopping center that used to be the Beverly Theater a long time ago. It was built in 1955. The marquee that exists now would be the location of the new variable message board. The future of advertising is digital because it is cheaper and safer. Companies can advertise for a short term. He thanked ZBOA for approving the variance for the variable digital board that the company owns on

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Bemiss and Inner Perimeter. He stated that the dimensions for the marquee are 15 feet by 28 feet. He brought examples of variable message boards on theaters in other places such as the Roxy Theater in Atlanta, the Fox Theater in Atlanta and the Grand Opera House in Macon. He gave board members the examples. He passed around and quoted an article from Curve Atlanta Magazine from December 2019 stating that, "Downtown's push for digital lights in the arts district is starting to yield results. The Atlanta City Council approved legislation in 2017 based on the pitch by Central Atlanta Progress to call for the relaxation of ads and signage regulations. This ordinance slashed restrictions for advertisers and paved the way for light projections, billboards and other forms of signage. The first 13 sights were already approved and the list is expected to grow." He stated that the article was referring to the new Mercedes Benz Stadium and downtown Atlanta where digital billboards and wall signage billboards are revitalizing the neighborhoods. He stated that that is their argument. He stated that the theater has been hard to rent for many years. He said that his economic hardship is that it is a theater and it has a sloped floor which makes it cost prohibitive to try and get any usage out of this property other than theater usage. He stated that there has been a church who has rented the theater off and on for about 20 years now. He said the marquee is hard to change out because someone would have to go up there and change it out. He said that they are considering renovating to accommodate a comedy theater. There are 2 clubs in the commercial strip so they would like the ability to advertise the talent that would be coming there. He stated that he thought it would be good for the existing tenants for advertising. He said that this is a way to reinvest money in the community. He said that they would be willing to advertise emergency messages such as Amber Alerts. Dr. Clemons asked to confirm that the current marquee is 400 square feet, and he wants to put one that is 406 square feet. Mrs. Hobby stated that that would be 420 square feet and asked if they were planning to use that entire space. Mr. Budd stated that that was their intentions. Mrs. Hobby asked if there was a tenant in the building now. Mr. Budd stated, yes, that there is a church renting the space now. He added that the theater has been split in half down the middle and that one half of the theater is rented by the church and the other half is junk storage. He stated that there are multiple tenants down through the shopping center. He stated that the night club at the end had a fire 7 or 8 years ago and that it has been a process to retrofit the sprinkler system and bring it up to code to get the tenant back in the building. He stated that the addition of the advertising from the digital billboard will financially help with the lack of tenants in the theater building. Mr. Brantley asked if the sign was currently in use. Mr. Budd said that it is in use on and off. He said the current tenant has the authority to use it but that they must get on a letter to put the letters up. He said the letters are hard to find, made from plastic and easy to break. Mr. Brantley asked if the sign has been out of use more than 1 year. Mr. Budd said that he does not feel like it has been because the tenants can use it. Mr. Brantley asked Ms. Tolley why it is considered a nonconforming sign. Ms. Tolley stated that she has been here 13 years and does not ever remember the marquee being used and that it functions as a wall. Mr. Budd stated that the church is authorized to use it and whether they have used it or not is their own doing. Mrs. Hobby asked if Ms. Tolley has ever seen it lit up. Ms. Tolley said never. Mrs. Hobby said that she has seen letters up there but has never seen the entire sign used. Mr. Brantley asked to make the multmessage board viable at this location, does Mr. Budd need the 400+ square feet or will 100 square feet be adequate. Mr. Budd said that that is a lot smaller than the request. Mr. Budd stated that it was a question of if they wanted success in the shopping center because they are trying to revitalize the shopping center as the property owner. They want to fill up the shopping center. He stated that the bigger sign has been there for 65 years but has not been used and that the theater has been there for that long and has been vacant as well because there is not a demand for an old, oddly shaped theater. He said getting increased traffic in the plaza will help revitalize the area. Mrs. Hobby asked if when putting up the new digital sign, would they have to remove the old marquee or would they rework the marquee. Mr. Budd stated that they would probably use the frame of the marquee and reinforce it in the middle. Mrs. Hobby said it is an eyesore the way that it is now. Mr. Ramsey asked how the other tenants factor into this billboard and if they are going to have the availability of advertising at a low cost or if they would be charged regular price for advertising. Mr. Budd stated that he is under the impression that the other tenants can use that sign for business advertising purposes. Mr. Budd said that it would be to his benefit and their benefit to

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use the proposed sign. He said that it could be factored in to their rent. He said that would help them with not having to have advertising produced and save the tenants money on advertising. Dr. Clemons wanted to clarify that tenants would be charged a fee for using the sign. Mr. Budd stated yes, that is type of business that they are in with advertising and property management. He stated that he wants the business owners to be successful so that they will be successful. Dr. Clemons asked if, hypothetically, no one used the sign, what would they do then. Mr. Budd stated that they would put "Welcome to Valdosta" on the sign with the time and temperature. Mrs. Copeland wanted to confirm that the advertisements would only be for people in the plaza, not anyone else. Mr. Budd said, that is correct. Mrs. Hobby asked about the conditions of the application specifically if the variable board was placed there that there could not be another variable message board on the 3 or 2 acres. Ms. Tolley said that that would be at the board discretion. Mr. Hogan asked if there are any other signs of this nature in the surrounding area. Ms. Tolley stated that she is not aware of any. With no one in opposition of the case, and no further questions, Chairman McCall asked if any of the board members would like to make motion. Mrs. Hobby made the motion to approve the request as submitted with no conditions. John Hogan seconded the motion. The vote was 2 in favor and 4 opposed so the motion did not pass. Mr. Hogan stated that at night in that area particularly in the corner of the parking lot, if there is anything that happens, it happens there because it is dark. He stated that it would be good to have some illumination there. He stated that his question is how much illumination the variable message board would provide because there is a stop light there and it may interfere with visibility at the stop light. Mr. Hogan stated that it would be great to have something there to help illuminate the property to discourage dangerous activity. Mr. Hogan added that it is currently an eyesore and that something should be there besides the frame of a marquee that is not being used. Mrs. Hobby made another motion to approve the request with a condition that there be no more variable message boards on the property. Chairman McCall wanted to clarify that this piece of property that the motion is being made for is just the parking lot and the theater, so ZBOA can only address this piece of property. Because the other storefronts in the shopping center are technically on other pieces of property, the board cannot make a motion or vote regarding any other subject property besides the specific parcel applying for the variance. Chairman McCall stated that there is a storefront that is close to the subject property that is deeded to a separate individual, but it appears to be the same parcel but is in fact a different parcel all together. He wanted to clarify that for the board members because the two properties cannot be tied together. Chairman McCall stated that the zoning cannot dictate the messages on the variable message board. Ms. Tolley confirmed that Mr. Budd could advertise for anything that he wanted to and that it would be impossible to enforce rules for what was advertised. Mrs. Hobby asked if staff was aware that by allowing the variable message board to be put in that location, that the neighboring properties could then ask for the same request. Ms. Tolley stated that staff is aware and if adjacent property owners wanted to ask for the same variance, it would then be up to the board to grant or deny the variance. Mr. Ramsey asked if Mr. Budd put the sign up and another tenant wanted to put up a similar sign or free-standing variable sign up, they could do that. Ms. Tolley stated that that is a possibility. Chairman McCall spoke about precedent, meaning if ZBOA allowed Mr. Budd to do it, then another person could ask for the same request citing the precedent as this case. Chairman McCall stated that ZBOA does not set precedents for cases and makes decisions on a case-to-case basis. Dr. Clemons stated that if we allow Mr. Budd to do this and then deny another person from doing the same thing, there would be a lack of consistency in the variances granted. Chairman McCall stated that ZBOA has heard cases before that have argued precedent as a justification for why they should be able to do something the way that they want to. Individuals requesting variances can argue that. Mrs. Hobby reiterated her motion to approve the request as presented with the condition that there can be no other free-standing or wall variable boards on the property. Mr. Ramsey asked for clarification that the motion was made for the two-thirds of an acre that is being discussed. Mrs. Hobby clarified. Mrs. Hobby stated that she motions to place the variable sign on the empty marquee with the condition that there can be no other variable message boards (wall or freestanding) on the subject property. The motion failed because there were no second to the motion. Chairman McCall stated that the board could make another motion or motion to table the application until next meeting. Ms. Tolley

stated that if the request was tabled, what would be the justification be. Mr. Brantley made a motion to approve the variance for the multimessage board, but it must meet the size requirements in the Land Development Regulations of 101 square feet. Dr. Clemons seconded the motion. The vote was 2 in favor and 4 opposed. The motion failed. Mr. Hogan stated that the problem that he see is that it looks bad and wants to figure out how to beautify the area without it looking tacky. Mr. Hogan thinks the board needs more time to consider the request and consider all of the options. Mr. Hogan made the motion to table the variance request because he wants more information about how much illumination would be put out by the sign. Mrs. Hobby seconded the motion. The vote was 4 in favor of tabling the variance request and 2 in opposition of tabling the request. The variance request will be tabled until next month's ZBOA meeting. (4-2 vote)

**Agenda Item # 4: VAR-2021-08- RaceTrac Petroleum Inc (2102 W. Hill Ave)**

Ms. Tolley stated that the applicant requested to table the item. She is prepared to discuss the variance request and discuss the case with the board if they would like. Mr. Hogan motioned to table the request until next month. Mrs. Hobby seconded the motion. This agenda item will be presented at the next month's ZBOA meeting. Mr. Brantley abstained from the vote. (5-1-0 vote)

**Agenda Item # 5: Review of Minutes**

Chairman McCall asked if any edits were needed for the draft minutes. No changes or corrections were noted. Dr. Clemons made a motion to approve the minutes as presented. Mr. Ramsey seconded the motion. The vote was called and carried with a vote of 6-0.

**Agenda Item #6: Nomination of Chairman and Vice-Chairman**

The next item in other business is the nomination of Chairman and Vice-Chairman. Currently Mr. McCall is Chairman and Mr. Strickland is Vice-Chairman. Mr. McCall stated that he does not own the seat and is here to serve. He stated if anyone would like to take the chairman position, that is an option and that he is also okay with remaining the Chairman. Mr. Ramsey made a motion that the Chairman and Vice-Chairman seats remain as they currently are. Chairman McCall stated that the last time there were nominations, the nominations were made and then voted on at the next meeting. The nomination as made by Mr. Ramsey was to nominate Mr. McCall as Chairman and Mr. Strickland as Vice-Chairman.

**Agenda Item #7: Consideration and Adoption of 2022 Meeting Schedule**

Every board member had a copy of the 2022 ZBOA Meeting Schedule. Ms. Tolley stated that they can make changes now and must adopt the schedule in November. Everyone stated that they would like to look at their schedules to make sure that there are no conflicts and adopt the schedule in November. The dates that need to change or be bumped a week back are September (Labor Day), July (Independence Day) and January (New Year Holiday). Ms. Tolley stated she would update the schedule and send it out for their review.

**Agenda Item # 8: Attendance Review**

Chairman McCall noted that Mr. Strickland was not in attendance today due to an illness. His absence is excused.

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**Agenda Item # 9:    Adjournment**

Chairman McCall encouraged all of the Board members to check out the property in Mr. Budd's case to be prepared to discuss at the next meeting. There being no further business, the meeting was adjourned at 3:24 PM.

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

November 2, 2021  
Date