

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

Valdosta City Hall Annex Multi-Purpose Room

300 North Lee Street, Valdosta, Georgia

May 3, 2022, 2:30 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

John Hogan III
Marion Ramsey

STAFF PRESENT

J.D. Dillard
Lauren Hurley
Tracy Tolley

VISITORS PRESENT

Donna Jones
David Madison
Bobby Willis
Melissa Moore
Judy Chason
Jan Johnson
Sandra Tooley

Keith Powell
Rob Plumb
Joshua Boswell
Thomas Reed
Frank Blair
Travis Pate
George Ward

Patricia Madison
Dianne Rigoni
Benjamin O'Dowd
Eddie Smith
Jim Hanson
Courtney Wilcox
Rudolph Robinson Jr.

O'Neal Grant
Faye Grant
Angel Phelps
Justin Moore
Leslie Daugherty
David Moore
Clayton Milligan
Sabine Albritton

Agenda Item # 1: CALL TO ORDER

The meeting was called to order by Chairman McCall at 2:31 pm. 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-2022-04- Coleman Road North Valdosta, LLC (3671 Coleman Road North)

Mr. Dillard presented the case. The applicant Red Apple Fireworks submitted a request for a variance to ULDC Section 5.04.07 (E)(3) as it pertains to permissible permanent on-site signs for the number and types of permanent on-site signs. The property is located at 3671 Coleman Road in the building formally known as Jumping Jacks. It is zoned Commercial Highway. The ULDC allows one wall sign per building face. In order to increase the visibility of the business, the applicant is requesting a variance to the allowed signage asking for an identical but smaller wall sign on its eastern face on Coleman Road and several round button signs to be located between the doors on the sides of the building for greater visibility along I-75. The signs would be lit internally at night. The sign for the Coleman Road section is approximately 103 square feet with the total endcap for that wall being 1840 square feet which allows for 552 square feet for signable area. Mr. Dillard presented elevation depictions of the button signs, each being an average of 58 inches by 58 inches. The walls in which the buttons signs will be places is 20 feet tall by 375 feet long totaling 7500 square feet. The roll up doors are 168 square feet per door. Total signable area is 2300 square feet. 30% of that number is 1500 square feet. The button signs are 18 square feet each on average totaling 216 square feet. The TRC had no additional objectionable comments. Mr.

.....

Brantley asked if the button signs would be illuminated. Mr. Dillard stated that they will be lit internally. Mr. Strickland clarified that the ULDC says that they can have one wall sign per building. Mr. Dillard confirmed. Mr. Strickland clarified that they are proposing two wall signs for the east and west faces of the building and then logo signs for product identification. Mr. Dillard confirmed. Mr. McCall asked if the tenant was occupying the full capacity of the building. Mr. Dillard confirmed and stated that a portion of the building is retail while the rest is storage of products.

With no further questions for staff, the applicant's representation Robert Plumb approached the lectern. He reiterated that the variance is for the number of signs allowed by the code. He stated that the unusual feature of the property is that it is long and narrow. The view from traffic on I-75 is limited because of its shape. He stated that customers enter the property on the Coleman road side and they need a sign to direct customers coming in off of I-75. He stated that the neighbors are all commercial. He stated that the building could be multi-tenant and if so, each tenant would be allowed signage. The signage complies with the size requirements from the ULDC. He asked for questions from the board. Mr. Strickland asked if Mr. Plumb knew what was going to go on the vacant lot south of the subject property. Mr. Plumb said that he did not know of anything. Mr. Strickland asked if there are any plans to put up a freestanding sign. Mr. Plumb said that they are not proposing any freestanding signs. Mr. Plumb reiterated that without the additional signage, if a customer got off at the exit, they would not be likely to identify the building.

With no further questions, Mr. McCall asked for anyone in opposition to the case. Mrs. Sabine Albritton approached the lectern. She lives at 3649 Coleman Road and owned her property since 1997. She stated that she is the only person that these effects. She said the lighting is an issue. She stated that there are 4 stadium lights that illuminate the inside of her residence. She asked if the sign on the west elevation facing Coleman Road is supposed to be up already. Mr. Dillard stated no, it is not supposed to be up yet because it is part of the case that is currently being heard. Mrs. Albritton stated that it is up. Mrs. Hobby confirmed that it is up. Mrs. Albritton stated that it was put up at 9:38pm and she showed photos of it being installed at night and it is illuminated. She stated that if the button lights are LED and supposed to be seen from the highway, it will no doubt light up her entire property. She stated that she has family and grandchildren that come over and even though it is a commercial area, her property is adjacent. She stated that Red Apple Fireworks are open until 9pm which is later than most commercial businesses which close around 6pm. She stated that when the building was Jumping Jacks, they closed early, and they were open on weekends, but it was never an issue. She stated that it has increase traffic and they fire off fireworks frequently which is unpleasant and cannot be distinguished from gunshots. She showed photos of her property. From her property to theirs is 101 feet. She stated that she is afraid to burn in her burn pile because of the proximity. She exhibited photos to show how the lighting affects her property at night. She stated that she wishes them success but does not want to be light up day and night now that they are the occupants of this building. She said that they have a sign that says that fireworks cannot be discharged but the employees light fireworks multiple times a day. She stated that the employees are young adults/teenagers and she feels unsafe. She stated that it is unsafe in general for people traveling on Coleman Road not expecting fireworks to be popping off. Mrs. Hobby asked Mr. Dillard if he was aware that the wall sign facing Coleman Road is up. He stated that he was unaware. Mrs. Hobby confirmed that the sign has been installed. Mrs. Hobby asked if there was a requirement for a landscaped buffer. Mr. Dillard stated that there is not a requirement for a landscaped buffer between commercial properties. Because there is a vacant commercial property between Mrs. Albritton's residence and Red Apple Fireworks, it is a unique situation. Mrs. Hobby asked if it would be within ZBOA's ability to require a buffer. Mr. Dillard stated that it could be part of the decision made today. Mrs. Albritton stated that she would like a privacy fence as a requirement as traffic has increased and being in a bathing suit outside is not comfortable at this point. She reiterated that she has lived there since 1997 and does not feel that the new commercial occupant should not impede on her way of life.

As there was no one else in opposition, the board discussed. Mr. Brantley asked how a residence ended up in C-H zoning. Mr. Dillard stated that most likely when the ULDC was adopted in 2006, the commercial property was rezoned based on an intention. In this case Mrs. Albritton's property is legal nonconforming meaning her residence was there prior to commercial development. Mr. Brantley clarified Mr. Dillard stating that rather than zoning the area residential, the county decided that commercial development could/should happen in that area so Mrs. Albritton's property is now one of the only residences that will be located on that road. Mr. Dillard confirmed. Mr. Strickland asked what the regulations are regarding buffering when a commercial zoning district is next to a residential zoning district. Mr. Dillard stated that it includes a 30-foot buffer that can be reduced by 50% with the addition of a 6 to 8 feet tall fence. Mrs. Hobby made a motion to approve the 2 end signs, deny the button signs and require a 30-foot buffer of vegetation or an 8 feet tall fence. Mr. Strickland seconded the motion. The motion passes (3-2 vote).

CITY OF VALDOSTA CASES:

Agenda Item #3: APP-2022-06- Justin Moore (1109 and 1111 N. Patterson Street)

Ms. Tolley presented the case. She reminded the board of the case that was tabled from last month's meeting. The application is for a variance to LDR Section 218-33 (BBB) as it pertains to Personal Care Homes. The application is for two properties at 1109 and 1111 North Patterson. They are zoned R-P (Residential Professional) and are in the historic district. There were concerns last month over the number of parking spaces. The applicant has decided to decrease the number of patients to 9 with 4 employees with 5 patients at 1109 N. Patterson and 4 patients at 1111 N. Patterson with 4 employees requiring 7 parking spaces. There are 9 parking spaces on the site plan. Last month, the applicant required two variances. 1 for lot size and another for having Personal Care Homes immediately adjacent. Because of the reduction in the number of patients, lot size is no longer an issue. However, the applicant will need a variance for placing two personal care home adjacent to each other. Staff recommends approval. Mrs. Tolley went on to say that the applicant will need a conditional use permit granted by City Council. Any exterior changes would have to go before the Historic Preservation Commission. Mrs. Hobby wanted to confirm that the applicant meets the parking requirements now that the number of patients has decreased with two spots left over. Mrs. Tolley confirmed.

With no further questions, the applicant, Justin Moore, addressed the board. He thanked the board for the opportunity to hear a case extending help to the elderly in our community. He stated that his board would like to move forward with 9 clients. Dr. Clemons asked if the patients are mobile. Mr. Moore stated that no clients will be bedridden.

With no further questions for Mr. Moore, the chairman asked if there was anyone in support of the application. Jack Hanson with IDP properties approached the lectern. He stated that there is a need in the community. He stated that the request is reasonable as it is surrounded by commercial properties.

There was no one in opposition. Mr. Strickland made a motion to approve the application as presented. Dr. Clemons seconded the motion. The vote passes (5-0 vote).

Agenda Item # 4: APP-2022-07 Fellowship of Christian Athletes (FCA) (2110 Jerry Jones Drive)

Chairman McCall recused himself of the case as he is a board member for FCA. Mr. Strickland stepped in as chairman. Ms. Tolley presented the case. She reminded the board that this application was tabled in September of last year. At that time, the applicant decided to withdraw the application and are now returning for the same request. The application is a request for a variance to LDR Section 218-13 (BB) as it pertains to use standards for Fraternal Facilities. The subject property is located at 2110 Jerry Jones Drive consists of about an acre and is zoned R-15 (Single-Family Residential). It currently has a single-

.....

family house on the property. The applicant will use this house as the office space or meeting space for the Fellowship of Christian Athletes. Fraternal Organizations have a specific area of locations that around Valdosta State University where they can locate. This property is outside of the permitted area. FCA is considered a fraternal organization under the definition of the Land Development Regulations. Staff reviewed the application, understands that it is not close to VSU or the map for fraternal organizations and recommends for approval. There is adequate vegetative buffering on the rear of the property, is a larger lot and should have adequate parking. If the variance is approved, a conditional use permit (CUP) is required by City Council. Mr. Strickland asked if the CUP is not granted, then they could not use the space. Ms. Tolley confirmed. She also stated that if the variance is not granted, FCA cannot use this space for their use.

Mr. Strickland asked if there is anyone from FCA who would like to speak in support of the application. Mr. Bobby Willis, the area director for FCA, approached the lectern. He stated that FCA serves 11 counties and ABAC and VSU. He wanted to point out that FCA is not a fraternity. This will not be a frat house. He stated that they are a Christian organization. There will be no drinking or rude language allowed. They want the house to look like the rest of the neighborhood, to be part of the neighborhood and have small bible studies. Small bible studies are 8 to 10 people maybe 3 times a week. No one will live in the house. There will be always an adult present. He stated that if they were ever to vacate the house, it would go back to being a residential use. There will be no signs on the property, only FCA on the mailbox. He stated that they use churches for larger events. Most functions happen at the schools and churches. He stated that the house has been rented out by college students so it has been more like a frat house than the neighbors would like. He stated that their hours are 8:30am to 5:00pm Monday through Friday but they usually leave work at noon on Fridays. Ten times a year, they will host board meetings at this location from 12:00 pm to 1:00pm. FCA has talked to all of the surrounding neighbors and feel that the neighborhood is on board with the request. Mr. Willis stated that he wants to save our kids in the community and FCA needs this property to do God's work. Dr. Clemons stated that his experience with FCA is that they minister to individuals that are lost. He asked if someone is drinking and smoking, what are they considered. He stated that if you minister to "lost individuals", some of those people may conduct themselves in a less than favorable manner. Mr. Willis stated that they would not be among the people at that house. Dr. Clemons asked how he would minister those people if not at the house. Mr. Willis stated that FCA goes to college campuses and high school campuses, not to the neighborhood. Mr. Willis stated that those types of activities will not happen at the house. Dr. Clemons asked about security. Mr. Willis said there are security cameras. Dr. Clemons stated that the board has received emails for and against this request regarding a frat house going into the neighborhood. Mr. Willis stated that he is offended that FCA has been considered a fraternity. Mr. Willis stated that they currently have a small office on Baytree and security has never been an issue. Mr. Brantley asked if there are plans for changing the parking. Mr. Willis stated that the parking is sufficient, and they do not intend on changing anything. Mr. Brantley asked where he foresees people parking. Mr. Willis stated that the circular drive is wide enough for a car to be parked and another car to get by. There is also a 3-car garage. Mr. Brantley asked Ms. Tolley what the parking requirements are for this use in this zoning district. Ms. Tolley stated that parking table in the LDR list civil/social organizations which fits better than any other distinction which equals 1 parking space for every 200 square feet of heated floor area. They need 12 parking spots. Mr. Brantley asked if the parking spots need to be marked. Ms. Tolley stated that parking is required to be on an improved surface. Overflow parking can happen in certain situations. Mr. Brantley asked if Ms. Tolley believed that there is enough room for 12 parked cars. Ms. Tolley stated that she believes there is. Mr. Strickland asked how many staff will be there at any given time. Mr. Willis said 2 to 3 employees but a lot of times there will be only one employee.

Mr. Strickland asked if there was anyone in support that has new information to provide to the board. Travis Pate approached the lectern. He is the chairman of the board for FCA. He wanted to add that the property was previously rental property rented by college students. He said the activities that were taking

place at that property previously will not be taking place there once FCA has occupied the space. Furthermore, the hours will ensure that no one will be on the property after 5pm. He stated that FCA plans to maintain the property in an orderly fashion. He added that Jerry Jones is about to be widened and businesses are expanding and reaching up into this neighborhood spanning from Baytree Road to Jerry Jones Drive. He stated that FCA would protect what is there. He stated that they have a stewardship obligation as they are entrusted with money to carry out the mission of the organization and found their best option as locations closer to VSU are more costly.

Faye Grant, a neighboring property owner from Brighton Place approached the lectern. She stated that there is one yard between her property and the proposed FCA home. She stated that she is not against Fellowship of Christian Athletes but she is against the rezoning of any property on Jerry Jones. Mr. Strickland stated that this board has no power to rezone anything. Mrs. Grant stated that she just wants ZBOA to know that she is against the application. She clarified that she is not for FCA being located on Jerry Jones.

Dave Madison, an FCA area representative, stated that their primary focus is on coaches and athletes. He stated that athletes already have requirements that they cannot drink or do drugs. They also have a curfew. Many of the concerns are alleviated through the ministry itself. Mr. Madison stated that the house is equipped with a full security system and cameras inside and outside that can record activity.

George Ward, a Jerry Jones resident and adjacent property owner to this property, asked for clarification on the variance that would be granted at this meeting. He asked if a precedent would be set based on the board decision today. He asked that in the case that FCA would change locations, if another applicant could come in and put a fraternal organization in this location because of the decision being upheld today. Mr. Strickland clarified that the board could put most any type of restrictions on the decision made. He stated that normally once a variance is established on a parcel, the variance stays with that parcel unless there is a condition attached to the use. Mr. Strickland stated that the bi-laws state that precedents are not set based on former decisions made by ZBOA. Mr. Ward stated that he understood Mr. Strickland but years from now, there will be a different board so this board cannot say what is to happen. Mr. Brantley stated that there will be a record made that would be tagged on to the parcel. Mr. Ward made the request that the condition be set so that when FCA moves on, so will the variance. Mr. Strickland stated that the board understands. Mrs. Hobby asked Mr. Brantley his legal opinion regarding precedent. Mr. Brantley stated that the variance can be conditioned so that it only applies to FCA and that the bi-laws indicate that no precedent is set but if a lawyer was arguing for a fraternity to be placed in a similar location, a good argument would be that ZBOA just granted such a variance to FCA. Mr. Brantley stated that while it may not be a precedent, it could be a pattern. Ms. Tolley stated that she has had applicants come into her office to request variance solely because other similar variances were granted. Mr. Brantley stated that the board can dismiss the argument, but the argument can be made. Mr. Strickland reiterated that each case stands on its own and the board is to hear each case on its own.

Mr. Strickland acknowledged the email that the board received in opposition and an email in favor of the case. Mr. Brantley made the motion to approve the application as submitted with a condition that the use is only granted for ministry provided by FCA. Mrs. Copeland seconded the motion. The motion passed (2-1-2 with conditions). Mrs. Hobby voted against. Dr. Clemons and Mr. McCall abstained.

Agenda Item #5: APP-2022-08- Gray Murray (3340 Inner Perimeter Road)

Ms. Tolley presented the case. Gray Murray is requesting a variance to LDR 210-2(G) as it pertains to lot frontage for all non-residential uses. The property is located on the southern side of Inner Perimeter Road in front of Publix. The subject property is zoned C-C, R-P and C-H. They are looking to subdivide 3 outparcels on Inner Perimeter Road between the private road and Inner Perimeter Road. The reason

.....

for the variance is that it is in the Inner Perimeter Corridor Overlay District. It requires a 200-foot minimum lot frontage. What they are proposing are 3 parcels with 190 feet, 140 feet and 150 feet lot frontages, all less than what could be approved administratively. The 200-foot minimum is to lessen curb cuts and cluster. The board has seen a similar situation twice before at a property west of this property and was approved by the board. It is currently undeveloped commercial area. Staff recommends denial because there is no hardship but understands that ZBOA is not bound to the regulations as strictly as staff. Mr. Brantley asked how side the lot for the bank that is an adjacent property. Ms. Tolley stated that that property was considered by ZBOA and granted and that it is close to 150 feet wide. She stated that the applicant may be able to provide the number.

Benjamin O'Dowd approached the lectern. He stated that he is working on the project with LEA and could answer any questions. Mr. McCall asked if any of the lots will have outlets onto Inner Perimeter Road. Mr. O'Dowd confirmed that no outlets will be on Inner Perimeter Road. Mr. McCall asked about the intention for the wooded area. Mr. O'Dowd stated that it is unusable wetland area. Mr. Brantley asked if Mr. O'Dowd would have any objection to a condition stating that there can be no outlets on Inner Perimeter Road. Mr. O'Dowd stated that he would not have an issue with that.

There was no one in support and one person in opposition. Angel Phelps approached the lectern. She is a resident of Justin Drive since 2007. She stated that she was always aware that the property would become developed but has some concerns. Her main concerns are that there will be more traffic with no access to Inner Perimeter leading to a traffic pattern with all traffic coming off of Brookfield Road. She stated that the traffic is constant with the amount of development. She stated that the residents cannot bypass the traffic. Her other concern is the noise factor. She stated that she is not directly behind Publix but hears the trucks from Publix constantly and would like a buffer to be enforced. Her third concern is for the wildlife. Geese live in the pond and go out into the road. She asked if the applicant has a plan to relocate the wildlife.

With no further questions or comments, Mr. Strickland made a motion to grant the request as submitted with a condition of no direct access to Inner Perimeter Road from each parcel. Mrs. Hobby seconded the motion. The motion passes (5-0 vote).

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 4-0-1. Mr. Brantley abstained.

Agenda Item #7: Board Discussion of Board Work Session

Ms. Tolley stated that she has discussed monthly workshops with the Planning and Zoning Director, Matt Martin. Mr. Dillard and Ms. Tolley spoke and decided that ZBOA would benefit from work sessions. She stated that the Greater Lowndes Planning Commission has a work session one week prior to the regular meeting to go over cases, ask questions and give staff opportunities to do research. She stated that it would require staff to prepare the report a week in advance and require ZBOA members to attend another meeting. The meetings could be held at a preferable time and place for the ZBOA members. Mr. McCall asked if there was a requirement for minutes. Ms. Tolley stated that there is no requirement for minutes. A workshop is required but not mandatory. Mr. Dillard stated that the work session is voluntary and optional. Mr. Brantley stated that he would like the opportunity to talk amongst the other board members to a talk through a proposed motion before the meeting finding a middle ground or discuss optimal outcomes. Ms. Tolley suggested a round table discussion in the Engineering conference room. Board members asked if it could be done at a lunch time. Ms. Tolley and Mr. Dillard confirmed. Mr. Strickland

.....

asked if the work sessions are public hearings if the public can speak. Ms. Tolley stated that generally, no, the applicant or public can't speak but may be able to ask questions. Mr. McCall asked if it has to be advertised. Ms. Tolley stated that it must be publicly advertised with a 24-hour notice with it appearing on the website and having signs on the doors. Mr. McCall asked if there would be a public agenda. Ms. Tolley stated that the agenda would look much like the regular meeting agenda with the cases being the speaking points. Mr. McCall stated that his only request is that it is completely voluntary. When asked about the timeline, Ms. Tolley stated that her deadline is the 25th of each month and Mr. Dillard stated that the county's deadline. Mr. Strickland made a motion to vote on a decision regarding the work session during the next meeting. Dr. Clemons seconded the motion. The motion passes (5-0 vote).

Agenda Item #8: Attendance Review

Mr. Hogan and Mr. Ramsey are absent. Mr. Hogan is dealing with an emergency. Mr. Ramsey had no excused absence.

Agenda Item #9: Adjournment

There being no further business, the meeting was adjourned at 4:05 PM.

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

June 7, 2022
Date