

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

Valdosta City Hall Annex Multi-Purpose Room

300 North Lee Street, Valdosta, Georgia

February 8, 2022, 2:30 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF PRESENT

Lauren Hurley
Tracy Tolley
JD Dillard

VISITORS PRESENT

Roger Budd III
Ernest McDonald
Bart Holt
Kelly Kuhn
Bryan Almand

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-2021-15- Radar Site (5067 Radar Site Road)

JD Dillard presented the case. This case was tabled from the last month's meeting. The applicant is requesting a variance to ULDC Chapter 9.01.01(C) as it pertains to Nonconforming Structures in replacing a manufactured home after the time frame has expired after the home was destroyed by fire. It has been over a year. The ULDC allows for a replacement within a one-year time frame. Mrs. Hobby asked if the applicant would have to put in an application if they had replaced the structure within the time frame. Mr. Dillard stated that the applicant could have replaced the manufactured home within the time frame and the variance is for replacing the structure outside of the time frame. Mr. Ramsey asked how long the applicant would have to replace the structure once a decision was made today. Mr. Dillard stated one year.

The applicant, Ernest McDonald, approached the lectern. Stated that he bought the property and wants to put a new home in and was unaware of the time frame. Mr. Strickland asked how long it would take for the applicant to replace the structure. Mr. McDonald said by the end of this month. Mr. Strickland asked if 6 months would be a reasonable timeframe to replace the structure. Mr. McDonald stated that

6 months would be plenty of time. Mr. Dillard stated that a variance will expire after one year if no permits have been pulled.

With no one else in support or opposition, the board discussed. Mr. Strickland moved to grant the variance and allow for 6 months to replace the structure. Mr. Hogan seconded. The motion passed unanimously (6-0 vote).

Agenda Item #3: VAR-2022-01- La Quinta Valdosta (4598 North Valdosta Road)

Mr. Dillard presented the case. The applicant is requesting a variance to ULDC Section 5.04.07(E)(3) as it pertains to Permissible Permanent On-Site Signs, specifically awning signs. The property is a new hotel off Exit 22. The property consists of a little over 2 acres of Highway Commercial zoning. The ULDC only allows one wall face per building. The applicants are requesting two wall faces of the building have a sign (Northern and Southern facing sides of the building). The building runs parallel to I-75. Mr. Strickland asked if all other signage is going to meet ULDC regulations without variances. Mr. Dillard stated that this variance application is the only one they have received from this site. Mr. Brantley asked how big the sign would be. Mr. Dillard stated that the ULDC allows for a sign to cover 30% of the wall face.

The applicant, Mike Williams, with Williams Investment Company addressed the board. He stated that for maximum visibility, they are asking for a variance to the number of wall face signs. He stated the signs was exactly as presented on the PowerPoint (Lettering of La Quinta on the wall face) on both the north and south sides of the building. Mr. Williams stated that the signs are around 42 inches in letters. Mr. Strickland stated that usually, when there is a new commercial business, the complete sign package is submitted for the board to consider all signs at once. He asked why all the sign's schematics were not submitted in the variance request. Mr. Williams stated that they are only able to complete the survey after this variance is completed. Mr. Williams stated that there is only going to be one other sign, a free-standing sign. Mr. Williams stated that they do not intend on asking for a variance for any other signage other than this one.

With no one else in support or opposition, the board discussed. Dr. Clemons motioned to grant the variance as submitted. Mrs. Hobby seconded the motion. The motion passes unanimously (6-0 vote).

CITY OF VALDOSTA CASES:

Agenda Item # 4: APP-2022-01- Budd Billboards, LLC (3030 N. Ashley Street)

Ms. Tolley presented the case. The applicant is requesting a variance to LDR Sections 230-9(E)(5) & (6) Sign Standards as it pertains to Billboards. The property is located at 3030 N. Ashley Street. It is zoned Highway Commercial and currently contains a Title Max business. The billboard is located on the same lot as the title business. The current billboard structure is to be replaced because the lease has ended. The applicant intends to replace the existing structure with a structure that is the same height and size but with digital faces rather than static faces. The potential new structure would be a 41 feet tall sign with two digital faces measuring 10 by 34 feet in size (340 square feet). The new structure needs multiple variances. The first variance relates to its proximity to other billboards. There is a regulation in the LDR that states that a replacement billboard is required to be at least 1250 feet in radial distance from any other billboard. There are 2 billboards within the 1250 feet. One is across the street near Beall Optical. The second is south of the intersection of Ashley and Connell. The second variance is the size. They are proposing 340 square feet. It cannot be any bigger than the billboards that are being removed because of the placement of the digital billboard. The applicant is not proposing to remove any other billboards as required to replace the subject billboard. The third variance is height. The LDR allows 35 feet in height for a replacement billboard. The applicant is asking for a height of 41 feet. The fourth

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variance is for a digital billboard proximity to other digital billboards. The LDR requires at least 5000 feet between digital billboards. There are two within those 5000 feet. One is located at the Pool Store near Inner Perimeter and North Valdosta Road. The second one is Beall Optical at the corner of Barfield and Ashley Street (almost directly across the street). The fifth variance is no digital billboard can exceed 300 square feet in size. This sign is proposed to be 340 square feet. The last variance is that for each digital face, the applicant is required to remove 4 billboards and their related structures. The applicant is not proposing to do that. Staff reviewed the request, found no hardship, and recommend denial. Mr. Hogan asked how many boards are up there currently. Ms. Tolley stated that there are two billboard faces on one pole. Mrs. Hobby brought up that there is a round-a-bout going in that will affect that property. She stated that she does not understand why this variance is being considered if it will likely have to come down again. Ms. Tolley stated that Mr. Budd has the right to ask for the variance and that the round-a-bout is reportedly take place this year or potentially next year. Dr. Clemons asked Ms. Tolley what she meant by saying that the variance would have minimal to no impact on the community. Ms. Tolley stated that the variance would not impede anyone's ability to do business and will not affect the neighboring property values or water, sewer, and traffic in the area. Mr. Brantley asked how old the regulations are regarding the proximity of other digital billboards. Ms. Tolley stated that the LDR was drafted in late 2008 and became effective in January 2009. Mr. Brantley asked if City Council has considered amending that rule or considered why it is as restrictive as it is. Ms. Tolley stated that during her time here (over 13 years) billboard regulations have never been discussed by City Council. She stated that there have been amendments to sign regulations but that does not include billboards.

Roger Budd III approached the lectern. He stated that his intention is to replace the billboard with a similar structure and upgrade the face with digital faces. He stated that Budd Billboards has owned the structure since 2011 and the lease has expired on the structure so he would like to replace the billboard. In the past, Fairway has made a deal with buyers to sell the structure to the next owner. Mr. Budd stated that the goal would be to buy the structure and replace the static faces with digital faces. He stated that digital is the future of outdoor advertising. He said the prices of the panels have come down and it is safer and easier to maintain as a digital billboard. He stated that they would also do public service announcements and that they currently have 2 other digital billboards that they use for similar occasions. He brought information regarding Georgia Department of Transportation's (GDOT) round-a-bout project for the board's use depicting the proposed round-a-bout. He stated that the property in question would be affected. GDOT has reportedly stated that they would need the grass in front of the Title Max building and a row of parking spaces, impacting the driveway of the parcel. He said there is still ample parking for Title Max. The billboard is touching the south property line and would not be affected by the round-a-bout. Budd Billboards intends to keep the building and billboard as they are. Mrs. Hobby asked if they have been given an estimate for the portion of property that GDOT would take. Mr. Budd said no. Mr. Hogan asked Ms. Tolley if she knows about GDOT's sign regulations. Ms. Tolley stated that she is not aware of GDOT's sign regulations. Mr. McCall asked to confirm that there is a digital sign across the street from the subject property. Ms. Tolley confirmed. Mr. McCall asked about the size of that signage. Ms. Tolley stated that the size of that sign is unknown. There was a picture depicting the sign on the PowerPoint. Mr. McCall stated that there would then be two digital billboards competing for advertising across from one another. Mr. McCall asked Mr. Budd if he was aware of the regulation requiring him to remove 4 billboards to erect 1 digital billboard face. Mr. Budd stated that he has heard of the regulations. He stated that they have taken down 6 billboard faces in the past couple of years: 4 on Norman Drive in front of Lowndes High and 2 on Hill Avenue when the overpass was built. He said that that should count for something. He said he does not want to take down income producing structures. He also stated that the billboard across the street faces Ashley Street and his billboard will face Patterson Street. Mr. McCall asked Ms. Tolley if the billboards that he took down were taken into account. Ms. Tolley stated that this is the first that she is hearing of this information. Mr. McCall asked how long ago those aforementioned billboards were taken down. Mr. Budd stated the one on Norman Drive was taken down nearly 10 years ago and that the one on Hill Avenue was taken down when the overpass was constructed. Mrs. Hobby

asked if those were taken down because he was putting up more billboards. Mr. Budd said no. He stated that the one on Hill Avenue had to come down because of the overpass. He then said that Mr. Spell was the property owner of the one on Norman Drive so Budd Billboards did not have a say so but that it still came down. Mrs. Hobby asked who owned the structure now that is the subject of the variance application. Mr. Budd said Fareway. She asked if he was wanting to purchase the structure from them. Mr. Budd said yes. He then said that they have a lease with them that has expired. Mr. Budd said that they have a 90-day notice and when that runs out, Budd Billboards is planning on purchasing the structure from Fareway. Mrs. Hobby asked if Budd Billboards would still like to purchase the billboard if the variance does not get approved. Mr. Budd said yes. He followed up by saying that they would prefer to have digital signs there. Mr. Strickland asked Ms. Tolley how many static billboard faces must come down per digital billboard face. Ms. Tolley stated that for every digital billboard face, 4 static billboard faces must come down. Mr. Strickland then confirmed that Mr. Budd would need to take down 8 static billboard faces for this structure which will have 2 digital faces. Ms. Tolley confirmed. Mr. Ramsey asked Mr. Budd if he has received a variance for a digital billboard already. Mr. Budd confirmed. Mr. Ramsey then asked if the variance for taking down 4 static signs was granted. Mr. Budd said yes. Mr. Brantley asked if that was for the digital billboards on Inner Perimeter and Bemiss. Ms. Tolley confirmed. Mr. Brantley then concluded that Mr. Budd did not have to take down 4 static signs per digital face in that case, he was granted the variance. Mr. Brantley asked how many digital boards were erected in that case. Ms. Tolley stated that there were actually 3 digital faces there, one facing north, one facing south and one facing east. So, in total Mr. Budd was supposed to take down 12 billboards but received a variance from ZBOA and did not have to take down a single one. Mrs. Hobby confirmed with Ms. Tolley that if ZBOA so chooses, they can put a condition on the motion stating that Mr. Budd must take down 4 static billboards per digital face. Ms. Tolley confirmed.

With no one else in support or opposition, the board was open for a motion. Mr. Strickland stated that there are too many variances being requested in the one application and that he has a problem with everything that Mr. Budd is asking for. Mr. Strickland made a motion to deny the request as submitted. Mrs. Hobby seconded the motion. There were 3 board members in favor and 4 board members against the motion. The motion was denied.

Mr. Hogan made a motion to accept the variance request as presented. No one seconded the motion. The motion did not pass.

Mr. Ramsey made a motion to table the request until next month based on the regulations pertaining to removing static billboard faces for digital faces. Mr. Ramsey stated that Mr. Budd has been allowed to put up multiple digital billboards without following the Land Development Regulations rules about taking down static faces. Mr. Ramsey stated that he would like to investigate more regarding those regulations. Mr. Hogan seconded the motion. The motion passed (5-2 vote).

Agenda Item # 5: APP-2022-03- RaceTrac Petroleum Inc. (2102 West Hill Avenue)

Mr. Brantley recused himself from the case. Ms. Tolley presented the case. The applicant is requesting a variance to LDR Section 230-9(D)(4) Sign Standards as it pertains to the Size and Number of Freestanding Signs and Canopy Signs and LDR Section 230-11 Special District Regulations as it pertains to High-Rise Identification Signs. The property is at the corner of I-75 and Hill Avenue consisting of 10.4 acres zoned Highway Commercial (C-H). A portion of the property was annexed and rezoned into the city limits last year. The applicant is going to demolish the existing truck stop/gas station including the removal of the existing free-standing sign to build a new truck stop/gas station/convenient store in the near future. The applicant has submitted a sign package and need variances. First, there are two gas canopy signs that are proposed to be 55 square feet. They are allowed by the LDR to have one canopy sign per road frontage no larger than 16 square feet. The second variance is for two free standing signs.

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The first is the gas price sign proposed to be on West Hill Avenue. The LDR allows for a 24 ft tall, 75 square feet sign. They are proposing a 17-foot tall, 125 square feet sign so height is not an issue, but the size needs a variance. They are allowed two freestanding signs because they have two road frontages (Briarwood and West Hill Avenue). Their second sign can be 37.5 square feet per the Land Development Regulations. The scale sign that is proposed is 107.4 square feet rather than 37.5 square feet sign. The last variance is for a high-rise sign. They are proposing a 450 square feet high rise sign. The LDR allows for 250 square feet on a high-rise sign. Size is a technical difficulty and so is location. The high-rise sign is supposed to be located within the rear yard setback. The proposed sign is located in the secondary front yard on Briarwood. It is also required to be 150 feet away from a street right-of-way. The location is too close to Briarwood therefore needing a variance. Staff reviewed the case and could not find hardship recommending denial.

Mrs. Hobby asked if the Citgo sign on the corner of Briarwood and Hill Avenue is being taken down. Ms. Tolley confirmed. Mr. McCall asked if ZBOA had heard a variance from RaceTrac one exit north of this case. Ms. Tolley stated that he must be referring to RaceWay on St. Augustine Road off Exit 18. Mr. Ramsey asked if there would be any issues with DOT (Department of Transportation) regarding the placement of the signs. Ms. Tolley stated that DOT has their own sign regulations, and they review sign packages separately from the City. Ms. Tolley stated that she cannot speak for DOT requirements.

The applicant's representation, Jack Langdale, spoke to the board on behalf of RaceTrac. He stated that they have acquired DOT approval for all the proposed signs for the site. Mr. Langdale stated that he is excited to be working with the applicant because he lives down the road and the dilapidated Citgo site has been an eyesore for the community for years. He noted that he is going to comment as he goes through the variance requests on previous requests that are similar cases within ZBOA's jurisdiction that have been granted. He stated that he understands that ZBOA is not bound by precedent from previous decisions. He asked that this applicant receive a fair decision as their competitors have received similar variances. Namely Quick Trip which is their closest competitor who also received similar variances to pull customers off I-75. He stated that there are several nonconforming signs currently on the site that they will be taking down. He stated that the request that they are making is part of the standard sign package that RaceTrac has at all its facilities across the country. The first request for the canopy sign. He stated that the canopy is the covering over the gas pumps. He gave pictures to the ZBOA members so that they could have a reference. The applicant is requesting 2 canopy signs. He stated that one will be in the front of the facility facing W. Hill Avenue. The other will be on the interior of the property and will be back towards the middle of the property. He stated that they would be larger than 55 square feet but similar to gas stations on the same road with examples of Circle K, Quick Trip and Friendly Express. The next request is for the freestanding signs. The first of those is the free-standing price sign. RaceTrac standard sign in most facilities is a monument sign featuring a brick display on the ground with a pole. The layout is different at this site because some of the traffic will be coming off Briarwood and some traffic off the I-75 ramp. A monument sign there would block the visibility for other traffic and diminish visibility for neighboring businesses. They are requesting the free-standing price sign to be allowed in the place of the nonconforming Citgo sign so that they are taking out a nonconforming sign and replacing it with a better-looking nonconforming sign. The next freestanding sign is the CAT sign for scales to be placed on the interior property to direct the trucks to the scales. It is not an advertising sign but a sign to assist trucks to quickly clear the road. Last is the high-rise sign. They are requesting a sign measuring 450 square feet which is larger than the LDR allows. Quick Trip received approval for the exact same sign down the road. The variance will be for the size and the distance from the road. Mr. Langdale stated that there are really three roads touching this property: Highway 84 (West Hill Avenue), Briarwood, and I-75. They are asking for the variance to be 15 feet from the road but still will be 150 feet away from Highway 84 and I-75. The road that they would be closest to is Briarwood which is a much smaller, less trafficked road. He stated that they also have tall pine trees to contend with and wetlands on the back side of the

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property leaving little space other than the place they have chosen to place this sign. He gave examples of high-rise signs in the area: Olive Garden and Hampton Inn among several others within the city limits.

With no other discussion, Mr. Hogan made a motion to grant the request as submitted. Mrs. Hobby seconded the motion. The motion passed unanimously (6-0-1 vote) (Mr. Brantley recused himself).

Agenda Item # 6: **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. Mr. Hogan seconded the motion. The vote was called and carried with a vote of 6-0.

Agenda Item #7: **Attendance Review**

All board members are in attendance.

Agenda Item #8: **Adjournment**

There being no further business, the meeting was adjourned at 3:40 PM.

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

March 1, 2022
Date