

MINUTES

Valdosta-Lowndes Zoning Board of Appeals

Valdosta City Hall Annex Multi-Purpose Room

300 North Lee Street, Valdosta, Georgia

October 4, 2022, 2:30 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Dr. Samuel Clemmons

STAFF PRESENT

Lauren Hurley
Matt Martin
Rick Mefford

VISITORS PRESENT

Mike Cooper	Joseph Rivas
Anthony Fifie	Jason Scarpate
Gayle Fifie	Bruce Smith
Whitney Kimbrough	Shelly Yankovskyy
Sementha Mathews	
Jeanette Prerost	
Matt Prerost	

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.

CITY OF VALDOSTA CASES:

Agenda Item # 2: APP-2022-11 Tony Fifie (3942 Carter Terrace)

Ms. Lauren Hurley, Zoning Administrator, presented the case and stated the applicant is requesting a variance to LDR Section 214-1 Table 1 as it pertains to minimum rear yard building setback requirements in a Single-Family Residential (R-10) zoning district. The property is located at 3942 Carter Terrace and consists of 0.23 acres with a single-family dwelling. Ms. Hurley stated that in 2021 the applicant constructed a building addition on the rear side of their house. The house was originally constructed 30 feet from the rear property line. The rear addition extends 18.1 feet from the back of their house and it is only 11.9 feet from the rear property line. In R-10 zoning, the minimum rear yard setback is 25 feet, which means the addition is extending 13.1 feet into the rear yard setback area. Ms. Hurley stated that Code Enforcement staff was alerted by a neighbor regarding the new construction. A City Marshal and a Building Inspector conducted a site visit on November 10, 2021 and found that the building addition was constructed without a permit and in violation of zoning requirements regarding minimum setbacks. The applicant claimed that the construction was instead performed by a local contractor, but he was unable to provide the correct name or contact information for the contractor. A citation was issued, and the homeowners were alerted that the Zoning Office should be contacted regarding possible remedies to

their setback violation. The applicant came to the Zoning Office and was informed of the Variance process but initially refused to submit a Variance application. With the citation, the applicant has had several appearances in Municipal Court in which he was informed that applying for a variance is the necessary process to try and move forward with permitting the structure. The variance application was finally submitted in late August. Ms. Hurley stated that 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 applicant was unaware of the development standards for residential zoning districts, but there is no recognizable hardship with the property that justifies the variance in this case. Therefore, staff recommends the board find the request inconsistent with the Variance Review Criteria and deny the Variance request as presented.

Chairman McCall asked if there was anyone present who wished to speak in favor of this request.

Mr. Anthony "Tony" Fifie introduces himself as the applicant for this request and stated that his attorney was supposed to be present today, but apparently could not attend. Mr. Fifie proceeded with explaining the history and background of this situation and he blamed his contractor for creating all the problems as the person who built the addition was not a licensed contractor. Mr. Fifie is requesting the variance approval so that he can begin to resolve the bad situation.

Mrs. Nancy Hobby asked the applicant if Daniel Croft or Daniel Hancock did the actual construction work. The applicant replied that yes it was someone who goes by those names, and that this contractor is still doing construction work in the community. Mrs. Hobby asked staff if a contractor is required to have a business license. Ms. Hurley replied that contractor must have a city business license in order to obtain a building permit.

Mr. Joseph Rivas, 3938 Carter Terrace spoke on behalf of the applicant and the variance request and stated he finds the building addition to be aesthetically pleasing and professionally built, and that the applicant and his wife are good people.

Mrs. Gayle Fifie presented photos to the Board members which depict the building addition. She stated that they are being harassed by their neighbors regarding this situation and that all of this is negatively affecting her health.

Chairman McCall then asked if there was anyone present who wished to speak in opposition to this request.

Mr. Matt Prerost, 3945 Pecan Drive, stated that he is a neighbor diagonally to the rear of the subject property, and that there is too much noise coming from the subject property. He stated the applicant plays loud music from his new rear porch addition and that the bass noise is particularly bothersome. He stated that he has notified the police on occasions when the music is too loud.

Ms. Jeanette Prerost, 3945 Pecan Drive also complained of the loud noise coming from the property and that because of it, they are no longer enjoying any peace on their own property. Mr. John Hogan asked Ms. Prerost how the loud music relates to the building addition and the reduced building setback. Ms. Prerost stated that the music emanates from the new building addition which is a screened open porch. Mr. Ramsey asked if the loud music from the property existed before the addition was constructed. Ms. Prerost stated that loud music did not used to be a problem.

Ms. Hobby stated that she toured the property with the applicant and that there are several speakers and noise-producing equipment in the back corner of the new addition.

Chairman McCall then asked if there was anyone else present who wished to speak in opposition to this request, and there was no response. Mr. Fife then asked to speak to the board further, and he was recognized by Chairman McCall.

Mr. Fife gave a history of all the Police Department visits to his property in response to various noise complaints from his neighbors and stated that the police did not determine there to be any violations.

Mrs. Fife then spoke up and said there used to be other tenants in their house before they acquired it and that these tenants apparently caused problems with their neighbors. She stated that she previously had issues with their dogs. She stated she believed they are being unfairly harassed and confronted by their neighbors now, and that their neighbors have exhibited a bad attitude toward them despite her trying to reconcile with her neighbors.

Mr. Brantley stated the purpose of today's hearing is about the building addition and the setback violation, and he asked how this addition was constructed without permits.

Mr. Rick Mefford, City Building Official, then addressed the board and gave a chronological history of the situation regarding this building addition. He confirmed the addition was indeed constructed without permits and without zoning approval. He stated that in such situations involving a contractor, they try to issue citations to the contractor who did work illegally and if necessary, try to seek getting their state license revoked. He stated that in this case the applicant gave them false and misleading information about who the contractor was and how to reach them, and that to date he is still waiting on correct information about the contractor from the applicant. He also stated that ultimately it is the property owner who bears responsibility for the work being done if the contractor cannot be found. He also stated that since there was no permit issued there has been no formal inspections of the work, but that he has visited the site personally and observed the work that was done. He stated that if the construction were inspected today, it would completely fail the inspection due to not meeting the requirements of the building code. He stated that he has shared this with the applicant and described the various repairs and remedies that are needed to make the work compliant with official codes. However, he stated that at this point the Municipal Court is awaiting the outcome of this variance request to see if it will meet the zoning setback requirements before they act on the applicant's citation. He stated that even if the setback variance is granted, there is still the issue of construction being done without permits and the work not meeting the applicable construction codes, and those items would need to be addressed separately afterward.

Mrs. Hobby asked staff if there might be a way to word some approval conditions that stipulate a maximum time in which the applicant must bring the building addition into compliance with all applicable codes. Mr. Matt Martin, Planning Director, provided some draft language for a potential motion that would accomplish this.

Chairman McCall asked staff if they had received any public contact in response to the advertisement of this request. Ms. Hurley stated the only has been from the applicant and the neighbors who spoke today.

There being no further discussion, Chairman McCall then called for a motion.

Mrs. Hobby made a motion to approve the requested variance for the already-constructed building addition with the condition that the applicant has up to 45 days to bring the building addition up to all other applicable code requirements, or else remove the non-compliant structure. Ms. Victoria Copeland seconded the motion, and it was called and carried unanimously (6-0 vote).

Agenda Item # 3: APP-2022-12 Blue-Wright Holdings (1004 Slater Street)

Ms. Lauren Hurley presented the case and stated the applicant is requesting a variance to LDR Section 218-13(BBB)(4) as it pertains to Personal Care Homes. The property is located at 1004 Slater Street, consists of 0.16 acres and is currently zoned Residential Professional (RP). The applicant owns the adjacent parcel at 1006 Slater Street, and they received Conditional Use Permit (CUP) approval from City Council for a Family Personal Care Home with up to 6 residents at that location. In the R-P zoning district, a Family Personal Care Home with 2-3 residents is permitted by right, while a Family Personal Care Home with 4-6 residents requires a CUP approval. These uses also have supplemental use standards in the LDR – regardless of their size. LDR Section 218-13(BBB)(4) states, “To prevent a negative institutional atmosphere created by the concentration or clustering of several community residences, no more than one personal care home shall be located on each block, and no more than two personal care homes shall be located on the same street on opposing sides of the street within the same block.” The applicant is proposing to open a 2nd Personal Care Home with 6 residents on this subject property next door (1004 Slater), but will need a variance from Section 218-13(BBB)(4) in order to be eligible. If the variance is approved, the applicant will still be required to request a separate CUP approval for a Family Personal Care Home on this separate property. If the second Personal Care Home only had 2-3 residents, it would not be required to go through this additional public hearing process. Ms. Hurley stated that variances are intended to relieve situations in which strict application of the regulations prohibits reasonable development or usage of the property. The applicant’s proposal will not alter the exterior of these properties in any way, and therefore will not impact the community with a “negative institutional atmosphere”. Staff finds the request to be consistent with the intent of the LDR regulations, consistent with the Variance Review Criteria and recommends approval.

Mrs. Hobby asked if the exterior of the house will be altered. Ms. Hurley stated that both houses are in the Local Historic District and would have to go through a review if the exterior was altered in any way. Mrs. Hobby asked if there was any need to place conditions on such a variance approval regarding sizes of the Personal Care Home. Ms. Hurley replied that City Council will have the ability to place conditions on the property as part of a CUP approval.

Chairman McCall asked if there was anyone present who wished to speak in favor of this request.

Ms. Whitney Kimbrough, representing the applicant, confirmed that they are planning to have 6 residents in this second facility and that there are no planned changes to any portion of the building exterior or the site. Chairman McCall and Mr. John Hogan both asked if there are currently 6 residents living in the first facility next door at 1006 Slater Street and if this facility is operational. Ms. Kimbrough confirmed that they are still doing some interior renovation work on that building’s interior and that the first Personal Care Home is not yet occupied.

Mr. Allan Strickland asked that if a 3rd or a 4th home became available nearby, would the applicant be interested in acquiring those other properties as well and expanding their operation even further. Ms. Kimbrough explained that they already have other such facilities elsewhere in Valdosta and they are not interested in any further expansions at this time.

Ms. Hobby asked how many staff persons would be needed at each of these facilities. Ms. Kimbrough replied that the ration they will be under is up to 8 residents per staff worker, so long as the residents are ambulatory and do not need special care. Because they are only targeting to have elderly residents who are ambulatory with no significant medical issues, they anticipate only having one staff person per facility at a minimum.

Chairman McCall asked if there was anyone present who wished to speak in opposition to this request.

Ms. Shelly Yankovskyy, 1005 Slater Street, stated that she resides across the street from the subject property, and she is concerned about the loss of residential dwelling units and reduction of residential character along her street. She stated that it would be a huge burden on the neighbors to be watching out for the elderly folks occupying these houses. She also quoted several of the official Variance Review Criteria whereby she asserted these are sufficient cause for denial. She stated she is particularly concerned about increased traffic on the street because she has small children that play in her yard.

Mr. Hogan asked the applicant about traffic being generated by the facility and if any of the residents will have their own vehicles. Ms. Kimbrough stated that the residents will not, but that there will be occasional visitors coming to see the residents. She also stated that they will have a van for them to take the residents to run errands and keep appointments.

Chairman McCall asked staff if they had received any public contact in response to the advertisement of this request. Ms. Hurley stated the only contact has been from the neighbor who spoke today.

There being no further discussion, Chairman McCall then called for a motion.

Mr. Hogan made a motion to approve the requested variance as presented. Ms. Copeland seconded the motion and it was called and carried unanimously (6-0 vote).

Agenda Item # 4: APP-2022-13 Turner Center for the Arts (512 North Ashley Street)

Ms. Lauren Hurley presented the case and stated the applicant is requesting variances to LDR Section 214-1 Table 2 as it pertains to minimum building setback requirements in a Highway Commercial (C-H) zoning district, as well as to LDR Section 222-2 as it pertains to minimum parking space requirements. The subject property is located within the local Historic District at 512 North Ashley Street, it contains a former bank building, and the property is being proposed for redevelopment as a children's museum. Ms. Hurley stated that the C-H zoning district requires a minimum 15 feet for a side yard setback and 12 feet for a rear yard setback. The applicant is instead proposing side yard setbacks of 9.8 feet and 10.3 feet along the Webster Street frontage and proposing rear yard setbacks of 10.8 feet and 6.1 feet along the rear alley. Therefore, the applicant is requesting a variance for a 1.2 foot building setback encroachment for the existing building along the alley, and requesting 4.7 foot and 5.2 foot setback encroachments for the proposed new building addition along Webster Street. Ms. Hurley stated the applicant is also requesting a variance for the minimum parking requirements of the site, which is calculated as 2 spaces per 1,000 square feet of gross floor area, which is the museum minimum parking standard. The applicant's site plan for the proposed redevelopment shows 12 parking spaces on the subject property, while the minimum requirement is 20 spaces based on the proposed building size. When considering just the subject property, the applicant is 8 parking spaces short, but it is important to note that the applicant has other nearby buildings and parcels as part of a greater complex. Together, these other buildings total more than 34,000 square feet and the minimum parking requirement is 69 spaces. These other parcels contain a total of 114 striped spaces which is 45 spaces above the minimum requirement, and there is still some extra space to stripe some additional spaces if necessary. Ms. Hurley stated that variances are intended to relieve situations in which strict application of the regulations prohibits reasonable development or usage of the property. The applicant's proposed redevelopment of this parcel with the proposed building setbacks and reduced number of parking spaces, still meets the intent of these regulations as well as the Variance Review Criteria, and staff recommends approval of the request as presented.

Chairman McCall asked for confirmation of which other parcels are owned or controlled by the applicant. Ms. Hurley pointed out the map in the agenda item packet which highlights these other nearby parcels. Mr. Strickland asked that considering all the applicant's properties having enough parking collectively if a variance was still needed from the minimum parking requirements. Mr. Brantley stated there would still be the possibility of some of these parcels being sold off separately in the future to a different owner or user. Staff stated that shared parking arrangements are only allowed administratively if the parcels are physically adjacent, and because some of these are separated by public rights-of-way, a variance is still required.

Chairman McCall asked if there was anyone present who wished to speak in favor of this request.

Mr. Mike Cooper from ASA Engineering, 103-A South Patterson Street, introduced himself as the applicant's surveyor, as well as Mr. Jason Scarpate as the applicant's engineer. He asked if the board had questions regarding the site layout. There was no response.

Mr. Bruce Smith, 2941 Loch Laurel Road, stated he is the project architect for this proposed redevelopment and is very supportive of the request. He also stated that it should be noted that since this is a children's museum and children do not drive, there will be fewer vehicles coming to the site anyway and therefore there is less parking demand.

Chairman McCall then asked if there was anyone else present who wished to speak in opposition to this request. There was no response. There being no further discussion, Chairman McCall then called for a motion.

Mr. Strickland made a motion to approve the requests as presented. Mrs. Hobby seconded the motion, and it was called and carried unanimously (6-0 vote).

Agenda Item # 5: Approval of Minutes – September 13, 2022


Chairman McCall asked if any edits were needed for the draft minutes. No changes or corrections were noted. Mr. Brantley made a motion to approve these minutes as presented. Mr. Ramsey seconded the motion and it was called and carried unanimously (6-0 vote).

Agenda Item # 6: Attendance Review

Chairman McCall noted that only Dr. Clemmons was absent from today's meeting. Ms. Hurley stated that he contacted staff in advance and said he would be out-of-town today, and therefore we will consider this an excused absence.

Agenda Item # 7: Adjournment

There being no further business, the meeting was adjourned at 3:34 p.m.



John "Mac" McCall, Chairman

11-1-22

Date