

# MINUTES

## Valdosta-Lowndes Zoning Board of Appeals

*Valdosta City Hall Annex Multi-Purpose Room*

*300 North Lee Street, Valdosta, Georgia*

**November 2, 2021, 2:30 p.m.**

### MEMBERS PRESENT

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

### MEMBERS ABSENT

Marion Ramsey  
Allan Strickland

### STAFF PRESENT

JD Dillard  
Lauren Hurley  
Tracy Tolley

### VISITORS PRESENT

Roger Budd III  
Delamar Jones  
Betty Jones  
Donna Jones  
Alphonso Hardnet  
Darrell Davis  
Rebecca Moseley

Laura Leonard  
Ivy Cadle  
Justin Warren  
Jenny Warren  
Etheridge Sewam  
Michael White  
Kenneth White

John Klimko  
J.O. Grant  
Faye Grant  
Mac Mackey  
Mary Catherine Mackey  
Bill Langdale  
Diane Sanderbeck

Amy Hall

### Agenda Item # 1: CALL TO ORDER

The meeting was called to order by Chairman McCall at 2:30pm. 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) (Tabled from the October 5, 2021 ZBOA meeting)

JD Dillard presented the case. He stated that the applicant is requesting to subdivide 5 acres from a property with a private easement. The ULDC requires a 60 foot road frontage by a public road, so the applicant is requesting a variance to ULDC Section 4.04.03(D) as it pertains to Design Standards for Lots (road frontage). The property is rural in nature and the surrounding lots meet the 5-acre requirement. With no further questions from staff, the applicant Justin Warren, approached the lectern. He stated that they are taking 5-acres and deeding it to his daughter so that she can build a house. He understands that the easement allows people to access their houses, but the subdivision is not affecting the easement. There were no others in attendance in support or opposition of the case. Staff recommendation was there are no technical objections to the request. Nancy Hobby made a motion to approve the request. Dr. Clemons seconded the motion. The vote was unanimous (5-0 vote).

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**Agenda Item #3: VAR-2021-13- City Switch II, LLC (Bemiss Road)**

JD Dillard presented the case. The applicant is requesting a variance to the setback requirements for a new telecommunications tower on a property located off Bemiss Road adjacent to the Lowndes County Fire and Rescue Station. The telecommunications company has a letter from the FAA stating that there is no hazard from the proposed new tower. They also have an engineering fall zone letter stating that if the tower were to fall, it would fall within 100 feet. The tower is proposed to be in the southern portion of the property. The tower's dimensions are 265 feet overall height including a 10 feet lightning rod. The landscaping standards have all been met. Setbacks are in question because the tower is required to be set back one-third of the height of the tower, meaning 88 feet from the right of way or parcel line. This requires a 3 and ½ foot variance to the setbacks from the east and south property lines. The regulations also state that the tower must be 110 percent of the height of the tower from any residential property including the lightning rod at 292 feet. There is an R-1 property to the east approximately 242 feet away and R-10 properties across Bemiss approximately 211 feet away from the base of the tower. The nearest residential structure is 360 feet from the base of the tower to the northwest.

Dr. Clemons asked if the tower was for first responders. Mr. Dillard stated that a program is being utilized to prioritize emergency calls on the cell tower. Dr. Clemons asked if it is an upgrade. Mr. Dillard stated that it is a new tower. Mr. Brantley asked if Moody Air Force Base has commented on the cell tower. Mr. Dillard said that Moody and the Valdosta Regional Airport have both been contacted and are both fine with the request.

Ivy Cadle (attorney at Baker Donaldson) spoke as representation for the case. He stated that the cell tower is a new installation to better serve the area. The site has been chosen as the optimal location based on regulation in the ULDC. He stated that they only need to meet one of the requirements to need a variance. He stated that if there were a hill in the area that were 200 feet tall, they would prefer to put it on the hill but as we are in flatland area, that is not possible. Mr. Cadle stated that providing quality cell service to an area that currently has poor cell service in Valdosta and Lowndes County is their main priority and goal. Mr. Cadle emphasized that if the tower were to fall due to a catastrophic event, it would fall within the 100 feet by 100 feet area according to the engineers. Some of the factors that are considered when determining the placement of a cell tower are cell service, proximity to residential areas, ULDC regulations and terrain. Mr. Brantley asked if the cell tower will only provide service to AT&T? Mr. Cadle pointed out that on the profile of the tower there are 4 positions meaning that other providers must use this tower and it be a full capacity before another cell tower can be built. If Verizon or T-Mobile would like to provide service, they first must look at this tower before they can go somewhere else. The Lowndes County Planning and Zoning office was contacted by a Lowndes County resident asking about microwave emissions from the tower, to which they were told that there were none.

With no other questions for the applicant and no others in support or opposition of the case, Mr. Hogan made a motion to approve the request as submitted. Dr. Clemons seconded the motion. The vote was unanimous (5-0 vote).

**CITY OF VALDOSTA CASES:**

**Agenda Item # 4: APP-2021-07- Budd Commercial Real Estate LLC (2145 Bemiss Rd) (Tabled from the October 5, 2021 ZBOA meeting)**

Tracy Tolley presented the case. The property is zoned to allow a variable message Board as a freestanding sign (not a wall sign). The applicant request has changed since last month. The applicant is now requesting is a 300 square foot variable message board as a wall sign and 106 square feet for a

static panel to utilize the entire marquee sign. There is no hardship so staff cannot recommend approval for the variable message board or the site of the sign. Last month, ZBOA discussed what digital signs had been previously approved. ZBOA approved two 50-foot wall signs as part of Rugs Abound. For scale, the two approved variable wall message boards were 5 feet by 10 feet equaling 50 square feet each. ZBOA considered and approved two 300 square feet variable free-standing billboards on Inner Perimeter and Bemiss Road. What Mr. Budd is proposing now is the same size variable message board on a wall a few feet off Bemiss' right-of-way. Dr. Clemons clarified that what was approved by ZBOA at that size were free-standing signs. Ms. Tolley confirmed. Dr. Clemons asked for clarification on why they needed a variance for the signs on Inner Perimeter and Bemiss. Ms. Tolley stated that the variance in that case were for the two variable message Boards replacing static billboards and their proximity to one another. Chairman McCall asked how high off the ground the approved variable message billboards are. Ms. Tolley did not know. Chairman McCall stated that they are presumably billboard height and stated that the current requested variance is for a sign the same size being lower to the ground because it is a wall sign. Mrs. Hobby asked if there are any conditions from staff if ZBOA were to approve the variance request. Ms. Tolley stated that if the variance was granted, staff would make the recommendation for a condition that no other free-standing digital signs can be placed on this same parcel.

Mr. Budd (the applicant) spoke in favor of the application. He stated that the change is for a 10 feet by 30 feet sign (300 square feet): a 27 percent reduction in the size of the original request. He suggested that it would be more in line with what has been approved by ZBOA in the past. He stated that the hardship for the property is that it is difficult to keep occupied by tenants because it was built as a theater. He stated that it has been occupied by a church for below market rent for many years. He stated that he wanted to revitalize the neighborhood with advertising. He stated that the roof of the building is 30 feet tall and that the sign would be 15 feet off the ground and closer to the right of way than the billboards on Bemiss. He said that they would consider reducing the light output at night. Mrs. Hobby asked for clarification on which buildings and parcels the Budds own. Mr. Budd stated that they own the plaza with multiple tenants on the same parcel with the theater but that they do not own the grocery store plaza next door. Mrs. Hobby asked if he had considered doing a free-standing sign with multi-tenant logos on this parcel. Mr. Budd said no because the sign for the marquee was already there so they would like to use that.

With no one else in support or opposition of the case, Dr. Clemons motioned to approve the application with staff's condition. Mrs. Hobby seconded the motion. The motion passed (3-2 vote).

**Agenda Item # 5: APP-2021-08- RaceTrac Petroleum Inc (2102 W. Hill Ave) (2145 Bemiss Rd)**  
**(Tabled from the October 5, 2021 ZBOA meeting)**

The applicant has asked to table the item again. Mrs. Hobby motioned to table the application. Dr. Clemons seconded the motion. The motion passed (4-0-1 vote). Mr. Brantley abstained from the vote as a conflict of interest.

**Agenda Item #6: APP-2021-09- Fellowship of Christian Athletes (2110 Jerry Jones Road)**

Chairman McCall recused himself from the case, so Mr. Brantley took the Chairman position. Ms. Tolley presented the staff report. The property at 2110 Jerry Jones Road consists of 1.1 acres and is zoned R-15 (single family residential) and contains a single-family residence. The FCA is looking for a house to conduct meetings. The FCA is categorized as a Fraternal organization by definition in the Land Development Regulations. They were initially approved for a location in 2010 at 304 Baytree Road with a Conditional Use. That location is no longer an option for the FCA. The variance is to the map that is part of the Supplemental Regulations created in 2009 that categorizes locations for fraternal

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organizations surrounding Valdosta State University. The house at 2110 Jerry Jones is outside of that map of approved locations for fraternal organizations. The variance is to locate a fraternal organization outside of the map of approved locations. If ZBOA approves the request, FCA's next step would be to apply for a Conditional Use Permit (CUP) where the Greater Lowndes Planning Commission (GLPC) will make a recommendation for City Council to vote to approve or disapprove the CUP. ZBOA's decision is not a blanket approval. Staff understands that the house and property are single family residential, however, the parcel is three times the size of the parcels in the neighborhood and has screening in the back of the property. Staff recommends approval to the variance from the map.

Mrs. Hobby asked if staff has an issue with parking. Ms. Tolley stated that parking would be addressed as part of the CUP. Ms. Tolley stated that staff recommends approval to the variance from the fraternal organization map with the condition that it is for FCA use only. More conditions can be added if or when the application for the CUP is submitted and presented to GLPC. Mrs. Hobby asked if the regulations for parking applies to this particular use. Ms. Tolley said yes. Then Mrs. Hobby asked if the formula for parking spaces is based on square footage. Ms. Tolley stated that she did not have the formula in front of her but that it is based on the square footage of the structure on the parcel. Mr. Brantley asked what other categories the FCA could fall under. Ms. Tolley stated that social organizations are a category but the best fit for FCA was Fraternal Organization. Social organizations are also not allowed in residential zonings so it would have come back to ZBOA anyway. A church would also require a CUP in this zoning district.

With no further questions from staff, Mr. Brantley asked if the applicant or the applicant's representation would like to speak on behalf of the application. Bill Langdale approached lectern as FCA's representation. He wanted to make it clear that the FCA is a religious organization. Mr. Langdale stated that the FCA administers support to middle school, high school, and college aged students through Bible study. He stated that parking would not be an issue because Bible study only takes place with one or two students at a time. He stated that there will not be a change in character because of the amount of traffic (or lack thereof). Mr. Langdale stated that his argument is that they are a religious organization and not a fraternity. Mr. Langdale stated that the Planning and Zoning Staff considers FCA as a fraternal organization, as it the Wesley Foundation which is located within the agreed map for fraternal organizations. He stated that the FCA has agreed that the house will remain residential upon their exit from the property. He stated that he should only be asking for a CUP in front of City Council and not be before ZBOA for a variance. He stated that as they are not specifically only serving college students, that they should not have to remain around the college. He stated that they need to be located closer to the high schools and other school systems. He stated that this is a prime location and that they are requesting a variance to excuse them from having to be located around the college. Dr. Clemons asked which high school the house would be closer to because the house is not located close to any school. Mr. Langdale stated that it is "centrally located." Mr. Langdale then said that what they mostly do is have a guest speaker visit the high schools. Mrs. Hobby asked how many people they expect at Bible study because she would expect at least 10 individuals in attendance. Mr. Langdale stated that the Bible studies are smaller than that. Mrs. Hobby said that she is looking at the site plan and it depicts an activity room and two Bible study rooms. She asked Mr. Willis directly at the most, how many students can be there at one time because a conference room is not for a one-on-one Bible study. Mr. Willis stated that the conference room is for the Board meeting and that Bible studies typically have 8 to 9 individuals (students and adult supervision). Mr. Langdale stated that they do not need more parking because there is adequate space considering the driveway and the garage. Mrs. Hobby asked how many people were on the Board. Mr. Willis stated that there are 16 Board members. With no one else to speak in support of the application, Mrs. Hobby asked Ms. Tolley if there are regulations about parking in a residential neighborhood. Ms. Tolley confirmed that parking in a residential neighborhood must be in the driveway, in the carport or on an improved surface. Mrs. Hobby stated that if they had a parking pad, that would work as an improved surface. Ms. Tolley confirmed.

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Mr. Brantley asked if there was anyone who would like to speak in opposition of the case. John Klimko approached the lectern. Mr. Klimko stated that he is a minister with the Central Church of Christ and is obviously very familiar and supportive of the FCA's mission. He stated that he has lived in the neighborhood for 25 plus years. He stated that he was surprised to learn that a fraternal organization would be approved to move into a residential neighborhood filled with quiet neighbors. The concern that the neighborhood has is that although FCA has a great ministry, it would change the neighborhood between Gornto and Alden, there are no parcels that consist of non-residential organization. The fear is that once this happens, a true fraternity can ask for the same approval. He counted 7 people in attendance that are present to represent opposition to the request. He asked if the Board members had questions for him. Mr. Hogan asked Mr. Klimko what he thought of Mr. Langdale's presentation regarding the FCA not behaving as a fraternity. Mr. Klimko reiterated that he believes that FCA will not behave like a typical frat house but that if ZBOA allows them the variance to locate in their neighborhood then another fraternity can come along and request the same thing. He stated that the FCA is a ministry but a ministry to students nonetheless. He reiterated that the only non-residential parcel on Jerry Jones is the fire station at Alden Avenue. Mr. Brantley asked Mr. Klimko if he would still oppose the variance if there were conditions. Mr. Klimko stated that if they allowed for the variance for FCA, what would keep other organizations for asking for the same request? H3 and the neighbors do not want anything to be allowed that is outside of residential use. Mr. Langdale clarified that there will be conditions attached to the Conditional Use Permit including hours of operation to ease concerns of the neighbors.

Diane Sanderbeck, a neighborhood resident, asked to speak. She lives directly behind the property in question. She provided the definition from the Land Development Regulations "Fraternal Facility- a building for an establishment which is chartered by national, stated or local organizations and affiliated with an educational institution to which it relates. Such establishment provides social and recreational facilities primarily for members (with visits by alumni or guests) and may provide lodging and meals. For regulatory purposes and without regard to gender, stand-alone student centers operated under the auspices of a church, charitable institution, or other student organization shall be included in this definition." She stated that her main concern along with her neighbors is precedent. She stated that she lives next door to college students currently and it is not pleasant. She also stated that she was a teacher who was a sponsor of the FCA.

O'Neal Grant then approached the lectern. He wanted to know who would own the property. Mr. Willis stated that FCA will own the property. He asked if they were expecting to pave the front yard. Mr. Willis said no. Mr. Grant then asked if there were ever a house used as a church in the Old Wood Valley area. No one could speak to that from the Board but someone in attendance confirmed that there was a house in Old Wood Valley that was used as a church space. Mr. Grant wanted to confirm that no one will be living in the house. Mr. Willis stated that no one would live in the house, that the house would be used as an office and meeting place. Mr. Grant stated that when setting up an organization (as he has done in the past), one of the ideas is growth. He stated that the house on Jerry Jones does not offer opportunities for growth because it is in a residential neighborhood. He stated that a good alternative would be to partner with one or a few of the many churches at the FCA's disposal as they would be more than willing to allow for a meeting place. Mr. Brantley asked if Mr. Grant could direct his comments to the Board.

Amy Hall then approached the lectern. Mrs. Hall stated that she serves on a Board and questioned if the persons making this decision is a paid individual or sits as a Board member for the FCA because she has experienced dealing with decisions made by previous Board members. She stated that these particular people will come and go as Board members or vested individuals but the decisions that they are making will remain and continue to affect the neighborhood. She stated that she supports the FCA but does not support the decision for the FCA to move into her neighborhood.

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Larry Mortonson then approached the lectern. He is a former high school teacher and coach. He asked the Board they could unequivocally say that this decision would not set a precedent for another organization. Mr. Brantley stated that conditions could be set for decisions made.

With no one else in opposition, Mrs. Hobby asked Ms. Tolley why this use would not work better in R-P (residential professional) zoning. Ms. Tolley stated that the variance asked for today would be a variance to the map set for fraternal organizations. Ms. Tolley reiterated that if ZBOA approves the variance, then they must apply for a Conditional Use Permit and City Council will go on to make a final decision. This case is not a rezoning case. Mr. Brantley asked which zoning district would allow social organizations. Ms. Tolley stated that every zoning district that allows a fraternity would need it under a Conditional Use Permit. In this case, a fraternity would need a variance from the map then a CUP. In 2010, FCA located themselves on Baytree and went through the CUP process. Mr. Brantley asked if the Planning and Zoning office had been notified. Ms. Tolley stated that the Board has the emails that were received by the public. She said that most phone calls were concerns about allowing a fraternity house in the neighborhood. She said that some people seemed okay with the condition that it would be for FCA only.

With no further discussion, Mr. Hogan made a motion to accept the variance request as submitted with no conditions. The motion failed without a second. Mr. Hogan made a motion to table the application because he wants to know what the Greater Lowndes Planning Commission has to say about it. Ms. Tolley stated that the FCA must apply for the CUP upon approval of the variance. Mr. Hogan stated that he was taking down the addresses of individuals who spoke and does not have the input of the neighbors directly adjacent to the property. Mr. Langdale spoke up from the audience and stated that he has a petition signed by all of the adjacent property owners giving consent for the FCA to move in. No copy or proof of such a petition was provided to Ms. Tolley or Planning and Zoning staff. Ms. Tolley stated that the case has been properly advertised for a month with a sign in the yard, certified mail sent to all adjacent property owners, and a public hearing posting in the Valdosta Daily Times. Ms. Tolley asked how much of a difference another month will make in the decision of the Board reiterating that the decision would only be a variance to the map of fraternal organizations located around Valdosta State University. Mr. Brantley stated that he believes that the immediate neighbors' opinion and consent is necessary. Mr. Brantley also stated that if there is such a petition, it needs to be provided to the Board. Mr. Hogan reaffirmed his motion stating that he would like to table the request until next month's ZBOA meeting. Dr. Clemons seconded the motion. The motion passed with Mr. Brantley being the deciding vote (3-2-1 vote). Mrs. Copeland and Mrs. Hobby voted against the motion, with Chairman McCall abstaining.

**Agenda Item #7: APP-2021-10- Southside Church of Christ (1198 Old Statenville Road)**

Ms. Tolley presented the case. Southside Church of Christ is zoned Residential Professional (R-P) and is on approximately 7 acres. The church is requesting to replace their static message Board with a variable message Board. Variable message Boards are not allowed in R-P zoning hence the variance request. The panel they are replacing are 3.3 feet by 10 feet in size. They want to take down that static panel and replace it with the variable message Board. The other portion of the sign with the church's name on it is 2.5 feet by 10 feet. Upon staff's review, there is no hardship, so staff does not support approval of the request. Staff recommends a condition that there be no more signage allowed on Clay Road on this parcel if the variance is approved. They otherwise would be allowed a sign for each road frontage. Chairman McCall asked Ms. Tolley why variable message boards are not allowed in R-P zoning as professional places could or would use variable message Boards. He asked if this something in the LDR that we see changing in the future because variable message Boards are becoming more prevalent. Ms. Tolley replied that staff views variable message boards as a commercial sign and should stay in C-C or C-H zoning. Mrs. Hobby asked if ZBOA approved a variable message board on Cypress Street near the current applicant's location. Ms. Tolley confirmed that, yes, ZBOA approved a variable message board close to Southside Church of Christ. Ms. Tolley stated that Morning Star Church is immediately

South. It is zoned C-C so it allows variable message boards by right. Michael White spoke in favor of the application. He stated that most of the leadership team is aging, and it is difficult to change the sign. He stated that they have also experienced vandalism on the open sign, and they would like to bring the church into the 21 Century. He stated that they were having to spend \$20,000 on replacing the sign and would like to spend it on something else. The cost of replacing the same sign is almost equivalent to replacing it with the digital sign. The digital sign will help them change the messages more conveniently. Mr. White stated that there are several examples of variable message signs on churches in the city.

With no one else in support or opposition of the case, Mrs. Hobby made a motion to approve the request as submitted with no conditions. Mrs. Copeland seconded the motion. The vote was unanimous (6-0 vote).

**Agenda Item #8: APP-2021-11- EMC Investments LLC (3120 N. Oak Street Extension)**

Ms. Tolley presented the case. The property consists of 1.17 acres zoned C-H (Highway Commercial) and currently holds Boot Barn. The applicant would like to remove the billboard and replace it with a billboard that is 15 square feet smaller. They want to put up a sign that is 378 square feet. There is another free-standing sign for Boot Barn (Cactus Sign). Staff reviewed the request and found hardship because they are reducing a nonconforming sign. Staff could approve 75 square feet, 24 feet tall freestanding sign. Staff recommends approval with no conditions. For clarification, the chairman recapped the statement by staff saying, this is a grandfathered sign that is being taken down and replaced with a new, smaller sign.

Mac Mackey spoke in support of the application. He stated that he owns the property and the sign's land lease is expired so he tried to buy the sign. However, the sign costs about twice as much as a new sign would be. He stated that if the sign was taken down, another one would be erected so he would do that himself so that he could advertise the business in the area that lease his properties.

With no one else in support or opposition, Mr. Brantley made a motion to approve the request as submitted. Mr. Hogan seconded the motion. The vote passed unanimously (6-0 vote).

**Agenda Item # 9: Review of Minutes**

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

**Agenda Item #10: Election 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. The nomination was made by Mr. Ramsey last meeting for Mr. McCall as Chairman and Mr. Strickland as Vice-Chairman. Mrs. Hobby motioned to approve the nomination. Dr. Clemons seconded the motion. The motion passed (6-0 vote).

**Agenda Item #11: Consideration and Adoption of 2022 Meeting Schedule**

Ms. Tolley made the changes from the previous meeting to the 2022 meeting schedule. With no further changes to the schedule, Mrs. Hobby motioned to accept the 2022 meeting schedule. Mr. Brantley seconded the motion. The motion passed (6-0 vote).

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**Agenda Item # 12: Attendance Review**

Chairman McCall noted that Mr. Strickland was not in attendance today due to an illness. Mr. Ramsey was not in attendance for work related conflict. Their absences are excused.

**Agenda Item # 13: Adjournment**

There being no further business, the meeting was adjourned at 4:07 PM.

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

December 7, 2021  
Date