

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

Valdosta City Hall Annex Multi-Purpose Room

300 North Lee Street, Valdosta, Georgia

April 5, 2022, 2:30 p.m.

MEMBERS PRESENT

Allan Strickland
John "Mac" McCall
Marion Ramsey
Nancy Hobby
Victoria Copeland

MEMBERS ABSENT

John Hogan III
Nathan Brantley
Dr. Samuel Clemons

STAFF PRESENT

J.D. Dillard
Lauren Hurley
Tracy Tolley

VISITORS PRESENT

Donna Weldon
Evelin Medina Hernandez
Edna Harris
Jo Kuhlmann
Gary Kuhlmann
Priscilla Merchant

Agenda Item # 1: CALL TO ORDER

The meeting was called to order by Chairman McCall at 2:47pm. 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: VAR-2022-02- Kuhlmann (4282 Boring Pond Road)

Mr. Dillard presented the case. The request by the applicant is for a variance to ULDC Section 5.02.02(D)(3) as it pertains to the Freestanding Accessory Dwelling location. The property is approximately 11 acres off of Boring Pond Road, zoned E-A. The ULDC does allow for freestanding dwelling units in E-A zoning provided that they are occupied by a family member only in the side or rear yard. The applicant stated in the application that the only viable option for the location of the freestanding dwelling unit is in the front yard. The applicant has stated that due to health concerns, assistance from family members to maintain the property is needed thus the request for the dwelling unit in the front yard due to the location of the well and septic tank on site and existing farm structures. The subject property main structure is located 460 feet from the right-of-way. The neighbor on the right is set back approximately 160 feet from the right-of-way. The neighbor on the left is approximately 220 feet from the right-of-way. Photos were shown of the property exhibiting the existing accessory structures. The request is for a freestanding accessory dwelling unit in the front yard.

Mrs. Hobby asked if there was a minimum square footage for the house that the applicant wants to build. Mr. Dillard stated that there is not a minimum but there is a maximum. The maximum is 5000 square feet for the total property for accessory buildings. Mr. Dillard explained that the barn building would be measured in order to calculate the square footage remaining for the accessory dwelling unit.

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Mrs. Hobby noted that she saw the sand that was brought onto the property. She asked if this is where the new structure will go. Mr. Dillard confirmed.

With no further questions, the applicant addressed the board. Mr. Jo Kuhlmann spoke on behalf of the application. He stated that because of his health issues with his heart, he cannot physically perform the duties of the farm. The existing house as it is would not be able to be built on the same plane. He stated to the right is a dam for the pond and behind the house is the blueberry farm. The blueberries are their supplement for their retirement. His son comes to help but lives in Valdosta and cannot make it out to the farm every evening. His son, his son's wife and their daughter would like to live on the farm to help them and maintain the property. There is no room in the back but there is an empty field in the front. The new house would meet all the setbacks and road frontage requirements. He said the square footage on the new house will be 1350 square feet. Mr. Strickland asked if the house was going to be built with similar materials and similar colors to the existing house. Mr. Kuhlmann confirmed and said the only difference will be a metal roof instead of shingles.

With no further questions, the board opened it up for the public to speak in favor or opposition. Priscilla Merchant came before the board to speak on behalf of her mother, Edna Harris, the neighbor to Mr. Kuhlmann. She stated that she understands that the son of the applicant would like to come out to support the family. She stated that her mother lives alone and is 72 years old. She stated that the issue that her mother is having relates to flooding. She stated that she does not have any concerns about building another home in that location. She stated that her mother has spend 10,000 dollars in dirt to build up her land. She said that the applicant built up their land so much that the runoff is flooding her mother's parcel. She stated that they are concerned that with the new construction, the flooding will become worse. She asked that if the board approved the variance, that they would put something in place to protect her mother's property. She stated that the applicants have dug ditches, put in a pond and built up their crops to the point that one could watch the water runoff straight onto her mother's land.

Mr. McCall pointed out that Mrs. Harris' land are designated wetlands. Mrs. Harris stated that it has never been wet before. She went on to say that their property including their house and crops have been built up on an elevated plane leaving her property to become their runoff from irrigation. Mr. Dillard pointed out that on the survey provided there is a 25 feet wetland buffer setback line base on the NWI (National Wetland Inventory) where one cannot build upon the land without mitigation which accounts for runoff. He explained that the designation does not necessarily mean that the ground is actually wet but that have rules regarding what can and cannot be done in the area. There is a 25 feet setback on those wetlands to safeguard against flooding. Mrs. Harris asked if there was any way that ZBOA can stop the Kuhlmanns from flooding her property as it has been taking place since 2014. Mr. Dillard stated that runoff is an engineering question, not a zoning question. The Zoning Board of Appeals cannot address issues outside of zoning regulations. Mr. Strickland suggested that they contact the Lowndes County Engineering Department to investigate the concern. Mrs. Merchant reiterated that the Kuhlmanns are directly negatively affecting her mother's property. Mr. McCall stated that this board does not have the authority to make any decisions regarding engineering. He stated that issues that arise must be considered in the vote, but enforcement would be dealt with via the engineering department. Mr. McCall went on to say that issues that have occurred in the past are not within this board's ability to control or prevent. Mr. Dillard went on to say that when construction happens and permits are pulled, the inspections department will do their due diligence in assessing the situation. Mr. McCall stated that the survey that was provided shows that their proposed building is not within the wetlands, so it is buildable. Mr. Dillard reiterated that the variance is for the location of the building. Mrs. Hobby clarified that if the variance is approved, the construction could be stopped via the engineering department or the inspections department if there are problems including flood issues. Mr. McCall confirmed. Mr. Strickland asked if the Engineering Department had any comments on the staff

report. Mr. Dillard said no. Mr. Strickland went on to say that engineering would become aware of a problem once permits are pulled and inspectors inspect the property and can then act on those concerns. Mrs. Hobby asked if the engineering department had the information regarding flooding provided by the neighbor. Mr. Dillard stated that they did not. The only information that the engineering department received was for the placement of the building in the front yard. Mr. Kuhlmann wanted to address the board again. He stated that the reason that the dirt was initially brought in was because the neighbors property slopped down into their property. He said that they were getting all of the neighbor's water. As a solution, he dug a ditch to redirect the water to the swampy area in the back of the property. He stated that they have not added one load of dirt to the elevation of the blueberries. He stated that he put in a pond so that the water that was there can be directed to the swamp area with a pipe put in place for that purpose. He stated that it has only helped with the water runoff. Mr. Kuhlmann's wife stated that the house is built up but all of the water runoff from the house goes into the pond. Mr. Kuhlmann's wife also addressed a comment that the neighbors made about the crops being removed from the front yard. She stated that their orange trees were damaged in a frost and were dead so that is why they were removed. Mrs. Merchant then asked if their concerns would be forwarded to the engineering department. Mr. McCall stated that it is up to them to bring that up to the appropriate department as the Zoning Board of Appeals cannot render a decision or verify their claims.

With no further discussion, Mr. Ramsey made the motion to approve the application as submitted. Mrs. Hobby seconded the motion. The motion passed (4-0 vote).

Agenda Item #3: VAR-2022-03- Evelin Medina-Hernandez (4868 Peat Moss Road)

Mr. Dillard presented the case. The applicant is requesting a variance to ULDC Section 6.03.04 as it pertains to Sanitary Sewer System requirements. The applicant would like to place the desired mobile home on the property consisting of 2.75 acres on Piedmont Road. Maps were presented to the board showing the Lowndes County water and sewer lines also exhibiting the railroad that runs north and south near the property. The water line is 100 feet from the edge of the property. To connect the house to those lines, there would be an annual fee from the railroad to bore underneath and maintain the easement for the sewer equaling \$5000 a year. TRC considered the request and considered the distance from the railroad and the adjacent neighborhood and found no technical objections to the request. Mr. Strickland confirmed that both the water and sewer connections were on the other side of the railroad tracks. Mrs. Hobby asked who would be responsible for the fee for maintenance. Mr. Dillard stated that it would be the responsibility of the individual receiving the services (i.e. the applicant).

With no further questions for staff, the applicant addressed the board. Ms. Evelin Medina Hernandez stated that she purchased the lot last year and never considered that it would be difficult to get water. She reiterated that the water and sewer line are out of reach of her property and she would like permission to put in her own water and sewer system. She stated that her neighbors have a well and septic tank.

With no one in opposition, Mr. Strickland made the motion to approve as presented. Mrs. Hobby seconded the motion. The motion passes (4-0 vote).

Agenda Item # 4: APP-2022-06- Justin Moore (1109 and 1111 N. Patterson Street)

Ms. Tolley presented the case. The applicant is Dr. JC Moore requesting a variance to LDR Section 218-33 (BBB) as it pertains to Personal Care Homes. The subject property is located at 1109 and 1111 North Patterson Street for two personal care homes. The two properties are zoned Residential Professional (R-P) and consist of 0.23 and 0.4 acres within the Local Historic District. The applicant would like to

convert the two homes into Personal Care Homes one with 6 patients and one with 8 patients. They will need a Conditional Use Permit for both homes upon the approval of the variance. The reason for the variance is because of the size of the lots and the location of the Personal Care Homes. They are two parcels are adjacent to each other with proposed parking in the middle of the homes. Both houses will be separately licensed by the City of Valdosta as well as the State of Georgia. Each house will have its own staff. One reason for a variance is the size of the lot. For a Group Personal Care Home, the lots have to be a minimum of 1 acre. They are proposing the Group Personal Care Home at 1111 N. Patterson housing 8 individuals. That parcel is 0.4 acres. The second variance is for the location. These are two separate parcels immediately adjacent to each other. The supplemental regulations state that Personal Care Homes cannot be located next to each other or on the same block. Patterson is a collector street with offices, apartment complexes, a gas station and a daycare surrounding the property. The immediate area consists of mixture of uses. Staff realizes that this may fit into the mixture of uses meaning the neighborhood is not solely residential. Staff recommends for approval. Mrs. Hobby stated that the size variance is more than half of what is required. She asked why they are to be licensed separately. Ms. Tolley stated that the applicant wanted to license these two on their own and because they are getting a separate license for each property by the state, the City of Valdosta will follow with two separate licenses as well. It is staff's understanding that staff will not float between the two houses. They will be treated as one in terms of parking. Mrs. Hobby asked what had changed from the original application. Ms. Tolley state that the updated letter of intent is the only alteration to the application. Mr. Ramsey asked if each parcel is supposed to be an acre according to the LDR. Ms. Tolley stated that Dr. Moore wants 6 patients in 1109 N. Patterson and 8 patients in 1111 N. Patterson. With 6 patients, it is considered a Family Care Home needing no size requirement and with 8 patients, it is considered a Group Family Care Home which requires 1 acre of land. A Personal Care Home with 7 to 15 patients requires at least an acre of land. Mr. Strickland clarified that if Mr. Moore would like 6 clients per house, he would not need a variance for the size of land. Ms. Tolley stated that Mr. Moore's initial request was for 3 in one home and 4 in another so with the occupancy change, the size variance is needed. Mr. McCall asked if it was considered one facility on 0.63 acres, the only request would be for the variance of size. Ms. Tolley confirmed. Mr. McCall asked if the variance could be tied to this particular applicant so that another Personal Care Home provider could not come in and use the variance because of the added condition that the variance was granted to Mr. Moore. Ms. Tolley stated that that is a possibility, but staff would ask that if it is granted for Mr. Moore then it could be granted to anyone. Mr. McCall stated that his concern is that there are people who run these types of homes very well and others who do not run them very well and the property could go downhill very quickly. These are two historic houses on Patterson Street that are visible to everyone. Ms. Tolley advised the board to keep in mind that these houses are in the Historic District and if they do any alterations to the exterior, they are required to go before the Historic Preservation Commission. Mrs. Hobby stated that for 14 patients, there needs to be 11 parking spaces and there are only 8 parking spaces. Mrs. Hobby stated that she and staff talked and there is potential for 2 more parking spaces behind 1109 N. Patterson. Ms. Tracy confirmed and stated that the board should keep in mind that parking considers employees and patients. If the applicant cannot come up with the adequate number of parking spaces, the applicant can alter the number of patients or employees or request another variance. Mrs. Hobby stated that she has spent a lot of time at nursing homes and there will be visitors because these residents will have family. She continued that even if the family visitors only come at Christmas and Easter, there will be no place for them to park. Furthermore, this is not a street that can be parked on and there is a privacy fence on the back so no room to squeeze cars in if needed. They have no room to expand into a side yard on either property. She continued that to keep it from creating an institutional environment on Patterson Street. To clarify, Ms. Tolley stated that he is required 1 parking space for every 3 residents so for 14 residents that would equal 5 parking spaces. 1 parking space for each employee. With a proposed 6 employees, that would be 6 parking spaces plus the 5 for the residents equaling 11 needed. Ms. Tolley stated that the Historic District dictates the appearance and integrity of the structure, not the use of the structure. Mrs. Hobby confirmed that visitor parking spaces are not a requirement.

With no further questions for staff, the applicant (Mr. Moore) addressed the board. He stated that the previous owner owned the apartment behind the houses and the houses themselves. He stated that the land with the houses on them has a gate that divides property to the rear. He stated that the fence may be restricting the use to a larger portion of these properties. He stated that that may help with the parking. Mr. Strickland asked how people could access those parking spaces. Mr. Moore said that the privacy fence would have to be taken down. Mrs. Hobby asked Ms. Tolley if that would need to be reflected in a survey or site plan. Ms. Tolley stated that the extra space has not been discuss with her and this is the first that she is hearing of it. Shared parking has not been discussed previously. Staff would need to know how many parking spaces are located on the apartment complex side (rear adjacent neighbor) and determine if the apartment complex has the adequate parking for their tenants to then discuss a share parking agreement. Additionally, the owner of the parking complex would need to confirm in writing that shared parking is agreement between the two parties. Mr. Ramsey asked if the only solution is to move the fence or have a share parking agreement both of which may or may not be possible. Ms. Tolley confirmed. Ms. Tolley stated that the number of patients or employees could be decreased to reach the adequate number of parking spaces. Initially Mr. Moore was proposing 7 between the two houses and there would not have been a parking issue. He has gone from 7 to 14 patients. One house is a three bedroom, and one is a four bedroom so he would like to put two patients to a room. Mr. Moore asked what number of patients would make the parking right. While Ms. Tolley was doing the math, Mr. Ramsey asked if in Mr. Moore's experience with Personal Care Homes he has ever had issues with parking. Mr. Moore said no but that his congregation is nearby, and they could bus in the employees from the church. Mr. Strickland asked how much room the residents would have if the proposed number of residents is 14 within 7 rooms. Mr. Strickland asked if he was packing the houses for a greater financial gain or is their comfort being considered. Mr. Moore stated that he has done his research and these bedrooms are larger than most in other living facilities that put two in each bedroom. Mrs. Hobby stated that she is not as concerned with the bedroom space than she is the parking. Ms. Tolley stated that after crunching the numbers, Mr. Moore could have 9 residents (3 parking spaces) with 6 employees that would equal 9 parking spaces and there are 9 parking spaces on site. Mr. Moore stated that there will not be 6 employees there at one time. He listed the employees as 1 house manager for the 2 houses, 1 CNA for each house, 1 RN for the 2 houses, 1 LPC for the 2 houses. There will be weekend staff and overnight staff as well as day staff. Mrs. Hobby asked how many people would be there at one time. Mr. Moore responded that there would be 1 CNA at each house, 1 RN total, 1 LPN, 1 house manager. That would be 5 employees at one time. Ms. Tolley added that if there were 9 residents, that would alleviate the variance for the parking, but they would still need a variance for the location. Mrs. Hobby wanted clarification on the gate behind the houses and Mr. Moore's comment about accessing the parking behind the privacy fence. Mr. Moore stated that there is acreage behind the privacy fence that is their property but that they wanted to leave the site as is and utilize the parking that is existing. Mr. Moore stated that he is unaware of how much land is theirs behind the privacy fence. Mr. Ramsey stated that moving the fence might or might not increase the parking because Mr. Moore does not know how much property is theirs behind the privacy fence. Mr. Moore asked if he decreases the number of staff will that help with parking. Mr. McCall confirmed that the regulations call for 1 parking space per staff member so yes. Ms. Tolley stated that she does not know what the number of staff to patient ration is. Mr. McCall asked if it was 1 parking space per staff present or per staff at all times. Ms. Tolley clarified that it is 1 parking space per total staff at all times. Mr. McCall asked Mr. Moore how many staff members would be on site at one time. Mr. Moore stated that they have to have a house manager and 2 LPNs on site at all times. Mrs. Hobby asked Mr. Moore how many Personal Care Homes he has done before. Mr. Moore stated that he used to run a house for Normal Life of Georgia in Valdosta and he also did one in Houston. She asked where the house was in Valdosta. He stated on Northside Drive. Ms. Copeland asked for the address on Northside Drive. Mr. Moore stated that he did not know the address. Mrs. Hobby asked how many occupants were in the house on Northside Drive. Mr. Moore stated that he had 3 individuals with dual diagnosis, personality disorders and MR. Mrs. Hobby stated that he has experience in individuals

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with special needs and now his clients will be elderly. Mr. Moore confirmed. Mrs. Hobby confirmed that this is Mr. Moore's first time with an elderly population in a Personal Care Home. Mr. Moore confirmed.

With no further questions and no one present in opposition, Mrs. Hobby motioned to table the application until next month as Ms. Copeland has pulled up an aerial showing a good possibility of parking spaces previously marked off. Mrs. Hobby stated that she would like more investigation into how to expand the parking not just for staff but for visitors as well. Mrs. Hobby stated that she would also be open to considering a shared parking agreement. Ms. Tolley reiterated that staff must determine if the apartment complex has parking spaces to share. Mr. Ramsey seconded the motion. The motion passes (4-0 vote).

Mr. Moore asked to make a suggestion. He stated that his funding depends on whether or not this moves forward. He asked if there was any way to make a decision before next month's meeting. Mr. McCall stated that ZBOA does not do called meetings confirming that it will be on next month's agenda.

Agenda Item # 5: 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. Ramsey seconded the motion. The vote was called and carried with a vote of 4-0.

Agenda Item #7: Attendance Review

Mr. Brantley and Dr. Clemons are on Spring Break and Mr. Hogan has a family emergency. All are excused absences.

Agenda Item #8: Adjournment

There being no further business, the meeting was adjourned at 3:56 PM.

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

May 3, 2022
Date