

# MINUTES

## Valdosta-Lowndes Zoning Board of Appeals

*Valdosta City Hall Annex Multi-Purpose Room*

*300 North Lee Street, Valdosta, Georgia*

**March 1, 2022, 2:30 p.m.**

### MEMBERS PRESENT

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

### MEMBERS ABSENT

Marion Ramsey  
Victoria Copeland

### STAFF PRESENT

Lauren Hurley  
Tracy Tolley

### VISITORS PRESENT

Roger Budd III  
Patricia F. Denmark  
Kelly Kuhn  
Joe Tillman  
Tony Daniels  
Kevin Patel  
Vikram Patel  
Dineshkumar Patel  
Jimmy Cone

### Agenda Item # 1: CALL TO ORDER

The meeting was called to order by Chairman McCall at 2:32pm. 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.

### CITY OF VALDOSTA CASES:

### Agenda Item # 2: APP-2022-01- Budd Billboards, LLC (3030 N. Ashley Street)

Ms. Tolley presented the case which was tabled from last month's meeting. There has been an amendment to the case since the tabling. They would like to replace the billboard structure with a structure that is exactly the same height. They are now asking to use static panels on the billboards instead of digital faces. They are requesting a 41 feet tall static billboard panel structure with faces measuring 10 feet by 30 feet equaling 300 square feet. The billboard will be the same size and have the same location but will be a different structure. There will be 2 variances needed. First, they must be at least 1250 feet from another billboard. There are 2 billboards within the 1250 feet radius. There is one directly diagonal across the street behind Beall Optical with a digital face. The second billboard that is too close is about 1225 feet away, south of Connell's intersection with North Ashley Street. The second variance is for height. The LDR allows for replacement billboards to be no taller than 35 feet. This billboard is proposed to be 41 feet. The number of overall variances has been reduced by altering their request from last month. Staff reviewed it and did not find hardship and recommends denial. Dr. Clemons asked how far the proposed billboard is from the one across the street. Ms. Tolley stated 250 feet. Mrs. Hobby stated that in the past grandfathered in billboard signs have only been replaced due to

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damage to the structure. She asked Ms. Tolley if the board has ever approved the replacement of a billboard simply to put up another structure. Ms. Tolley said that maintenance and minor repairs are allowed without a variance. A replacement of an entire sign is more than minor repairs.

With no other questions for staff, the Roger Budd III approached the board. He shared the expired sign lease with the board as proof that the lease is up. He provided information regarding a variance that was granted at 3120 North Oak Street Extension for a billboard whose owner was Mac Mckey. Mr. Budd stated that in that case, there is a billboard located 472 feet away and the variance was granted by the board. The height of that billboard is 36 feet and ZBOA granted the variance. He stated that both of those variances are the same variances that he is asking for in this case. He said that Budd Billboards would like to continue business as usual with their own structure. He cited the Land Development Regulations 230-9D which states that Billboards constructed before 2007 can be replaced with conditions. Those conditions are the reason for the variance cases brought to ZBOA in this instance (distance from other billboards and height). Mrs. Hobby asked Ms. Tolley if the sign on North Oak Street Extension were grandfathered in signs. Ms. Tolley stated that the sign on North Oak Street Extension were built prior to the adoption of the LDR. Mrs. Hobby asked Mr. Budd if they have tried to purchase the structure from Fairway. Mr. Budd stated that negotiations will be open regarding leaving the current structure in place. Mrs. Hobby stated that the round-a-bout project with the Department of Transportation plays a role in this case. She stated that since the last meeting she has gotten in contact with DOT and that the project is supposed to start in September with land acquisition being the first step. Mrs. Hobby stated that she is having trouble understanding the urgency behind taking down a steel structure that will involve much effort and cost to replace with another structure that may not even be still standing within the year based on what DOT told her. She stated there was a discrepancy last month in information regarding DOT's acquisition of the property in question. Ms. Tolley stated that she was told that DOT are in negotiations with this property owner for the entire property. Mrs. Hobby then stated that she does not understand how the property owner went from wanting digital billboards to now having the exact structure but new. She stated that she feels like there is something that she is missing here. Mr. Budd showed a survey submitted to DOT created by Barbara Herring with the right-of-way portions being taken by DOT preserving their property and the parking lot. He stated that Title Max (the building occupant) wants to stay and can afford to lose a couple of parking spots. This would require re-routing the driveway to the south end of the property. He stated that DOT will not be acquiring this property in its entirety. He stated that in the billboard business and this is what happens in the billboard business. Mr. Strickland stated that the board has approved a similar situation on Baytree Road near the railroad tracks for Mac Mckey but it was simply an ownership change with the structure remaining. Joe Tillman spoke on behalf of Budd Billboard LLC. Mr. Tillman stated that the first action taken will be negotiating with Fairway to purchase the billboard from Fairway instead of replacing the billboard with a new structure that is exactly the same. Mr. Tillman then stated that DOT has spoken with Budd Billboard LLC and that the billboard is likely to stay even if more of the property is taken than anticipated. Dr. Clemons asked Ms. Tolley why the LDR states that billboards must remain 1250 feet from each other. Ms. Tolley stated that the LDR has the 1250 feet rule for billboards so that there would not be a billboard on every lot within the City Limits. There are regulations for signage and what is allowed in the various zoning districts. This instance would be the closest of any 2 billboards (250 feet) to one another if granted by ZBOA.

With no other questions and no one else in support or opposition, Mr. Strickland made the motion to grant the request as presented granting the variances for the replacement structure or the remaining structure. John Hogan seconded the motion. The motion passed unanimously (5-0 vote).

**Agenda Item #3: APP-2022-03- Grace Victory Holiness Church (303 North Barack Obama Boulevard)**

Ms. Tolley presented the case. The property is located at 303 North Barack Obama Boulevard. They are proposing to have a 42.35 square foot sign to include a 30.8 square foot digital message board. The digital message board will make up the majority of the freestanding sign. The property is zoned R-6 and contains a church. They currently have a freestanding sign with static panels. The 42.35 square foot sign will be on the North Barack Obama Boulevard street frontage. They have two road frontages: North Barack Obama Boulevard and East Rogers Street. They are permitted one freestanding sign per street frontage. The applicant would like their second freestanding sign to be on North Barack Obama Boulevard. Two variances are needed. One for location and another for height and size. Staff reviewed the application and do not recommend variable message board signs in a residential zoning district. Staff found no hardship. Staff recommends that if the board grants the variance, they consider a condition of allowing no other free standing or wall signs on the property and also the removal of the existing sign on North Barack Obama Boulevard.

With no other questions for staff, Tony Daniels approached the lectern. He is a trustee at Grace Victory Holiness Church. He stated that the current sign is being removed and the church would like to replace it with the variable message board sign. He stated that it is more convenient for the church and will be an addition to the community. Dr. Clemons asked Ms. Tolley about the residential nature of the neighborhood. Ms. Tolley stated that the property is surrounded by residences and a variable message board is considered a commercial sign. The only other non-residential property is a beauty salon to the north. Mrs. Hobby stated that she went out to see all the properties in question and noticed that there were 6 churches before she reached this church and not one of those churches had a variable message board sign. She stated that additionally she recently went to a residential neighborhood that is adjacent to a commercial property where lighting became an issue. Lighting is an issue for the neighboring residents and could be something that the church encounters. Mrs. Hobby asked if the parsonage is the property on the corner next to the church. Mr. Daniels confirmed. Ms. Tolley added that this property received a special exception nearly 20 years ago for a commercial daycare at this location (on church property). Mr. Daniels stated that he knows of two churches with variable message board signs within 4 or 5 miles of this property. He stated that there is a small apartment complex across from the church and the hair salon to the north but that most of the residences are far from the sign's proposed location. Mr. Brantley stated that the board approved a variable message board sign out on Clay Road. Mrs. Hobby stated that that church is in an industrial area not residential. The board discussed other churches with variable message board signs, all of which are in commercial zoning districts.

With no further questions, Mr. Hogan motioned to grant the variance with the condition that the existing freestanding sign be removed from the property. Mrs. Hobby seconded the motion. The motion passes (3-1-1). Dr. Clemons abstained.

**Agenda Item # 4: APP-2022-04- Baytree Apartments, LLC (2107 Baytree Road)**

Ms. Tolley presented the case. The property is 7.5 acres zoned Community Commercial. The applicant proposes to build apartments. There are two variances needed due to the supplemental regulations. Per the supplemental regulations, any apartment complexes with 150 or more units be on a collector or arterial street. This portion of Baytree is a local street. The second variance is for the roof pitch. Supplemental regulations require a 4:12 roof pitch for residential appearance. The applicant is proposing a flat roof. Staff understands that someone could build a commercial development with a flat roof. There could also be a commercial development there on a local street. Staff struggled to find hardship and recommends for denial. Mrs. Hobby asked about the paper that was given to all the board members with questions from a neighboring HOA. The board was given the email to review as it pertains to this public hearing. Ms. Tolley stated that the questions from the HOA are largely related to the plan review process which will take place once the development submits plans through the inspections department (i.e water

runoff and dumpster placement). Ms. Tolley reiterated that the variances that the board are considering are regarding 160-unit apartments on a local street and roof pitch. Mrs. Hobby asked how many units are in the apartments adjacent to this subject property. Ms. Tolley stated that she does not have that information. Mr. Strickland asked if they built 150 units instead of 160 units, could they do that without a variance on a collector street. Ms. Tolley confirmed.

With no further questions for staff, Mr. Jimmy Cone, the architect on the project approached the lectern. He provided the board with elevation drawings of this proposed complex and other apartment complexes with the same design featuring a flat roof in Valdosta and other counties in Georgia. He stated that the 4-story buildings will have a brick and stucco exterior. Mr. Cone stated that it may resemble a 4-story motel which would be allowed without a variance in this exact location but as it is an apartment complex, the supplemental regulations require them to get variances. Mr. Cone provided the board with elevation images of The Ashbury on Ashley Street that is almost the exact layout of the proposed property that needed no variances to be developed. Mr. Cone emphasized that other localities including Lowndes County are allowing flat roofs on residential properties. He provided the board with elevation photos of the Drury Inn across the street from this location which has a flat roof. The supplemental regulations stated that residential properties must have a 4:12 roof pitch. Mr. Cone stated that the trend has changed to where flat roof buildings are becoming more popular for residential properties. Mr. Strickland asked if there are cost savings using a flat roof instead of a pitched roof. Mr. Cone said no. Mr. Strickland asked if there was a life span difference in a flat roof versus a pitched roof. Mr. Cone said no but one of the advantages of the flat roof building is that for the apartment complex, they can put the air conditioning units on the roof instead of the ground. Mrs. Hobby asked about the regulation regarding the pitched roof, she asked the reasoning behind the regulation. Ms. Tolley stated that the regulation regarding the pitch of roofs in residential areas is because a pitched roof maintains a residential appearance versus commercial buildings which usually feature flat roofs. Mrs. Hobby asked if there have been improvements on how water drains from the flat roof. Mr. Cone stated that flat roofs were a no-no at one time because of they were notorious for leaking. That is no longer the case because of synthetic roofs. Mr. Cone went further to say that at the time that the LDR was adopted, most apartments were 2-story, and they were being built on the outskirts of residential areas, so the roof pitch allowed for consistency with the single family homes. This complex is in a commercial area with two of the building facing the interstate. Mr. Cone said that project is located on a local street. Before the red light, Baytree Road is a 5-lane collector. It changes to local at the red light. If this were a commercial building, these variances would not apply but as they are residential, the developers must go through this process. Chairman McCall pointed out that Baytree Road is a commercial road up until the red light where the road narrows into a local street but then after the corner is again a commercial area at the end of Baytree concluding that all of this is because of the distinction of this portion of road.

With no other questions and no one else in support or opposition of the case, Mrs. Hobby made a motion to approve both variances as requested. Mr. Strickland seconded the motion. The motion passes (5-0 vote).

**Agenda Item # 5: APP-2022-05 Budd Billboards, LLC (113 E. Florida Avenue) Request for a variance to LDR Sections 230-9(E)(5)&(6) Sign Standards as it pertains to Billboards and Variable Message Boards (Withdrawn)**

**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. Dr. Clemons seconded the motion. The vote was called and carried with a vote of 5-0.

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**Agenda Item #7: Attendance Review**

Mr. Ramsey is out for a work. Ms. Copeland is absent.

**Agenda Item #8: Adjournment**

There being no further business, the meeting was adjourned at 3:35 PM.

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

April 5, 2022  
Date