

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

Valdosta City Hall Annex Multi-Purpose Room

300 North Lee Street, Valdosta, Georgia

September 13, 2022, 2:30 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Allan Strickland
Nancy Hobby

STAFF PRESENT

JD Dillard
Lauren Hurley

VISITORS PRESENT

Jolie Denmark
Rob Borders
Celine Gladwin
Scott Colosi
Trevor Shaw

Agenda Item # 1: CALL TO ORDER

The meeting was called to order by Chairman McCall at 2:30 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: Knights Academy Subdivision (Bemiss Knights Academy)

JD Dillard presented the case. The request is for a variance to Section 6.03.03 of the ULDC as it pertains to Potable Water System Requirements and Section 6.03.04 as it pertains to Sanitary Sewer System Requirements for the property to be further subdivided and be served by well and septic. The subject property is located along Bemiss and Knights Academy. The parent tract is a little over 100 acres. It is within the 100-foot buffer. The lines themselves are located 700 feet from the property. The ULDC states that if you are within 1000 feet of the lines, you must connect to those lines. The proposed subdivision is for 9 lots with lot 1 remaining largely the same due to the wetlands. The remaining 8 parcels will be minimum of 3 acres each. Zoning regulations require that these parcels are at least 2.5 acres in size. Lot 9 is approximately 25 acres. In 2016, there was a request by the property to the left of lot 9 which was 250 feet away from the water and sewer lines with cost as the hardship. The board approved that variance with the condition that it be for one house on the subject property. A petition of support of the variance request was given to the ZBOA members that was submitted to the Lowndes County Zoning Office from the neighbors. The character area supports denser population along these roads.

Mr. Brantley asked the distance to water and sewer. Mr. Dillard responded approximately 700 feet to the north. Mr. Brantley asked if the applicant were to tie into those lines, would they be sufficient to handle the additional supply of water and sewer. Mr. Dillard stated that according to the utilities director,

it would be sufficient for the proposed 8 lots keeping in mind that the 9th lot (tract 1) is going to remain an undeveloped lot. Mr. Brantley asked how they would actually connect to those lines. Mr. Dillard stated that they would have options based on easements whether to go along the road or through the parcels but that it would be a decision of an engineer. Mr. Hogan asked what the staff recommendations were. Mr. Dillard responded that besides the cost, there is no unique hardship so by default, denial is recommended. Dr. Clemons asked what the alternative is. Mr. Dillard responded that the alternative would be well and septic tanks placed on the individual lots.

With no further questions from staff, Trevor Shaw, addressed the board as the applicant. He stated that the civil engineer, Jeff Lovell, reported that it would take coming all the way down to Knights Academy and turn to run the utilities back up. He said that the creek would have to be crossed twice with two different boars. Radney Plumbing provided him with a quote for \$450,000 to serve those lots with the utilities. That does not include the \$3000 engineering fee for the mapping to be completed in preparation for the dig, The tanks are \$3000 to \$5000 a piece and 8 fire hydrants. It is extremely expensive. He stated that he lives down the street on Stallings Road and that his children would like to live there. He stated that he was told that Crestwood subdivision is at max capacity for their utilities. He stated that if it were cost effective to do so, someone would have already put houses there. He was also told by Lovel Engineering that the connection was 852 feet away. So, with 48 feet of difference, he would not be required to request a variance. He stated that it would entail boring under the road and twice under the creeks and \$55,000 for fire hydrants. He stated that there are no other fire hydrants down Knights Academy Road.

With no one present in support or opposition, the chairman asked for a motion. Mr. Brantley made a motion to approve the application as submitted. Mr. Hogan seconded the motion. The motion passed with a unanimous vote (5-0).

VALDOSTA CITY CASES:

Agenda Item #3: APP-2022-09- June Colosi (314 E. Park Ave.)

Ms. Hurley presented the case. Ms. Hurley stated that this case is being reviewed by the board for the second month because of procedural failings. In last month's ZBOA hearing, Mr. Brantley made a motion to approve the variance. There was a second to that motion, but the motion failed to pass and no other motion was made, therefore, ZBOA must rehear the case. The request for the variance is to Section 218-7 (G) as it pertains to accessory use standards. The property is located at 314 E. Park Avenue, west of the intersection of Park Avenue and Ashley Street. The property consists of 0.31 acres and is zoned DR-10. The applicant is asking for a rear yard setback variance of 2 feet for a 363.5 square foot accessory building. Accessory building setbacks are 10 feet from the side and rear parcel lines and 15 feet from the main structure. The accessory building is 8 feet from the rear parcel line. There is an existing concrete slab with water and sewer lines running up through the concrete slab. There is reasonable room to move the building forward on the slab to eliminate the need for the variance. Staff finds no hardship and recommends denial.

Ron Borders spoke on behalf of the applicant. Mr. Borders sold the house to the applicant. He stated that there was a building there built in the 1940s that had become dilapidated and was torn down. Mr. Borders stated that the undue hardship would be actually moving the building from where it was originally placed because of the water and sewer lines that are in the slab. Plumbers informed the applicant that the pipes would be destroyed if they were moved eliminating the possibility of being usable in the future. Mr. Borders spoke to Eric Howard, the city council representative for the area, and

Mr. Howard had not heard anything from anyone in the area regarding the accessory building and does not object to the placement of the accessory building.

Mr. Brantley asked if the building is situated in the exact same location as the last ZBOA meeting. Mr. Borders confirmed. Mr. Borders stated that it will not be used for living quarters.

With no one else in support or opposition to the case, Chairman McCall asked if the zoning office was contacted. Ms. Hurley stated that the zoning office was only contacted by the rear adjacent property owner, Barbara Milhous who was in support of the variance.

Mr. Hogan made a motion to deny the variance request as presented. There was no second to the motion. The motion failed. Mr. Ramsey made the motion to approve the variance as submitted. Mr. Brantley seconded motion. The motion failed to pass with two in favor and three against. Mr. Brantley asked if there was a compromise. Mr. Hogan stated that nothing has changed since last time. Mr. Scott Colosi asked to speak. Mr. Colosi stated that they inquired about moving the building and it would be too costly. His mother is retired and does not have the funds to move the building. Mr. Colosi stated that he is unable to move the building himself. He added that his neighbors are all in support of the variance. Mr. Hogan stated that in the last meeting Mr. Colosi stated that he wanted the building to be placed there to cover the piping and holes stating that he would not be using the water or sewer at all. Mr. Colosi stated that Mr. Hogan is correct but since the last meeting, Mrs. June Colosi, the applicant, wants to have access to the water. Chairman McCall confirmed that there are no water and sewer installed in the building yet. Mr. Colosi confirmed. Mr. Colosi stated that no one would live in the building because it is inhabitable. Mr. Ramsey stated from a construction point of reference, it would cost Mr. Colosi money to move the building forward and to bust the concrete pipe. Mr. Ramsey stated that he believes that he believes Mr. Colosi has honest intentions. Mr. Borders continued that Mr. Colosi would simply like to continue to use the building as it was when the property was purchased and in order to do that, the building cannot move because the water and sewer would be outside of the water and sewer reach. Mrs. Copeland stated that the confusion from ZBOA member is present because last month, the commentary from Mr. Colosi was quite different. Chairman McCall confirmed with staff that the building is not up to code to be used for an inhabitable space. He confirmed that if the building became occupied that the marshals would site the homeowner and then they would be in municipal court. Mr. Ramsey made the motion to accept the variance with the criteria that the building would not ever be used for an occupancy. Mr. Brantley seconded the motion. The motion passes (4-1 vote).

Agenda Item #4: APP-2022-10- Cole Dermatology (2410 North Oak Street)

Ms. Hurley presented the case. Cole Dermatology is requesting a variance to LDR Section 214-1 Table 2 as it pertains to minimum rear yard building setback requirements in a nonresidential zoning district. The property is located at 2410 North Oak Street on the corner of Gornto and North Oak Street. The property consists of 1.09 acres and is zoned O-P (Office Professional). The applicant is asking for a rear yard setback variance of 20 feet for an expansion of the existing dermatology office. In the Office Professional zoning district, the minimum rear setback is 30 feet. The lot was combined with the neighboring lot to the south (2400 N. Oak St) in May of 2018 creating a lot with 250 feet of street frontage on Gornto Road and 258 feet of street frontage on North Oak Street. Per LDR Section 214-3 if both streets have the same functional classification, then the front of the lot shall be deemed to be the side with the most street frontage. Both streets are classified as minor arterial streets so North Oak Street is deemed the front of the lot. The existing professional medical practice has outgrown available space within its existing facility. The existing facility's configuration can accommodate a building expansion, but only to the west of the property. The proposed building addition expands the

building along Gornto Road. Current land regulations regard the western boundary as the rear thus requiring a 30 feet setback on the western side. The variance request is to allow for a 10 feet setback on the western edge of the property, which is the allowable side setback for the property's zoning classification. Variances are intended to relieve situations in which strict application of the regulations prohibits reasonable development or usage of the property. Staff understands that the combination with the adjacent lot to meet the parking requirement created the parcel's road frontage turning their side yard into their rear yard which led to their need for a variance for their expansion. Staff finds it consistent with the variance review criteria and recommends approval.

Mr. Brantley asked for clarification on why the front yard was determined to be N. Oak Street. Ms. Hurley stated that both roads have the same classification, therefore, the longer street frontage becomes the front yard. North Oak Street has a road frontage to this parcel 8 feet longer than Gornto Road. With no further questions from staff, the applicant's representation was asked to speak.

Celine Gladwin, the architect on the project, spoke in favor of the application. Mrs. Gladwin stated that Dr. Cole bought the facility many years ago and need to expand. Ms. Gladwin reiterated that the side yard was changed because of the current L-shaped configuration of the lot, the combination of the parcels and the classification of the roads. She stated that the variance would allow the applicant to use the original setback for their side yard (now their rear yard) to maximize the addition.

With no one in support, Chairman McCall asked for anyone in opposition. Jolie Denmark approached the podium. She stated that she is neither in support nor opposition but wanted more information regarding the expansion as she is the neighbor at 302 Pinecrest Drive. Mrs. Denmark stated that her only issue is when the parking lot was being put in, she had to remove 2 trees because of the land disturbance. She was concerned that her property may be affected again by the land disturbance which would incur personal costs. Mr. Ramsey assured her that the expansion would have to remain a certain distance from her property line and that necessary precautions would be taken during the construction as to protect the surrounding properties from the disturbance and erosion control. Chairman McCall asked Mrs. Gladwin if the project would affect the stormwater control on the back property of the lot. Mrs. Gladwin stated that the stormwater system and ratio in place will be unchanged.

Mr. Hogan made the motion to accept the variance request as presented. Mrs. Copeland seconded the motion. The motion passed unanimously (5-0 vote).

Agenda Item # 5: Review of Minutes

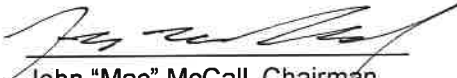
Chairman McCall asked if any edits were needed for the draft minutes. No changes or corrections were noted. Dr. Clemons made a motion to approve the minutes as presented. Mr. Ramsey seconded the motion. The vote was called and carried with a vote of 5-0.

Agenda Item #6: Attendance Review

Vice Chairman Strickland was not present for this meeting and Mrs. Hobby is on vacation.

Agenda Item #7: Adjournment

There being no further business, the meeting was adjourned at 3:24 PM.



John "Mac" McCall, Chairman

10-4-22
Date

